

# LEGISLATIVE ASSEMBLY

Thursday 9 March 2006

---

**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.

## ROYAL REHABILITATION CENTRE SYDNEY SITE PROTECTION BILL

### Second Reading

**Debate resumed from 2 March 2006.**

**Mr ANTHONY ROBERTS** (Lane Cove) [10.02 a.m.]: It is with great pride that I once again today stand shoulder to shoulder with my residents and community in protecting my electorate from gross overdevelopment. As I stated last week, we have more than 2,500 signatures on petitions opposing this overdevelopment and thousands have marched in my electorate and other electorates protesting against this proposal. I must pay particular tribute to each and every one of those people in Putney and surrounding areas who have supported our plight in an area that is becoming the target of more and more overdevelopment. The area is already suffering from extensive infrastructure and traffic problems. So far it has been able to maintain an appropriate level of housing. However, once again, we are confronting a proposal from a greedy developer to turn one of the most magnificent areas of Sydney—in fact, of the country—into something reminiscent of the inner city.

I pay tribute particularly to Rolf Clapham of the Coalition Against Private Overdevelopment [CAPO], Graham Clift, Ted Webber, Susan Macgregor, Eleanor Chaine, Simone Chaine, Rona Agnew, Simone Galvin and Kylie Rennie for their assistance and leadership in this matter. I am proud to stand by their side and with the community, because this is a battle we cannot afford to lose. There is one thing a government cannot do—we cannot do it in Sydney—and that is create more open space and land. If this development goes through under Minister Frank Sartor, we will see the destruction of a magnificent community.

I will briefly go through some of the issues that I will be dealing with at a later date. Increases in traffic and collector roads as a result of the Royal Rehabilitation Centre Sydney [RRCS] residential development must be eliminated. I share the community's strong position that there should be only entry and exit portals from any residential development via Victoria Road and onto the local road system. The proposal put forward by the RRCS will significantly increase traffic movements by approximately 3,000 to 4,000 movements a day on already overloaded local and collector roads. According to Roads and Traffic Authority [RTA] guidelines, Morrison Road, which is a collector road, is already carrying more than twice the acceptable traffic volume. The RRCS traffic plan does not take into account the systematic traffic problems that already exist in the area.

These problems were identified more than six years ago by the local residents' group Concerned Residents for Traffic Control. As a result, the City of Ryde Council commissioned the Geoplan Traffic Study 2001. That study included major community input and consultation. The RRCS plan also ignores the effect of other major apartment developments, particularly at Meadowbank, that are impacting on the Putney area. This development will affect not only the people of my electorate but also those in surrounding electorates. The medium density proposed by the RRCS plan is unacceptable and should be reduced to low density as indicated by the City of Cities Plan, which was announced by this Premier. We have always maintained that the development should adhere to the guidelines in that plan. The plan specifies that the character of 80 per cent of Sydney's suburbs should be maintained. Victoria Road and the suburb of Putney are not designated as a development corridor within the plan.

If the RRCS development is approved as currently proposed, it will contravene the plan and be totally at odds with the wishes of the more than 2,000 people who have signed petitions opposing it. It will also lead to displacement of Riding for the Disabled, a voluntary service that has become an integral part of the local

community. A few years ago, a book was published entitled *It Takes a Village and Other Lessons Children Teach Us*. Thousands of local residents, supported by CAPO and me, have warned that Putney is that village and that it is going to be destroyed. If that occurs, residents—not from my electorate but from surrounding electorates—will be very unforgiving.

The RRCS consultant reports do not take into account the 1,500-plus new dwellings that have been recently constructed at nearby Meadowbank and the numerous developments under consideration. Together with the RRCS development, these will have a major impact on local schools and social infrastructure. Public transport will be taken to the brink. According to local residents, it is already at the point of no return and this will push it over the edge. As a result, the New South Wales State Government and the taxpayers will be forced to pay for the additional infrastructure. If an excessive RRCS development goes ahead, CAPO, the community and I believe it will be a case of privatised profit and socialised costs—and I emphasise that point.. This is unacceptable in good governance and it must not be allowed to happen.

As I previously stated, more than 2,000 people have signed petitions confirming their opposition to the RRCS plan. Prior to CAPO's involvement, a number of residents, with very significant support from other local residents, lobbied local and state authorities about numerous traffic and overdevelopment issues, in some cases as far back as 1998. Many similar groups are operating in surrounding areas. These groups have widespread support and they will not go away. The concerns of these thousands of residents must be addressed. I reiterate: This is totally outside the guidelines of the Premier's City of Cities Plan.

The community has been very reasonable throughout this fight against greedy overdevelopment. It is happy with a 2A level of development. The developer could make a sizeable profit from that scale of development; it would maintain the status quo in terms of the level of housing and it would not have an adverse traffic impact. As I said, the traffic volume is already above RTA guidelines. A 2A development is reasonable. The State Government must examine this issue. I throw out a challenge to the Minister to visit the site to see for himself the problems that already exist because of the inadequate road infrastructure. This development is ill conceived and totally out of character with the area. If this development goes ahead it will destroy my community, and it will destroy the community of Putney and surrounding areas of Ryde. I place on record the comments of Mr Rolf Clapham, the President of the Coalition Against Private Overdevelopment [CAPO]. Rolf is an outstanding citizen who, in conjunction with his committee members and members of the community, has fought very hard in his opposition to this overdevelopment. He stated:

I am amazed at the arrogance of the RRCS board. They were given an opportunity to meet with the residents to resolve this issue. Instead, they have resubmitted their proposal which still includes a massive 900 dwellings, and even increased the 757 units in the six-storey towers to 798 units. All this on a site that local authority guidelines suggest is suitable for only up to 200 residential homes consistent with the character of the area.

This overdevelopment is creating a huge public backlash in the Putney and Ryde areas. Australians are pretty easygoing, but you can push them only so far before they react and respond in such a manner that I think will have ramifications throughout Sydney. This is not the only group or community that is fighting overdevelopment. It is overdevelopment based on a number of flawed processes. It is outside the Premier's City of Sydney Plan. What is the point? The Premier might just as well tear up the plan for all the use it is.

It is stupid to contemplate an additional 3,000 to 4,000 people on top of the large residential development that is already taking place in Meadowbank and Rhodes. Sydney's infrastructure just cannot handle it. A lot of that area was developed for returned servicemen. As the honourable member for Epping knows, many soldier settlers moved into the area and very few people owned a car. We are not talking about Cherrybrook, or the planned suburbs of the north west, the west and the south west; the roads were not built to accommodate such a large volume of traffic. A number of retirement villages, nursing homes and schools are located in the area, and there are already an overwhelming number of vehicle movements.

There have been a number of car accidents and accidents involving pedestrians. With the additional vehicle movements each day on the local roads, it will not be long before there is a fatality. This is one of the most horrific developments I have seen in my time in this House and during my service in local government. It is ill conceived and ill thought out, and it must not go ahead. If this city is to follow reasonable planning procedures, the only answer to the developer should be, "No. Go away and come back with something reasonable that fits in with the community, and abide by good and effective planning." Once again, I stand shoulder to shoulder with my residents to protect our community from this overdevelopment. Our job in this House is to protect the people who have elected us. I look forward to continuing this debate at a later date.

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

**CRIMES (SENTENCING PROCEDURE) AMENDMENT (GANG LEADERS) BILL**

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

**Second Reading**

**Mr ANDREW TINK** (Epping) [10.14 a.m.]: I move:

That this bill be now read a second time

The purpose of this bill is to amend the Crimes (Sentencing Procedure) Act to make leadership of a gang involved in an offence an aggravating factor to be taken into account in determining the appropriate sentence for the offence. I was motivated to bring in this bill after seeing what happened to the case of *Regina v. Bilal Skaf* in which Bilal Skaf was convicted of a number of counts of extremely serious sexual assault. He was convicted and sentenced before Judge Finnane in the District Court to an extremely long prison term, I believe a total of 55 years, for what the public rightly considered to be one of the worse gang-rape crimes in New South Wales history. The case later went to the New South Wales Court of Appeal—*R v. Bilal Skaf* [2005] NSWCCC 297—and judgment was handed down on 16 September 2005.

The three judges who presided over that case were Justices Studdert, Bell and Latham. Their finding in quite dramatically reducing Bilal Skaf's sentence for these crimes is what has brought this bill before the Parliament. There were two crimes in respect of which sentence was imposed and an appeal subsequently dealt with by the court, but I want to focus on the events of 10 August 2000. In paragraph 65 of the Court of Criminal Appeal judgment, their honours found that there was evidence upon which it was open to the trial judge to find that the applicant, Skaf, adopted a leadership role. That is to say that Skaf was the leader of a gang of pack rapists who, on 10 August 2000, proceeded to commit one of the most appalling pack rapes in New South Wales history. The Court of Criminal Appeal found that he played a leadership role, or to put it another way, confirmed that it was appropriate or open to the trial judge to find that the applicant had adopted a leadership role.

The Court of Criminal Appeal found, at paragraph 41, that the crimes in respect of which Skaf had been found guilty "cannot individually or collectively be regarded as the worst category of aggravated sexual assault". It has been my view for a long time in relation to this case, and I think it holds good for serious crimes of any type, that leadership of a gang should of itself put that gang leader in the worst category of that crime. If you lead a gang of armed robbers you ought automatically, through your leadership role, be placed in the worst category of criminal for that type of offence. If, as in the case of Skaf, you lead a gang of pack rapists, your leadership role should place you in the worst category of that crime. I say that because gangs require leaders, gangs are built around leaders. Gangs certainly do not exist for a combined criminal purpose unless there is leadership.

Any gang requires leadership and is defined by leadership. A gang is motivated by leadership and acts through leadership. There is a very important public policy point here: if we want to try to deal with gang crime, if we want to try to stop gang crime, if we want to try to deter gang crime, then one of the key ways to do it is to target the leaders and to make it clearly understood that if anyone leads any sort of gang that is involved in a crime, then that person, if convicted, will face the worst category of penalty for that type of offence. That is what this bill does, in a slightly roundabout way. I have tried to keep the amendment consistent with the Crimes (Sentencing Procedure) Act, but have added a component to the existing law that will, in substance, achieve what I have just been talking about.

The Crimes (Sentencing Procedure) Act was passed in 1999, and it contains several subsections dealing with aggravating and mitigating factors for sentencing. For example, an aggravating factor might be that special cruelty was used in the offence. A mitigating factor might be that the person was enraged or that there was a problem connected with the person's mental faculties—short of the person being incapable of committing the crime—or the offender had otherwise been of good character. What I am trying to do by this amendment is to make it an aggravating factor to be taken into account in determining a sentence under the Crimes (Sentencing Procedure) Act if a person is the leader of a gang and has just been convicted of a gang-related crime.

This is not a big stretch because the aggravating factors in the Crimes (Sentencing Procedure) Act include "acting in company", which is a fancy, legal way of saying "acting as a member of a gang". "Acting in company" has been known for a long time to the criminal law, probably since the very beginning of the Crimes Act some 100 years ago. "Acting in company"—that is, a group of people doing something—has always, in the

eyes of criminal law, been seen to be worse than an individual doing something, because gangs are inherently more threatening and inherently more powerful: often it is the force of many against the sole victim. The idea of being in company, being in numbers, being in a gang, is well known to the criminal law.

It surprises me, therefore, that leadership of a group of people in company is not an aggravating factor. That is what this bill is designed to remedy. The bill does not define leadership and it deliberately does not do so because that is something left to the sentencing judge to determine based on the facts. I put that the aggravating factor of being a leader is not relevant in determining whether a person is innocent or guilty, but it is relevant in determining whether a person should receive a harsher sentence. So it is open to the judge, or judges on appeal, to come to a view, based on evidence, that somebody is in fact a leader of a gang. That is precisely what happened in the case of Bilal Skaf. In that case the court found that it was open to the trial judge to find, on the evidence, that Skaf had been the leader of this gang on one of the two instances when a gang rape took place.

I do not propose to define "gang" in the bill. I do not think it would be that easy to do, but I am confident that I do not have to do it because in the Skaf case the judge at first instance—in a decision approved now and given a tick by the Court of Criminal Appeal—in fact said that Skaf played a leadership role, and the Court of Criminal Appeal did not disagree with that finding. So judges are well able to come to a view about whether the evidence suggests somebody is a leader or not. I think it can remain on that basis.

There is a third reason why I am introducing the bill today. We pushed very hard for the Attorney General to exercise the powers given to him by this Parliament, but rarely used, to appeal a matter himself. Normally it is left to the Director of Public Prosecutions to appeal judgments. In this particular case, the Director of Public Prosecutions chose not to appeal, and the Attorney General sought leave to appeal to the High Court. Just recently the High Court decided not to entertain the appeal. I will say, and I do not think it is unreasonable to do so, that I had hoped that the High Court might look at this issue of gang leadership being an aggravating factor in sentencing.

I understand and accept that the High Court does not often buy into, review or overturn decisions of the Court of Criminal Appeal. But I had hoped, as I suspect the Attorney General did—and this is why I pushed him to appeal and why I support the decision he took to appeal—that the High Court would take the opportunity to come to grips with the idea of gang leadership being an aggravating factor. The High Court chose not to, and I do not make any further comment other than to observe that it chose not to. So that is the end of the line as far as the judiciary is concerned, and the ball is back in our court to do something about it, which I think the public would expect. If the judges, for whatever reason, are not comfortable recognising gang leadership as an aggravating factor in sentencing—I would have thought it would be open to them to do that—then the public have put us here to make a decision about whether to change the rules in the form of an Act of Parliament. It will provide direction for the judges and, so to speak, tell them that gang leadership should be an aggravating factor.

That is why the bill is before the House. I foreshadowed the introduction of this bill some time ago and it is brought forward now because it is the right time to bring it forward. I do not think the public would want a delay on this matter. Regrettably since this case occurred we have seen some appalling examples of gang activity in southern Sydney. I think most members of the public consider gangs to be a huge problem. Gangs are a major feature of organised criminal activity at the moment and are of great concern to the public and to the police, who have to deal with these matters. Leadership of a gang needs to be identified as an aggravating factor to act as a deterrent.

In the Court of Criminal Appeal decision in the Skaf case, the judges were Justices Studdert, Bell and Latham. I note that Justice Latham was probably at the time the most junior judge of the New South Wales Supreme Court, although I acknowledge that she did have experience on the District Court bench. I do not doubt the competence of the judges for a second. However, I am sure if members asked their constituents to concentrate for a moment on recent criminal behaviour and consider what would be one of the worst cases that has come before the criminal courts, no doubt at the top of everybody's list—or close to it—would be the Bilal Skaf gang rape case. I could not imagine a different result.

My final point is that in future when these sorts of matters go to the Court of Criminal Appeal, it should not be a question of the competence of the presiding judges but a question of their experience. The most experienced judges in New South Wales should hear appeals in these sorts of cases. In the Skaf case I do not understand why the Chief Justice, the Chief Judge at Common Law and the President of the Court of Appeal, or the next most senior judge in the criminal division in New South Wales, did not hear this appeal. I do not how

these judges were chosen or why. We in Parliament are often asked to be more transparent about the way the Attorney General appoints judges. I think when it comes to appeal benches the judges need to be a bit more transparent about how appeal benches are selected.

The judges hearing the appeal from the Skaf sentence determination should have been the most senior judges in the State. I have in my mind that that is the real issue here and that maybe we have to look at the way things are done in the Family Court. We must consider having senior Supreme Court judges preside over criminal appeals. I would like to think it is commonsense that the Chief Justice, the Chief Judge at Common Law and the next most senior judge would sit on the bench in important appeals cases. That did not happen in the Skaf case so I believe Parliament should provide some direction in this matter.

**Mr Barry Collier:** Why the Family Court?

**Mr ANDREW TINK:** Because the Family Court has this system. I appreciate that it is a civil court but it has a system whereby senior judges are identified to sit on appeals benches. We may have to look at introducing a system that provides for senior Supreme Court judges to preside over criminal appeals. I commend the bill to the House.

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

**Pursuant to sessional orders business interrupted.**

## **PROTECTION OF AGRICULTURAL PRODUCTION (RIGHT TO FARM) BILL**

### **Second Reading**

**Debate resumed from 1 December 2005.**

**Ms KATRINA HODGKINSON** (Burrinjuck) [10.30 a.m.]: I acknowledge the hard work of the honourable member for Ballina in drafting the very sensible Protection of Agricultural Production (Right to Farm) Bill. The right of farmers and graziers to farm has long been National Party policy but, unfortunately, that right has never been enshrined in law. I hope that that will happen under this Government. This is an issue of great concern and legislation is needed in this area. People who move from the city and purchase blocks of land on subdivided rural holdings or some other agricultural enterprise with the intention of enjoying a rural lifestyle—perhaps they want a few acres for a pony or a couple of dogs—must know what they are getting into.

Farms can be noisy. Farmers have combine harvesters and sheep and cattle—which can be quite noisy at any time of the day but particularly during lambing or calving seasons. Piggeries are also noisy. Many people move from the city to rural subdivisions. That is happening especially in my electorate of Burrinjuck. There are many subdivisions around Gundaroo, Sutton and Murrumbateman and in other areas of New South Wales that border the Australian Capital Territory. Many former public servants move from Canberra to New South Wales for a change of lifestyle and it is important that they know what they are getting into. This sensible legislation will ensure that councils advise potential purchasers of rural blocks when a farm is adjacent to their block and that the associated farming operations may generate some noise. It is a simple warning: "You're thinking of buying this 25 or 100 acres so be aware that there is a wheat grower next door who will probably use his harvester at some stage during the summer—probably at 2.00 a.m. or 3.00 a.m.—and your lifestyle may be affected". People with young children should be especially aware that if they move to farming areas it might be noisy from time to time. That warning is not issued at present.

The issues that this bill addresses are matters of longstanding National Party policy and have been discussed at as many party conferences as I can remember. The right to farm is also recognised by the New South Wales Farmers Association. Before I refer to its policy, I must acknowledge the fantastic contribution of Senior Vice President Peter Comensoli, who recently retired from the New South Wales Farmers Association. I commend Peter for his great work. He has been a wonderful advisor to those of us who deal with rural issues. Peter was always there to assist me in my capacity as shadow Minister for Rural Affairs. I bid him goodbye and wish him good luck. Peter is busy with his horticultural pursuits—he is an excellent farmer—I know that he will fare very well in the future in whatever he chooses to do. Good on you, Peter, and thanks for everything that you have contributed to farmers and to rural New South Wales. The New South Wales Farmers Association has forwarded to me a brief on planning and land use conflict that addresses the council section 149 advice. It states:

H5 HAC99 "That NSW Farmers' Association seeks as a matter of urgency the support of the Local Government Association for a notice to be given routinely by councils in the s149 advice to prospective purchasers of rural residential properties advising them that their amenity may be affected by legitimate and pre-existing farming activity, and that they should be informed about, and take into consideration, those activities in their purchasing decision.

I thank Luke Jewell from the New South Wales Farmers Association for providing that information. This is one of the most sensible pieces of legislation that could pass through the House. It is commonsense for council's section 149 consent to make people who are thinking of purchasing a rural block aware of the potential negatives associated with that new lifestyle and the fact that they may have to adapt and make some changes. People have a right to know what they are letting themselves in for.

Of course, the bill does not override existing legislation that would give a neighbour to a farming activity the legal right to take action against illegitimate or illegal activities. For example, the clean air and noise legislation will still apply, together with all other relevant legislation. The bill will simply issue a warning to those who are thinking of purchasing rural blocks. I draw honourable members' attention to a letter that I received from Robyn G. Alders of 67 Bunnaby Street, Taralga. Robyn writes:

While I was born and raised in Taralga, I currently spend much of my time working overseas, mainly in Africa. In most developing countries, the three pillars of development are considered to be agriculture, education and health. I believe that these three pillars are key supports to any stable society.

I am sure that no member of The Nationals would argue with that. She continues:

It is with sadness that I note that our current state and federal governments do not seem to be taking a long-term perspective with regard to these sectors.

Australians, both urban and rural, are accustomed to eating good food. From my travels, I know that it is possible to find cheaper food, but when production standards are reduced, the quality of the product suffers. The best way to ensure that future generations can continue to enjoy the same standard of agricultural produce is to promote a facilitating environment for good farmers and their local communities. The provision of adequate infrastructure in rural areas will benefit all. In addition, some solution must be found to the breaking up of farms into small blocks that make agricultural production near impossible. I accept that there is land in the far west of NSW where environmentally sustainable farming is not an option. However, the viable farming land that lies around large coastal cities is rapidly disappearing. There are ways of increasing residential units in rural areas while at the same time, maintaining farms as productive units. It is my understanding that the NSW Planning Department has been reluctant to approve such proposals.

It is imperative that we maintain good agricultural production in this State. Our farmers are second to none. They put up with all sorts of bureaucracy, red tape and legislation to keep on top of things as well as having to face droughts, poor prices and constant berating by Labor Party members. They have friends in this place in The Nationals and we will continue to support our farmers. This legislation will continue to be Nationals policy. The right to farm is essential. We must get this legislation through. We will do so in Government if it is not done in this Parliament.

If the Labor Party does not accept this excellent piece of legislation brought forward by the honourable member for Ballina, it does not understand country people or country lifestyles. I know that many members opposite are city members, or live in large regional cities such as Wollongong, or in coastal electorates such as Miranda or Charlestown, but this is a big issue in rural areas. It is very important that potential purchasers—

**Mr David Campbell:** It is wrong of you to stereotype us.

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

**Ms KATRINA HODGKINSON:** If the Minister wants to accept some responsibility for this, he will pass this legislation. If he does not pass this legislation, he does not understand—

**Mr David Campbell:** It is wrong for a competent woman to stereotype people.

**Mr SPEAKER:** Order! The Minister will have the opportunity to reply at an appropriate time.

**Ms KATRINA HODGKINSON:** It is important that the Minister understands. He is the Minister for Regional Development and this is an issue that really affects his portfolio.

**Mr David Campbell:** That is why it is wrong for you to stereotype.

**Ms KATRINA HODGKINSON:** If the Minister wants to do something positive for farmers he will make sure this legislation is passed. It is an extremely commonsense piece of legislation. It cannot hurt anyone; it can only be of benefit, particularly to potential purchasers. The honourable member for Ballina outlined many constructive points in his contribution. He also outlined very effectively the purpose of the bill and some of the arguments to support it. This legislation still allows rural land to be rezoned. That is very important. People have the right to come and live in rural areas if they want a change of lifestyle. We are not seeking to legitimise illegal activities on rural land. This legislation simply clarifies the position for all parties who purchase land adjoining rural land. The bill provides some protection for legal agricultural activities on land zoned for that purpose should the issue go to court as a result of a neighbourhood complaint.

We have very strong support from the New South Wales Farmers Association, and I thank them for it. As the peak farming lobby group in New South Wales, their support sends a very clear message to this Government that this is what farmers want and need. We need this legislation in place to make sure people are aware of what they are getting into. I cannot think of any more important legislation that could go through now for our rural community. I look forward to further contributions from other Coalition members and I hope Labor members will vote for this bill so that it can be passed into law as soon as possible.

**Mr RUSSELL TURNER (Orange)** [10.43 a.m.]: It gives me great pleasure to speak on this private member's bill, the Protection of Agricultural Production (Right to Farm) Bill 2004, sponsored by the honourable member for Ballina. "Right to farm" are the three key words. That subject has come up in this House on many occasions and it continues to be raised in farming areas such as Orange, where there is good, healthy population growth. Part of the attraction for people getting out of Sydney or elsewhere to come to Orange is that they want a city lifestyle with all the facilities a city provides, but many of them do not want to live right in the city. They want a rural atmosphere, which might be just on the edge of the town or 10 to 15 kilometres out of town. That has inevitably resulted in some conflicts when people have come from Sydney to live a rural lifestyle without understanding the issues that arise from farmers conducting their agricultural pursuits.

Part of the bill states that a vendor under a contract for the sale of land that adjoins or is adjacent to rural land must, before the contract is signed by or on behalf of the purchaser, attach to the contract a rural land use notice. That notice must contain the name of the purchaser under the contract, a statement that the land adjoins or is adjacent to rural land, with sufficient particulars to identify that land, and a statement setting out the activities that are permissible on that rural land. Those activities could vary quite considerably. Orange is well known as the greatest apple-growing area in Australia but over the past few years it has become increasingly noted for vineyards and the wonderful wine grown there. Indeed, Parliament's house red this year comes from Orange. I attempted to purchase some last night, but it has not come up from the cellar yet. They are still trying to get rid of last year's red, which is a good drop. I am looking forward in particular to the Orange shiraz viognier, which is well known.

That industry creates problems. In the majority of vineyards the grapes are picked at night by machine. Grapes need to be picked at night when they are at their coolest. Unfortunately that creates a little bit of noise and light because the machines must have their lights on. As they get to the end of a row and turn, the lights focus on adjoining homes. Those houses may belong not to the vineyard but to people who have moved to Orange and want a rural lifestyle. Those operations are a natural part of running a vineyard, which includes spraying during the day and the use of other machines such as tractors for slashing, which create a little dust and noise. It is part of the rural lifestyle.

While this bill will protect those vineyard operators and farmers in general, it should be noted that they are only allowed to carry out legal activities. They must be responsible in their farming activities and, wherever possible, they must limit the noise and the amount of drift from orchard activities, for example. I was talking to an orchardist a few weeks ago. His vat was empty and he wanted to rinse it to change to another chemical. He put some fresh water in the vat and then sprayed it down one of his driveways. He wanted to kill two birds with one stone: he emptied the vat to ensure there was no chemical residue and he thought he might as well put that spray on the driveway to suppress the dust.

A motorist drove past, saw him spraying, stopped his car and reversed. He demanded to know what chemical was in the vat and whether the orchardist had the legal right to use that chemical. It was not affecting the motorist, it was not drifting onto the road. That is the sort of pressure some of our farmers are now facing. It has reached the stage where that orchardist is thinking of selling his block. He said it was just not worthwhile. The block is quite close to the road. That block has been in use for a hundred years but suddenly it has drawn totally ignorant comments from a motorist who was driving past and had nothing to do with the orchard. He was

not affected by the spray but he thought he would have a dig at that orchardist. That made the orchardist feel uncomfortable all day even though he knew he was operating quite legitimately and responsibly.

There are other farming practices that affect the residents of small towns or cities. We all know that the calves of a mob of cows have to be weaned, and just like any animal or human being, they do not like it. That is a normal farming practice that has gone on for thousands of years. The calves bellow for a couple of nights, and we know that noise at night carries more than during the day. It takes a couple of days for a calf to realise that it has to eat grass because it will not be fed by its mother. In the past a number of Orange orchards were viable but now they are no longer viable for a number of reasons, for example, lower prices and more competition with fruit coming from the top of Western Australia and Queensland. People have so much choice these days that they are no longer eating the apples they used to.

In some instances orchardists have found it much better to cash in on their land values and sell their small 5- or 10-hectare orchards. Ultimately when a block is sold as a residential block, the trees are removed. Many blocks are surrounded by other orchards. Some people who want to have a rural lifestyle believe that is a bonus but they do not know that orchardists have to spray their fruit early in the morning before the sun rises so that the chemical does not burn the leaves, fruit or buds, and often a wind drift problem arises. Farmers do not spray at 5.00 a.m. because they enjoy it; they do it because they have to. These days orchardists are under extreme pressure to check wind drift and temperature and follow other procedures before they crank up their tractor and commence spraying, and they do not need any more pressure.

The bill will protect orchardists who conduct their businesses legitimately and responsibly. I do not understand why the Government will not support this bill, especially its Country Labor members, who purport to support rural industries, of which orcharding and vineyards are a part. The small blocks near Orange or Dubbo, or other parts of the country, on which those industries are conducted are very important to the economy of the towns and cities. They create employment and the employees spend their wages in town. Many country towns and cities would not be as vibrant as they are without those industries. Once a purchaser of land signs a rural land use notice that states he or she is aware that legal rural activities will be carried on by his or her neighbour and then some time down the track a matter is taken to court, that document can be produced as evidence that the owner was aware of the use. That document will protect the farmer or orchardist.

In reverse, the small lots that are being created around our country towns and cities create problems for farmers. The owners of small lots often have one or two dogs and in some cases those animals are not held responsibly within a yard. Last week an ongoing problem was noted on one farm near Spring Hill just out of Orange where the farmer again lost a number of sheep because of the dogs of irresponsible neighbours who do not contain them at night. When two or three large dogs get out they form packs. It is not just the farmers that affect residential lots: the owners of those lots create problems for farmers who run sheep on their properties.

This bill is straightforward commonsense legislation that helps protect local councils and gives farmers some rights to carry out legitimate farming activities in a responsible way. I call on the Government to support the bill. As the honourable member for Burrinjuck said, farmers have a lot to contend with but they do not want to continually feel that they should stop carrying out their farming activity. In many cases their farms have been handed down from generation to generation but the farm is subdivided and, through no fault of their own, all of a sudden they are threatened with court action for carrying out a legitimate farming activity. I call on the Government to support this very sensible bill.

**Mr IAN SLACK-SMITH** (Barwon) [10.56 a.m.]: I am amazed and gobsmacked that no Country Labor members are in the Chamber. If Country Labor were really fair dinkum it would make a clamour, salivate, and jump the queue to speak in support of this commonsense Protection of Agricultural Production (Right to Farm) Bill. We have always heard stories about farmers who have been carrying out their usual farming practices of driving tractors, running animals, managing production, and creating wealth, only to find that a new neighbour has obtained an injunction to prevent normal farm activities that have been conducted on the property for 50 or 60 years.

I am passionate about this bill. Some time ago a person purchased land next door to a dairy farm on the north coast. The person had to drive across a block of land that the dairy farmer used to graze his stock; the cattle, not being toilet trained, did their job on the road. When the neighbour drove across the road, the tyres of his car got excrement on them, and he threatened to sue the farmer for not having his cattle under control. The farmer did get into trouble. I think that is absolute pathetic nonsense and gobbledegook. A farmer who conducts a legal farming practice within the confines of his land must be allowed to do so, irrespective of what the

landowner next door believes. Under this legislation, the neighbour will be made aware, in writing, of local farming practice, for example, the running of animals and/or the growing of crops, and will be told that they may get a whiff of smell, a dust problem or noise pollution at times. That does not mean that the farmer can go about his farming activity willy-nilly. As the honourable member for Orange said, farmers have a lot of restrictions placed on them these days in relation to chemical drift. The most important aspect of the bill is that a farmer may still not impinge on or damage his neighbour's property.

Today spraying is being carried out on my farm. A copy of the weather report showing drift, wind speed, humidity and other relevant facts will be printed and kept for seven years. If any damage is occasioned, I have proof that I took all the necessary steps to ensure that the conditions were right for spraying. This is a responsible bill, but it does not give farmers the right to do whatever they want. I am surprised that the response by Country Labor has been non-existent on a matter that is so vital to the people of rural and regional New South Wales.

**Mr ANDREW CONSTANCE** (Bega) [11.00 a.m.]: I support the Protection of Agricultural Production (Right to Farm) Bill, which is a commonsense bill, something that is lacking from Country Labor. Country Labor members are not present in the Chamber to debate the bill, which is in the best interests of landholders throughout the State. Indeed, Country Labor is an oxymoron. Country Labor members rolled over on the privatisation of Snowy Hydro Limited in caucus this week without calling for a show of hands. That is a demonstration of how irrelevant they have become. I will be interested to see whether Country Labor opposes the bill, which is supported by the New South Wales Farmers Association on behalf of farmers throughout this State who have to deal with land-use conflict every day of the week.

This is an incredibly important issue for small coastal landholdings that have had rural subdivisions encroach on them, resulting in significant conflict with respect to land use. This bill seeks to address some of the angst brought about by poor planning decisions by the State Government and local government authorities, which have failed to recognise land use conflict in approving subdivisions. People who move onto smaller landholdings in rural settings, especially those from the metropolitan areas, need to have a clear understanding of the legal agricultural practices of adjoining properties. This bill seeks to protect agricultural activities by clearly identifying to potential purchasers existing agricultural activities on adjoining land by ensuring that a vendor under a contract for the sale of land that adjoins rural land must attach to the contract a rural land use notice before the contract is signed. The rural land use notice must contain the name of the purchaser under the contract, a statement that the land adjoins or is adjacent to the rural land and sufficient particulars to identify that land, and a statement setting out the activities that are permissible on that rural land.

I do not see how the Government can conceivably put up a negative argument against this bill. This is a sensible measure, particularly for a dairying area such as the far South Coast. We want to ensure that farmers are protected and can continue their normal activities. The bill does not prohibit farmers from seeking to rezone their property to subdivide should they so choose; it merely seeks to reduce land use conflict. Also, many contentious issues surround existing land use rights, including where they exist following introduction of native vegetation legislation and regulations. That has been a bone of contention for many farmers over a long period of time. Len Wheatley, who is well known to many members in this place, has sought clarification about where existing land use rights stand legally against native vegetation legislation and the State Government must address this issue.

I commend the bill to the House, particularly to Country Labor members, who should receive a kick in the backside if they do not support it. The bill should receive bipartisan support to prevent further land use conflict, particularly in coastal areas where small landholdings and farms are subdivided so that farmers can continue to work and survive. The bill seeks to ensure that those who move onto new properties fully appreciate the legal activities that will be carried on by their neighbours. This bill seeks to minimise problems down the track. I point out also that the vendor must lodge a copy of the rural land use notice with the local council and council must keep that register open for public inspection. In summary, this bill seeks to reduce problems in the future and save time and legal costs. It protects the farming community. It is a sensible measure and I look forward to hearing from the honourable member for Bathurst, who has entered the Chamber and who, no doubt, will support the bill as the so-called co-ordinator of Country Labor. I will be intrigued to hear his full support for the bill, given the benefits it will deliver to the people of rural New South Wales.

**Mr STEVE CANSDELL** (Clarence) [11.07 a.m.]: It gives me great pleasure to support the Protection of Agricultural Production (Right to Farm) Bill, which was introduced by the honourable member for Ballina. This commonsense bill is well overdue. I spent 10 years on Grafton City Council and saw many cases of land

use conflict with respect to adjoining rural properties as the urban sprawl stretched past the town boundaries. The conflict included the smell of cattle, sheep, horses and even alpacas, llamas and deer. This measure will be akin to having a notice stating that the land could be subjected to flooding. Another example could be council giving permission for a caretaker residence in an industrial estate, the building being on-sold, then rented out for residential purposes and the residents complaining about industrial noise.

Some farming practices, such as dairy farming, cannot be changed. In an orphanage I went to in Molong we were up at 3.30 a.m. with the cows. We could not say that we would sleep in until 6.30 a.m. because otherwise we would annoy the neighbours. We had to get up at 3.30 a.m. and milk the cows. People wishing to buy next to a rural property should be aware of the activities conducted on that adjoining property. The main problem arises with small blocks that are subdivided on the edge of town. Many of these are owned by Clayton's farmers, and I am in that category because I own 3½ acres. One cannot farm much on 3½ acres, but it is good to have that lifestyle. We need to educate people who move to these small blocks. They have to realise that genuine farming practices take place that enable people to make a living and run a farm.

Part of the privilege of buying a small block is having that freedom and space. However, the purchaser also has an obligation to live peacefully with their neighbour, who has been running his property probably for hundreds of years with his family. As I said, purchasers of small rural properties will be affected by livestock and their habits. Livestock do not go to the toilet and wipe their bottoms; they simply do it on the ground, which attracts flies. Purchasers will also be affected by tractors. It is not simply a matter of tractors starting up at midnight. Farmers have obligations and legal requirements by which they carry on farming practices. They must abide by legal requirements relating to chemical, noise and water pollution. However, the provisions of this bill will not override the legal protection against farmers who abuse those requirements.

When I was on council, conflicts between farmers and purchasers of small blocks of rural land was a common issue. Since I have been in Parliament it has also been a common issue, with people complaining to me about farming practices impinging on their peaceful residence. One recent example is that of a fish farm that has been operating for some time in the Clarence. A person from the metropolitan area purchased a property near the fish farm and was offended by the gas guns that were used to keep cormorants and other birds away from their ponds. The purchaser was well aware that this was a common practice on the fish farm, but it caused conflict. I believe that if the practice had been set out in the contract when she first looked at buying the property she would not have expected complete peace. The knowledge that there may be some disturbance can help people to decide whether to buy a rural property.

The same can be said about buying a property in a flood-prone area. Real estate agents make potential buyers aware that a property could flood or is located near a rural property. Most real estate agents bring that to the attention of clients but some do not. The bill provides for such matters to be included on a council notice so that potential buyers are aware of them. Under the bill, the rural land use notice must contain a statement that the land adjoins or is adjacent to rural land and sufficient particulars to identify that land and a statement setting out the activities that are permissible on the rural land. If a rural land use notice is attached to the sale contract by the vendor, the purchaser is taken to have been given the notice. The vendor must lodge a copy of the rural land use notice with the local council, and the council must keep the register available for public inspection. This will give some credence in court proceedings that the purchaser was aware of farming and other practices on the adjoining rural property. As I said, this bill will not override existing legislation relating to farmers using illegal practices, such as overuse or misuse of chemicals, ignorance of noise factors or water pollution. I commend the honourable member for Ballina for introducing this bill. I commend the bill to the House.

**Mr STEVEN PRINGLE** (Hawkesbury) [11.13 a.m.]: Like previous speakers, I, too, commend the bill to the House. The Protection of Agricultural Production (Right to Farm) Bill is a very sensible bill that provides for rural land use notices to be given to purchasers of land adjoining or adjacent to rural land. It is not exactly a difficult bill. It is not difficult to implement; it can be done at a very modest cost, and councils will have the main responsibility for it. Also, the bill gives the Government the opportunity to do what it is supposed to do—that is, protect agricultural land. The bill will not only affect our country cousins on the other side of the Great Dividing Range, it will also protect agricultural production in the Sydney Basin. I have often heard from Government members about how important it is to protect agricultural land in the Sydney Basin.

The metropolitan strategy contains many references to the importance of protecting agricultural land in the Sydney Basin. The bill provides the Government with the opportunity to put its money where its mouth is and support a sensible proposal that will protect our agricultural land. What does this bill mean to farmers in the Sydney Basin? There are about 2,000 urban fringe farmers in the Sydney Basin, many of whom come from non-

English speaking backgrounds. Many of the farms have fewer than three hectares. The University of Western Sydney has been a strong proponent of protecting our agricultural lands. One researcher, Associate Professor Frances Parker, said that lots of Sydney land was simply waiting for subdivision, which is unacceptable. Studies show that the region is the source of lots of agricultural production.

The entire Asian vegetable supply comes from the Sydney Basin—91 per cent of spring onions and 80 per cent of fresh mushrooms come from there. Many studies have shown the importance of agricultural production in the Sydney Basin. At a recent forum, which was called "From the Outside Looking In"—indeed, the Minister for Western Sydney was part of that forum—we heard that Sydney was home to 40 per cent of the State's nurseries, many of which are in the Hawkesbury electorate, and produced 55 per cent of the State's fresh flowers and 64 per cent of its cultivated turf. Again, much of that is in the Hawkesbury area.

Sydney Basin also supplies 48 per cent of the State's eggs, chicken, duck and turkey meat. Some 90 per cent of the fresh food found in an average Sydney household is grown in the Sydney Basin. They are part of the small rural pockets. There is also animal farming, which includes market gardens, orchards, vineyards, dairies, poultry farms and piggeries. In the Sydney Basin 1 per cent of the State's land produces 12 per cent of the State's agricultural production—that is, about \$1 billion of the State's income comes from agricultural production in the Sydney Basin. Farming provides a total of some 11,000 full-time jobs in the Sydney Basin, with 80 per cent of the workers coming from non-English-speaking backgrounds.

So what does it mean to my constituents who have farms in the Sydney Basin? Enniskillen Orchard is owned by Trish and John Maguire. Originally they had 50 hectares; now they have six hectares. It is a long-term family business. They are what one would almost call rural lifestyle. The orchard, which is just outside Richmond in north-western Sydney, provides a living for the Maguire family and two other people. It is part of the Hawkesbury Harvest which, as honourable members who listen to radio 2BL on Saturday mornings would know, is a great initiative that encourages tourism. It also takes place at Castle Hill showgrounds from time to time. Hawkesbury Harvest is part of the Sydney lifestyle. Indeed, it is what Sydney is all about. It is about having suburban areas as well as having the hearts and lungs on the agricultural fringe.

This is an important bill. I have mentioned that there is some \$1 billion worth of agricultural production across the Sydney Basin. The Baulkham Hills Shire Council area provides 6.3 per cent, Hawkesbury provides 35.3 per cent and Hornsby provides 10.2 per cent. Many other organisations are interested in protecting this agricultural land, such as the North-west Agri Business Alliance. I commend Warren Waddel, Bruce Carruthers, Don Pye, Sam Collocci, Pat and Joe Nati, and many others who worked hard to have the North-west Agri Business Alliance provide a lot of input into the future of our agricultural lands. The metropolitan strategy covers this.

[Interruption]

I hear the Minister for Western Sydney. If it does protect it, surely there is nothing to lose. What problems can there be? This is easy legislation. The honourable member for Bathurst and the honourable member for Lachlan have been working hard to ensure that we get the Bells super expressway, running from Lithgow through to the M7. Land on that route is used for agricultural production. If that goes ahead we will need to preserve the existing land for agriculture.

**Ms Diane Beamer:** How many billions is that going to cost?

**Mr STEVEN PRINGLE:** The Minister is supposed to be supporting her side. I know it is hard to believe. This is sensible legislation. It will be pathetic if the Government opposes it. Why oppose something that is supported by the vast majority of the farm lobby and by various universities, et cetera? The Government should adopt this bill. It will not cost a major amount of money. The Government should adopt the bill and protect our agricultural land.

**Mr GERARD MARTIN** (Bathurst) [11.21 a.m.]: I will make a brief contribution to the debate on the Protection of Agricultural Production (Right to Farm) Bill. Coalition members—these geniuses—are talking about small government and cutting red tape. Today they are talking about superfluous legislation that is covered in many other ways. Some of the matters mentioned by the honourable member for Hawkesbury could easily, and should properly, be handled by local environment plans [LEPs]. As the Minister for Western Sydney pointed out, the metropolitan strategy covers all the problems the honourable member spoke about. It quarantines that part of Western Sydney for horticulture. When the Bells Line of Road goes through there—

**Madam ACTING-SPEAKER (Ms Marianne Saliba):** Order! The honourable member for Hawkesbury has had his opportunity to speak. He should now listen to the honourable member for Bathurst.

**Mr GERARD MARTIN:** This bill is unnecessary. Similar legislation has been introduced in Western Australia and Tasmania, but it has not achieved the desired result. It has just complicated things. It is just another avenue for the silks, the lawyers, with due deference, to hop in and use another bit of legislation. The bill is absolutely unnecessary.

**Mr Andrew Constance:** Point of order: I refer to Standing Order 85, which talks about relevance of the debate. I encourage the honourable member for Bathurst to read the bill.

**Madam ACTING-SPEAKER (Ms Marianne Saliba):** Order! There is no point of order.

**Mr ADRIAN PICCOLI** (Murrumbidgee) [11.23 a.m.]: I support the Protection of Agricultural Production (Right to Farm) Bill, a private member's bill introduced by the honourable member for Ballina. The bill seeks to deal with a difficult issue in rural areas of New South Wales. The honourable member for Hawkesbury talked about some of those peri-urban areas surrounding Sydney. It is a difficult issue. There is no silver bullet that will solve this problem, but this bill is an attempt to do so. The honourable member for Bathurst said the bill is unnecessary and that existing legislation protects the right to farm. I do not believe that. Many of my constituents have come to me with difficulties they face with neighbours who have bought not just residential properties near a farm but farms with a house on them. They have complained about what the neighbouring farm has been doing. For example, people have changed the activity on their farms—they may have changed from grains and crop to horticulture.

**Ms Diane Beamer:** This will not protect it.

**Mr ADRIAN PICCOLI:** I do not know whether the Minister for Western Sydney has ever been on a farm before, but these are real-life difficulties.

**Ms Diane Beamer:** I have been on your farm with you. You should know I have been on a farm!

**Mr ADRIAN PICCOLI:** The Minister has been on one farm, and that was with me. That is quite right, eminently forgettable as the Minister is. These are difficult and real-life issues. I understand the difficulties farmers face, particularly in the Murrumbidgee Irrigation Area. An irrigation area is used for cropping and then somebody buys it and uses it to plant horticulture. Difficulties arise with aerial applications of fertiliser and chemicals on the neighbouring rice farms, and this has an impact on the farming practices on the horticultural farms. The bill seeks to put people on notice that what is legally able to be done on a property ought to remain that way. It ensures that the purchaser of any property is made aware that the existing use of a property can remain. It does not legalise anything that is currently illegal. We all accept the rules set by the Environment Protection Authority and other bodies. The bill does not seek to undermine any of that; it seeks to protect what farmers need to do to keep their farm businesses operating.

It is most evident where urban development is encroaching on agricultural land. I have had a number of instances in my electorate where people have bought farms with houses on them. They have not been particularly interested in the farming side but they want to live on 10, 20 or 50 acres of land. They start to have problems when the crop duster turns up at 6.30 in the morning and starts buzzing over their houses. Problems arise for the farmer and for the aerial applicators, who probably do not need to deal with those issues. That is exactly the situation this bill seeks to address. As I said earlier, it is not a perfect solution because this is a difficult and complex problem. Farmers have told us that they want a solution. They want the Government to look at ways to deal with this interface issue, and that is what the Opposition is doing by introducing this private member's bill. People want to see the New South Wales Government solve these problems. That is exactly what this bill does. This interface problem will occur more and more across country New South Wales, particularly in areas such as Griffith and Leeton where there is a lot of horticultural and residential development encroaching on rural land. It will affect people's businesses.

My family are farmers, but I live in town. I sympathise with farmers who are going about their daily business and then find that somebody who wants a quiet rural lifestyle has moved in next door. They find that living on a farm is not as quiet and peaceful as they thought. There is often a lot of noise on a farm. People should be made aware of that when they purchase the property. When they subsequently complain to the council or take legal action to stop a particular activity on a farm, the farmer can say, "You were aware that a farming

enterprise was going on next door to the property you purchased. You were made aware in the 149 certificate in the contract of sale when you bought the place. You cannot suddenly complain about tractors operating early in the morning, grape harvesters operating in the middle of the night or aerial applicators buzzing over your house during the day." This bill provides farmers with some level of protection.

**Pursuant to sessional orders business interrupted.**

### **CONFUSED AND DISTURBED ELDERLY UNIT, QUEANBEYAN, CLOSURE**

**Debate resumed from 2 March 2006.**

**Mr ANDREW CONSTANCE** (Bega) [11.30 a.m.]: *Hansard* shows that during this debate last week the honourable member for Monaro said:

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.

What a telling statement! Thirty-two people in a specialised mental health unit that is available to the people in the electorates of Bega and Monaro were thrown onto the street so that a building was available for administration concerning the hospital redevelopment. That is in black and white in *Hansard* from the marginal member for Monaro, whom Jon Stanhope said was a marginal member in every sense of the word. Is it any wonder that the honourable member has given notices of motions that send the message that he is scared of the Nationals candidate? He is plain scared.

**Mr Steve Whan:** He doesn't even live in Monaro. You couldn't find a candidate in Monaro.

**Mr ANDREW CONSTANCE:** The honourable member for Monaro carries on with his immature, churlish interjections. I have never before struck a member who has given notice of a motion against his opponent. That sends the message that he is scared. He has only 12 months left in the job. He got stuffed on this issue. We know that there is a confused and disturbed elderly [CADE] unit at Long Jetty within the Central Coast Area Health Service that remains open, that works and that is funded by the State Government. Yet the Government is closing the CADE unit in the electorate of Monaro. He is an ineffective member: he has no strength in government. We saw him roll over on the Snowy Hydro privatisation, and his public relations stunt.

**Mr Steve Whan:** Tell us about the one in Tasmania.

**Mr ANDREW CONSTANCE:** You are a goose. [*Time expired.*]

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

**The House divided.**

**Ayes, 36**

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

**Noes, 48**

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

**Question resolved in the negative.**

**Motion negatived.**

## **SELECT COMMITTEE ON TOBACCO SMOKING**

### **Membership**

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

Mr SPEAKER

The Legislative Council desires to inform the Legislative Assembly that, having considered Legislative Assembly's message of 7 March 2006 regarding the Joint Select Committee on Tobacco Smoking, it has this day agreed to the time and place appointed by the Legislative Assembly for the first meeting of the Joint Select Committee on Tobacco Smoking.

The Legislative Council further informs the Legislative Assembly that the following members of the Legislative Council have been appointed to serve as members of the committee:

Mr Donnelly  
Mr Harwin.

Legislative Council  
9 March 2006

MEREDITH BURGMANN  
President

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

### **Personal Explanation**

**Mr STEVE WHAN**, by leave: I have been misrepresented by the honourable member for Bega. Last week in debate on the Queanbeyan Confused and Disabled Elderly Unit, the honourable member discussed a facility called Adards in Tasmania. I suggested that that was a nursing home. He then said that I was a "dill" because it was not a nursing home. The facility's web site carries the title "Adards Nursing Home". It is a 37-bed facility for people with dementia and difficult or challenging behaviour. As I suggested in my interjection, it is funded by the Australian Government and was built to replace a State hospital facility. I suggest that the honourable member for Bega is a dill.

## **BUSINESS OF THE HOUSE**

### **Postponement of Business**

**General Business Notice of Motion (General Notice) No. 8 called on, and postponed by Mr Daryl Maguire on behalf of Mr Andrew Stoner.**

**WAGGA WAGGA BASE HOSPITAL PHYSIOTHERAPY SERVICES**

**Mr DARYL MAGUIRE** (Wagga Wagga) [11.45 a.m.]: I move:

That this House:

- (1) calls on:
  - (a) the Government to explain why patient physiotherapy services at Wagga Wagga Base Hospital have ceased;
  - (b) the Minister for Health to explain why physiotherapists have been reduced from 8 four months ago to 3.5; and
- (2) condemns the Government for denying children with disabilities from disadvantaged families access to physiotherapy services.

I gave notice of this motion on 3 July 2003. It is one of 1,000-odd notices that the Opposition wishes to debate. The motion is important because it relates to children with disabilities. At the time I gave notice of the motion, access for children with disabilities was virtually non-existent at the Wagga Wagga Base Hospital. As we all know, it is critical that disabled children receive the correct therapy to enable them to fulfil their lives and to integrate into the community by being able to walk, to speak and to communicate. I know that time has passed since notice of the motion was given, but sadly the situation has not changed. In fact, it has deteriorated.

As at July 2003 the number of people employed to provide these services was reduced over four months from eight to 3.5 and it has now been cut back even further. Based on available information there are now no paediatric physiotherapy services at Wagga Wagga Base Hospital, and that has been the situation for a number of years. That means that school-aged children who do not meet the requirements of the New South Wales Department of Ageing, Disability and Home Care [DADHC] and who have only one area of developmental delay, such as spina bifida or cerebral palsy, have no access to public therapy. These families are forced to forgo essential therapy or to rely on available private therapists who may not be skilled in paediatrics or, importantly, the family may not be able to pay for those services. Many children come from financially disadvantaged families.

A number of other therapy positions, apart from paediatric physiotherapy position, have been either frozen or left unfilled by the Greater Southern Area Health Service. No-one knows what employment strategies are in place to fill those positions. There are no therapy services—that is, physiotherapy, occupational therapy or speech therapy services—available in Wagga Wagga from the DADHC. The physiotherapy position has been vacant for well over two years. Again, the recruitment strategies for those positions are unknown.

The area does have Kurrajong Early Intervention Service [KEIS], a service division of Kurrajong Waratah, for babies and children from nought to five years. It is a marvellous service that provides therapy, special education and family support services for up to 200 families who have children aged from nought to school-age. To be eligible to access these services, the babies and children must have developmental delays in two or more areas. KEIS operates across ten local government areas, including Wagga Wagga. It has a number of therapists in full-time or part-time positions.

As I stated earlier, babies and children under school age who have a delay in only one area of their development are not eligible for the services provided by KEIS. That is the problem. We have a wonderful service that treats children from nought to five and helps families, but when it comes to accessing physiotherapy services at Wagga Wagga Base Hospital, which is the traditional provider, there are none. Nor are there speech therapists. When those children reach five years of age and go to school, those physiotherapy, speech and occupational therapy services are not available to enable them to enhance their skills and to allow them to carry on as normal a life as possible.

There has been a noticeable increase in the number of referrals from paediatricians suggesting that a child has two areas of delay in an attempt to obtain some therapy from the KEIS. The reason for that is that there are no other services elsewhere and with only one disability, such as spina bifida, the child does not qualify. The New South Wales Spastic Centre therapy services for school-aged children are limited and there are no services for school children in our area through either the DADHC or the Greater Southern Area Health Service. The New South Wales Spastic Centre, another great organisation doing great work, provides school-aged services, but they are supplementary services that are not intended to replace the services provided by the DADHC, as is the case now. The target group for the New South Wales Spastic Centre school-aged services is children with complex therapy support needs. But, sadly, children are slipping through the gaps: children with low to moderate therapy needs are not eligible for that service.

I have asked the honourable member for Hornsby to join me in this debate. She will expand on some of the difficulties that are being experienced by parents of children with disabilities. However, the first point I highlight is that this problem has been ongoing and the situation is deteriorating. I want to know what the Government intends to do about providing physiotherapy services at Wagga Wagga Base Hospital that would allow the parents of children with disabilities to access the services at a minimal cost. Families seeking physiotherapy services for their children have come to me in desperation. Physiotherapy is just one of many services that are needed.

I have found that when a parent pushes the envelope the Greater Southern Area Health Service can find ways to engage a private therapist to deliver services to children. But if parents do not have the skill, the know-how or the information to go to their local member to push the envelope, their children, sadly, miss out on physiotherapy services, speech services and occupational therapy. This situation has to be rectified. I have some solutions to the problem that I want to put to the Government when I speak in reply. I know that I have used strong words in the notice of motion.

**Ms Diane Beamer:** Are you talking about psychotherapists?

**Mr DARYL MAGUIRE:** No, physiotherapy. There is a printing error in the *Notice of Motions and Orders of the Day*. It should read "physiotherapists." I corrected that error.

**Ms Diane Beamer:** It is not in today's notice paper.

**Mr DARYL MAGUIRE:** I corrected it. Physiotherapy services, as I said, are few and far between in our region. I can see that the Minister is clearly perplexed about a typing error. It was physiotherapy services that I was asked about last week. I corrected the error. In fact, it has been corrected on the paper I have as well. I am sure that the Minister can address the issue because she would be aware of the need for children from the age of five with disabilities to access those services

There is a huge problem out there and, sadly, in the time since I gave notice of motion the situation has deteriorated. I want a commitment from the Government to solve the problem by, first, employing the personnel needed to deliver the services to the local community. Whether it is psychotherapy, physiotherapy, speech therapy or occupational therapy, all of those services can be provided if the Government has the willpower to do so. Our community is very supportive of kids and people of all ages with disabilities, and rightly so. As I said, I have established that families can access the services if they have the required information available to them. However, that should not be necessary. Those services should be in place and families should be able to have their children treated. At the time I gave notice of this motion I was helping a young girl who I have known since she was born and who is now about 12 years old. She desperately needed physiotherapy services. She met the Governor of New South Wales, who was able to help obtain the services for her. That should not be the case for all children.

**Mrs JUDY HOPWOOD (Hornsby) [11.54 a.m.]:** I enthusiastically support the motion moved by the honourable member for Wagga Wagga, which he gave notice of on 3 July 2003. First, it calls on the Government to explain why patient physiotherapy services at Wagga Wagga Base Hospital have ceased; second, it calls on the Minister for Health to explain why physiotherapist numbers were reduced four months previously from eight to 3.5; and, third, it condemns the Government for denying children with disabilities from disadvantaged families access to services.

The seriousness of this issue cannot be underestimated. I am appalled and alarmed to hear that since the honourable member for Wagga Wagga gave notice of the motion in 2003 services have been cut even further and physiotherapist numbers are down to zero. That situation cannot continue. As the honourable member for Wagga Wagga stated, Wagga Wagga is the hub for the delivery of services to a region that extends across more than 25,000 square kilometres. The fact that there are no physiotherapy services available in Wagga Wagga Base Hospital should make members of this Government hang their heads in shame. Perhaps there is a staff freeze, or perhaps there are problems in attracting physiotherapists to Wagga Wagga. I cannot imagine why this would be so as Wagga Wagga is a booming city and a lovely place to live. I have relatives who live in Junee, which is not very far away from Wagga Wagga, and I know the area quite well. It would not be hard to entice allied health professionals to Wagga Wagga to provide those services.

Having been the executive director of the Australian Podiatry Association, I know that the silo nature of the provision of health services throughout New South Wales lends itself to leaving positions vacant. The

Government is broke. It is cutting services, it is pulling in its belt and in many areas it is denying people the services they need. It is obvious that to deny children physiotherapy and other essential allied health services in a booming area like Wagga Wagga is appalling. When I was executive director of the Australian Podiatry Association podiatry positions were vacant and I had to keep an eye on all of the different silos in relation to available positions in public hospitals. Podiatry positions would suddenly become physiotherapy positions. One has to question the motive for that when podiatry, physiotherapy, occupational therapy, speech therapy, all those allied health services are absolutely essential to maintaining and improving the health of the people of New South Wales. I cannot understand why the Government is not bending over backwards to get allied health services to Wagga Wagga so that physiotherapy services can be provided.

**Mr Daryl Maguire:** And across New South Wales.

**Mrs JUDY HOPWOOD:** I know it is across New South Wales. It is absolutely appalling. The Government treats allied health professionals as second-class citizens. Allied health professionals do not have the voice they deserve. It would be hard for the Physiotherapy Association to point this out to a government that does not want to listen. I know the president of the Physiotherapy Association would be appalled that Wagga Wagga Base Hospital does not have those services.

Two and a half years ago my sister gave birth to a little girl with spina bifida, so I have in my family first-hand experience and first-hand knowledge as to how important it is that children with spina bifida or any other disability have access to these services. A couple of years ago I saw statistics that revealed that only about 3 per cent or 4 per cent of people will contact their local members of Parliament. People do not realise that is their avenue to seek help. The honourable member for Wagga Wagga is right when he says that there would be families in Wagga Wagga and in surrounding areas that do not know that they can push that envelope with the area health service by going to see him. It is difficult for the honourable member for Wagga Wagga to try to help those families that contact him when the Government is obviously not aware of the importance of this matter.

There are ways of getting physiotherapists to go down there. I instigated a fly-in fly-out podiatry service to western New South Wales and this Government could do exactly the same thing with physiotherapy services if it had the will to do so. I know there are physiotherapists who would be willing to be part of a service like that. It is appalling that in Wagga Wagga Base Hospital today the over-five age group cannot access those services.

My niece is now 2½ years old and is in a wheelchair. Her mother is looking after her extremely well but it is very stressful having a child with a disability. This Government may forget that being at home with a child who has a disability is a 24-hour a day job—it is the sleepless nights and all of the stresses of worrying about the day-to-day conditions; it involves hospitalisation. The fact that families cannot in 2006 access a physiotherapist in Wagga Wagga Base Hospital is appalling. If my sister indicated to me that she could not access a physiotherapist in a hospital in the area in which she lives and her little girl Amelie was over 5 years old, I would be raising merry hell, because that is appalling.

At the moment, my sister, Amelie and her family are going through house modifications. That little girl and any child with a similar disability need physiotherapy so they can take their rightful position in life and make a contribution. Members opposite do not know that in Wagga Wagga we do not have another Louise Sauvage or any of those wonderful athletes who are about to take part in the Paralympic Winter Olympics. They were children once and they needed physiotherapy services to give them opportunities to build up muscles and improve their health to an optimum level so that they could not only do day-to-day things such as go to school and play with friends but also realise their dreams.

I stand by the member for Wagga Wagga and say it is critical that young people who require these therapy services should have access to them. There is no excuse for this situation in 2006. The alarm bells should have been sounding for this Government when the number of physiotherapists was reduced from 8 to 3.5. To allow the number to get even worse shows a lack of duty of care. The member for Wagga Wagga has already posed the questions, but I would like to know what are the employment strategies. Is it a result of the statewide staff freeze, the pulling in of the belt because this Government has mismanaged the economy so badly, that there is not a physiotherapist at Wagga Wagga and there are too few allied health services?

I know from first-hand experience that allied health professionals care about their patients. The Physiotherapy Association, as I have said, would be totally horrified to know that children over the age of five

in Wagga Wagga Base Hospital, a major hub of health provision in the Riverina, cannot access physiotherapy, let alone any other health services. I implore this Government to take note of the member for Wagga Wagga's motion and act on it immediately. The Government should already have done so. It should stop putting out all the smokescreens it is currently creating for the news media to take the focus away from the fact that its standard of health service is appalling. Hard-working staff members, nurses, allied health professionals and doctors are groaning under the strain of mismanagement and lack of resources. This is just another example of what should be provided to the people of New South Wales. They have come to expect that if they go to a place such as Wagga Wagga they should not have to access these services outside the area. Certainly, if they cannot afford them, they do not want to go hat in hand to the member for Wagga Wagga, for example, stating what services they should ordinarily be provided with.

I again express extreme alarm about the fact there is no physiotherapy service for children over the age of five in Wagga Wagga Base Hospital. I urge the Minister for Health and responsible members opposite to take note of this motion immediately and solve the problem for families in Wagga Wagga. I know what my sister goes through on a daily basis in trying to provide every opportunity, in her daughter's growing years, for a child with a disability. Heaven only knows their lives already have hardship because of that disability. We do not want to make it worse for them. We want to give them what they need. This Government should hang its head in shame that not only Wagga Wagga Base Hospital but also hospitals across the State do not have the services they need. It is time the Government woke up and provided the services the people of New South Wales deserve.

**Mr PAUL McLEAY** (Heathcote—Parliamentary Secretary) [12.04 p.m.]: Physiotherapy services at Wagga Wagga Base Hospital continue. There is ongoing difficulty in recruiting to some allied health positions. Active recruitment is under way and good initiatives have been developed with Charles Sturt University in securing first year graduates. A review of paediatric allied health services has been conducted by the Greater Southern Area Health Service's allied health manager and proposes the formation of professional specific and multidisciplinary networks within the Area Health Service. Partnerships with and inclusion of other allied health practitioners employed outside the Area Health Service would be part of the charter. Formation of links and professional support with and from the metropolitan paediatric health facilities through the child health networks would be explored and implemented. Development of best practice clinical standards and guidelines for allied health will be identified and implemented and the development of improved and standardised models of service delivery for rural settings will be identified and implemented. For those reasons the Government opposes the bill.

**Mr GREG APLIN** (Albury) [12.06 p.m.]: I did not intend to speak in support of the member for Wagga Wagga because I thought he made such a strong argument it needed little support from anybody. As the representative of a neighbouring electorate I can only join him in arguing for the most strenuous activity by this Government. Such activity should have taken place over past years and not, as we hear from the Parliamentary Secretary, have to be considered in the future. It is all very well using the long words he employed in his reply, but we need action. From my observations of the situation at Albury Base Hospital I realise that the situation described by the member for Wagga Wagga is indeed dire and absolutely needs support.

The paediatric ward at Albury Base Hospital shut down in July last year as a result of a doctors crisis, which was not solved by the then Minister for Health and now Premier. Despite strenuous calls from the medical fraternity and me for his attendance, he could not be bothered to come down and sort out the crisis. The paediatric ward was shut. This is an indication of the lack of care that the member for Wagga Wagga was describing in the treatment handed out to regional areas by the Greater Southern Area Health Service and the Department of Health.

The Parliamentary Secretary mentioned the training scheme involving Charles Sturt University that delivers physiotherapy education and training in Albury. There is no shortage of graduates or of young people entering that course. It is a wonderful course that produces top quality graduates. There is no shortage of people eager and willing to work in regional areas. There is no excuse for the Government not employing those graduates. However, some problems have come to my notice after having spoken to a person who is a senior physiotherapist in the Albury region and who applied for a position with the then Greater Murray Area Health Service. He explained to me why we are unable to employ people. It is because they cannot stand to work for a health service that takes so many months to organise the applications and interviews and then does not bother to get back to the senior people who will employ the juniors.

If there is no dedication to employing credible operators at the top, how on earth do you expect to deliver a service to the very people who need it at the bottom, namely the patients? This individual got so fed up

when he did not hear about his application that he went to work in another area. He has no good words to say about the application process. I draw that to the Parliamentary Secretary's attention because if one is to run a service one needs to operate with due customer care, starting at the top with the senior employees. That will then filter down to the delivery of great service to patients. That kind of service does not exist because the Government does not have the staff, the wish to seek good staff, or the desire to make staff feel comfortable in the knowledge that they are delivering the job skills that we all need.

It is vital to attract and retain good staff in regional areas. Currently, morale among staff is such that people are uncomfortable. That is little wonder when the rehabilitation wards are shut down for a considerable length of time at the end of the year and patients are sent to their homes or medical wards, if there is sufficient room. And even the medical wards are under pressure to move people as quickly as possible to their homes because of the bed block; wards are not open because of insufficient nurses to supply services in those wards. The closure of rehabilitation wards is an indication that there is insufficient staff within the service to continue providing the services so urgently required over the Christmas-New Year period.

I urge the Government to look very hard at the services because the significant word is "service". It is customer service in any form, and in this case it is health service. The fact that Wagga Wagga Base Hospital is undersupplied with physiotherapists is a dire warning to services and hospitals throughout the State that people should not get sick. Indeed, a bold headline in a local newspaper only a few years ago stated: "This Christmas don't get sick". The warning was: "There's no-one there to look after you". That is a shocking thing to confront and I urge the Government to take action on this immediately.

**Mr DARYL MAGUIRE** (Wagga Wagga) [12.11 p.m.], in reply: I thank the honourable member for Hornsby, the honourable member for Albury and the honourable member for Heathcote for participating in this debate. They did so enthusiastically and put their case very strongly for disability services, in particular, physiotherapy services. I respond to the Parliamentary Secretary, who delivered the Government's response, which was just bureaucratic-speak. It meant that nothing was happening. When will the staff be recruited? I have been asking that question since 2003 and have still received no answers. I have been given only suggested plans.

The situation has been brought about through the failed amalgamation of area health services and the failure by Ministers over a number of years under Bob Carr and now Premier Iemma to address the ailing health system, in particular, those allied services that I spoke of. Both the Parliamentary Secretary and the honourable member for Albury mentioned the good relationship with Charles Sturt University, and that is true. However, when graduates leave the university and go out into the wide world looking for a job, they are picked up by organisations such as the Kurrajong Early Intervention Service rather than the Greater Southern Area Health Service because quite often the area health service advertises for jobs at the wrong time. This means that the best graduates have already been snapped up and, in desperation, the others move to cities elsewhere because the area health service has not advertised for them. That is why there is insufficient staff.

I have some solutions and suggestions. I do not come to this place merely with criticism; I provide suggestions to the Government for solving the problem. I am disappointed that the Government will vote against the motion. It is essential that the Government develop a statewide rural paediatric therapy services plan to properly resource this strategy in a co-ordinated and planned way and, as part of the plan, put an effective structure of supervision and peer support mentoring in place for all therapy services. This will improve retention rates in rural areas and develop a career path to enable therapists to remain in rural areas.

Quite often physiotherapists in rural areas work by themselves and they burn out. They need a support network they can talk to, discuss problems with, and rely on for support. Supervision is known to have a big impact on recruitment and retention of therapists. It is important that they work in conjunction with non-government agencies. As part of the statewide rural paediatric therapy services plan, the Government should fund a scholarship program to bond final and/or new-year therapy graduates to services in rural and regional areas in both government and non-government agencies.

I make those suggestions as well as urging the area health service to advertise the positions in the local papers at the appropriate time in order to access the best of the therapists who want to stay in rural areas. The placing of advertisements at the wrong time has resulted in lost opportunities in the past. Perhaps the Government has lost the will to solve or grapple with the problem because it is far bigger than it imagined. I urge all honourable members to support the motion. It is not about scoring political points but about kids with disabilities and their future. It is about children who need these services, such as the niece of the honourable member for Hornsby.

**Mr Paul McLeay:** We have the networks. The Department of Health has three paediatric networks.

**Mr DARYL MAGUIRE:** Well, the system is not working; it is failing and I have highlighted that to the House, and so have other members. There have been many examples of children, once they reach school age, not being able to gain physiotherapy services, speech therapy services and other occupational therapy services. I have put forward some solutions and the Parliamentary Secretary needs to respond positively by supporting the motion.

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

**The House divided.**

**Ayes, 38**

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

**Noes, 50**

|               |               |                 |
|---------------|---------------|-----------------|
| 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      |
| Mr Campbell   | Mr Lynch      | Ms Tebbutt      |
| Mr Chaytor    | Mr McBride    | Mr Tripodi      |
| Mr Collier    | Mr McLeay     | Mr Watkins      |
| Mr Corrigan   | Ms Megarritty | Mr West         |
| Mr Crittenden | Mr Mills      | Mr Whan         |
| Mr Daley      | Mr Morris     | Mr Yeadon       |
| Ms D'Amore    | Mr Newell     | <i>Tellers,</i> |
| Mr Debus      | Ms Nori       | Mr Ashton       |
| Ms Gadiel     | Mr Orkopoulos | Mr Martin       |

**Question resolved in the negative.**

**Motion negatived.**

**BUSINESS OF THE HOUSE**

**Bills: Suspension of Standing and Sessional Orders**

**Mr CARL SCULLY** (Smithfield—Minister for Police) [12.25 p.m.]: I move:

That standing and sessional orders be suspended to permit the introduction forthwith, without notice, of the Motor Accidents (Lifetime Care and Support) Bill and cognate bill, up to and including the Minister's second reading speech, at the conclusion of which Mr Speaker will leave the Chair until 2.15 p.m.

**Ms Gladys Berejiklian:** My motion is to be debated now, and I disagree with the motion moved by the Leader of the House. My constituents have waited more than 2½ years for me to debate this motion in the House. I object that my right to debate my motion is being taken away.

**Mr Carl Scully:** Point of order: You put the question.

**Mr SPEAKER:** Order! I did not put the question. I did not see the honourable member for Willoughby. I was looking for the honourable member for Epping. The honourable member for Willoughby has the call.

**Ms GLADYS BEREJIKLIAN** (Willoughby) [12.26 p.m.]: I move:

That this House:

(1) notes widespread community concern about lack of disability or elderly access at Chatswood railway station—

**Mr Carl Scully:** What are you doing?

**Ms GLADYS BEREJIKLIAN:** I am moving my motion.

**Mr SPEAKER:** Order! The honourable member for Willoughby can only speak to the motion moved by the Leader of the House, not her own motion.

**Ms GLADYS BEREJIKLIAN:** As to the motion moved by the Leader of the House, my right and that of my constituents—

**Mr SPEAKER:** Order! The House will come to order. Members will resume their seats.

**Ms GLADYS BEREJIKLIAN:** My motion is important. My constituents have waited 2½ years for me to debate my motion, notice of which was given on 3 July 2003. However, my right to debate the motion is being taken away because the Leader of the House and the Government cannot run the Parliament properly. My right as a member of this House is being taken away because the Leader of the House cannot organise business. Honourable members who have given notice of motions should have the right to move those motions. The Leader of the House has failed to explain to the House why he has mismanaged parliamentary business in such a way that Government business is eating into the time for private members' business.

The Leader of the House thinks he can waltz into the Chamber and move a motion to suspend standing and sessional orders without explaining why he is taking away my right and that of every other member of this place to debate their motions. As honourable members know, private members' business is dealt with only once a week when Parliament sits —on Thursdays—and Parliament sits for only a few weeks each year. Honourable members have only one opportunity a week to bring their motions forward. Today the Leader of the House waltzed in and moved a motion that effectively says to me and to my community that I am unable to move my motion. For that reason I oppose the motion moved by the Leader of the House.

**Motion agreed to.**

## **MOTOR ACCIDENTS (LIFETIME CARE AND SUPPORT) BILL**

### **MOTOR ACCIDENTS COMPENSATION AMENDMENT BILL**

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

### **Second Reading**

**Mr JOHN WATKINS** (Ryde—Deputy Premier, and Minister for Transport) [12.31 p.m.]: I move:

That these bills be now read a second time.

The Government is pleased to introduce the Motor Accidents (Lifetime Care and Support) Bill and the Motor Accidents Compensation Amendment Bill. The cognate bills provide the legislative framework for implementing significant improvements in the assistance provided to people injured in motor vehicle accidents.

The Motor Accidents (Lifetime Care and Support) Bill establishes a scheme to provide lifetime care and support [LTCS] for persons who suffer catastrophic injuries such as spinal damage or brain trauma in motor vehicle accidents. This will give effect to the Government's plan, announced last year, for a major overhaul in the care of people catastrophically injured in motor vehicle accidents.

The Motor Accidents Compensation Amendment Bill introduces enhancements to the existing CTP motor accidents injury scheme, firstly, by introducing a new special children's benefit providing a no-fault benefit for those New South Wales resident children injured in motor accidents who currently are not covered by the compulsory third party [CTP] scheme. Secondly, the bill extends the scope of the CTP scheme to provide compensation entitlements for injury or death resulting from a blameless or inevitable accident, which is a motor vehicle accident where no-one is considered to have been at fault—for example, when a person is injured because a driver experiences an unforeseen illness or medical condition, which results in a loss of control over the vehicle. Currently, under the common law, if a court finds that no-one was at fault in an accident the CTP compensation entitlements are not available to those injured in the accident. These initiatives will provide security to injured persons and their families, and the comforting knowledge that the necessary treatment, rehabilitation and care will be provided. This will improve the quality of life for injured people and their families.

The Motor Accidents (Lifetime Care and Support) Bill establishes a scheme to provide lifetime care and support for persons who suffer catastrophic injuries in motor vehicle accidents covered by the Motor Accidents Compensation Act 1999. Motor vehicle crashes are the single biggest contributor to traumatic catastrophic injury in Australia. A mistake made when driving can have devastating consequences. The forces of impact in motor vehicle crashes can rip vehicles apart and lead to horrific injuries, typically spinal injury and brain trauma. These injuries are devastating for the injured persons, their families and the wider community. Each year about 125 people will be catastrophically injured in motor vehicle accidents in New South Wales and left with significant disabilities requiring lifetime support. They will have significant daily needs for care, personal assistance, domestic support, and ongoing equipment and medical needs. For those with the most profound injuries, this will extend to requiring 24-hour nursing care.

Under the current Motor Accidents Compensation Act only 65 of the 125 people catastrophically injured in a motor vehicle accident are likely to be eligible for compensation. This is because compensation is available only where the accident was caused by the fault of another driver. People who are considered at fault are not entitled to any compensation and must rely upon family and community services to provide support. Even those in receipt of compensation are not guaranteed a lifetime of reasonable care and medical treatment. Typically, the catastrophically injured will be male and predominately young. More than half will be less than 20 years of age at the time of the injury and more than 70 per cent will be under the age of 30. To address the special circumstances of catastrophically injured motor accident victims, the Government released its lifetime care and support plan in June 2005.

The plan proposed that all people catastrophically injured in motor vehicle accidents in New South Wales would receive the medical care and support services they need throughout their life, regardless of who was at fault in the accident. The Government undertook extensive consultation on the plan, with a series of public consultations conducted across Sydney and regional New South Wales to discuss the scheme with key stakeholders. Medical specialists, health professionals, disability support groups and service providers enthusiastically endorsed the plan. The new scheme established by the bill will give effect to the proposals outlined in the Government's lifetime care and support plan. This new scheme will include those people with catastrophic injuries entitled to make a negligence or fault-based claim under the Motor Accidents Compensation Act 1999. The scheme will also extend cover to such injured people who are at fault in a motor vehicle accident and to catastrophic injuries resulting from those motor vehicle accidents where no person is at fault.

Part 2 of the bill deals with the eligibility requirements and entitlements of participants in the scheme. A person will be eligible to participate in the scheme if their injury meets the criteria to be established by the LTCS guidelines. Essentially, the catastrophic injuries requiring lifetime support, which it is intended the scheme should cover, are spinal cord injury and serious traumatic brain injury. However, there will be other types of motor accident injuries that may result in a need for lifetime support—for example, severe burns or bilateral amputations—and the LTCS guidelines will make provision for this. For spinal cord injury it should generally be possible to assess scheme eligibility within months of the injury based on the LTCS guidelines requiring the injury to result in a permanent neurological deficit. For brain injury to be considered potentially eligible, the LTCS guidelines will require a more than one week duration of post traumatic amnesia [PTA] or if a PTA score is not available there must be evidence of a significant impact to the head or of a cerebral insult.

In addition, the injured person must also score 5 or less on any of the items assessed using the functional independence measure [FIM]. The FIM assesses various functions including self-care, mobility, locomotion, communication, social interaction and cognitive function. An FIM rating of 1 indicates that the person requires total assistance and a rating of 7 would indicate that they are completely independent. A rating of 5 or less on an index item indicates that a person requires some supervision to perform the task. A paediatric version of FIM will be used for assessing children's brain injury. As an early final assessment may not be possible for people with a brain injury, the bill also makes provision for interim participation in the scheme for up to a maximum period of two years.

A person will not be eligible to participate in the scheme if the person has been awarded common law damages for his or her treatment and care needs. Acceptance into the scheme as a lifetime participant will prevent a person from recovering common law damages for treatment and care needs. The scheme will provide for all the reasonable treatment and care expenses of participants. These reasonable expenses include medical treatment, rehabilitation, attendant care services, and home and transport modification. This is consistent with current entitlements in the CTP motor accidents scheme, which provides for an injured person's reasonable and necessary medical treatment, rehabilitation and care expenses. The LTCS guidelines will determine what are reasonable and necessary treatment and care needs for participants. An application to participate in the scheme can be made by the injured person or another person with authority to act on behalf of an injured person. An application can also be made by a CTP insurer where a CTP claim relating to the injury has been made.

Part 3 of the bill provides the mechanisms for resolving disputes about whether a motor accident injury satisfies the scheme eligibility criteria and whether an injury is caused by a motor vehicle accident covered by the scheme. Given the importance of injury eligibility, the bill provides for any dispute on this ground to be referred to a panel of three assessors who must be medical practitioners or other suitably qualified practitioners such as a speech therapist or an occupational therapist. This will enable different professional skills and experiences to be applied to the resolution of the dispute. For example, a panel comprising a rehabilitation specialist, a neuropsychologist and an occupational therapist could be used for the assessment of an eligibility dispute involving a brain injury.

The bill also provides for grounds on which an assessment panel's determination may be referred for review by a review panel. These dispute resolution processes will provide for the fair and impartial determination of questions about injury eligibility by independent medical and care specialists. As the scheme applies to motor vehicle accidents covered by the Motor Accidents Compensation Act 1999, it may on occasions be necessary to also resolve disputes about whether the relevant injuries have resulted from a motor vehicle accident. This is not a question that can be resolved by medical and care experts. The bill proposes that such disputes can be independently determined by a panel of three claims assessors. Claims assessors are statutory officers appointed under the Motor Accidents Compensation Act 1999 and are senior legal practitioners with extensive experience in motor vehicle injury claims. The scheme will pay an injured person's reasonable legal costs associated with this dispute resolution process.

Part 4 of the bill deals with the authority's assessment of treatment and care needs and also provides mechanisms for resolving disputes about the authority's assessment. It is proposed that the LTCS guidelines will make provision for collaborative processes for determining reasonable and necessary treatment and care needs which will involve the Lifetime Care and Support Authority, the participant and their Lifecare co-ordinator. It is intended that care assessments of scheme participants will be undertaken regularly through the person's life. For example, following discharge from hospital the person may be assessed at three months and then every six months for the first five years. When the person is settled into the community the assessments would be conducted less frequently but would be required at significant life transitions, for example, when completing schooling or commencing or returning to work. A two-tier independent dispute resolution process is proposed for resolving disputes about the authority's assessment of treatment or care needs. The bill provides for an independent assessment by a single assessor in the first instance. There is also provision for a review of that assessment on specified grounds by a review panel consisting of three assessors.

Part 5 of the bill deals with arrangements for the payment of expenses for treatment and care, including provision for the regulation of fees for those services not provided at a public hospital. These provisions are similar to arrangements already in place under the motor accidents scheme legislation. Part 6 of the bill establishes the Lifetime Care and Support Authority and provides for appointment of a five-person board of directors to determine the administrative policies of the authority. The bill also establishes the Lifetime Care and Support Advisory Council to advise Government on the operation of the scheme. In particular, the council is to keep the LTCS guidelines under review and to monitor the operation of the care and support services provided

to injured people who are participants in the scheme. The membership of the council will include health practitioners and representatives of severely injured people.

Part 7 deals with funding of the scheme, which is to be provided through a special levy to be paid by motorists when they purchase a compulsory third party insurance policy. The levy will be collected on behalf of the authority by licensed insurers when a green slip policy is issued. The bill explicitly provides that levy contributions must be set so as to fund the full cost of providing lifetime care and treatment to scheme participants and to meet other scheme expenses. The fully-funded requirement is consistent with requirements on licensed CTP insurers under the motor accidents scheme. The bill further provides that the authority's determination of the levy contributions must be made in accordance with independent actuarial advice as to the funding amount required to meet the full funding test. Importantly, the bill specifically prohibits any ministerial direction in the exercise of the board or the authority's functions with respect to setting the full funding amount or the levy contributions required from motorists to achieve this.

Schedules 1 and 2 to the bill deal with administrative arrangements concerning the board of directors and the Lifetime Care and Support Advisory Council. Schedule 3 to the bill makes consequential amendments to the Motor Accidents Compensation Act 1999. The bill clarifies that for a participant in the scheme the CTP insurer dealing with the claim is no longer required to meet any of the person's treatment and care expenses as those expenses are now required to be met solely by the Lifetime Care and Support Scheme. The Motor Accidents Compensation Act is also amended to exclude a lifetime participant in the scheme from recovering economic loss damages for any treatment and care needs. The current lump sum compensation arrangements for meeting these needs will be replaced by the provision of lifetime treatment, care and support provided by the Lifetime Care and Support Scheme.

The Motor Accidents Compensation Act already provides for independent medical assessment of disputes about the future treatment and care needs of a claimant; however, a court or a claims assessor is not bound to adopt the medical assessment. It is also a major criticism of the current provisions that a future treatment or care decision by a medical assessor is not enforceable and therefore may still be declined by the CTP insurer. Accordingly, the bill proposes to make the medical assessment determination of a dispute about future treatment and care conclusive and therefore binding on the court, claims assessor or insurer. This will also ensure that guidelines for determining reasonable and necessary care and treatment needs can be applied consistently across the motor accidents scheme and the Lifetime Care and Support Scheme.

I now refer members to the Motor Accidents Compensation Amendment Bill. The primary purpose of this bill, as I previously indicated, is to extend the scope of the New South Wales motor accidents scheme by amending the Motor Accidents Compensation Act 1999 to provide a special benefit for children at fault in a motor vehicle accident and to provide CTP scheme entitlements to people injured in blameless accidents. The blanket application of legal rules and principles can on occasions have unfortunate and even undesirable consequences. The principle of fault is a case in point. For example, when a person injured in a motor accident is unable to access CTP assistance because no-one is found to have been at fault in causing their injury, or when children are penalised for behaving as children do. The enhancements to the motor accidents scheme proposed by the bill will provide greater support and security to injured people and their families.

Part 1.2 of the bill provides a right of recovery to people injured in motor vehicle accidents occurring in New South Wales where no-one is at fault. That is an "inevitable" or "blameless" motor accident. For the purpose of making this new claim for death or injury, the motor accident is deemed to have been caused by the fault of the owner or driver of the motor vehicle. The injury must also be caused by a motor vehicle accident of a kind recognised by the Act. A person who is injured in a blameless accident will be entitled to CTP scheme benefits. The one exception is that the driver of the motor vehicle causing the accident will not be entitled to make a claim under these provisions. However, if that driver is catastrophically injured an application for entry to the Lifetime Care and Support Scheme may be made.

Part 1.2 also provides a special benefit for children aged up to 16 and a resident of New South Wales at the time of the accident, in those circumstances where the driver of the motor vehicle involved in the accident was not 'at-fault'. The child's injury must be caused by a motor vehicle accident of a kind recognised by the Act. The special benefit will cover the injured child's treatment, rehabilitation and care costs as currently prescribed by the Act. These expenses will be met on an 'as incurred' basis, in the same way that these payments are currently made to other scheme claimants. There will also be entitlement for any treatment and care required in the future. The special benefit also extends to cover burial expenses in cases where the child is killed. The special benefit will not be available to children killed or injured in a motor vehicle accident which occurred in the course of conduct which would constitute a serious offence and which materially contributed to their death or injury.

In the event a child is injured in a motor vehicle accident where there was no-one at fault, entitlements under the new blameless accident provisions would take precedence. The availability of this special no-fault benefit in the motor accidents scheme will not impact on any child pursuing a fault-based CTP claim. Children's access to other compensation components provided in the motor accidents scheme—for example, loss of earning capacity and non-economic loss awards—will continue to be available only on a fault basis. Whilst the primary purpose of the bill is to extend the motor accidents scheme to include blameless accidents and the special 'no-fault' benefit for children, the bill also makes a number of other amendments to the general operation of the motor accidents scheme.

Part 1.1 of the bill deals with the application of the Act. The part introduces new section 3A, which is intended to clarify that the Act applies to death or injury caused in an accident occurring during the driving of the vehicle, a collision or the vehicle running out of control and not to an injury that arises gradually from a series of incidents. The provision also makes it clear that where a defect in the vehicle causes injury it must be caused during the driving of the vehicle, a collision or the vehicle running out of control, but not, for example, in cases where defective loading equipment causes injury during the unloading of a stationary vehicle. The bill also introduces new section 3B, which limits the application of the Act to motor vehicle accidents where there is coverage under a third party policy of motor accident insurance or the nominal defendant scheme is on risk. The new section preserves the operation of amendments made by the Motor Accidents Legislation Amendment Act 2004 in relation to certain work injury claims under workers compensation legislation.

The bill also amends section 14 of the Act to expand provisions dealing with the circumstances in which registration may be suspended or cancelled for the non-payment of a CTP premium. It is proposed to include cases of credit card fraud and premium underpayment where false information was given to the insurer within the circumstances in which action may be taken by an insurer against a person's registration. Before the third-party insurer may request the RTA to suspend or cancel a person's registration, the insurer must first obtain the written approval of the industry regulator, the Motor Accidents Authority. The bill also provides that the authority may establish guidelines dealing with the circumstances in which approval will be given. The bill also proposes a new section 23A introducing a cap on the liability of a CTP insurer arising from any single event. Australia is one of the only places in the world where unlimited insurance cover is required for any personal injury insurance. This means that the insurers of the New South Wales CTP scheme are required to purchase unlimited re-insurance cover against the possibility of a large number of high-cost claims arising from one event. Since September 11, the availability of re-insurance has been tightening and this has been exacerbated by recent significant exposure for natural disaster claims, in particular Hurricane Katrina.

Many re-insurance companies are currently assessing their capacity to offer unlimited cover. Indeed, at least two of the largest companies that provide re-insurance to the New South Wales CTP insurers have indicated an intention to remove unlimited cover policies. If unlimited re-insurance is not available, the New South Wales CTP insurance companies would not be able to underwrite the product. The cap will be set at \$200 million, being an amount close to the level of re-insurance cover which it is believed will be available to each insurer. This will in no way cap or limit any individual claim as the bill also sets up a mechanism to cover and meet aggregated claim costs above the cap from the Nominal Defendant Fund. The proposed cap is well in excess of any single event claim in New South Wales to date. The Grafton bus crash resulted in total claims worth approximately \$38 million. The proposed liability cap is in excess of what may be expected in all but the most remote hypothetical scenarios. While the re-insurance market may be tightening, at present there is still good quality re-insurance available for unlimited cover. Accordingly, it is the Government's intention to commence this provision only in the circumstance where no re-insurance of a sufficient standard is available.

Two changes are also proposed to the nominal defendant scheme. Honourable members may be aware that the nominal defendant scheme covers people who are injured in motor vehicle accidents involving an uninsured and unregistered vehicle or where the vehicle cannot be identified, for example, because it left the scene of the accident. The bill amends section 33 (3) to exclude from coverage people who are injured by an unregistered vehicle in an accident that occurred while they were trespassing on private property. The second amendment to the nominal defendant provisions seeks to clarify that for the purposes of making a claim, an uninsured motor vehicle includes a vehicle that was at the time of its manufacture capable of registration or was at the time of manufacture, with minor adjustments, capable of registration or a vehicle that was previously capable of registration but is no longer capable of registration because it has fallen into disrepair. This amendment is necessary because the existing legislation is being interpreted by the courts in a manner inconsistent, I believe, with the intention of the legislation that the nominal defendant scheme should cover injuries caused by uninsured vehicles on public roads that, aside from their state of repair, would otherwise be part of the registration system.

The bill introduces new section 59A dealing with medical assessors in the motor accidents scheme. The provision indemnifies an assessor against personal liability for acts or omissions in good faith. The provision declares a medical assessor to be competent but not compellable to give evidence or produce documents in court proceedings. This provision is necessary following the decision of the New South Wales Court of Appeal late last year in *Ryan v Watkins*, where the court found that the general protections afforded decision makers under the Evidence Act are in some instances not available to medical assessors. This provision recognises the independent statutory decision-making role of medical assessors in determining medical disputes and is consistent with the statutory protection the Act currently provides to claims assessors. The bill also proposes amendments to the financial provisions of the Act dealing with the Motor Accidents Authority Fund. The amendments facilitate revised arrangements for dealing with the contributions for payments to NSW Health and the Ambulance Service of New South Wales under the section 54 bulk-billing agreement. The reason for the revised arrangement is to ensure a GST-exempt status for these payments and pass on the resulting saving to New South Wales policyholders.

Schedule 2 to the bill makes consequential amendments to the Transport (Vehicle Registration) Regulation 1998 and workers compensation legislation. The amendments to the Road Transport (Vehicle Registration) Regulation are consequential upon the bill's amendment of Motor Accidents Compensation Act provisions dealing with suspension and cancellation of registration for the non-payment of a CTP premium and reflect the policy position that CTP-related suspension or cancellation of registration is to be dealt with solely under the provisions of the Act. The consequential amendments to the Workers Compensation Act 1987 and the Workplace Injury Management and Workers Compensation Act 1998 reflect the introduction of new section 3B in the Motor Accidents Compensation Act, which preserves the substance of amendments made by the Motor Accidents Legislation Amendment Act 2004 in relation to certain work injury claims.

The Government's 1999 reforms to green slips have led to a stable and affordable motor accidents scheme. Before the Government's reforms commenced the average green slip cost for a sedan in Sydney was \$441. Currently the average sedan green slip is \$322 plus GST. The stability that has resulted in this dramatic decrease in green slip cost makes it possible to expand motor accidents scheme coverage to groups who need support, while still keeping green slip prices low. The significant increase in assistance for people injured in motor vehicle accidents that is provided by the initiatives included in the Motor Accidents (Lifetime Care and Support) Bill and the Motor Accidents Compensation Amendment Bill are estimated to have an average \$20 a green slip policy net cost impact for motorists. I commend the bills to the House

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

*[Madam Acting-Speaker (Ms Marie Andrews) left the chair at 12.58 p.m. The House resumed at 2.15 p.m.]*

### UNPROCLAIMED LEGISLATION

**Mr SPEAKER:** Pursuant to standing orders I table a list detailing all legislation unproclaimed 90 days after assent as at 9 March 2006.

### PETITIONS

#### **Alstonville Bypass**

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

#### **Hornsby and Berowra Train Station Parking Facilities**

Petition requesting adequate commuter parking facilities at Hornsby and Berowra train stations, received from **Mrs Judy Hopwood**.

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

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

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

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

### **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**.

### **Tathra Aquatic Reserve Proposal**

Petition opposing the South East Marine Protection Group's proposal to establish an aquatic reserve in the Tathra area, received from **Mr Andrew Constance**.

### **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**.

### **Boorowa Policing**

Petition requesting the reinstatement of the second police officer position at the Boorowa Police Station, received from **Ms Katrina Hodgkinson**.

### **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**.

### **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**.

### **Goods and Services Tax Revenue Distribution**

Petition requesting that New South Wales receive a fair share of the goods and services tax revenue distribution, received from **Mr John Bartlett**.

### **Campbell Hospital, Coraki**

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

### **Breast Screening Funding**

Petitions requesting funding for BreastScreen NSW, received from **Mr Steve Cansdell**, **Mr Michael Richardson** and **Mr Andrew Stoner**.

### **Lismore Base Hospital**

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

### **Isolated Patients Travel and Accommodation Assistance Scheme**

Petitions objecting to the criteria for country cancer patients to qualify for the Isolated Patients Travel and Accommodation Assistance Scheme, received from **Ms Katrina Hodgkinson** and **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**.

**Kurnell Sandmining**

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

**Urban Planning**

Petition requesting that urban planning designs be decided by local communities, received from **Mrs Judy Hopwood**.

**Newstan-Awaba Mines Extension Project**

Petition opposing Centennial Coal Company Limited's proposal to extend the Newstan-Awaba mines for open-cut mining, received from **Mr Jeff Hunter**.

**Recreational Fishing**

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

**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**.

**Swansea Ambulance Station**

Petition requesting the provision of an ambulance station for Swansea, received from **Mr Milton Orkopoulos**.

**Enfield Intermodal Terminal Development**

Petition opposing the proposal by Sydney Ports Corporation to develop an intermodal logistics centre at the former Enfield marshalling yards site, received from **Mr Tony Stewart**.

**Brooklyn and Dangar Island Sewerage**

Petition requesting sewerage connection for Brooklyn and Dangar Island, received from **Mrs Judy Hopwood**.

**Kurnell Desalination Plant**

Petition opposing the construction of a desalination plant at Kurnell, received from **Mr Malcolm Kerr**.

**CSR Quarry, Hornsby**

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

**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**.

### **Grafton Bridge**

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

### **F6 Corridor Community Use**

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

### **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**.

### **Waitara Traffic Arrangements**

Petition requesting a pedestrian bridge over the Pacific Highway to assist access to Waitara Station, received from **Mrs Judy Hopwood**.

### **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**.

### **Forster-Tuncurry Cycleways**

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

## **QUESTIONS WITHOUT NOTICE**

---

### **BUS DRIVER DRINK-DRIVING ALLEGATION**

**Mr PETER DEBNAM:** My question is directed to the Premier. Despite claiming safety as the priority in public transport, the Premier has refused to release video footage of a drunken bus driver operating a government bus on 23 December because it "may cause industrial unrest and prejudice future industrial relations". Why is the Premier again putting union interests ahead of public safety?

**Mr SPEAKER:** Order! Government and Opposition members will come to order.

**Mr MORRIS IEMMA:** I will obtain a report on the incident.

### **FEDERAL GOVERNMENT INDUSTRIAL RELATIONS LEGISLATION**

**Mr PAUL PEARCE:** My question is to the Premier. What is the latest information on the Government's efforts to protect the rights and entitlements of New South Wales workers?

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

**Mr MORRIS IEMMA:** I thank the honourable member for Coogee for his efforts to protect the rights of workers. That is what the Government is about: ending the cheating of workers out of their rights and conditions and protecting their pay packets. That is why we have launched the High Court challenge.

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

**Mr MORRIS IEMMA:** Of course, if that High Court challenge succeeds, the worst of the excesses of the Howard legislation will be defeated and workers will have obtained a significant victory in protecting their pay packets, families and working conditions and ending the cheating that that legislation is designed to achieve. I am pleased that the Leader of the Opposition has backflipped and indicated that the Opposition will support the Government. When the breeze was behind him, Mr Flimflam Man was out there saying, "Cut the conditions, hand the system over to Canberra." When the weights were on, he backflipped. Welcome back! It does not hide the real debate going on in the Liberal Party. We know what the real debate is because Senator Nick Minchin told the H.R. Nicholls Society two days ago.

**Mr SPEAKER:** Order! Government members will come to order.

**Mr MORRIS IEMMA:** The Howard Government's legislation is just phase one. Nick Minchin gave the game away. There is a second phase coming after they win the next Federal election. That was his promise to the H.R. Nicholls Society.

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

**Mr MORRIS IEMMA:** Nick Minchin said phase two is coming. We are about fighting WorkChoices all the way. We are about protecting 185,000 State public sector workers—nurses, ambulance officers, bus drivers—from day one. Members opposite need their party research to tell them they should hop on board and protect nurses and TAFE teachers in this State. Their miserable backflip does not hide what they are really about. The Opposition has not yet said it will fight WorkChoices. We asked whether it would support the Government in the challenge to WorkChoices—not just for public sector workers but for all workers. This miserable lot opposite still have not had the guts to get up and say that they will back us in the High Court challenge.

**Mr SPEAKER:** Order! Government members will come to order and allow the Premier to continue his answer.

**Mr MORRIS IEMMA:** The reason they will not do so is that Nick Minchin has given the game away. Phase two is coming. They will never stand up to their political masters in Canberra, and the division and the war just rage on. The real debate is still there because they do not have the heart to defend all workers. Why do Opposition members not tell us what profit share of gross domestic product [GDP] they are satisfied with? It is at unprecedented levels. The stock market is blowing its brains out with the share of profits at record levels. The Leader of the Opposition will not say when enough is enough—when it stops being stripped off wages. That is what WorkChoices is about.

It is about a straight transfer from wages to increase profits even more. Not satisfied with the profit share of GDP being at unprecedented record levels, the Leader of the Opposition wants to rip off more from young women who stack boxes at Woolworths. He will not support our legal challenge against WorkChoices because the fight is on behalf of all workers. How can a first-year graduate out of university sit down and bargain one-on-one with the boss? That is what WorkChoices is about. It is about ripping off more from the young women who stack boxes at Woolworths. It is all about never being satisfied with record levels of unprecedented profits out of GDP.

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

**Mr MORRIS IEMMA:** Opposition members are always on about productivity. That is what they claim WorkChoices is all about. Under enterprise bargaining, productivity was all about a collective search in the workplace between workers, their representatives and management on the measures that could be taken to boost productivity at the workplace. It was all about the workers and management sharing in the benefits of that search and the implementation of changes that would yield greater productivity. That is what enterprise bargaining and decent workplace relations are about. WorkChoices is about the bosses calling the workers in, one by one, and stripping their wages and conditions. There will be no search for improvements in productivity, none whatsoever. WorkChoices is about stripping the wages share out of GDP and, in an era of unprecedented profit growth, transferring it straight to the bosses. It is about young women at Woolworths being made to pay; it is about boosting the profit share of GDP by taking it straight from workers.

Who knows what caused the decision last night, but it reveals that the division and the war rage more strongly than ever. But it does not reveal what members opposite are about, that is, continuing to strip the conditions and wages from workers in this State and this nation because they will not join the fight against WorkChoices. They will not support the High Court challenge. When the Leader of the Opposition was asked a couple of months ago about the lodgement of the claim he said, "Well, it is not a matter for me. I have not been briefed on it and, really, it is a Federal issue". That statement has not been recanted, nor has that policy. The Government will protect State public sector workers; we are determined to pursue the High Court challenge all the way. No wonder Nick Minchin is nervous about it. He realises that the challenge is based on reasonably strong grounds. We will pursue the WorkChoices appeal, the fight in the High Court, all the way, and we will pursue our legislation the same way.

### **BUS DRIVER DRINK-DRIVING ALLEGATION**

**Mr BARRY O'FARRELL:** My question is directed to the Premier. Was it sheer incompetence or a deliberate attempt to avoid the consequences that a drunken bus driver was not immediately breath tested at the police station around the corner but instead taken back to the depot and allowed to wait for three hours, rendering his breath test legally inadmissible?

**Mr MORRIS IEMMA:** I thank the majority leader for his question. I will seek the appropriate advice from the Minister.

### **WESTERN SYDNEY GROWTH AND DEVELOPMENT**

**Ms PAM ALLAN:** My question without notice is to the Minister for Western Sydney. What is the latest information on growth and development in Western Sydney?

**Ms DIANE BEAMER:** Over the past decade Western Sydney has experienced record growth. It is Australia's third largest regional economy, with 150 of Australia's top 500 companies being located in Western Sydney and the Parramatta CBD showing stronger commercial growth than the Sydney or North Sydney CBDs. The latest figures show that the Iemma Government's City of Cities Plan, combined with the opening of the Westlink M7, has sparked yet more strong growth in West Sydney. These figures have not been put out by the Government but by the respected international commercial real estate firm CB Richard Ellis. The report states that the City of Cities and the M7 are major drivers behind a massive 58 per cent jump in new commercial and industrial developments in the first six months of the Iemma Government. The Sydney Industrial MarketView report states that the City of Cities Plan and the M7 have created a surge of investor confidence. It states:

The Sydney industrial market has continued its stellar performance in 2005. Contributing to the star performance of this sector was the development and opening of the M7 Westlink. The New South Wales Government has also implemented the new metropolitan strategy, City of Cities, which sets out new employment zones.

This stronger activity will continue. MarketView reports that businesses across Sydney are currently planning another 2.27 million square metres of new industrial warehouses in 285 separate projects. That is more than 320 football fields of new industrial and commercial space to come on line by 2008, proof positive that the Iemma Government is getting New South Wales moving.

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

**Ms DIANE BEAMER:** As Minister for Western Sydney I am especially pleased to report that this surge in demand for industrial land growth is in Western Sydney. Two-thirds of all of Sydney's new industrial developments are in Western Sydney; 67 per cent of our commercial industrial growth is in Western Sydney. Coles is building a new high-tech distribution facility at Eastern Creek and is already planning further expansion. Companies such as Alspec, Life's Good, Boyded Holden and Makita led the way into these new employment hubs. Toll Logistics and Woolworths are planning massive distribution centres for Eastern Creek and Erskine Park. The strongest growth of course is along the M7 corridor. The opening of the M7, linking the M2, M4 and M5, has made Western Sydney the obvious choice for business. This independent analysis is a resounding endorsement of the Iemma Government's strong economic and planning performance. Government knows its planning is right when listed property trusts are the biggest land buyers. They want solid, secure investment.

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

**Ms DIANE BEAMER:** Macquarie Goodman, Austral, Investa, Mirvac and ING are all investing in the Eastern Creek and Erskine Park hubs. The City of Cities Plan and the M7 are providing this long-term security. Stuart Ross, Director of Industrial Services, CB Richard Ellis, stated:

The City of Cities strategy has been key to people moving out west—it has given investors confidence in the future ...

It gives everyone certainty and helps companies plan for their growth.

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

**Ms DIANE BEAMER:** As I have said, one of the main drivers of economic confidence is the M7 Westlink, which has been an incredible success. It has been a successful partnership between the New South Wales Government, the Roads and Traffic Authority, the private consortium and the Federal Government. This is one occasion when the Federal Government did pay its fair share—almost! If the Federal Government paid its fair share all the time the success of the M7 would be reflected right across the State. Imagine what we could do in Western Sydney with some of the \$2.5 billion in GST revenue that should be going to New South Wales! It could go to roads, hospitals, schools, police and family services in Western Sydney, where it came from. Where is the Opposition on all of this?

While the Iemma Government is investing \$1.17 billion in Western Sydney infrastructure creating an estimated 200,000 jobs over the next 15 years, the Leader of the Opposition has only one policy for Western Sydney. He is committed to cutting 29,000 jobs across New South Wales. How many jobs would he slash in Western Sydney? On his own figures, he would slash 9,000 jobs in Western Sydney. Some 800 Department of Community Services workers would go, and vital support for our teachers, police and nurses would be lost.

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

**Ms DIANE BEAMER:** Police headquarters in Parramatta would lose more than 450 jobs, and other government offices in this booming central business district would be gutted. While commercial markets say that Western Sydney is booming and full of confidence, a Coalition government would rip out 9,000 jobs, destroying our local economy. But it does not surprise me that the Opposition can come up with only one knee-jerk policy for Western Sydney. Members opposite are not sure who the shadow Minister for Western Sydney is! The Leader of the Opposition says that he is the shadow Minister for Western Sydney. However, on 22 February I received a letter, the title of which stated "Shadow Minister for Western Sydney". The trouble is that the letter was from not the Leader of the Opposition but John Ryan in the upper House, who still thinks he is the shadow Minister for Western Sydney. Between the two of them, they can come up with one policy—slash jobs. We have an economic boom; they want to slash jobs.

Another problem is that the Leader of the Opposition simply cannot add up. Recently he was invited to outline his vision for Western Sydney. I could have told people that they would be disappointed, and they were. As we know, the Opposition has one policy—slash 9,000 jobs—but the Leader of the Opposition has his old hobbyhorse of ripping up government contracts and scrapping the desalination pilot program. The Leader of the Opposition said that he would use the \$120 million he saved to employ 600 extra police, build new police stations across the State, provide hundreds of mental health workers and more funding for nurses, and spend another \$116 million on extra school maintenance.

Employing 600 police is a laudable idea. The cost of that would be \$117 million over two years. With the \$3 million he has left he will fund new police station, provides hundreds of mental health beds and fund more nurses. On top of that, he will find \$116 million out of that \$3 million for school maintenance. It simply does not add up. It is typical—\$22 billion worth of rash promises. He would send this State broke while slashing 29,000 jobs. As the C. B. Richard Ellis report shows, the State's economy is absolutely rock solid. New South Wales is open for business, and is attracting more investment in commercial and industrial land than any other State. The Iemma Government is getting things moving in New South Wales, cutting State taxes, slashing red tape and investing in future infrastructure. One need only look at the figures released today.

**Mr SPEAKER:** Order! It seems that some Opposition members believe the Minister needs musical accompaniment. I am sure she does not. Members who wish to practise their choral skills should do so outside the Chamber. If they do not, they may find themselves outside the Chamber against their wishes.

**Ms DIANE BEAMER:** New figures on employment released today show that New South Wales was the only reason the nation's unemployment rate fell, with the proportion of out of work people in the premier

State down from 5.7 per cent to 5.13 per cent. All other States in Australia either had no change or their unemployment rate rose. New South Wales, with a falling unemployment rate, was the only reason that Australia has seen a fall in unemployment figures across the nation. New South Wales is leading the charge. The Iemma Government is leading the charge, and we look forward to strong commercial growth in Western Sydney in the future.

### **BUS DRIVER DRINK-DRIVING ALLEGATION**

**Mr PETER DEBNAM:** My question is addressed to the Minister for Transport. Will the Minister release the closed-circuit television [CCTV] footage of the drunk bus driver? If not, why not?

**Mr JOHN WATKINS:** Safety is our number one priority.

**Mr SPEAKER:** Order! The Minister has been asked a question. He will be heard in silence and treated with courtesy.

**Mr JOHN WATKINS:** During the year ended 30 June 2005 I am advised that safety incidents on Sydney buses were fewer than two incidents for every one million passenger trips. I am advised that personal security incidents were even lower—fewer than 0.7 incidents for every one million passenger trips.

**Mr Peter Debnam:** Point of order: The point of order is relevance. The incident occurred on 23 December, and he took three hours to test a drunk bus driver.

**Mr SPEAKER:** Order! At this stage I cannot uphold a point of order on relevance. The Minister is providing a perfectly valid response to the question. He is permitted to give a preamble in relation to the specific response he wishes to give. The Minister has the call.

**Mr JOHN WATKINS:** I take issue; it is not a preamble. The Leader of the Opposition asked about safety on buses. I started to give an answer about safety on buses, but he does not want that. He does not like that. He wants to throw out allegations.

**Mr Barry O'Farrell:** Point of order: My point of order relates to relevance and the ruling you have just given. The Leader of the Opposition's question related to CCTV footage for an incident that occurred on 23 December. The Minister's preamble, as you described it, relates to figures up to 30 June last year. Clearly, it is not connected. The Minister said that his remarks were not a preamble; he said they were the substance of his answer. We want an answer to the question.

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

**Mr JOHN WATKINS:** The Deputy Leader of the Opposition did not ask the question of me because the Leader of the Opposition—the viscount from Vacluse—will not allow the majority leader, the Deputy Leader of the Opposition, to ask me a question about transport. Why? Because they do not work together. There has been a falling out between the heavyweights on the other side of the House. Returning to the substance of my answer, I am advised that personal security incidents on Sydney buses are even lower—0.7 incidents for every 100 million passenger trips. However, we are intensely focused on averting or preventing safety incidents on our public transport system. Recently I asked the acting chief executive officer of State Transit to develop immediate and long-term plans for improving safety and response to incidents. It is interesting that members opposite made a wild allegation without substance.

**Mr Barry O'Farrell:** Point of order: My point of order is relevance. The wild accusation comes from State Transit's documents—a freedom of information request that the Minister's office knows about. What is the Minister hiding?

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

**Mr JOHN WATKINS:** Why have members opposite not gone to the Independent Transport Safety and Reliability Regulator, NSW Police or someone else? Because that is not their form. They come into this place and make wild allegations about safety on public transport. It is disgusting.

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

**Mr JOHN WATKINS:** Of course, the matter will be looked into carefully.

## TEACHERS SUPPORT PROGRAMS

**Mr ALAN ASHTON:** My question without notice is addressed to the Minister for Education and Training. What is the Government doing to support new teachers in New South Wales schools?

**Ms CARMEL TEBBUTT:** I thank the honourable member for East Hills for his continued interest in the teaching profession. New South Wales has more than 80,000 permanent and casual teachers working in our school system, catering for 750,000 students in 2,200 schools across the State. It is the largest teaching work force in Australia. We know there is a direct relationship between the quality of teaching and student success at school. That is why the Government has allocated more than \$250 million in the budget for teacher quality and supply over the next four years.

We have many initiatives to attract people to the teaching service and to support them. Our support begins before teachers have even left university with the Graduate Recruitment Program, which targets up to 1,000 outstanding new graduates each year for appointment to government schools. We are making sure we get the best and the brightest. The Graduate Scholarship Program pays for a student's Commonwealth liability plus a \$1,500 per year training allowance for the period of the scholarship. Two hundred new teaching scholarships were awarded for 2005.

Once teachers start employment, we make sure school-based induction programs support them. These programs involve structured supervision, collegiate support, mentoring and professional networking. We have introduced a specific \$5.5 million teacher mentor program. This program supports 58 teacher mentors working with a significant number of new teachers in 90 schools across New South Wales in both metropolitan and rural locations. The Government also recognises the importance of teachers learning throughout their careers. That is why we have invested \$144 million over four years in what is the most comprehensive professional development program ever delivered by the department. Teachers will continue to receive direction and support throughout their careers. That is why the Government established the New South Wales Institute of Teachers.

All beginning teachers in New South Wales are now required to meet standards of qualification and of practice. For the first time, teachers, teacher educators, employers, parents and students will share a common understanding when it comes to quality teaching. The institute has focused on supporting the accreditation of beginning teachers in 2005 and will continue to do so in 2006. In New South Wales we not only attract the best and the brightest, we also support them in their beginning years through a whole range of different initiatives. These initiatives are threatened by the Opposition's policy to slash 29,000 jobs from the public service.

**Mrs Jillian Skinner:** Rubbish!

**Ms CARMEL TEBBUTT:** The honourable member for North Shore says "Rubbish." We know it is not rubbish. The Leader of the Opposition's reckless promise to slash 29,000 public sector positions would have a devastating effect on education in New South Wales. The honourable member for North Shore should tell us from where the job cuts will come. She says they are going to be quarantined to back-office staff. This is a convenient way for the Leader of the Opposition to try to trick parents and teachers that the cuts will not affect individual schools. We know it is not true and so does the community. Education already has one of the leanest head offices of all government agencies. Do not trust my word for that; see what the Productivity Commission said. The Productivity Commission confirmed that New South Wales has the leanest and most efficient schooling system of any State or Territory.

The Opposition's cuts can only mean one thing: Less support for classroom teachers, leaving them to shoulder more responsibility for the day-to-day running of schools. What the Leader of the Opposition claims as backroom staff are those providing essential support to our schools and to our teachers. If those people go, teachers will have to give up more classroom time to do those functions. Who would the Leader of the Opposition allow to remain to do the work? Classroom teachers would have to write their own Higher Schools Certificate, School Certificate and basic skills tests. Who would provide information to parents on the important results their children get in their state-wide assessments? Who would write the syllabus and prepare support material? Who is going to accredit teachers and conduct child protection checks?

The Leader of the Opposition is going to cut 29,000 staff. He should tell us who is going to do these things. Who would make sure our teachers get paid? Who would staff the school offices, those people who talk to parents and who take the money? Who is going to do it? The Opposition's cuts would also threaten the delivery of the department's capital works program, jeopardising more than 1,000 individual projects. But even

things like the Schools Spectacular and the Rock Eisteddfod would go because the so-called back-office staff is not there to do it.

**Mr SPEAKER:** Order! There is far too much conversation in the Chamber. The Minister for Education and Training has the call. Members of the Government will stop calling out to those on the Opposition benches.

**Ms CARMEL TEBBUTT:** All these functions are carried out by people who do not work in classrooms. They are not teachers but they provide essential support to teachers. They allow teachers to do the work we want them to do, which is to teach our children. The Opposition threatens the very structure that supports schools and allows them to function effectively. It is educational vandalism. It will see teachers bogged down in administrative day-to-day work that we do not want teachers to be doing. It is all very well for the Leader of the Opposition to make glib references to backroom staff, but that just shows how out of touch he is. He would not know what is going on in schools. We saw what the Coalition did for education when it was last in government: 2,500 teacher positions abolished; school closures; student strikes, teacher strikes and parent protests. When the Coalition was in government it achieved one thing: It managed to unite everyone in the education sector—that is, unite everyone against the Coalition.

#### **ISOLATED PATIENTS TRANSPORT AND ACCOMMODATION ASSISTANCE SCHEME**

**Ms KATRINA HODGKINSON:** My question is directed to the Premier. Will he explain why cancer sufferers like Trisha Moore, who is Burrinjuck Woman of the Year and is with us in the gallery today, are not entitled to assistance under the New South Wales Isolated Patients Transport and Accommodation Assistance Scheme, when she would be entitled to assistance under the same circumstances if she lived in South Australia, Victoria or Queensland.

**Mr MORRIS IEMMA:** I will refer the honourable member's question to the Minister for Health.

#### **ABORIGINAL COMMUNITIES LOCAL HEROES AWARDS**

**Mr BRYCE GAUDRY:** My question without notice is addressed to the Minister for Aboriginal Affairs. What is the Government doing to recognise the efforts and achievements of people in the Aboriginal community, and related matters?

**Mr MILTON ORKOPOULOS:** Across New South Wales hundreds of Aboriginal communities have benefited from the wisdom, advice and efforts of local Aboriginal people who are providing practical forms of assistance for their people. They are the unsung heroes of Aboriginal communities, quietly going about kicking goals for their people. They are a source of inspiration to many and, most importantly, are positive role models for Aboriginal people. The type of assistance and support provided is broad-ranging and includes grandmothers providing breakfast programs and transport for school kids, free tutoring for school kids, assistance with transport for the elderly and teaching koori kids their traditional languages. In countless other cases these local heroes simply offer advice and support for those doing it tough. These positive role models deserve our support and encouragement.

I can advise the House of a new program to be run by the Department of Aboriginal Affairs that will identify local heroes across the State, formally recognise their efforts and provide practical support for programs that benefit local communities. Community groups, individuals, business organisations and members of Parliament can make nominations for these awards to the Department of Aboriginal Affairs. I encourage everyone to contact my office with details of their nominations.

Following successful assessment of the proposal by the Department of Aboriginal Affairs a framed certificate will be presented. Recipients will also be invited to make submissions to Government for financial support for projects of practical assistance in Aboriginal communities. Recipients will be encouraged to develop their proposals with the endorsement of the local community working party. The local heroes recognition scheme will provide a direct link with Government for local Aboriginal communities, a means of supporting the efforts of local heroes in their communities, and practical support for programs enjoying community support. Under the local heroes recognition initiative, up to \$250,000 will be made available this year to pay tribute to the people and the projects that Aboriginal people want the Government to assist.

I am pleased to announce Ms Sandra Bailey as the first Sydney recipient for the local hero award. Sandra Bailey is a member of the Yorta Yorta nation. Ms Bailey has spent her life working to improve the

health and wellbeing of Aboriginal people. She has been involved in numerous Aboriginal community organisations at local, regional, State and national levels, including involvement with a building program, the Aboriginal elders hostel and an Aboriginal medical service in southern New South Wales. Throughout her career Ms Bailey has helped thousands of Aboriginal people navigate the legal system, and now the health system, in her role as the chief executive officer of the Aboriginal Health and Medical Research Council [AHMRC] of New South Wales, which is the peak body for Aboriginal health in New South Wales.

One of the major projects Ms Bailey and the AHMRC are involved in is the development of an Aboriginal health college and a coalition with the Sax Institute to support research to improve Aboriginal health. Heroes like Sandra Bailey are the backbone of many Aboriginal communities across New South Wales. These men and women see something that needs to be done in their community and actually make it happen. I commend their efforts to the House. The value local heroes add to their communities is significant and unquestionable. However, I am concerned about what would happen to these heroes, to the positive role models in the Aboriginal community, under the slash-and-burn regime proposed by the Leader of the Opposition. What is the scenario that Aboriginal communities can look forward to under that miserable lot opposite? Take the Government's Aboriginal Communities Development Program [ACDP]. So far it has employed and trained more than 200 apprentices across regional and rural New South Wales. Under those opposite it would be gone. It has built more than 100 new houses. Under the grand plan of the Leader of the Opposition it would be gone—no more houses.

**Mr Brad Hazzard:** Point of order: It would not be gone. That is a juvenile lie. The Minister is politicising Aboriginal issues that have been bipartisan for nine years.

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

**Mr MILTON ORKOPOULOS:** I do not know why the honourable member for Wakehurst is supporting the Leader of the Opposition; he would have voted against him in any leadership ballot. The ACDP has provided sewerage systems and running water to remote communities through 61 schemes. What is to become of these basic services under that miserable, tawdry lot opposite? We all know that the Leader of the Opposition has trouble with his abacus—he should stop playing with it—but surely even he can see that sacking 29,000 people from the public service to fund his \$22 billion in promises to every interest group he meets would be detrimental to the health, well-being and future employment prospects of Aboriginal people. What would happen to the breakfast programs, the school buses, the education assistants in rural and regional New South Wales and the after-school care in a world where the Leader of the Opposition has decided by himself that they are not financially viable? They will be gone.

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

**Mr MILTON ORKOPOULOS:** I recently visited Moree, a place where the Leader of the Opposition would not even dream of going, and met 30 children who are provided with breakfast and a lift to school.

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

**Mr MILTON ORKOPOULOS:** These programs ensure Aboriginal children go to school with a full stomach so that they can concentrate and learn. What would happen to these children and the grandmothers that provide this program under the regime of the Leader of the Opposition? What would these cuts mean to the future of the Department of Aboriginal Affairs? How many of the 29,000 public servants he has targeted will come from the Department of Aboriginal Affairs? I call on the Leader of the Opposition to state his intentions on the future of the department and the work it does for Aboriginal people. I challenge him to deny that he is going to abolish it. Through the provision of public services that those opposite would slash and burn this Government has produced real improvements—

**Mr Brad Hazzard:** Point of order: He has just asked a question. I answer by saying: No, sir, we have no intention of doing any of the things you are talking about.

**Mr SPEAKER:** Order! The Minister is already answering a question.

**Mr MILTON ORKOPOULOS:** I notice that the supporters of the Leader of the Opposition in the change of leadership are not protecting him but the people who opposed him are protecting him. It is really strange. The war must be on in the Liberal Party. We are working hard to find practical solutions to the issues

facing Aboriginal communities, practical solutions, solutions that do not cost that much money but that will be vulnerable to slash-and-burn policies of the Leader of the Opposition. Many of the 29,000 public servants that the Leader of the Opposition targeted for attack will come from my department. The Iemma Government's Two Ways Together Program has screened more than 14,000 Aboriginal children for otitis media or middle ear infection, provided scholarships for 160 Aboriginal students, improved 88 houses through Housing for Health, assisted in the employment of Aboriginal registered nurses and created six community justice groups.

A key role of government, apparently missed by the Leader of the Opposition, is the provision of services to those that need them most—a concept lost to this new-style Liberal Party and completely bereft in what is left of The Nationals in this Chamber. It is a role that this Government will continue to play, as opposed to the slash-and-burn policies of the Leader of the Opposition. I again ask the Leader of the Opposition to deny that he is going to abolish the Department of Aboriginal Affairs and sack thousands and thousands of public servants across New South Wales. I cannot understand how the small "l" liberals in this Chamber, who largely support Barry O'Farrell, the majority leader of the Liberal Party—

**Mr SPEAKER:** Order! The Minister will refer to the Deputy Leader of the Opposition by his proper title.

**Mr MILTON ORKOPOULOS:** —are not standing up to the extremist policies of the Leader of the Opposition, who stands for such narrow slash-and-burn tactics, miserable tactics of taking bus rides off schoolchildren and stopping grandparents providing breakfast to children before they go to school.

**Mr Andrew Tink:** Point of order: There is only one relevant leadership question in Australia today, as depicted by this cartoon.

**Mr SPEAKER:** Order! The honourable member for Epping has lost the plot again. He will resume his seat.

*[Interruption]*

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

*[Interruption]*

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

**Mr MILTON ORKOPOULOS:** I think I have answered the question more than adequately. I reiterate: This Government will not stand by and will oppose at every turn the attempts by The Nationals and the Liberal Party in this State to hoodwink the people by telling them that slashing 29,000 public service positions will not affect front-line services, rural and regional New South Wales, and the most vulnerable people in this State, the Aboriginal people.

#### NEW ENGLAND REGION EMPLOYMENT AND INVESTMENT

**Mr RICHARD TORBAY:** I direct my question to the Minister for Regional Development. What action has the Government taken to ensure that regional towns and businesses in the New England-North West continue to grow?

**Mr DAVID CAMPBELL:** I thank the honourable member for his question. There was a chorus—

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

**Mr DAVID CAMPBELL:** —from the Government benches because the real opposition asked a question. At last a question has been asked in this place—

**Mr Andrew Stoner:** Point of order: My point of order relates to the standing orders governing questions without notice. This is supposed to be a question without notice, but the Minister has pulled the answer straight out of his folder. It is a dorothy dixer.

**Mr SPEAKER:** Order! I presume the Minister is well prepared for all answers.

**Mr DAVID CAMPBELL:** As I said, at last we have been asked a question—

**Mr Andrew Tink:** Point of order: The Premier has a note. We have a note and it says, "Morrie, sorry I can't help you with Bracks."

**Mr SPEAKER:** Order! The honourable member for Epping has left his run a little late today. It seems he is trying to make up for lost time. I call him to order for the third time.

**Mr DAVID CAMPBELL:** As I said, at last we are getting a question from the other side of the House about country and regional New South Wales. Country Labor usually does that. The Independents, who represent those former Nationals seats, do it, but we do not get it from the Leader of The Nationals. He is not allowed to do that. The honourable member for Vacluse will not allow the Leader of The Nationals to ask a question about country or regional New South Wales. The honourable member for Northern Tablelands has been tireless in his efforts to ensure his community continues to grow and thrive. That is exactly what the Iemma Government is doing as well.

This Government is working hard to keep regional New South Wales moving, growing businesses and creating jobs, unlike the Opposition, which is out of touch with country communities. We all know that the Coalition has no plans for the future for country New South Wales. Unlike the Opposition, the Iemma Government is hard at work ensuring that regional New South Wales continues to be a powerhouse in our economy. The New South Wales Government is investing in the future of country towns, cities and businesses. Its practical and effective Community Economic Development Programs, such as the Main Street/Small Towns Program and the Towns and Villages Futures Program, ensure regional communities plan for their future. Last year, 74 regional communities were helped by these State Government programs. During the same period, 39 projects previously funded under these programs were completed. In fact, for every dollar of New South Wales assistance, country communities leveraged \$7 from elsewhere. The funding helped to employ co-ordinators and economic officers and supported community events, planning, business, tourism development and marketing projects.

To encourage and foster this important work statewide, the New South Wales Government holds the annual three-day Community Economic Development Conference in a regional location. Honourable members will be interested to know that this year's conference will be held in Inverell, in the seat of Northern Tablelands, from 29 to 31 October. That is a major win for the Inverell community and local businesses. It is anticipated that it will inject \$80,000 into the local economy. Hosting this conference will give the Inverell community the opportunity to showcase its efforts at community economic development and growth. The event attracts community economic practitioners, council representatives, community organisations, universities and tourism and business groups. Previously this event has been held in Thredbo and Batemans Bay. The Community Economic Development Conference is just one way in which the New South Wales Government is building strong futures for country communities.

Our regional communities are open for business with the support of the Iemma Government. Towns like Tumbarumba, Griffith, West Wyalong, Forbes, Merriwa, Scone, Wellington, Gloucester and others are experiencing unprecedented growth. As a result, they need residential housing and industrial development to meet the needs of their growing work forces. That is why the Government has stepped in by bringing Sydney investors directly to these towns. It is yet another example of the practical assistance being provided by this Government as an investment in the future of regional communities. The Government's highly successful Building Regional Towns Tour has been injecting millions of dollars of private sector funds directly into country towns.

**Mr Ian Armstrong:** Point of order: The Minister says the Government is helping West Wyalong. Why is it closing down the RTA office?

**Mr SPEAKER:** Order! That is a question, and the Minister has not completed his response. There is no point of order.

**Mr DAVID CAMPBELL:** I find it absolutely amazing that the honourable member for Lachlan would interject on my advice to the House about the Government's Building Regional Towns Tour. He was in West Wyalong with me when I took investors from Sydney.

**Mr Ian Armstrong:** It was Burcher!

**Mr DAVID CAMPBELL:** It was Burcher a fortnight ago, but West Wyalong 18 months ago. The honourable member was there at the event when we took investors from Sydney.

**Mr SPEAKER:** Order! The Minister will not respond to interjections.

**Mr DAVID CAMPBELL:** Last November, a team of investors from Sydney went to Nambucca. Honourable members will be very interested to know that as a result of that New South Wales Government initiative there is an expectation of \$11 million worth of investment under negotiation with the private sector. The Community Economic Development Conference for Inverell and the Building Region Towns Tour to places like Nambucca and Wellington, following on the success in West Wyalong a couple of years ago, also add to the strengths of regional economies because of the policies implemented by the Lemma Government.

### ADOPTION SERVICES REFORM

**Ms MARIANNE SALIBA:** I direct my question to the Minister for Community Services. What is the latest information on the Government's plans to reform adoption services in New South Wales?

**Ms REBA MEAGHER:** I thank the honourable member for her question and her ongoing interest in community services related matters. A home and a family is something that most children take for granted, and that is exactly how it should be. It is every child's right. However, for many children living in foster care a permanent home and family are just a dream. Of the 10,000 children in out-of-home care in New South Wales, many will eventually be able to return home when the problem in their family has been resolved. But for many foster children there is no possibility of ever returning to their families because the problems are too deep-seated. For others, there is no family to return to because their parents have died and they have no other relatives.

Whatever the case, these children need permanency. They need a secure and lasting home. For them, adoption may be the only answer and the only way they will have real certainty and a real future. That is why today we are appealing to the families of New South Wales to consider adoption. I am pleased to announce that the Department of Community Services has recently updated its information for prospective adoptive parents. The latest edition of "Considering Adoption" has just been published. It provides important information for people looking at becoming adoptive parents. In addition, the department has also updated its adoption newsletter, which provides the latest information to answer questions people may have about the adoption process. Adopting a child from out-of-home care can be tough. Many of these children have suffered abuse and neglect—

[Interruption]

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

**Ms REBA MEAGHER:** —and they adopt acting-out behaviours to cope with the trauma they have experienced. But they all deserve a second chance, and the chance lies in having a place they can call home for good rather than being shunted between foster homes and institutions all their young lives.

In appealing for more families to adopt, it is also incumbent upon the Government to make sure our procedures are as simple and as straightforward as possible. Parents who want to open their hearts and homes to a child should not have to weave their way through a bureaucratic maze. That is why the Government is intent upon improving adoption services in New South Wales. In particular, it is our aim to eliminate any unnecessary intervention by the Department of Community Services to ensure that adoption can be completed as quickly and efficiently as possible. I am therefore pleased to advise the House that the Government has commenced a review of the Adoption Act 2000, which will provide a platform for the next generation of reforms to the adoption system. Today I can foreshadow some of the improvements that will be pursued during the review process.

The Government has been seeking to expand the range of adoption service providers in New South Wales so that adoptive parents have a choice of working with the Department of Community Services or with a non-government organisation. A new regulation enabling non-government agencies to be accredited to provide both local and inter-country adoption services came into effect last year. There are already three non-government organisations that provide local adoption services. Our new agenda will focus on finding early permanent placements for those children where restoration to birth parents is not likely to be in their best interests.

Last year there were only 45 adoptions through the out-of-home care system in New South Wales. There needs to be a good hard look at the system to see where we can improve. We should ensure that carers who have a close and solid bond with a child in care can adopt easily where this is the desired outcome for the child and the carer. We also want to ensure that there is an efficient system for matching children in care with suitable families from the register of adoptive parents. Another initiative is the recently commenced permanency planning demonstration project. This program involves the Department of Community Services and non-government service providers and focuses on ensuring early and more effective decisions are made for children less than two years of age entering the care and protection system.

If restoration to the birth parents is not realistic or in the child's best interests, alternative long-term arrangements, such as adoption, need to be considered as early as possible. Too often children go from pillar to post, with failed attempts at restoration with birth parents, unplanned multiple placements and drift in the care system. That sort of instability is bad for children and we owe it to them to do better. These sorts of issues will need to be canvassed in the review of the Adoption Act, and I will shortly release an issues paper and invite submissions on the issues and options for reform. The paper will be circulated to key stakeholders as well as be available to the public. Our focus throughout this process is clear: we want children in care to have permanency and stability. That means crafting an adoption system that serves families and children more effectively; above all, it means more families opening their homes and their arms to children in care. Once again, I appeal to the generosity of New South Wales families so these kids can have a second chance.

### **BUS DRIVER DRINK-DRIVING ALLEGATION**

**Mr JOHN WATKINS:** Regarding questions in relation to buses that were asked earlier in question time, I am advised by State Transit that the Opposition is referring to a matter that is still under investigation. I am advised that an incident occurred in Newcastle just before Christmas last year. As a result, a State Transit Authority [STA] driver was interviewed by police and STA officials after that incident. I am advised that this driver at the time had been subject to an intensely serious family situation that I will not divulge at this time, but it is one of the most distressing cases I have ever come across as Minister.

After being taken off duty following the incident, the driver was placed in psychiatric care. As a result, the disciplinary, and possible criminal, proceedings pending from the incident have not been completed. It is also one of the reasons why any request for video footage would so far have only been granted to police or safety officials. What I would like to know is whether members of the Opposition were aware of the personal circumstances of this particular driver before they raised this matter in this House.

**Mr Barry O'Farrell:** Point of order: The Minister has asked me a question. Was he aware that a driver with those problems was driving public passengers? The Minister has not explained the three-hour wait for the test.

**Mr SPEAKER:** Order! The Deputy Leader of the Opposition well knows that there is an appropriate way to respond to the Minister's remarks, if a response is needed.

**Mr Barry O'Farrell:** He has not explained the three-hour wait for the test.

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

[Interruption]

**Mr SPEAKER:** Order! The Minister for Aboriginal Affairs will come to order. The Deputy Leader of the Opposition will resume his seat.

**Mr Barry O'Farrell:** This raises more questions than answers.

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

**Mr Barry O'Farrell:** Questions about the competency of drivers—

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

**Mr JOHN WATKINS:** The question remains: Were members of the Opposition aware of the personal circumstances of this case before they brought it to the House? If they were aware of the personal circumstances, their behaviour today has been reprehensible. If they were not aware, they should take more care.

**Mr SPEAKER:** Order! Members of the Government will come to order.

**Mr JOHN WATKINS:** But what did they know? The Leader of The Opposition suggested here today that closed-circuit television had been refused because of industrial unrest or because it would prejudice further industrial relations. In fact, the response that the Leader of the Opposition received from State Transit lists eight reasons why material it sought was not provided to the Leader of the Opposition. An investigation began immediately the incident was reported to police. It is still ongoing. The driver is not driving and all appropriate and correct action will be taken.

**Mr Barry O'Farrell:** Point of order: My point of order is very clear: Reason 3 is exactly as the Leader of the Opposition stated. The Government does not want to upset the unions.

**Mr SPEAKER:** Order! There is no point of order. The Minister has completed his reply.

**Questions without notice concluded.**

## **DEATH OF HARRY SEIDLER, OA**

### **Ministerial Statement**

**Mr FRANK SARTOR** (Rockdale—Minister for Planning, Minister for Redfern Waterloo, Minister for Science and Medical Research, and Minister Assisting the Minister for Health (Cancer)) [3.27 p.m.]: It is with regret that I inform the House of the death of Harry Seidler this morning. I extend sincere condolences to Penelope Seidler and Mr Seidler's family. There is no doubt Harry Seidler was one of Australia's most outstanding architects. He brought innovation to both housing and larger scale buildings. In Sydney we know him for Australia Square, Grosvenor Place, the Horizon apartments and many other buildings.

His influence, however, did reach much further and he can be credited with iconic buildings in virtually every Australian city. His major impact was when he first arrived in Australia. Rose Seidler House at Wahroonga, built in 1948, was one of the most important inputs of modernism in Australia. This building has had a significant influence on Australian architecture. Harry Seidler's awards and honours are far too numerous to list today. However, I would like to provide the House with a selection of his accomplishments.

Harry Seidler was an honorary fellow of both the American Institute of Architects and the Royal Institute of British Architects, with the latter awarding him its highest honour: the Royal Gold Medal in 1996. He was a life fellow of the Royal Australian Institute of Architects [RAIA] and received more than 50 awards for his work over the years, including five Sulman medals and the Gold Medal of the RAIA in 1976. He was awarded the Order of the British Empire in 1972, and Australia's highest honour, the Companion of the Order of Australia, in 1987. He was elected member of the Académie d'Architecture de France in 1982 and was awarded Austria's highest honour, the Cross of Honour for Arts and Sciences, First Class, in 1995, and the Gold Medal of the City of Vienna in 1989. He has received honorary doctorates from the University of Manitoba, Canada, the University of Technology, Sydney, the University of New South Wales and the University of Sydney, as well as the Golden Decoration for Services to the Viennese State.

Harry Seidler also taught and lectured extensively all over the world. He was Visiting Professor at the Graduate School of Design at Harvard from 1976 to 1977, Thomas Jefferson Professor at the University of Virginia in 1978, and lectured at E. T. H. Zürich in 1993 as well as lecturing at many Australian universities. He was also Adjunct Professor of Architecture at the University of Sydney and a member of the visiting committee of Harvard University Graduate School of Management.

I personally had many dealings with Harry Seidler in my time as Lord Mayor of Sydney. I also had the honour and privilege of serving on a jury that awarded him the winning design for the Ultimo Swimming Pool, now to become known as the Ian Thorpe Swimming Pool. He was a person of passion, a person who generated controversy, but a person who made his mark on the skyline of our city and that of other Australian cities, and indeed who made his mark on architecture and urban living throughout the world.

**Mrs JILLIAN SKINNER** (North Shore) [3.30 p.m.]: On behalf of the Coalition I express our sympathy to Penelope Seidler at the death of her husband, Harry, who was a resident of my electorate. The Minister has very ably described a very illustrious career of an architect who I think everyone in Australia would well know. I point out that the last time I saw Harry Seidler, and indeed Penelope, was at one of the very

many committee meetings held to condemn the Labor Government on its over-development of Luna Park. The Seidler family were talking about how stressed they were about the over-development of Luna Park and how the Government ignored its wishes in relation to the preservation of that site. I again express the Coalition's condolences and let Penelope Seidler know that we will continue the fight that Harry was so passionate about.

### **SPECIAL ADJOURNMENT**

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

That the House at its rising this day do adjourn until Tuesday 28 March 2006 at 2.15 p.m.

### **BUSINESS OF THE HOUSE**

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

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

That standing and sessional orders be suspended to permit:

- (1) business before the House to be interrupted immediately upon receipt of a message from the Legislative Council returning the Industrial Relations Amendment Bill and cognate bill with any amendments;
- (2) the resumption of the interrupted business following consideration of any Legislative Council amendments to these bills; and
- (3) in the event that a message is not received prior to the conclusion of private members' statements, the Speaker shall leave the chair until the ringing of one long bell, and following the conclusion of consideration of any Legislative Council amendments to these bills, the House shall adjourn without motion being put.

### **FIREARMS AMENDMENT (GOOD BEHAVIOUR BONDS) BILL**

#### **Bill received and read a first time.**

### **CONSIDERATION OF URGENT MOTIONS**

#### **Federal Government Industrial Relations Legislation**

**Ms KRISTINA KENEALLY** (Heffron) [3.33 p.m.]: This matter is urgent because the rights of workers are under attack by the Howard Government's WorkChoices industrial relations system. WorkChoices is a direct attack on the working conditions and living standards of ordinary Australians. WorkChoices is really no choices and no protection, and will only produce confusion and complexity for both employers and employees. Up till now the Opposition has supported WorkChoices and its attack on the lives of people in New South Wales. This motion is urgent because this is the day the Opposition can decide whether it stands with us in standing up for New South Wales workers or whether it stands with John Howard and his destructive industrial relations system.

This matter is urgent because we expect today the New South Wales Government's legislation, the Industrial Relations Amendment Bill and the Public Sector Employment Legislation Amendment Bill, to protect front-line workers in this State, will come back to the Legislative Assembly from the other place. It will be time for the Opposition to say where it stands. Does it stand with the front-line workers in New South Wales or does it kowtow to Howard and Heffernan in Canberra? This matter is urgent because this morning the New South Wales Government took its challenge to the WorkChoices legislation before the High Court. The matter has been set down for 4 May and the New South Wales Government will take the lead submission in the case. Today is the day the Opposition can tell the people if it will stand with the Iemma Government and challenge the legislation or if it will stand with Howard and the WorkChoices attack on the people of New South Wales.

This matter is urgent because the people of New South Wales need to know if the member for Vacluse's latest policy reversal on industrial relations is genuine. The High Court challenge is about to start, the WorkChoices system is looming. Today we hear reports that the member for Vacluse will support the industrial relations legislation that will shield New South Wales front-line workers. The question is: will the member for Vacluse join with the Iemma Government, stand up for the rights of all workers in New South Wales, completely reject the Howard Government's WorkChoices package and support our High Court challenge?

**Holsworthy Army Barracks Asbestos Contamination**

**Mr ANDREW HUMPHERSON** (Davidson) [3.36 p.m.]: I urge members of the House to support the following urgent motion:

That this House condemns the Iemma Government for withholding information on asbestos risks for six months and allowing firefighters, media and officials to be exposed to asbestos at the Holsworthy training site.

There could be nothing more urgent than to consider the impact on over 700 emergency services personnel who were exposed at least six months ago to asbestos. This Government knew about the asbestos at least six months ago and did nothing about it. It did not address the risk and it did not even tell those personnel and their families that their health had been compromised. Nothing could be more urgent than that.

This Government failed completely in its duty of care. It was completely negligent in failing to ensure that it protected and preserved the interests of those personnel. There is a whole range of questions which the Government has failed to respond to or explain over the past 48 hours. Many people have been exposed to the risk of asbestos at the Holsworthy site and the Government has hidden behind some brief statements that said, among other things, the level of risk was minimal and that the matter was being investigated. We know this site has been used for 18 months. Clearly insufficient checks and tests were done before training commenced at the site. We do not know exactly when concerns were first raised but it must have been early in that period. Why was action not taken earlier? Why were reports not called for earlier?

**Mr Tony Stewart:** Point of order: the member is putting forward a substantive argument. In contradiction of the standing orders, he is not arguing the merits of urgency. I request that you ask him to argue urgency and not a substantive debate on the issue. This is not the time for it.

**Mr SPEAKER:** Order! The honourable member for Davidson well knows the standing orders. I draw his attention to them.

**Mr ANDREW HUMPHERSON:** I would refer to the member opposite as a halfwit but I would exaggerate.

**Mr SPEAKER:** Order! The honourable member for Davidson also knows that his language is unparliamentary.

**Mr ANDREW HUMPHERSON:** There can be nothing more urgent than to discuss the failure of this Government to protect the health interests of over 700 personnel and their families. Everybody knows the risk that asbestos poses and that there is an enormously long incubation period before anyone knows that they have been affected. Those volunteers who trained at Holsworthy and their families will not know for sure if they have been affected by asbestos for 10, 20 or 30 years. The Government has not even had the decency to apologise.

**Mr Tony Stewart:** Point of order: I do not wish to argue the cognitive skills of the honourable member for Davidson, but he must argue why his motion is urgent; he must not debate the substantive motion. I remind the honourable member that he is in contravention of the standing orders.

**Mr SPEAKER:** Order! Once again I draw the attention of the honourable member for Davidson to the standing orders of the House and ask him to comply with them.

**Mr ANDREW HUMPHERSON:** There is nothing more urgent than for this House to debate the issue and ensure that the Government comes clean on everything it knew, not just when reports were received but when various senior personnel were given verbal advice and why action was not taken earlier. Why was advice not given to those personnel six months ago? Why was action not taken to ensure that nobody accessed the site? Why was remediation work not carried out at a much earlier stage? All these questions should be answered today. People are entitled to answers because they and their families have been affected. They are entitled to be given more information than they have received so far. It is not good enough to say that there is an ongoing investigation. These issues should have been addressed much earlier. It is not good enough for the Premier, Ministers or senior personnel to say that they were not told. They have a duty of care to ensure appropriate procedures are in place to ensure that they are advised when such matters occur. Failure to do so means they have failed in their obligations. No matter could be more urgent than the health and welfare of those personnel. [Time expired.]

**Mr Andrew Fraser:** Point of order: I draw your attention, and that of the House to Standing Order No. 120. I raised this matter with you yesterday, at your chair. Standing Order No. 120 (4) (a) states:

The Members giving the notices shall each be permitted to make statements of up to 5 minutes so the House may establish the priority of such matters.

Nothing in the standing order refers to urgency. Both motions are for urgent consideration. According to the standing orders of the House, honourable members are not required to establish the urgency of the motion; they are required to establish priority. It is laughable that Government members regularly ask us to decide whether a motion is urgent. It is not about urgency. The standing orders clearly state "priority" not "urgency". Mr Speaker, you accepted both motions prior to question time as urgent motions. Government members waste Opposition members' speaking time. On every occasion that we argue priority, Government members take spurious points of order about urgency. Mr Speaker, I ask you to make a ruling as to whether this standing order is to be accepted as read—that is, as "priority"—and not accepted the way Government members put it on every possible occasion to prevent Opposition members from putting forward a case as to why their matter should receive priority. Both matters are urgent motions. I ask you to make a clear, definitive ruling to stop time-wasters on the Government side taking points of order on matters that we consider should be given priority.

**Mr SPEAKER:** Order! I have listened intently to the remarks of the honourable member for Coffs Harbour. I will consult with the Clerks and make a deliberative ruling. However, I do not believe that the point of order affects the debate that has just taken place.

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

**The House divided.**

**Ayes, 53**

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

**Noes, 37**

|                |               |                 |
|----------------|---------------|-----------------|
| 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   | Mr Merton     | Mr Tink         |
| Mr Debnam      | Ms Moore      | Mr Torbay       |
| Mr Draper      | Mr Oakeshott  | Mr J. H. Turner |
| Mrs Fardell    | Mr Page       | Mr R. W. Turner |
| Mr Fraser      | Mr Piccoli    | <i>Tellers,</i> |
| Mrs Hancock    | Mr Pringle    | Mr George       |
| Mr Hartcher    | Mr Richardson | Mr Maguire      |
| Mr Hazzard     | Mr Roberts    |                 |

**Question resolved in the affirmative.**

**FEDERAL GOVERNMENT INDUSTRIAL RELATIONS LEGISLATION****Urgent Motion**

**Ms KRISTINA KENEALLY** (Heffron) [3.54 p.m.]: I move:

That this House:

- (1) notes the Leader of the Opposition has been hauled into line by his party and abandoned his stance on industrial relations; and
- (2) calls on the Leader of the Opposition to join the Iemma Government, stand up for the rights of all New South Wales workers and completely reject the Howard Government's WorkChoices package.

The Leader of the Opposition wants us to remember that there are two sides to the industrial relations issue, and he agrees with both of them! He cannot decide what position to take when it comes to industrial relations and protecting the rights of workers in New South Wales. He supported the Howard Government's WorkChoices legislation. On 4 November 2005 he told the *Sydney Morning Herald* that it was the Coalition's policy to hand over the New South Wales industrial relations system to the Federal Government. He refused to protect the rights of low-paid and vulnerable workers to penalty rates, overtime rates, carers leave and parental leave. His position was to abandon New South Wales workers to the harsh realities of WorkChoices.

Then the Leader of the Opposition did not have a policy or position. When the Iemma Government launched its High Court challenge to the WorkChoices legislation the Leader of the Opposition—Flip-flop Pete—did not have a position. He was a deer in the headlights; he was frozen, unable to decide which way to go. He told the ABC, "The Premier hasn't briefed me on the High Court challenge so I'll come back to that one." Good grief! Does he really need a briefing to decide whether to follow his policy of handing over the New South Wales industrial relations system to Canberra? The ABC journalist tried again: "It's a matter of principle. It's been talked about for a while. They're now launching a High Court challenge." On that occasion the Leader of the Opposition demonstrated a remarkable ability to cram three positions into one short sentence. His answer was, "Yes, no, I've got no comment on that." Three positions in one sentence! Well done!

Yesterday when the Leader of the Opposition was asked whether he supported the Iemma Government's legislation to protect front-line workers in New South Wales he said, "We're having a look at that and we'll come back to you later on it." Staying on the fence, unsure which way to jump, lacking a decision—that is what we get from the Leader of the Opposition. Suddenly he wants us to believe that he supports the Iemma Government's legislation to protect New South Wales front-line workers from the WorkChoices legislation. Today the Office of the Leader of the Opposition confirmed—if the media reports are right—that Flip-flop Peter has done it again. Today the Leader of the Opposition has again changed his mind on industrial relations. [*Quorum formed.*]

As I was saying, today we find the Leader of the Opposition has changed his mind again on industrial relations. In a clear and opportunistic reversal of policy, the Leader of the Opposition says he will support our legislation to protect front-line workers. It is a welcome move, but perhaps too opportunistic to be believed. Faced with the reality that Howard's WorkChoices legislation stinks—and the people of New South Wales can smell it—Flip-flop Pete made a desperate lunge for popularity and wants us to believe he supports front-line workers in New South Wales. It is not clear whether that support extends to the 29,000 whose jobs he wants to cut, but he is trying to have us believe that the position he has taken today is his position—not the one held last week and not the one held in November, but the one he has today. It probably is his position today, until John Howard rings tonight and tells him otherwise. Rest assured, just as John Howard pulled Nick Minchin's strings today—he let the cat out of the bag about phase two of the WorkChoices legislation—he will pull the Leader of the Opposition's strings tomorrow and pull him back into line.

The people of New South Wales know this. We know that the Leader of the Opposition has not yet stood up for New South Wales. He will not stand up for our fair share of the GST, because his political masters in Canberra will not let him. The position he takes today probably will not hold either. We know this because we know his pattern of indecision. We know the minute Howard gets to the Leader of the Opposition his policy will change again. It is clear his own side believes this to be true. Today in the *Australian* we learned that his critics—inside the Coalition it seems—have begun voicing serious concerns about how the Leader of the Opposition is conducting Opposition policy on industrial relations. They say it is in total disarray, and while the Iemma Government has sent a strong and clear message supporting all workers in New South Wales, the Leader of the Opposition has taken three different positions in six months, including "Yes", "No", and "I do not have a comment on that".

In New South Wales there are two positions on industrial relations. There is the Government's position, strong and clear, supporting New South Wales workers with a High Court challenge against Howard's WorkChoices system, and introducing legislation to protect 185,000 front-line workers—teachers, nurses, bus drivers and ambulance officers. In the gallery today are workers from Qantas, who are here with the Australian Manufacturing Workers Union. They are happy about the Iemma Government's challenge to the WorkChoices legislation. They work for a company whose chief executive officer has indicated his eagerness to use the WorkChoices legislation. The workers from Qantas in my electorate would like to know where Flip-flop Pete stands on industrial relations.

The other position on industrial relations is the position of the day held by the Leader of the Opposition. He can show the people of New South Wales what his position is. Today he can support the Iemma Government's legislation and he can support the High Court challenge to the WorkChoices legislation. This is a test of the Leader of the Opposition's loyalty. Will he stand up for the workers of New South Wales or will he cave in to his political masters in Canberra? Will he support the Government's challenge to the WorkChoices legislation, or will he have a bet each way? Leadership is about making tough and principled decisions. It is not about making policy based on the last interest group you spoke to. The Leader of the Opposition should stand up for New South Wales and get behind the workers of this State. He should support the High Court challenge. If he does not, the people of New South Wales will know that his support for the legislation today is nothing more than an opportunistic grab from a flip-flop leader seeking short-term popularity. The workers of New South Wales deserve better than that. They deserve strong support, strong leadership and a strong voice to challenge the WorkChoices legislation. That is what this Government is going to do.

**Mr PETER DEBNAM** (Vaucluse—Leader of the Opposition) [4.04 p.m.]: As we announced last year, we will legislate to refer a majority of our industrial relations powers to the Commonwealth Government if we are elected to government next year.

**Mr John Bartlett:** That is what we want, in concrete.

**Mr PETER DEBNAM:** The honourable member for Port Stephens will not be here. He will not even be the endorsed Labor candidate for Port Stephens. There is no doubt that a nationally co-ordinated, uniform system of industrial relations is vital, as well as the referral of industrial relations powers on terms to protect the rights and entitlements of employees. We will refer a majority of industrial relations powers to the Commonwealth but we will retain some powers, including those covering State employees. Labor opposes referral of the powers to the Commonwealth simply because the militant union movement opposes it. It is the same unions that gave and will give Labor millions of dollars at every election.

The unions gave Labor more than \$12 million in campaign donations for the last two State election campaigns. So far they have given New South Wales Labor \$2 million to fight the next campaign. This is all about union donations, instead of standing up for workers who are losing their jobs because of the economic conditions in New South Wales. That is the issue here—Labor's 11 years of economic vandalism and refusal to embrace reform. That is why in the past few weeks a brochure has gone out recognising 10 years of the Howard Government. That brochure says "Strong direction, mainstream values." That is what the Prime Minister has delivered to New South Wales as well as the rest of Australia over the past 10 years. That is in stark contrast to what Labor has delivered with 11 years of economic vandalism. Let me tell the House some of the benefits John Howard has delivered and Labor has tried to take away. This brochure states:

By working with the community over the past ten years, a lot has been achieved for Australia. Our country has become stronger, more prosperous and more secure as a result of the focus, discipline and experienced hard work of the Howard Government—

which Labor has tried to undo. The brochure goes on to say:

The often difficult decisions taken by the Government—

which Labor never takes—

have been based on a clear set of deeply held values and principles. These include—

**Mr Alan Ashton:** Point of order: The Leader of the Opposition has been a member of this place long enough—and he will remain in that position a little longer—to know he should not be just reading from a document. He is supposed to speak extemporaneously and not just read from copious notes.

**Mr ACTING-SPEAKER (Mr Paul Lynch):** Order! I am sure the Leader of the Opposition is referring to the document only in passing. He may continue.

**Mr PETER DEBNAM:** I will talk about the values that members on the Government side do not want to hear about. The first is encouraging and rewarding hard work. Never in their life have they done that. They are just a bunch of union hacks. That is how they found their way in here. The second value is focused and disciplined economic management. Let us look at what Labor has done in New South Wales in the past 11 years. Let us look at the growth rate in this State. I refer to the figures that came out in December—New South Wales had 2 per cent growth. However, South Australia had 2.9 per cent, Victoria had 3.3 per cent and Tasmania—a really strong State—had 5.2 per cent. I repeat: New South Wales had 2 per cent.

**Mr ACTING-SPEAKER (Mr Paul Lynch):** Order! Government members will come to order.

**Mr PETER DEBNAM:** The third point was strong and decisive action on important national issues. Labor has not been strong one day in 11 years. It went with whatever the headline for tomorrow was. Labor rorted the institution of Parliament by bringing in whatever motion would get a headline. Labor did not care what it was doing for the workers of New South Wales. It was only under the Howard Government that workers saw a substantial increase in real wages. Compare the growth in real wages under John Howard to the growth under this Government's Labor mates—Paul Keating and Bob Hawke. Labor did not achieve a thing for the workers of New South Wales in that time. John Howard has. This Government is a disgrace. The fourth point states that support for families is the cornerstone of our society. Families is something Government members do not talk about. The fifth point relates to protecting our national security. Look at what happened from 11 to 14 December last year—the worst breakdown of law and order in New South Wales in 100 years, as opposed to John Howard protecting our national security and Australia's standing up behind him, but with Labor undermining him.

**Ms Kristina Keneally:** Point of order: I ask you to bring the Leader of the Opposition back to the matter before the House. He is straying into areas that have nothing to do with the motion. The motion is on WorkChoices legislation and the Iemma Government's High Court challenge. I ask you to bring the Leader of the Opposition back to the substance of the motion.

**Mr ACTING-SPEAKER (Mr Paul Lynch):** Order! Granted the broad-ranging nature of the motion, the Leader of the Opposition is in order. However, I recommend that all members perhaps maintain a greater degree of decorum than they have to date. I am sure those attending the manufacturing workers annual conference would be better behaved.

**Mr PETER DEBNAM:** Good decision. The next point related to support for freedom of choice and personal responsibility. How about Labor members representing their communities? How many motions do we put on the notice paper? We have more than a thousand motions representing the concerns of the community. This place is supposed to be a clearinghouse for community concerns. What do Labor members do? They vote on party lines, whatever the question. Even today when the Government was playing down asbestos threats, Labor members played politics. They are a disgrace. The next point involves support for small businesses and individual enterprise. Union hacks do not need to support small business or individual enterprise. It is a foreign concept to them. The honourable member for Heffron ought to read about it before she speaks in reply.

The next point concerns standing up for the rule of law and individual responsibility. Labor members have not stood up for the rule of law for 11 years. I said in this House in mid-December that the Government had never locked up the Middle Eastern thugs. I had met with every single police Minister privately since 1995 and asked, "Why have you not locked up the constituents of a couple of your members, Middle Eastern thugs who have been terrorising this State?" They have been terrorising all the way from Wollongong to Newcastle.

**Mr ACTING-SPEAKER (Mr Paul Lynch):** Order! I will now intervene and uphold the point of order taken some time ago by the member for Heffron. I am quite prepared to concede that this is a broad-ranging debate but—

**Mr PETER DEBNAM:** I thought it was close.

**Mr ACTING-SPEAKER (Mr Paul Lynch):** Order! It was not quite close enough.

**Mr PETER DEBNAM:** How about the last point in here? See if you can cope with this.

**Ms Kristina Keneally:** Point of order: I ask that you direct the member to direct his remarks through the Chair. He has not been doing that. He has not been speaking in accordance with the standing orders.

**Mr ACTING-SPEAKER (Mr Paul Lynch):** Order! I uphold the point of order, but at the same time I remind Government members that if they were not interjecting so much I suspect the Leader of the Opposition would not be tempted to respond to them individually.

**Mr PETER DEBNAM:** Government members could not cope with the last point. It involves acting for the long term—not the short term. They operate totally on tomorrow's deadline. That is why they could never be relevant to the values that John Howard has espoused in this brochure. The last part of the brochure states:

We dedicate ourselves to continuing taking action based on these values to build an even greater Australia.

We will dedicate ourselves every day for the next 12 months to highlighting Labor's failures—failures in hospitals, schools, trains, buses, ferries, building infrastructure and maintaining roads, failures in every portfolio but most notably its failure in managing within the budget. It is as a result of the Government's economic vandalism over 11 years that we have the lowest growth rate and one of the highest unemployment rates in Australia. It is members of the Labor Party that have been driving jobs out of this State, especially in the border areas adjoining Queensland and Victoria. They have been driving investment and jobs over the border. They are a disgrace and the honourable member for Heffron especially is a disgrace for not talking in this debate about the jobs that she has lost from her electorate.

**Mr PAUL McLEAY** (Heathcote—Parliamentary Secretary) [4.14 p.m.]: The interesting aspect of the debate is the level of support that the Leader of the Opposition received. The Deputy Leader of the Opposition and the honourable member for Epping were licking their lips behind him as he spoke.

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

## **BUSINESS OF THE HOUSE**

### **Notices of Motions**

**Mr ACTING-SPEAKER (Mr Paul Lynch):** Order! It being 4.15 p.m. the House will now deal with General Business Notices of Motions (General Notices).

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

## **PRIVATE MEMBERS' STATEMENTS**

---

### **STRATHFIELD MUNICIPAL COUNCIL AMALGAMATION CAMPAIGN**

**Ms VIRGINIA JUDGE** (Strathfield) [4.23 p.m.]: Again I stand before this House with deep concern over the actions of Strathfield Municipal Council. Members will be aware that I have before sought to highlight the ineffective and inefficient leadership of this municipality under the current mayor, Councillor Bill Carney. Strathfield is an area which I have lived in and represented both as a member of Parliament and previously as councillor and mayor for a number of years. It is an area that is close to my heart and it depresses me—indeed it disappoints me greatly—to see the shameful neglect of this community. Over the past few years Strathfield council has wasted, and continues to waste, ratepayers' money on spin and deception.

A bogus campaign seeking to avert a mythical forced amalgamation was the latest incarnation of this disturbing trend. Ratepayers money could have been used to fill potholes, fix footpaths, clean up the streets, and support more community based childcare centres, work that is sorely needed in the community. Instead it is increasingly used to prop up and promote a council that is letting local people down badly. This is a council that has shown itself time and again to be dominated by spin, promotion, evasion and neglect. In essence, Strathfield council under Mayor Carney is all spin, and no delivery. The latest edition of the *Strathfield Scene* reports a Strathfield resident of 25 years, Mrs Jane Garth, who laments:

Going up Albert Road to Strathfield Station is unhygienic and putrid. I can't believe how filthy this area of Strathfield has become. Strathfield is not beautiful anymore. It's defaced by graffiti, rubbish and unhygienic practices.

That is a damning indictment by itself, but honourable members may not be surprised to know that the same publication had no less than nine advertisements promoting the council. I fully recognise the need to inform local people of local services, but this is a 16-page publication, and it further confirms Strathfield council's spin

culture. Strathfield council's political leadership is undoubtedly letting local residents down. However, a recent situation that I will share with this House shows that it is letting down council staff also. A number of council employees recently contacted my office informing me that Strathfield council had not paid the superannuation guarantee, the 9 per cent compulsory employer contribution to their superannuation fund, over a period of more than five months. I wrote to the council raising these serious concerns in early February. It is a situation that defies belief and calls into question the fiscal management of the council. This is a fundamental part of sound financial management practices. If the Australian Taxation Office did an audit and found a breach, the penalties could be significant. I am advised the penalties for a breach could include further repayment of the workers superannuation, a substantial fee for the breach and the interest from the date of the breach.

In addition, the council employees only became aware of council's failure to forward superannuation contributions when the superannuation scheme wrote to them advising that no payment had been received and asking them if they had left the industry. The United Services Union was called in and there was some concern raised about the financial sustainability of council. I believe from discussions with the union that contributions, plus a payment to cover interest, have now been forwarded to the scheme and no-one was financially disadvantaged. I received a response to my letter from the council only yesterday that confirms this. It states:

Staff have been assured by Council and the Superannuation Authority that no loss of entitlements will be incurred as a result of the mistake.

All stakeholders, including the Australian Taxation Office and the Superannuation Authority are satisfied with the actions Council has taken.

That is good news for the council staff affected by this mistake, but it is no vote of confidence for ratepayers and it leaves more questions than it answers. How much ratepayer's money was wasted on covering interest payments? How much money was involved? How many employees were affected? What action has been taken to prevent this serious lapse in the future? Those are all reasonable questions under the circumstances, and they are all questions to which I still await an answer from Strathfield council. Local people also have the right to ask questions, because they should have confidence in their local council. These interest payments could have been avoided and the money spent on interest could have been spent on graffiti removal or the upgrade of play equipment in local parks, more and better and lighting, resealing pot-holed roads and so on.

This is another set of questions to add to a huge list of questions about why no new major projects have been undertaken, why Strathfield Square is so neglected and why the main streets in Strathfield, Homebush, Flemington and South Strathfield are being run down. Local people have the right to ask whether this is an isolated case or yet another example of the endemic fiscal mismanagement of Strathfield council under this Liberal administration? It is clear to me from this example that the mayor is asleep at the wheel and not protecting the interests of the ratepayers and residents of Strathfield, who deserve better.

I will move on very quickly if I may to planning, specifically the cloak-and-dagger approach that Strathfield council has taken to a proposed supermarket development in the Homebush area. Again, concerned residents and business owners contacted me as the local member of Parliament to inform me that prominent members of the local Liberal and Liberal-aligned parties were conducting secretive meetings with some shopkeepers in an attempt to elicit support for a large supermarket development.

I am not against supermarket developments, but I recognise that they must be placed in suitable and appropriate locations. Homebush Main Street has a wonderful village atmosphere. The local community and I wish to preserve it. Indeed, in just over a week I have collected some 150 signatures opposing any inappropriate developments in the local area, making clear to me that the vast majority of local business owners and the local community are steadfastly against this idea. That brings me back to the Strathfield scene, and one of the many council advertisements. Indeed, at the height of Mayor Carney's spin, in the mayoral message, he states under the heading "State Planning Reform vs Local Democracy":

I fear that the state government is creating a system where development will be rubberstamped with no community input and we are left with a limited capacity to determine the urban character of our own community

Yet Mayor Carney's local Liberal Party is actively promoting this unneeded and unwanted development, which will inextricably destroy the local character of the Homebush community. What community input have the people of Homebush had? None, with the possible exception of shady meetings with invites for the local few.

**Mr Malcolm Kerr:** Point of order: If the honourable member wants to attack persons who are not members of this Parliament, it should be done by substantive motion.

**Mr ACTING-SPEAKER (Mr Paul Lynch):** Order! There is no point order. In any event, the honourable member's speaking time has expired.

**Ms VIRGINIA JUDGE:** I draw this matter to the urgent attention of the House and I hope that many residents will read it in due course.

### **HAWKESBURY ELECTORATE PUBLIC TRANSPORT**

**Mr STEVEN PRINGLE** (Hawkesbury) [4.28 p.m.]: Safe, reliable public transport is supposed to be a priority for the Government, as is concern for children. Unfortunately, as in so many other areas of the State Labor Government's activities, yet again that is simply rhetoric. More than a year ago a group of concerned parents contacted my office. They live in the St Albans, Wisemans Ferry, Pitt Town, Windsor and Rouse Hill areas and their children primarily attend Galston High School. Public transport is available to them. The Hawkesbury Valley Buses travel to Canoelands, where they rendezvous with Hills Bus Dural. That appears to be a great system and one that would work effectively. Unfortunately, there is a 20-minute delay where the buses meet, which means the transfer of passengers is delayed. During that time, a small minority of students have been involved in bullying, stone throwing and vandalism.

A series of meetings was convened in my office, bringing together parent and bus company representatives. Although a spirit of goodwill permeated discussions, unfortunately no final agreement could be reached because of the tortuously slow bus reform process that the Government has been engaging in. The process was at last implemented and at the end of 2005 the parties were able to reach a final agreement. The changeover point was to move a short distance down the road to the much safer Maroota Public School bus bay.

All that was needed was for the Department of Transport to agree to this contract variation to give Hills Bus Dural permission to travel approximately an additional six kilometres. That is surely not too difficult for the Government to attend to. But no, the pathetic excuse we got, even as of last week, was that, unfortunately, the parties were not in agreement. That is absolutely incorrect: all the parties were in agreement. We also had the furphy thrown in that the relocation point was less safe. Hang on, let's talk about the realistic situation. It was a dedicated bus bay approved by the Department of Education. Come on! Has the transport Minister even read the correspondence?

The issue will not go away. A public meeting is scheduled for 25 March, so the State Labor Government has a couple of weeks to fix a very simple problem and allow Hills Bus Dural to travel a few extra kilometres along Old Northern Road. As we know, this is an issue that Ray Hadley has dealt with on a number of occasions, and we are also seeing many other stuff-ups by the Government related to transport. So it is indeed fortunate that the Minister for Education and Training is in the Chamber. I ask the Minister if she could talk to her ministerial colleague the Minister for Transport and get that extra six kilometres agreed to—not very difficult at all—for the sake and the safety of our local children. It really is not much to ask.

In this modern world parents exercise their choice, of course, as to where their children attend school, and they want them to attend schools that specialise in different areas that are appropriate to their individual children's needs. This is a very simple problem, and all it needs is a stroke of the pen from the Minister to fix the problem and to ensure that our children get a safe school transport system in that area. Only a relatively small number of students are involved, but the change would make a big difference to the lives of people in this area.

Unfortunately, many parents who live in the McDonald Valley area are being forced out of their homes because of this lousy school bus situation. They have to drive their children to different locations and they are, of course, worried about the safety of their children who have to hang around for a 20 or 30 minutes period waiting to transfer from one bus to another. I commend Jane Gregory and her team for their extreme patience and persistence. They have tried very hard to come up with a reasonable solution. We have got a solution that suits bus companies and parents and is practical in every sense of the word. All we need now is for the Minister to make that decision. Once again, I ask the Minister for Transport—after being spoken to, hopefully, by the Minister for Education and Training—to address this issue. He may perhaps like to turn up at the meeting on 25 March at Wisemans Ferry, or at least send a representative, to explain to the parents why the Government does not agree to this sensible suggestion. The Minister should be in touch with residents and parents and show that he cares for children.

### **KEMPSEY SHIRE COUNCIL PERFORMANCE**

**Mr ANDREW STONER** (Oxley—Leader of The Nationals) [4.32 p.m.]: Last week I raised concerns expressed by many Macleay Valley residents regarding the performance of the Kempsey Shire Council. I asked the Minister for Local Government for an inquiry, which in my view is necessary to restore public confidence in

the council. Since then the mayor and deputy mayor have publicly expressed disappointment that I did not first raise these concerns with them. I must emphasise, first, that these concerns were not my own. They were matters which had been raised previously by the complainants, including ratepayers and staff, directly with the council and expressed publicly in the *Macleay Argus* newspaper.

Second, I had raised most of these matters directly with the council on many prior occasions. Third, bearing in mind the seriousness of some of the allegations, to not seek an independent investigation, but rather to simply hand all these matters back to the body being complained about, would justifiably invite complaints about my own actions or lack thereof. In this context the mayor's response was a classic case of shooting the messenger. Former mayor John Howell had expressed concerns about the appointment of an administrator. I must clarify that this is not my call. An inquiry need not result in the dismissal of a council and appointment of an administrator. Of greater concern has been the Minister's response. His initial statement was:

I urge council to avoid playing politics, work together and get on with the job of representing the ratepayers and the community.

That was disappointing, to say the least. Given the seriousness of the matters raised, one would have expected the Minister to have acted more decisively to address community concerns. The Minister then started playing politics himself, saying:

If Mr Stoner has any documentation about the performance of Kempsey Shire Council, he has an obligation to forward this information to the Department of Local Government.

Given that I had already indicated my willingness to hand over documentation, that was extraordinary. Last Thursday I personally delivered to the Minister a request for an urgent meeting, with certain documentation concerning Kempsey Shire Council's performance. To this point I have had no response whatsoever from the Minister. Given that I have been informed that a Labor councillor on Kempsey Shire Council who has very close contacts in this Labor State Government has used those contacts seeking to prevent an inquiry, perhaps the Minister's disinterest and inaction can be explained. However, given his past actions in launching inquiries into numerous other councils around the State at the slightest provocation, and in disparaging those councils under privilege in this place, his lack of response in relation to Kempsey Shire Council is a betrayal of concerned ratepayers in the Macleay Valley and is morally corrupt.

Once again, for the Minister's benefit: there is a range of serious allegations which must be properly investigated by the Department of Local Government. They include financial mismanagement, new borrowings despite high debt levels, major cost blow-outs, resultant diminution in services to ratepayers such as the selling off of public lands, reduction in maintenance of sporting grounds and contracting out of certain councillor jobs, lack of a master plan for South West Rocks, and associated concerns about unplanned and hasty development in the area, complaints regarding decision-making processes concerning the sealing of Point Plomer Road, allegations concerning tender processes for a waste contract and a customer service centre, suggestions the former director of engineering was sacked as a scapegoat, a vote of no-confidence by staff in the general manager, and two other council managers and numerous other matters. I urge the Minister again to commence an inquiry into these and other matters with a view to restoring public confidence in the council. In a letter to me dated 4 March the Minister stated:

... you can be assured that complaints such as this are a valuable source of information that will be retained for use in monitoring the performance of local councils.

I would hope that the Minister is true to his word. Again I offer the Minister documents. I wish to meet with him as a matter of urgency to discuss all these matters. I call on the Minister for Local Government to put the community of Macleay before politics.

### AUBURN ELECTORATE SCHOOLS

**Mrs BARBARA PERRY** (Auburn) [4.37 p.m.]: It is with great pleasure that I take this opportunity to pay tribute to students of my electorate, of whom I am immensely proud. The students of Birrong Boys High School and Birrong Girls High School performed exceptionally well in last year's Higher School Certificate [HSC], and I attribute that to the respective schools taking a holistic approach to learning. Both schools are dedicated to the academic excellence of their students. However, it is other areas of school life, such as peer support, environment regeneration, the arts, culture exchange programs and community service, that are developing fine role models and leaders of the future.

Academically, Birrong Girls High School performed extremely well in the HSC. In all English strands the students scored above the State average. That is quite an achievement considering 84 per cent of Birrong Girls High School students speak English as a second language. In total, they were above the State average in nine subjects. Also, in 31 courses, 15 girls scored more than 90. I commend the 12 students who scored a university admission index [UAI] of more than 90, in particular Susie Cooper and Vicky Phan, who scored UAIs of 95 and 99.5 respectively. Beyond scores, the students are equally dedicated to the development of moral and community awareness. The students are passionate about social justice, which is evident in their special work in supporting a young girl in Tanzania to receive an education. Obviously, seeing the value in their own educational opportunities, they are supporting another woman to gain that same advantage in life.

These extracurricular activities have developed the students' great sense of community both within the school and the local Auburn and Bankstown areas. There is a great unity among the students as they support each other and celebrate the school's cultural diversity. This was evident in the school's cultural exchange program with Engadine High School. The two schools showcased their very talented students and respective cultural backgrounds. The girls' school motto is "ad astra", reach for the stars, and I know that each and every day the principal, Ms Jenni Wilkins, and the teaching staff work tirelessly to help these students realise their potential and to dream big. They are an asset to our community. The teachers instil a deep sense of respect, responsibility and compassion in their students. They show great leadership and are developing great role models for other young people to aspire to.

Birrong Boys High School has been achieving similar results and once again it comes down to a holistic approach to learning. Last year's year 12 students performed really well, with four students receiving a UAI above 90. The school's top performer, Bawar Saeed, received a UAI of 99.5 and is now studying medicine at the University of Sydney. Kelvin Kang was another high achiever with a UAI of 98. He placed second in the State for information technology. He also received a scholarship from UTS to complete an IT business degree.

The student body is highly involved in the community, with two students chosen to tour Japan in conjunction with the Bankstown Council's sister city initiative. Kousai Elali was awarded Auburn's Young Citizen of the Year and best speaker for the opposition in the youth parliament. Perhaps we will see him delivering his own private member's statement in the near future. The school's motto, "From each his best", describes the school's focus, identifying individual talents and nurturing them. The teachers support students to be themselves to the best of their ability. I commend principal Cathy Bogard and her teaching staff for their dedication to developing young leaders and role models in the school and the Auburn and Bankstown community.

Birrong Boys High School has provided a place for the sports-inclined to excel, doing extremely well in soccer, rugby union and league, oz tag and basketball. The school is doing a great job to promote healthy lifestyles within the student body. I would like to draw special attention to the school's emphasis on the environment. Students show a great deal of care and attention to the school grounds and have developed a great respect for the preservation of our natural habitat. This is evident in the school's StreamWatch program. The diversity of the students' backgrounds is celebrated throughout school life and is evident in their involvement in events such as the Granville school spectacular and Polyfest in Campbelltown. The school's Pacific Islander program develops cultural awareness, leadership and self-esteem. Birrong Boys High School has created an atmosphere that promotes pride in the school community. Once labelled with less positive titles, the boys work extremely hard to challenge stereotypes and set an example in the Auburn community. It is with great pleasure today that I honour these schools. I commend them for their academic excellence and commitment to the development of our community.

**Ms CARMEL TEBBUTT** (Marrickville—Minister for Education and Training) [4.42 p.m.]: I would like to congratulate the member for Auburn and concur with her comments with regard to the schools in her electorate. The principals, Jenni Wilkins and Cathy Bogard, are achieving fantastic results, not just in academic achievement but also in student participation in sporting and cultural activities. The cultural exchange program to which the honourable member referred provides opportunities for students from very different cultural, geographic and school backgrounds, across government and non-government schools, to get to know and understand one another. I think it is a very valuable program that can ensure that students appreciate and celebrate the diversity of the community we live in. I also concur with the member for Auburn that schools in the Auburn and Bankstown area are doing a wonderful job at educating students and preparing them for life.

#### **KILABEN BAY LANDCARE GROUP**

**Mr JEFF HUNTER** (Lake Macquarie) [4.44 p.m.]: On Saturday 4 March I had the great pleasure of attending the official opening of a boardwalk established by a local Landcare group in the Lake Macquarie electorate, the Kilaben Bay Landcare group. Joining me on the day were the mayor of the City of Lake

Macquarie, Councillor Greg Piper, and the Federal member for Charlton, the Hon. Kelly Hoare. I congratulate the Kilaben Bay Landcare group on the great restoration and rehabilitation work they have done over an 18-month period in and around the Kilaben Creek catchment. The Landcare group received an Envirofund grant two years ago and with that money they have successfully worked over 18 months to reduce the sediment loads entering the local wetland by stabilising tracks and rehabilitating the riparian zone, planting some 2,000 native plants and trees.

The evidence of the dedication and hard work by Landcare members can be seen along the banks of a one kilometre stretch of Kilaben Creek. They have built a beautiful elevated boardwalk that is strategically placed over gullies and uneven ground and winds along the creek, protecting the valuable vegetation underneath. As I said, it was an 18-month vegetation and erosion control project and it is now complete. It was great to join the mayor and the Federal member for the official opening. A crowd of close to 100 people were there on Saturday morning to take the opportunity to walk along this fantastic section of Lake Macquarie foreshore.

The leader of the local Landcare group is Mr Graham Whitelaw. He and some 20 other volunteers undertook this rehabilitation project. Graham was quoted in the local Landcare newsletter as follows:

We have had to be resourceful and organise working bees to coincide with national awareness themes such as Water Week, Wetlands Day and Clean-Up Australia Day to get this vital work done. We got a helping hand from the community through Landcare Resource Office volunteers, Earthcare, Earthshare, Landcare in schools and other local groups.

The article goes on to say:

With a rejuvenated Kilaben Bay in the group's backyard, eco-tours and study groups/workshops are being conducted on the site, targeting the nearby St Joseph's School and community groups.

Local school students have already joined the work party, helping out with greenhouse propagation and tree-planting days.

Graham adds that signs have been constructed "to promote the values of community stewardship of our environment. The signage will raise community awareness of the impact of urban development of Kilaben Bay."

The local Kilaben Bay Landcare group has been a very active group. On the day, it was pointed out to me by the Landcare officer for Lake Macquarie, John Hughson, that there are approximately 200 Landcare groups in the City of Lake Macquarie, made up of very dedicated volunteers working to help improve the environment in the Lake Macquarie catchment. I have mentioned in the House before that over the past seven years the New South Wales Government, in collaboration with Lake Macquarie City Council, has invested many millions of dollars in the restoration and rehabilitation of Lake Macquarie. Some \$18 million to \$19 million has been spent over that 6- to 7-year period—\$10 million from the State Government and about \$8 million from local ratepayers through an environmental levy by council on landowners' annual rates.

It is a fantastic project. Already we have seen the quality of water in Lake Macquarie improve dramatically. Some fantastic work has been done around the catchment with artificial wetlands, foreshore restoration and rehabilitation projects. Adding to that are the many hundreds of volunteers in the Landcare groups. Without their dedication and support, the effort that the State Government and the local council are putting in to improve the environment of Lake Macquarie would not be the great success it is today. I say to Graham Whitelaw and all the members of the Kilaben Bay Landcare group, the other community groups who assisted in the restoration project and the schoolchildren, congratulations on a great job in the Kilaben Bay catchment.

#### LANE COVE TUNNEL

**Ms GLADYS BEREJIKLIAN** (Willoughby) [4.49 p.m.]: The cross-city tunnel debacle has understandably placed even greater attention on the Lane Cove tunnel project. For at least the last two to three years constituents in the Willoughby electorate, both individually and collectively through their respective progressive associations, have struggled to have their voice heard by this incompetent State Government. A number of aspects of the Lane Cove tunnel project are causing ongoing concerns for the people of the Willoughby electorate. Some of the specific issues are similar to the problems associated with the cross-city tunnel.

The State Government response to issues raised by residents, community organisations and me has been totally unsatisfactory. Concerns of residents have been largely ignored and community representatives on various community consultation groups, whether they relate to air quality or traffic issues, are disgusted by a

process that has not responded to the valid issues raised. It is frustrating that both the State Government and the Roads and Traffic Authority have not only ignored community concerns as issues arose during the construction phase and also the post-construction phase, they proved to be both obstructionist and inflexible in considering design changes that would alleviate many of these concerns.

I place on the record community concerns about the Lane Cove tunnel project, as I have done on many previous occasions, and their impact on constituents of the Willoughby electorate. I would like to reiterate concerns about filtration. The State Government refuses to accept the Federal Government's generous \$10 million contribution towards filtration. Lack of filtration in the Lane Cove tunnel remains a major community concern. Back in October 2004 the State Government announced that it would undertake trials in filtration, the implication being that these would take place in the Lane Cove tunnel. These trials have not yet been undertaken. I ask the Government why this is the case and when it intends to conduct the trials. Also, why will the State Government not accept the Federal Government's \$10 million contribution towards filtration? It is highly inappropriate for the State Government to ignore this generous contribution and again indicates its lack of regard for community concerns, which have been expressed by a considerable portion of the population on the lower North Shore.

I also place on the record concerns raised with me by the Artarmon Progress Association, which is particularly concerned to ensure that air quality monitoring at the monitoring stations, one of which is at Artarmon Public School, truly reflects the quality of air rather than recording just an average, given that the air is consumed by children, the wider community, residents and workers. I ask the Government to ensure that the air quality monitoring stations accurately reflect readings because previously the Government had undertaken to provide only average readings without taking into consideration peak hour air quality readings.

I draw to the attention of the House the left-hand turn off the Gore Hill Freeway at the Pacific Highway. This has been in existence since approximately 1991 yet under the Lane Cove tunnel project design plans this turn will be removed and motorists will be only able to turn right to go north. This will affect hundreds of residents and some very large businesses. Apart from pollution, noise and safety concerns, there is also a primary school half a block away as well as playing fields and a preschool on the alternative proposed route through a densely populated area. Residents have legitimate concerns about increased traffic on residential streets in that vicinity.

Residents have expressed concern about a lack of access to the M2. I can allay concerns that there will be continued access onto Epping Road from Mowbray Road turning right. However, regrettably, access to the M2 will no longer be available for traffic turning right from Mowbray Road into Epping Road. Many Chatswood residents are worried about the impact this will have on traffic on Fullers Road and Delhi Road and the impact this will have on people trying to travel through Chatswood in order to access the M2 via the lower North Shore area. Naremburn residents have also raised concerns about traffic. I ask the Government to address these matters to ensure that the cross-city debacle does not turn into the Lane Cove tunnel debacle. *[Time expired.]*

#### **MENAI HIGH SCHOOL AND BEVERLY HILLS INTENSIVE ENGLISH CENTRE CULTURAL EXCHANGE PROGRAM**

**Ms ALISON MEGARRITY** (Menai—Parliamentary Secretary) [4.54 p.m.]: I take this opportunity to acknowledge an educational exchange program involving students from Menai High School and students from the Beverly Hills Intensive English Centre, a special school for non-English-speaking arrivals in Australia. On Tuesday 28 February 15 students from the Beverly Hills centre visited Menai High School and on Monday 6 March the Menai students visited Beverly Hills. I was delighted to join the Premier, Morris Iemma, the Minister for Education and Training, who is at the table, and the honourable member for Georges River on that occasion.

The students performed a drama activity as part of a multicultural and anti-racism program entitled "Unity in Diversity" co-devised by the schools. The activity we observed was called "Cooling Conflicts", and the session was conducted by Julie Ross, a multicultural English as a second language teacher with the Department of Education and Training. It is true to say that the scenarios worked through by the students were theoretical but they went to great lengths to make sure that they remained realistic at all times. For example, as the students were performing the unscripted scenes, at any point any one of the students observing the drama could pick up what they called the magic stick, wave it and declare whether the reactions were likely to have occurred in real life.

Occasionally the teacher, Julie Ross, would also call a pause to the proceedings and ask students on stage about the thought processes of the characters they were portraying. It was delightful. When she questioned one particular student about her feelings towards the students she was confronting on the stage, the student responded that she believed that both the students were not as important as she was, but she quickly felt compelled to clarify, "Of course, I don't really think that. That is just what my character thinks."

I can assure that student that everyone in the room, including the Premier and the Minister, knew her real feelings and found their involvement in these exercises to be both honourable and inspirational. I mention the emphasis on realism. The scenarios we witnessed last Monday were based on the sad and regrettable racially based problems in Cronulla and other parts of Sydney last December. The Premier congratulated both schools on their ongoing efforts in breaking down the barriers and improving cultural relations. On the day he said:

These students are learning from each other and taking responsibility for ensuring social harmony in their community.

They are also learning how to have respect for each other's social, religious and cultural heritage.

Honourable members have heard me speak on previous occasions on the efforts of Menai High School in promoting multiculturalism and anti-racism. They may recall the tragic loss late last year of the school's deputy principal and champion of these causes, Ann Gacitua. Many in our community have pondered what she would have made of the terrible events last December, but we know that she was an incredibly positive person; she would have looked to the future and found constructive ways to regain lost ground. No doubt she was there in spirit last Monday, very proud of the Menai High School students. As local member I was certainly very proud of them. Their very supportive and capable principal, Edith McNally, was there on the day and I know that she has been heavily involved in making this impressive program a reality.

Edith would be the first person to acknowledge the other people from the Department of Education and Training who were involved in getting the program off the ground and making it so successful. They were Hanya Stefaniuk, Manager Multicultural Programs; Mary Nuttal-Smith, Exchange Program Co-ordinator; Salwah Freeman, Community Information Officer; and Michael Harmey, Head Teacher of the Beverly Hills Intensive English Centre. The *Bankstown Torch* ran a terrific article on 8 March 2006 on the Premier's visit and the performance of the students. Michael Harmey was quoted as saying:

All of us are different. We're focussing on the similarities, not the differences, and they are the things that bind us together as Australians.

Michael pointed out some of the refugees and new arrivals in Australia who are students at the school. He highlighted the many benefits they had gained from interaction with the Menai High School students, including improvement in their English. I would also like to acknowledge the honourable member for Auburn, who was instrumental in ensuring that the Premier, the honourable member for Georges River and I witnessed this first-hand. She is incredibly supportive of the program. I wish those two schools all the success in the future.

**Ms CARMEL TEBBUTT** (Marrickville—Minister for Education and Training) [4.59 p.m.]: I commend the honourable member for Menai for her private member's statement. I concur with her comments. It was an inspiring experience to spend time at the Beverly Hills Intensive English Centre and see the interaction between the students from the Beverly Hills Intensive English Centre and Menai High School. The honourable member outlined some of the events that took place. Suffice it to say that one story shared with me was that of a young student from Sudan who, as part of the exchange, had the opportunity to go with the students from Menai High School to see some of the things that happen at that school. For the first time in her life she had the opportunity to see a rabbit, and one Menai High School student indicated to her teacher that it was the first time she had ever met a black person. This further underlines the importance of these cultural exchanges, which open up to students opportunities that they would not otherwise have. I commend the Beverly Hills Intensive English Centre and Menai High School on the work they did to make this happen.

#### **KU-RING-GAI ELECTORATE WOMAN OF THE YEAR AWARD**

**Mr BARRY O'FARRELL** (Ku-ring-gai—Deputy Leader of the Opposition) [5.00 p.m.]: Yesterday, 8 March, was International Women's Day. For the second year the Office of Women organised the New South Wales Woman of the Year Award. The program allows State members of Parliament to nominate women from their electorates who have contributed to their local, regional or State communities. Each Minister is also asked to nominate a woman in recognition of achievements within their portfolio area. I was delighted to put forward Mrs Judy Macourt of West Pymble as the nominee from Ku-ring-gai. Judy Macourt is one of those redoubtable people, of either gender, we all meet within our local communities: the person who never takes no for an

answer, the person who makes things happen, the person who seems to have unlimited time despite fulfilling an incredibly busy routine. In short, she is the type of person who most contributes to creating the glue that binds the best of our communities.

Thirty-five years ago Judy and her husband, Michael, along with other families, founded the Ku-ring-gai Amateur Swimming Club [KASC]. They did so in recognition of the need for a club to meet the wants of local families, especially children. They also recognised the great asset the swimming pool located in what is now termed Bicentennial Park at West Pymble provides to the local community. Over the succeeding 35 years thousands of families have benefited from the swim club's activities. Meets are held every Saturday morning during the season and regular interclub challenges take place, with great success over the years by KASC. A feature of all these events over the entire period of its existence has been the presence of Judy and Michael Macourt.

As all members of Parliament know, no community event—swim club meet or church service—occurs without the involvement of dedicated volunteers like the Macourts. Over the years many families have contributed to the ongoing success of the KASC, and I salute them all. This Saturday, like all those in the past, there will be present a bustling blonde, decked out in her club shirt and wearing lime green runners: the aforesaid Judy Macourt, who is the club's secretary. Judy organises everybody, whether they want to be organised or not. She arranges the medal presentations, lollies for the kids, the regular appearance of local elected representatives, other volunteers, her husband and anyone else who crosses her path.

Like the Energizer bunny, Judy Macourt is indefatigable. She is indispensable to the operations of the club, and that is why I chose her as Ku-ring-gai's nominee for the New South Wales Woman of the Year Award. Besides her own efforts, Judy also epitomises so many of the people, male and female, I meet on numerous occasions across the electorate. I always try to thank these people for their unpaid work for our community. They are the individuals before whom governments should bow, given the good they do for communities like Ku-ring-gai and elsewhere. I am proud to have been club patron since my election as the member for Ku-ring-gai. I have been pleased to support the club's activities, I will be at the club championships being held at Homebush on the night of Saturday 25 March, and I am pleased to count many of the club's members as friends. Judy may not have been named as the New South Wales Woman of the Year for 2006 but she will always merit my thanks and that of her local community.

Like all members of Parliament, I was advised on Monday that male members of Parliament were not welcome at the award event unless they were Ministers. The advice I received stated:

Unfortunately due to protocol and the size of venue male MPs have not been invited. However it is protocol for all Ministers to be invited to attend a reception hosted by the Premier.

Of course, that is nonsense. Protocol prescribes the rules or formalities of an event. This event has been staged twice. It is hardly giving offence to decades or centuries of tradition for a male member of Parliament to enter the august reception for this award. If the Office of Women, located in the Premier's Department, wanted to allow male members of Parliament to attend it could do so simply and easily. But it does not want us there. That is why, in its message to me and all other members of Parliament on Monday, it told a whopper, a fib and an untruth. The reception for the award was held outside in the grounds of Government House. It was held in an area where a number of years ago I was privileged enough to attend a reception for another woman, Queen Elizabeth of Australia, at which close to 400 people were present.

Obviously room was available to allow any male members of Parliament wanting to attend to be present. It is clear to most of us—clear but perhaps unsaid because of concerns about upsetting the political correctness bandwagon—that unless one was a male Minister blokes were unwelcome last night. Some members of Parliament circumvented the rules. Country members of Parliament were able to bring a guest, and some male members of Parliament went in that capacity. An Independent female member of Parliament, who was equally appalled by the dictate, advised me to go in any case, but I prefer not to go where I am not invited. What is the importance of this? Along with many male colleagues, I want to attend another function or reception as much as I need another credit card bill.

I think it is downright rude to nominees to deny them the chance of being accompanied by their nominators if they so desire. One nominee told her member of Parliament that she would not be going because without her member of Parliament to escort her she would not know anybody present. That is a perfectly understandable position. I urge the Office of Women to put the interests of nominees and commonsense above this type of politically correct inspired twaddle. I leave it with this thought: What reaction would there be if a

department organised a male-only awards program and excluded female members of Parliament from attending? Imagine the outcry! Imagine the frothing and foaming of Meredith Burgmann and other Labor women were that to occur! Some may regard my views as Neanderthal. I do not think I am insensitive on matters of gender, race, religion and the like. I simply think these arrangements were wrongheaded, insulting and inappropriate for a taxpayer-funded agency to apply.

### **PUBLIC HOUSING INQUIRY**

**Mr MATTHEW MORRIS** (Charlestown) [5.05 p.m.]: I draw the attention of honourable members to issues regarding public housing and the official inquiry into the allocation of social housing that is currently under away. The inquiry is being undertaken by the Public Bodies Review Committee. I place on record the committee's terms of reference:

- Current levels of funding for the development of new housing stock
- The effectiveness and appropriateness of housing allocations
- Role of community housing in meeting the demand for social housing
- Social housing allocation systems in other jurisdictions

Given that this inquiry is in its early stages, I found it out of the ordinary that Sylvia Hale from the Greens took it upon herself effectively to distribute a one-page leaflet that included different terms of reference that are not particularly related to the terms of reference adopted by the committee. As far as we can establish, the leaflet was widely distributed. Nevertheless, the terms of reference in the leaflet calling for submissions are:

- Is the DOH providing enough public housing?
- Are allocations made in a sensible way—for example, have you experienced, or heard of anyone else, being allocated the wrong sort of house or flat? (you do not have to supply personal details, just what happened.)
- Are there a lot of conflicts between neighbours on your estate?
- Do you think community housing ... could help meet the demand for social housing?
- Do you know how things are done different in other States, Territories or countries that we in NSW could learn from?

Clearly there is a stark difference between the two heads of criteria. It is disappointing that the Greens, under the leadership of Sylvia Hale, took it upon themselves effectively to canvass for submissions to be brought before the committee. Indeed, the terms of reference they distributed are not in any way relevant to the committee's official position. Given the level of public housing in this State, I am disappointed that the Greens have taken it upon themselves to mislead tenants from far afield across New South Wales in providing inaccurate information and calling for submissions on issues that are outside the scope of the committee's inquiry.

Essentially, the committee's inquiry will look at how the department is operating and opportunities for continuous improvement so that a better service is provided to housing tenants across the State. This worthwhile inquiry will ensure that we are providing the best possible service. There is a large amount of public housing stock in the Hunter region: Cessnock has 936 properties; Charlestown 1,757; Lake Macquarie 1,066; Wallsend 1,163; Swansea 656; Port Stephens 1,230; Newcastle 2,268; and Maitland 1,418.

Given the large representation of public housing tenants in the Hunter, my colleagues and I are strong advocates for those residents, who are good people and who do not need misrepresentation by the Greens. We have endeavoured to engage those tenants and seek submissions from them so they can make a contribution to the future of public housing in this State. It is unfortunate that again—and this happens time and again—the Greens want to harpoon a valid and worthwhile process that is trying to improve public housing opportunities and allocations in this State. I have quite a strong representation of public housing tenants in my electorate. When I brought this inquiry to their attention they were keen to participate and made a submission. I thank them for that and I look forward to seeing the committee come up with valid and sensible recommendations that will lead to the greater enhancement of public housing.

### **ALBURY ELECTORATE WOMAN OF THE YEAR AWARD**

**Mr GREG APLIN** (Albury) [5.10 p.m.]: Wednesday 8 March was International Women's Day and an opportunity to recognise the achievements and leadership of women across our State. It was a day to honour

women for their contribution to our communities and to encourage other women and girls by publicly presenting role models. I was delighted to recognise and congratulate Helen Spittal as the Albury electorate Woman of the Year. She has been a netball champion, a youth worker, a foster mother, an entrepreneur and she now runs her own freight business. She is a remarkable woman who has worked hard throughout her life, who set her mind to achieving goals and who has always been involved with her community.

Helen Spittal was born and raised in Albury and attended North Albury High School. As a keen and dedicated netball player she encouraged participation and nurtured talent by coaching school and club teams. She became president of the Albury Netball Association. She was instrumental in starting the Albury representative teams and became a playing coach for many years. Upon retirement from playing she became a full-time coach for the representative teams. Her dedication to the sport culminated in the award of life membership of the Albury Netball Association. While netball was a passion, there were many other facets to this young woman. At the age of 21 she and her husband took on responsibility for running the YMCA in Wodonga. For four years she worked with 20 young boys who needed assistance, meeting weekly for functions, camping, bonfires and counselling sessions.

This experience led Helen into providing foster care for 30 children over a 10-year period, children who needed emergency accommodation such as victims of incest, victims of alcohol abuse and three girls whose mother was dying of cancer. She brought these children into her home to share the love and family values she instilled in her own young children. It is not really surprising then that last week she received a call from a former foster child who lived with her family during his early teenage years. Now 37 and in Cessnock, this man is dying of cancer and wants to come back to be with "Mother Spittal", as he calls her, because she was the only mother he ever had. Helen is investigating what care and treatment can be provided for him in Albury.

After this intense time of family and community activity, Helen moved in a new direction and started a catering business with her best friend, Gwen Abikhair. The catering business was named Border Caterers, not after the geographical location but after one of Helen's heroes, one of Australia's heroes, Allan Border. The business was particularly sought out by charities and supplied the catering for many functions including numerous debutante balls. All the weekend work eventually caused Helen to move into another field with her husband and they started a small taxi truck business, which led to the establishment of Bernie's Freight, a parcel delivery service. In the early days the business was run from home—Bernie unloaded freight into their garage and Helen distributed it from a van.

As a sideline Helen started Albury Freight Distribution Centre in 1991. When the marriage ended in 1993 Helen decided to stay in the transport industry. It was a man's world and a tough industry, but Helen enjoyed the work and was inspired by a friend, Vass Mortimer, who had succeeded in building her business after the death of her husband. She talked to transport companies, borrowed money and built a small transport terminal in Fallon Street, North Albury, in 1995. Business growth forced her to buy an adjoining block, build a new shed and expand the buildings. As her freight distribution grew several clients suggested she try line haul, and in 1997 she began a truck run to Melbourne. Demand for her business grew and this led her, somewhat reluctantly, to buy a semitrailer in 1999 and then a B-double in 2002. Her fleet now consists of six B-doubles and 14 local delivery trucks.

Things were running smoothly, although it was a tight squeeze at the depot. Then Helen found that Albury's new highway included a bridge that would prevent B-doubles accessing her Fallon Street site. It was a shock and it forced a rethink of her whole operation. She acquired land at Albury Airport Industrial Estate, designed a new facility and moved into the magnificent undercover freight centre last September. The business employs 28 staff, including her daughters, Tracy and Katrina. Her son-in-law, Tony Burns, is the Albury operations manager. A depot has recently been established in Wagga Wagga. Helen is called "Chief" by her staff, while many of the drivers regard her as "mother." It is this caring nature that makes her close the business at 9.00 a.m. on Saturdays so staff have time with their families on weekends.

Yesterday Helen Spittal attended an International Women's Day breakfast at the SS&A Club in Albury, where Miss World Australia, Denna Brunow, was guest speaker. Last night she attended the Premier's reception at Government House as a finalist in the New South Wales Woman of the Year Award. In between she had around 200 emails and telephone calls from well-wishers and several invitations to address industry conferences. Congratulations Helen Spittal, you are a great asset to our community and an inspiration and role model for young women.

#### **SYDNEY (KINGSFORD SMITH) AIRPORT REDEVELOPMENT**

**Ms KRISTINA KENEALLY** (Heffron) [5.15 p.m.]: Today I alert the House to Sydney airport's proposal to build a massive shopping mall 250 metres from the third runway, near the corner of Southern Cross

Drive and Foreshore Road in Botany. The proposal is larger than the Direct Factory Outlets at Homebush and the Moore Park Supercentre combined. It has enough floor space to fill 10 football fields. The State Government has roundly rejected the proposal, citing security concerns and the traffic chaos the development would create. It is important for the House and for members of the community to understand that Sydney airport is not subject to New South Wales planning controls. Under the Airport Act Sydney airport is answerable only to the Federal Government. The Howard Government can approve the project without any concern for the metropolitan strategy, the city to airport corridor, or its impact on the Green Square town centre or local shopping centres such as Eastlakes shopping centre and Mascot shopping centre.

This is a gratuitous proposal that has nothing to do with airport activities. It is simply a moneymaking exercise for Macquarie Bank. Furthermore, Macquarie Bank expects the New South Wales taxpayer to fund the infrastructure, such as roads and public transport, required to service such a development. Our local area needs roads, public transport and retail development, but in appropriate, well-planned locations, such as around Green Square station. Next to a runway is not an appropriate location for a shopping mall, especially a mall of this size and scale. The Roads and Traffic Authority has advised me that it estimates the cost of roadworks associated with the expansion of the airport between now and 2024 to be \$2.7 billion in today's dollars. The retail and entertainment precinct adjacent to the intersection of Foreshore Drive and General Holmes Drive will mean thousands of extra vehicles on these and surrounding roads. If this proposal was subject to State and council charges and infrastructure contributions, the developer, Macquarie Bank, would have to bear much of the cost. However, because the proposal is governed by the Airport Act, the developer is answerable only to the Federal Government and is required to pay none of these.

The State Government has consistently argued that the Federal Government should change the rules so that the developer of airport land—in this case Macquarie Bank—will be subject to the same rules for infrastructure charges as if it were developing on non-airport land. To date the Federal Government has rejected this proposal, saying that the economic benefit to the New South Wales economy is sufficient compensation. I assure the House it is not sufficient compensation to the residents of Botany, Mascot, Rosebery and Alexandria, who will have to suffer the increased traffic that this proposal will generate. This Federal Government disaster will knock the State's roads budget off its feet, compound Sydney's traffic problems and compound the problems experienced by the people of Mascot and Eastlakes, as well as the people wanting to use Southern Cross Drive and General Holmes Drive. I encourage all residents and all members of this House to inspect not only the proposal but also the New South Wales Government's submission, which is available at [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au). I call on the Federal Government to reject this outlandish proposal and to stick to aviation and aviation-related activities on airport land.

**Mr MILTON ORKOPOULOS** (Swansea—Minister for Aboriginal Affairs, and Minister Assisting the Premier on Citizenship) [5.20 p.m.]: I congratulate the honourable member for Heffron on bringing forward this important issue, which sets a precedent in the massive cost shift from the private sector to the New South Wales Government and the taxpayers of New South Wales for the provision of infrastructure to sustain the massive proposed development by Macquarie Bank at Sydney airport. The communities of Botany, Mascot, Rosebery and Alexandria should not have to suffer the intrusion generated by the airport proposal. The Federal Government has washed its hands of its responsibilities and deserves to be roundly condemned.

#### **MURRUMBIDGEE ELECTORATE POLICE STATION MAINTENANCE**

**Mr ADRIAN PICCOLI** (Murrumbidgee) [5.21 p.m.]: I refer to the condition of a number of police stations in the Murray Valley, particularly those in the electorate of Murrumbidgee. I conducted a tour of the region a few weeks ago with the Opposition spokesman on police, the Hon. Michael Gallacher. The Finley police station could only be described as a disgrace to New South Wales. It is incredible that police have to work in such conditions. No other group of public servants would work in such conditions. The police station is almost half falling down. It is an old house built 70 or 80 years ago. There was a commitment by the New South Wales Government to spend about \$100,000 in restumping the building. That has not happened: the money was withdrawn. So half of the police station is almost falling over. The rest of it is pretty well eaten out by white ants. We could see the little tunnels the white ants had built on the brickwork into the top of the building. Very active termite destruction is occurring. We were told that the building has been sprayed a few times but to no effect. The police there are working in pretty ordinary conditions.

At the Moama police station plaster was falling off the walls, which had massive cracks. It resembled some of the buildings damaged in the Newcastle earthquake. There were seven or eight massive cracks in the walls, plaster falling off the ceiling and plaster falling off the wall above the door. The local sergeant had to

close the building a few months ago because he was worried about the safety not just of the officers working there but also of the people attending the police station. He was afraid that the falling plaster could hit someone on the head. There have been calls from the Moama community, from the council and from the police for a long time for the police station to be upgraded. I join in those calls. I do not think any member of Parliament would say that its condition is acceptable.

The New South Wales Government has now run out of money. During question time this week there were claims about 29,000 and 5,000 public servants being dismissed. Some of the public servants that really should be sacked are the large number of spin doctors employed by the Government. The Government intends to sack 4,000 or 5,000 people, but I bet no ministerial staff will be sacked. Staff in the offices of the Premier and most Ministers were at fairly reasonable levels when Labor took office but the levels now are quite extraordinary. The cost savings from reducing staff in ministerial offices would provide plenty of opportunities. For the couple of hundred thousand dollars that I am sure the spin doctors of the Minister for Aboriginal Affairs are being paid, a lot of work could be done on police stations such as those at Moama and Finley.

The problem all along has been that the Government is all about spin rather than substance. This has been exposed in estimates and in Parliament. The Government spends well over \$4 million a year on Rehame, on media monitoring. Now it is complaining about being broke. It does not have the money to fix up police stations such as Moama and Finley because it has mismanaged the New South Wales economy and bloated its bureaucracy. Even in its own plans to sack 4,000 or 5,000 public servants, the first place it should look is in ministerial offices. Government members know that spin is the only thing that has kept them in office for the last 11 years. But the people of New South Wales are awake to them and they demand results, such as improvements in the police stations at Moama and Finley. [*Time expired.*]

#### **ALL HALLOWS PARISH SCHOOL, FIVE DOCK**

**Ms ANGELA D'AMORE** (Drummoyne) [5.26 p.m.]: It give me great pleasure today to acknowledge the blessing and opening of the new and renovated All Hallows Parish School Building and the commissioning of school leaders for 2006 by Bishop Julian Porteous on Sunday 5 March at the All Hallows Church. I acknowledge the welcome that was given by 2006 school leaders Roberta Pecoraro and Nicholas Smyth. It gives me great pride to see such wonderful school leaders in our local community. The mass was well attended by parents, students, teachers and parishioners. I was extremely proud to be part of the service as the member for Drummoyne. The mass was attended by distinguished guests Martin Maling, Chairperson of Parish Council, Brother Kelvin Canavan, Executive Director of Schools and, of course, Bishop Julian Porteous.

The following schoolchildren read out prayers: Liam Brundle, Linda Cancellara, Cassandra Sorrenti, Anne Roberts, and Olivia Andrews. The principal, Lea De Angelis, in her address highlighted the history of this wonderful Catholic school, which I would like to put on record. The All Hallows Parish School was opened in 1919 by two nuns of the Presentation Order from Wagga Wagga. The All Hallows primary school was originally opened in a house in Abbotsford to provide a Catholic education for 50 pupils from the Five Dock and Abbotsford area. The first parish priest of Five Dock, Father Peoples, built a beautiful church school, which was opened in 1921. Its first principal was Sister Imelda Higgins. Today the school has an enrolment of 340 students and a staff of more than 30 dedicated teachers and support staff. I put on record my gratitude to the principal, deputy principal, teachers and support staff for making All Hallows a fantastic school and providing excellent education to our local children.

The motto of the school is "Celebrating faith and learning". Despite the large numbers of students there is clearly a strong sense of family and closeness with this school community. Our local priest, Father Bob Hayes, parents and staff provide a learning environment which affirms the gifts and talents of each individual while challenging them to be the best they can be. The school works in developing gospel values of love, forgiveness, tolerance and justice, while fostering a deep and hope-filled understanding of our faith. Each student is offered a varied and contemporary curriculum which, while cherishing the treasures of the past, will give them the knowledge and skills to become citizens of our global society who are confident in their own abilities to make a difference in their world. The All Hallows Catholic Primary School offers a safe, secure place of learning, rich with modern facilities and resources. A few years ago the school embarked on a challenging building program and the mass was an acknowledgement of the completed building program, a culmination of several years' discussions, planning and final construction, and a result the community is undoubtedly proud of.

This ambitious building project would not have been possible without the commitment and support of the Catholic Education Office, Father Bob Hayes, parents of students, parishioners of All Hallows, and the State

and Federal governments. I extend my thanks to Brother Kelvin Canavan, who acknowledged the Iemma Government's contribution of half a million dollars to service the interest payable on the extensive loan that was taken out to fund the school upgrade. Without the State Government's contribution the school may not have been able to secure the loan. As the State member of Parliament I have welcomed this substantial grant to a wonderful local Catholic school and the support and recognition shown to the progression of Catholic education in the State seat of Drummoyne.

My sincerest thanks go to Mr Geoff Collins, the site foreman from Steve Watt Constructions, who was acknowledged by principal Lea DeAngelis at the mass for minimising the day-to-day difficulties of such a project. I also extend my thanks to Charles Glansville Architects for its marvellous designs. I was happy to be served morning tea in the new precinct. I think that everyone who attended was overwhelmed to be there with teachers, parents, the principal and our clergy. The mass included the unveiling of a plaque by Father Bob and the presentation of school leader badges to schoolchildren from year 1 to year 6. I saw the pride in the faces of their parents and I wish these children well in performing their roles as school leaders during 2006. I am sure that they will fulfil their role and take seriously the responsibility they have been given. I also thank the members of the parents and friends group for their dedication and the time that they spend progressing the needs of the school community. I look forward to speaking with them soon.

The electorate of Drummoyne enjoys high-quality Catholic and public education, with 50 per cent of local children attending Catholic schools and 50 per cent attending public schools. I fully support the option available to parents to choose between Catholic and public schools for their children. My brother and I attended local Catholic primary schools and high schools and are grateful for the education we received. Catholics comprise 43 per cent of the total population in the electorate and our local churches and Catholic schools are fully supported—and so they should be. I also extend my thanks and appreciation to the school and parish community. I look forward to participating in future events and continuing my support of Catholic school education in the State seat of Drummoyne.

#### **MANYANA RESIDENTIAL LAND REZONING**

**Mrs SHELLEY HANCOCK** (South Coast) [5.31 p.m.]: I draw the attention of the House to proposed developments in the village of Manyana that have been the subject of recent well attended public meetings, the subject of a petition I am presenting in this place and representations from the Manyana community to the Minister for Planning. I have written to the Minister for Planning requesting that he receive a deputation of representatives from the Manyana community to allow them to outline their concerns about the level of development proposed for the Manyana-Bendalong area. No doubt he will already be aware of the feelings of residents as a result of their emails and letters.

Last week I gave notice of a motion requesting, among other things, that the Minister for Planning refuse the request from Kylor Pty Ltd to rezone its property in Manyana from the existing 2A2 residential zoning to 2A1 zoning, which would result in unacceptable levels of development in the area. The Kylor proposal would result in a fourfold increase in the number of potential dwellings on the site and the construction of a further 500 homes in this small, beautiful, seaside village. My view and the overwhelming view of the community is that the current zoning of the Kylor land is generous and that further increases in lot density will result in unacceptable pressure on infrastructure, including roads, water and sewerage.

The Shoalhaven City Council has secured the services of independent consultants to proceed with community consultation and the process began prior to Christmas last year. However, it has become clear that this process is no longer necessary, because the communities of Manyana, Bendalong, Cunjurong Point and Berringer have made up their minds about cumulative development of that kind in the area and overwhelmingly reject it. Not surprisingly, I have been unable to find any individual, of any political persuasion, in these areas who supports large-scale development of the kind I have described. I believe that local residents would be prepared to work with the Minister for Planning and the Shoalhaven City Council to formulate appropriate planning controls for this area, but at this stage they have been well and truly disempowered by this process and are justifiably angry about what is happening in their area.

The Kylor development is not the only development proposed for this area. Apparently further rezoning proposals for several parcels of land in the Manyana area are being assessed by the Department of Planning. If these are approved, there will be disastrous consequences for the area and we will all potentially lose one of the most pristine areas on the South Coast forever. Residents have raised with me their specific concerns, which include loss of amenity, loss of the current village atmosphere, probable adverse effects on Inyadda Beach from

excessive runoff, destruction of habitat and flora on a delicate coastal strip, and increased water consumption at a time when the Shoalhaven is being held to ransom by this Government and Sydney for water from the Shoalhaven River. In addition, there will be increased evacuation risk in times of high fire danger, pressure on the infrastructure and increased vehicular traffic along the Princes Highway to the nearest larger towns of Ulladulla, which is 35 kilometres away, and Nowra, which is 55 kilometres away.

The issues I have just mentioned are merely summaries of the problems that will emerge should the various rezoning proposals proceed. I have requested that the Minister for Planning place a moratorium on all developments in the Manyana area pending the formulation of appropriate planning controls and widespread community consultation. The community is feeling very left out of the process. However, they are enthusiastic and well educated about their community, and they want to do something positive about change. Strong feelings about this issue have been expressed throughout the Manyana area. At a public meeting it was resolved that members of the community would unite in opposition and begin a campaign to halt the development proposals before Shoalhaven City Council and the Department of Planning. For the first time that I am aware of, the two representative groups in the area—the Bendalong and Environment Association and Manyana and Districts Citizens Association—have united on the issue of overdevelopment in the area.

I therefore reiterate my request to the Minister for Planning to meet with residents from the area and to listen to their concerns. He could even take some time to visit and witness for himself the beauty and tranquillity of these pristine places. Areas like this must be protected from overdevelopment, and appropriate planning controls are essential. I will be joining with residents to vehemently oppose the desecration of villages such as Manyana and Bendalong. Pressure is building along the coastal strip in the South Coast electorate for developments of this kind. I am calling on the Minister to watch very carefully as proposals are submitted to him from Shoalhaven City Council, which tends to be development oriented. He should also pay close attention to community comments, because the community is uniting to oppose overdevelopment on the South Coast. They know the pressure is on because people want to move to the area, but we must have development in appropriate places. That might be in Ulladulla, that might be in Nowra; it is certainly not in Manyana or in Bendalong.

### LIVERPOOL ELECTORATE IRISH EVENTS

**Mr PAUL LYNCH** (Liverpool) [5.36 p.m.]: I report to the House on a number of events in which I have recently been involved and which are of considerable interest to my constituents. The events are all related. At the end of January I received a delegation from County Wicklow in Ireland. The delegation included County Chairman Andrew Doyle, Councillors John Byrne and Dr Bill O'Connell, County Manager Eddie Sheehy and Wicklow historian Joan Kavanagh. The delegation is relevant to Liverpool because the earliest European settlers in the area were five quite famous Irish rebels from County Wicklow, Michael Dwyer and four others. Dwyer is still a significant figure in Irish history and each year a Wicklow delegation comes to visit Liverpool to see the land that he worked. Dwyer's grave is the massive monument at Waverley Cemetery at which Irish republican ceremonies are still held every Easter Sunday.

The Tellicherry Bicentenary Day was held on Sunday 12 February 2006. "Tellicherry" is a reference to the convict ship upon which Michael Dwyer and the four other rebels came Australia. It left Cork on 31 August 1805 and arrived at Port Jackson on 1 February 1806. Dwyer's four compatriots and co-rebels were Byrne, Mernagh, Burke and Devlin. Streets throughout my electorate are named in their honour. The 12 February event was organised by the relatives of the five rebels, of whom there is a significant number around various parts of Sydney. The bicentenary day consisted of a number of speeches. Joan Kavanagh, the historian from Wicklow, Andrew Moore, an Associate Professor at the University of Western Sydney, and I attended. I am regarded as something of an amateur historian in this area. Some would say that I have an obsession, but that is going too far. It was a very successful and enjoyable day.

I held a more contemporary event in this place on behalf of Australian Aid for Ireland and Justice Action on 15 February. That was a meeting to hear a speech by Brenda Murphy, who served two four-year sentences during the struggle for independence in Ireland. Throughout her time in gaol she campaigned for political status and participated in hunger strikes as an 18-year-old. She is now a supporter of the peace process in Ireland. She has become an internationally acclaimed playwright and writer. On one of my trips to Belfast I saw one of her plays. She is an impressive person who spoke passionately about her involvement in what she and I would regard as English-occupied Ireland.

The final event to which I refer is an event that occurred last Sunday: the 202nd anniversary of the Vinegar Hill uprising, which occurred in 1804. That event was held at Castlebrook Memorial Cemetery. It

featured a number of distinguished guests, including the well-known and well-loved Bishop David Cremin, Minister Tony Kelly, Ian West from the upper House, Councillor Leo Kelly, and, from the Irish consulate, Vice Consul Kelly, which led to a series of bad jokes on the day about the Kelly gang. Mike Bailey was the master of ceremonies.

I was invited as the guest speaker for the annual oration. I made the point that 1804 is quite significant in Australian and Irish history. It is significant because it was, of itself, a significant event. It also speaks very strongly to the Irish and the radical traditions in Australian history, which is not all that far away from the history of the Labor Party, for fairly obvious reasons. It is also a profoundly contemporary issue. It is contemporary in current Ireland because the aims and objectives of the united Irish were never achieved; there is still a significant English presence in parts of Ireland. But it is also a contemporary Australian story, not only an Irish story. As I said in my speech, the Irish have a lot to teach us about contemporary Australian politics. In Thatcher's England you are English until proven Irish; in Howard's Australia you are innocent until proven Muslim.

It is worth noting that those gathered at this event were delighted to hear that debate had commenced in the upper House on the oath of allegiance legislation. They will be even more delighted to know that it has now been passed and we no longer swear allegiance to Betty Windsor, her heirs and successors but to Australia and the people of New South Wales. I note in passing that a lunatic called Flint was on the television this morning saying that the legislation was a vicious grab for power. I recommend to Mr Flint that he grow up and become an Australian and, in addition to that, that he read the bill and see what it actually says.

## **KU-RING-GAI COUNCIL DEVELOPMENT APPLICATIONS**

### **WARRINGAH COUNCIL ELECTIONS**

**Mr ANDREW HUMPHERSON** (Davidson) [5.41 p.m.]: On the 100th anniversary of the establishment of Ku-ring-gai and Warringah councils I would like to make some comments about contemporary issues affecting both. I congratulate and acknowledge the contribution that so many people have made to the Ku-ring-gai community over the past century, and certainly in the past decade or so when I have had contact with it. Many people make up a community, but those who give of their time and are prepared to stand for public office and take on the responsibility that goes with it deserve significant acknowledgement.

The challenges are ever-changing. The current members of Ku-ring-gai council face the major challenge of overdevelopment. Given the circumstances that have evolved over the past decade and now prevail in Ku-ring-gai I call on the Ku-ring-gai councillors to start thinking about the interests of ratepayers and residents and get on with the job of resolving the residential strategy. The Minister for Planning has warned that if the council continues its delaying tactics over the finalisation of plans for six town centre developments, there will be adverse consequences. No-one, myself included, likes the overdevelopment that the Iemma Labor Government is foisting on Ku-ring-gai, but a continuation of long-term delaying tactics will only exacerbate the problem and open the door for the Minister for Planning to step in and take over. That has happened in the past in relation to residential development in the highway-railway corridor, with five-storey unit blocks being approved in many of Ku-ring-gai's best streets.

The Minister for Planning has made it clear that if council fails to keep to the agreed timetable he will not hesitate to act and take the matter out of council's hands. The recent public disagreements between the council, the mayor, and the Minister have not helped to resolve the matter. Whatever their reservations, I urge the councillors to get on with the job urgently and immediately. There should be no more delays and councillors should realise that they do not have much leeway in meeting the deadline. The council has been aware of the Government's requirements for 10 years. Numerous extensions have been granted, and further delaying tactics will be met with a brutal response which none of us will like and which the present council will have to live with for the remainder of its term. Significantly, the residents of Ku-ring-gai will have to live with it for the remainder of their time in the municipality.

Earlier this week I attended an event that commemorated the 100th anniversary of Warringah Council. I acknowledge the many councillors I have known for many years who have made contributions to Warringah Council. A number of mayors, former presidents and many councillors attended the function. I was involved in the Warringah Youth Council from 1977 through to 1982 and I was a member of Warringah Council for five years in the late 1980s, early 1990s. I have a great deal of affection for Warringah Council. Sadly, on this 100th anniversary the council is without elected representatives for the third time in its history. It is timely to call for a return of democracy to Warringah.

It is now some 2½ years since representatives of the community have been elected to constitute Warringah Council. It is now time for the State Government to stop playing political politics, stop delaying the return of democracy to Warringah and allow council elections. The only excuse that the Minister for Local Government can advance is that he wants to save the council money by avoiding a by-election. However, the last time the council was dismissed an election was held early, not at the time of the normal council elections, and the newly elected councillors served a slightly longer term. That is a sensible way to hold an election. There is no substitute for democracy, whatever its failings.

There was a need for time-out, and that has now happened. That time-out should have been no more than two years. It has now been 2½ years and the State Government proposes that the community will have a council for a five-year period without democratic representation, participation and, importantly, accountability. Whatever the failings of our democratic system, we elect representatives who have strong empathy with the community. They better understand community feelings and attitudes, and they are more accountable through the electoral process to the community. It is not a flawless system but it is better than having a supposedly democratically elected Government imposing a non-elected representative onto that community and stipulating that the person should remain in office for five years. [*Time expired.*]

### NORTH HEAD DRAFT MANAGEMENT PLAN

**Mr DAVID BARR** (Manly) [5.46 p.m.]: In December last year the Sydney Harbour Federation Trust released its draft management plan for North Head. That plan is basically a blueprint for the protection and maintenance of the intact and rare ecosystems at North Head, including flora, fauna, biodiversity, geodiversity, and for the facilitation of the adaptive reuse of the former defence buildings for appropriate uses. The management plan takes in 72 hectares, which is the site of the old School of Artillery, out of a total of more than 300 hectares of North Head, which is basically owned by the State. It was Crown land that belonged to the colony of New South Wales before Federation and to New South Wales after Federation. In 1910 an agreement between the State and the Commonwealth allowed the Commonwealth use of the land for defence purposes and for a quarantine station.

In 1984 the agreement was varied and part of the quarantine station land was returned to New South Wales. The agreement provided that when land was no longer need for the quarantine station or for military purposes, the site should revert to New South Wales. The School of Artillery relocated in 1997. The only connection the military has on North Head is the North Fort. New South Wales is the legal owner of North Head, including the Manly Hospital site, but the State interest has been dormant for many years. The Commonwealth is still in possession of the site occupied by the Australian Institute of Police Management. We are awaiting a memorandum of understanding to be signed between the State and Federal governments that will allow the site to revert to New South Wales once remediation and restoration has been undertaken. The Federal Government is prepared to spend, through the Sydney Harbour Federation Trust, something like \$20 million on that process, and has done excellent work on all sites with which it has been involved around the harbour.

New South Wales has insisted on the right to determine the terms of the leases and the lessees. The Sydney Harbour Federation Trust Act specifically excludes any land owned by the trust from the operations of State planning law. That has delayed things for the moment, but the point is that the Federal Government is willing to put \$20 million into that site. It will then revert to the State, so the State is a clear winner. One of the themes of the plan is the benefit that would flow from including all of North Head in a draft plan of management rather than just the School of Artillery site. The comprehensive plan proposes the creation of a sanctuary for all of North Head, which all parties have endorsed, including the State Government. The draft plan says:

Although the implementation of the sanctuary concept would ideally include all landowners at North Head, the Trust is only responsible for the management of the former School of Artillery site.

It is a pity we cannot have a draft plan for all of North Head. One of the issues is what will happen to the management of this site when the Sydney Harbour Federation Trust has finished its 10-year tenure. There is still five years to run before it lapses. What happens in the long term? Ideally, the North Head Sanctuary Foundation should have a role in the management of the sanctuary and that body should manage all of North Head. I have often referred in this place to the quarantine station site and what is happening there. We are still waiting for a lease to be signed but it keeps getting delayed. The hope of the Government is that it will be signed before the end of this financial year. It has been dragging on and there are whispers that there are some serious complications. If that is the case, there may well be an opportunity for the State Government to step back and work with the Sydney Harbour Federation Trust on an integrated management plan for all of North Head. We could have one body responsible for the care, management and betterment of that site to provide a good green gateway to Sydney Harbour.

### HILLVUE PUBLIC SCHOOL COMMUNITY BUS

**Mr PETER DRAPER** (Tamworth) [5.51 p.m.]: Tonight I wish to inform the House of a thoughtful community campaign to address problems of schoolchildren's safety and youth crime that has been initiated by residents of the Coledale community in Tamworth. The Coledale Action Team meets monthly to address various resident concerns in the suburb. At a recent meeting resident and parent Debbie Sutherland raised the idea of introducing subsidised bus travel for Coledale Primary School children who attend Hillvue Public School and are forced to walk to school. Because Hillvue Public School is located close to the suburb, the majority of students live within a 1.6 kilometre radius of the school, the minimum distance children in years 3-6 must reside from a school to qualify for free bus travel under the guidelines set out by the Ministry of Transport. As a result many students are forced to walk to school or pay \$1.30 each way to travel on the bus. That creates a number of issues for parents and children in Coledale. While students from kindergarten to year 2 qualify for free bus travel regardless of the distance, students in years 3 to 6 do not, and issues arise for the students who live within the radius.

First, the Coledale area is highly populated by Department of Housing tenants and also contains a sizeable indigenous population. Paying for bus travel each school day is not an option for many of these residents. Second, to walk to Hillvue, students must cross a busy railway line used by freight and passenger trains and then cross Duri Road, the main artery between Tamworth and the outlying centres of Werris Creek and Quirindi. That is a huge concern to parents who are unable to walk their children to school as they are placed at greater risk at peak traffic times than students at other schools. Third, there is a growing incidence of truancy. Mrs Sutherland raised the valid concern that a growing number of primary school children are being influenced to truant by older children while walking to school. That, in turn, is adding to an already high incidence of youth crime in the community.

Mrs Sutherland and her family have been living in the Coledale area for approximately 18 years and she is an active and passionate member of the community. She is concerned for the welfare not only of her children but of others as well. Debbie said break-ins have increased during the day in the Coledale area, a claim backed up by local police. She said that just before Christmas last year break and enters were occurring at the rate of about three or four a week, and she witnessed children of primary-school age entering neighbours' yards and wandering the streets during school time. She said it had been a problem in the area for a number of years but the age of the children involved seemed to be getting younger.

Oxley Local Area Command crime manager Inspector Greg Birtles said youth crime was a growing problem in Coledale, describing it as a hotspot for juvenile-related crime. He said any strategy to reduce crime and ensure children attended school would be welcomed and supported by police. Mrs Sutherland raised her concern because of her belief it is vitally important to nip such problems in the bud by teaching these children a school routine: when they get to a certain age a routine becomes much more difficult to enforce. Mrs Sutherland is not alone in her belief. In little more than an hour she gathered a petition with 30 names supporting subsidised bus travel which she presented to my office.

Hillvue Public School principal Ben van Aanholt is also supportive of such a move as he believes the proximity of Coledale to the school, coupled with the Ministry of Transport guidelines, places their students at a disadvantage. Currently there are about 320 students enrolled at Hillvue but in recent years the number has been as high as 700. Mr van Aanholt said that was due to many parents in Coledale opting to send their children to schools other than Hillvue simply because the greater distance qualified them for free bus travel. Mr van Aanholt has made representations to my office asking that the school receive special consideration from the Ministry of Transport to subsidise bus travel for students living within the 1.6 kilometre radius, a concept I fully support.

A similar community school bus program was successfully conducted by Peel High School, which is also located at Coledale. The program enjoyed remarkable success until it ceased in 2004. Mr Ray Usher drove this bus for many years and it targeted students who demonstrated high absentee levels. He said the bus service, which was funded under the Priority Schools Program, sent truancy levels tumbling to 7 per cent, which at the time was one of the lowest in New South Wales. I believe this initiative, which crosses a range of portfolios, deserves the support of the House and the Ministry of Transport as the issues it addresses are significant. I am sure it will be a success.

The community shares my confidence in such a service, and local bus operator Trevor Hannaford has already indicated he is willing to trial the idea in Coledale by donating a bus and a driver for a one-month period

to see what the outcome will be. I have spoken to the Minister for Education and Training today and I am delighted to see the Minister for Aboriginal Affairs at the table. This issue crosses his portfolio significantly and I ask him to take this matter to the Minister for Transport. Hopefully, he will support the proposal so that we can give very clear advantages to the young people of the Coledale community.

**Mr MILTON ORKOPOULOS** (Swansea—Minister for Aboriginal Affairs, and Minister Assisting the Premier on Citizenship) [5.56 p.m.]: I thank the honourable member for Tamworth for his considered submission on behalf of the students and communities that he represents. I will certainly make sure the Minister for Transport and any other appropriate Ministers have the information and understand how disadvantaged the students are, and I will reinforce the value of education for their future.

### **MONA VALE HOSPITAL**

**Mr ALEX McTAGGART** (Pittwater) [5.57 p.m.]: I take this opportunity to put on the public record the Pittwater community's fight for their hospital, Mona Vale Hospital. Over the past six years much has been said about Mona Vale Hospital. There have been arguments and passionate pleas to the Department of Health to support its services and improve the appalling state of its infrastructure. But we have never set out an overview of the community's fight to retain Mona Vale Hospital, its steadfast resolve and the lengths to which it has gone in defence of its hospital. There has been a continual fixing of the process by the Northern Sydney Area Health Service in order to arrive at an outcome to suit the area health service and to cut Mona Vale out of the equation. In 1999 the chief executive officer of that area health service, Dr Stephen Christley, came to Mona Vale hall to introduce his version of "Health on the Northern Beaches".

Dr Christley's vision was to shut down Mona Vale and Manly hospitals and to build a brand new hospital at Frenchs Forest. His proposal was met with stunned disbelief. Why close a functioning, well-loved community hospital? The community was outraged and could not understand where this harebrained scheme had come from. We soon found out. It had its genesis in the specialists who worked at Manly Hospital. Manly Hospital is very old and run down, and its location is completely unsuitable for a major hospital. It desperately needs replacement. The specialists wanted a new public hospital close to their intended private hospital at Frenchs Forest so that they could take advantage of public infrastructure to support their own operations. So began our journey.

In December 2000, together with a group of community people, I formed the Save Mona Vale Hospital Action Group and we began our campaign, little realising that almost six years later we would still be fighting. The area health service, which wanted a single hospital for the northern beaches, issued an options paper entitled "Towards Better Health 2000". A sham consultation process followed. The community consistently supported Mona Vale but the survey results were skewed or ignored. Rallies of 6,000 and 3,500 led to former health Minister, Craig Knowles, in 2002, changing direction and issuing a one network two hospitals strategy, committing budget funds in March 2003 for a procurement feasibility plan [PFP]. That PFP moved to a site selection process and Mona Vale mysteriously became first a complementary hospital, then had a complementary role. So, by default, the area health service brought the debate back to a single hospital for the northern beaches, against the wishes of the community.

During 2004 the site selection process took a number of twists and turns, with Dee Why, Frenchs Forest, Brookvale Bus Depot, Warringah Golf Club, Beacon Hill High School and Mona Vale listed in that order. Then in 2005 an upper House inquiry was forced to investigate a number of issues about Mona Vale. This inquiry found Mona Vale suitable for the level 5 hospital, and asked for the next stage of the consultation process to be fair and transparent. The area health service then progressed to a value management study [VMS], which was undertaken to short list the six sites. This was again a sham process designed to cut Mona Vale out of the running. The community was outraged.

That value management study was completed in July 2005 and Dee Why and Frenchs Forest came out as the preferred sites. The process was then handed to the Department of Health for economic appraisal and that is where the process is at the moment. On 6 December 2005 the Government's response to the parliamentary inquiry into Mona Vale was tabled. The implications of the principal findings were that there would be only one level 5 hospital on the northern beaches. Mona Vale would have a complementary role. There was no detail of what a complementary role is and no detail of what services would be at Mona Vale, and there was no guarantee that the Mona Vale land would not be sold. The community was horrified. All the work, passion and commitment had been for nothing.

The council then undertook to get a package together that would make Mona Vale fit the criteria of the VMS and get Mona Vale back into the process. That investigation brought them to the conclusion that they needed to find another location to fit the criteria and they came up with the Warriewood proposal. That is where we currently are. In two weeks time Cabinet will make its decision. The northern beaches community has consistently supported Mona Vale. Every time an options paper or survey was put to the community it comprehensively supported Mona Vale. The 26 November by-election was a referendum on Mona Vale hospital.

The area health service has consistently changed the guidelines to rule out Mona Vale and push its own agenda. The community has no confidence in it. Rallies, letter-writing campaigns, postcard campaigns, strategy papers, health papers and forums, newsletters and workshops—what more can a community do to defend its hospital? We are committed to Mona Vale, the community supports Mona Vale, the community wants Mona Vale and the community will reluctantly offer the Warriewood site only as a last option to keep a level 5 hospital in Pittwater and preserve the Mona Vale Hospital site in public ownership.

### FIRE SAFETY STATEMENTS

**Mr DARYL MAGUIRE** (Wagga Wagga) [6.02 p.m.], by leave: I place on the record a concern of Mr Lindsay Vidler, who received correspondence from the Wagga Wagga City Council which stated:

Under the provisions of the Environmental Planning and Assessment Regulation 2000, any building that is subject to the installation of essential Fire Services, (eg the fire safety measures listed in the attached form) the owner of the premises must lodge with the relevant Local Government Authority and the Commission of the New South Wales Fire Services, an annual fire statement.

The annual or supplementary fire statement indicates to the authorities that the fire safety measures have been tested by a properly qualified person to a standard no less than that which the standard was designed and implemented.

Failure to submit the Fire Statement to the Authorities on an annual basis incurs an on the spot fine, ranging from the \$500.00 to \$2000.00, depending on the period of time after the specified expiry date.

Council will be instituting an administration and service fee of fifty eight dollars, (\$58.00) to all owners of Commercial and Industrial premises that are subject to this legislative requirement. This will include Registration, Annual Reminder, and Referral of Statements to the Commissioner of the New South Wales Fire Services.

I have enclosed a blank form for the Annual/Supplementary fire statement for you to complete and return to Council with the prescribed administration fee **prior to 28<sup>th</sup> February 2006** ...

The Annual/Supplementary Fire Safety Statement only applies to any one of the following instances to those buildings erected, altered, added to, or had a change of use after 1973 and includes:

- Industrial Buildings (Factories and Warehouses) and Commercial Buildings (eg. Shops, Hotels, Motels, Offices) with a floor area greater than and equal to 300mm<sup>2</sup>.
- Other buildings including residential flat buildings, boarding houses, healthcare buildings, aged care buildings and schools.

I do not have a problem with fire inspections and it is important that buildings comply with the regulations. However, I do have a problem with the process under which council is required to administer this process at a cost of \$58 and the owner of the property is required to provide certification that the building has been inspected. The forms that must be filled out and returned are simple, but I would suggest that this process could be streamlined even further. It is necessary to employ a qualified person to assess the property to ensure that it complies with fire safety measures, but I am perplexed as to why the certificate is so simple. It looks like it has been prepared by a kindergarten student. It states, "Essential/critical fire safety measures: (Tick appropriate Box)".

Some of the categories that are to be ticked include access panels, doors and hoppers to fire-resisting shafts, automatic fail-safe devices, emergency lifts, fire seals protecting openings in fire-resisting components of the building and hose reels systems. This is a bureaucratic document that serves no purpose. It does not expand on information that New South Wales Fire Services requires for its records. There must be a simpler way for the experts to comply with the regulations. The document further states:

A copy of the certificate together with the relevant fire schedule must be forwarded to be Council and the Commissioner of the New South Wales Fire Services.

A copy of the certificate together with the relevant fire safety schedule must be prominently displayed in the building.

The certificate is a poor example of a fire safety statement indicating that a building complies with relevant fire safety requirements. I suggest that the Minister should redraft the document and simplify the process.

### **SNOWY HYDRO SOUTHCARE HELICOPTER**

**Mr STEVE WHAN** (Monaro) [6.08 p.m.], by leave: I draw the attention of the House to an important rescue service for south-eastern New South Wales, that is, the Snowy Hydro Southcare Helicopter Service. It is a vital medical retrieval rescue service for the region. It has been operating now for some years and is regularly used in the region to ferry seriously injured people from car and skiing accidents. In the past it has even been used to rescue people from the Sydney to Hobart yacht race. I attend the Snowy Hydro Southcare Helicopter Ball each year, where I hear stories of people who have been rescued by the helicopter and the importance of the work it undertakes. It comes as no surprise that many people in my region have a great emotional attachment to it because it gives them a feeling of safety and reassurance.

The helicopter service is a vital part of health services in the region, so I was greatly concerned about comments made by the honourable member for Bega, who suggested to the Monaro community that the proposed sale of the Snowy Hydro Ltd might mean there is no guarantee that the Snowy Hydro Southcare Helicopter Service would remain. I assume that the scare campaign was designed to upset the people of south-eastern New South Wales. Tonight I place on record the absolute falsity of that disgraceful scare campaign.

Clearly, the honourable member for Bega does not know that the cost of the Snowy Hydro Southcare Helicopter Service is underwritten in full by the New South Wales and Australian Capital Territory governments. Indeed, the New South Wales Labor Government underwrites 90 per cent of the Snowy Hydro Southcare Helicopter Service. The sponsorship provided by Snowy Hydro is important to the helicopter service. If that sponsorship ceased for some reason, the service would continue because it is underwritten by the New South Wales and Australian Capital Territory governments. So the people of Monaro and south-eastern New South Wales—and, indeed, southern New South Wales—can be absolutely assured that the helicopter service is in no danger. It is disgraceful to suggest that it is.

There is no reason to think that Snowy Hydro would discontinue its sponsorship. It makes its decision on a commercial basis, based on returns and the goodwill that is generated in the community. There is no reason to think that that should change, even if Snowy Hydro is privatised. Honourable members would be well aware, as I have said it regularly, that I am vehemently opposed to the privatisation of Snowy Hydro, which unfortunately is a decision taken by the Government. Although I have stated my opposition, it is important that honourable members do not run scare campaigns and mislead and worry people unnecessarily. The Southcare helicopter is a classic case of such a campaign. As I said, this important service has a great deal of community support. The service runs a terrific fundraising ball each year, which I attend, and many other fundraising events throughout south-eastern New South Wales. Members opposite, and members of both sides of politics in the Australian Capital Territory, also support those events.

The main impetus for the Southcare helicopter came from the Liberal Senator Gary Humphries, and I give him his due. The proposal was taken on by the Australian Capital Territory Labor Government, and the New South Wales Labor Government provided its support. The Southcare service does a lot of goodwill work around the community, including school visits—it choppers in and gives kids the opportunity to look over the helicopter—visits to preschools and so on. The helicopter service and the committed medical staff in the ambulance services and hospitals in the Monaro area, which the New South Wales Government is upgrading and improving, are a terrific asset for the south-eastern community. Once again I place on the record that the disgraceful scare campaign relating to the Southcare helicopter is totally untrue. There is no danger to the service, which is underwritten by the State Government and the taxpayers of New South Wales.

### **ROADS AND TRAFFIC AUTHORITY AND MR DAVID REYNOLDS TRUCK LICENCE TEST**

**Mr THOMAS GEORGE** (Lismore) [6.12 p.m.], by leave: Yesterday in the House it was pointed out that bureaucracy creates havoc in country communities when people seek results to keep their businesses running. Today I wrote to the Minister for Roads, the Hon. Eric Roozendaal, about an issue brought to my attention by Mr David Reynolds of Goonellabah regarding difficulties he experienced in undertaking a driving test at the Lismore office of the Roads and Traffic Authority [RTA]. Mr Reynolds was sitting in a truck waiting to start his truck licence test. When the examiner climbed aboard he advised Mr Reynolds that the test could not be undertaken due to the absence of a lap sash seatbelt, although it is not a standard requirement for that type of vehicle.

The vehicle complied with the standard of the manufacturer and the RTA, and members of the public who are passengers are covered by third party insurance. Yet the examiner advised Mr Reynolds that he was unable to proceed with the test. Mr Reynolds said that to satisfy the examiner's request the owner of the vehicle would have to go against manufacturing standards for that type of vehicle to have an appropriate seatbelt installed. Apparently the licence Mr Reynolds was trying to obtain is similar to a bus drivers licence, which does not require seatbelts for passengers—nor are there regulations requiring seatbelts in buses. The only difference between a truck licence and a bus licence is that a doctor must verify the health of the driver because of passenger safety issues.

Fortunately, as a pensioner Mr Reynolds was not charged for the test. However, the inconvenience caused was most frustrating to Mr Reynolds. He had to make private arrangements to obtain another truck loaded to a certain capacity to meet the testing requirements. I am sure that Mr Reynolds conveyed to the examiner his annoyance at that imposition. The examiner outlined the alternative of undertaking training with a specific truck driving school. However, Mr Reynolds was previously a truck driver and had plenty of experience and, therefore, did not require the training. Also, he did not wish to outlay considerable expense for the course, which is estimated at \$400 for a one-off hire or \$1,000 to undertake the course.

This experience prevented Mr Reynolds from gaining employment. A potential employer was paying for Mr Reynolds to obtain his licence as he needed a relief driver and thought that Mr Reynolds could fill the position. I believe that Mr Reynolds has been provided with the Tow Truck Industry Council licence. To understand the situation, Mr Reynolds made representations to WorkCover, which informed him that it was not an occupational health and safety issue. If this is an RTA policy it needs to be examined. This is not the first time this problem has been brought to my attention. Although a truck passes its registration and has the right seatbelts, an examiner may get into the truck and refuse to conduct the test because the truck does not have a lap sash seatbelt, which is not an occupational health and safety issue. This is bureaucracy gone mad. It needs to be sorted out, and I call on the Minister for Roads to resolve the problem.

#### **SYDNEY INTERNATIONAL REGATTA CENTRE, PENRITH**

**Mrs KARYN PALUZZANO** (Penrith) [6.17 p.m.], by leave: The Sydney International Regatta Centre has been operating for a decade. For those who do not know, the Sydney International Regatta Centre is located in the heart of the Penrith Lakes Scheme. It was developed from a sand and gravel quarry to a quality recreational public open space that has been handed over to the State Government. The regatta centre comprises the magnificent centre and a two-kilometre course for international rowing. But it is more than a regatta centre: it is a centre for the people. On 25 January this year the Queen's baton relay started from the regatta centre. The first runner ran the relay leg from the centre on delivery of the baton. The regatta centre received nationwide coverage that day.

The centre was one of the sites of the 2000 Olympics. It hosted the rowing and the whitewater rafting events. The main impact of the 2000 Olympics was the number of people who visited the site. Whitewater rafting is an emerging sport but more than 10,000 people visited the whitewater stadium every day. I know that because I was a volunteer. My code name was Rip-1. I was in charge of those people entering the whitewater stadium during the Olympics. They had to travel along the road of an active quarry to do so. That was done safely and effectively.

Australia Day events have been held at the lakes. I acknowledge John Murray, the Chair of the Australia Day Council. I look forward to being with John next year when he launches Australia Day festivities at the Penrith Lakes. He supports the activities and also gives the Penrith City Council the funding to operate the Australia Day celebrations. Those who have not been to Penrith on Australia Day should join the 40,000 people who will be there all day celebrating. Lots of things will be happening. You can swim there. There will be crafts, performances and a magnificent fireworks display that was sponsored this year by Integral Energy.

I have a strong relationship with the Penrith Lakes Environmental Education Centre. It offers programs to preschools, primary schools and high schools as well as to university and TAFE students. It covers all areas of education and offers environmental education specific to the site, which is a closed stormwater system. The centre educates students about environmental activities in an urban environment. There is also Miru Mittagarr, a dedicated Aboriginal cultural centre and the only cultural centre in that area of Western Sydney. I commend it.

There is not only rowing at the regatta centre. There have been speedboats, dragon boat festivals and wake boarding. Picnic areas allow passive recreation. The five-kilometre cycleway around the lakes can also be

used for walking and rollerblading. The whitewater rafting course that was used during the Olympics held the World Cup in 2003 and the World Championships last year. We have a gold medallist in Robin Bell in the C1 class. I also commend the programs for the youth development squads for whitewater sports.

I thank the volunteers from Fishing NSW. Tim Hennessy and his crew are out there every Tuesday assisting the local people who want to fish. People can fish the lakes. They catch and release the fish. What is good about that is that the carp numbers are going down and the bass and native catfish numbers are going up. It is getting to the stage where those native fish can live in that environment. I congratulate the owners of Regatta Kitchen and Bar, the restaurant on the island in Penrith Lakes. They do a marvellous job. I would like everyone to join us on 18 and 19 March for the cinema, the regatta swim and the jazz band.

#### **COPMANHURST COMMUNITY PRESCHOOL FUNDING**

**Mr STEVE CANSDELL** (Clarence) [6.22 p.m.], by leave: Tonight I raise a sad event in my area. All community-based preschools are struggling through underfunding from successive governments, both Coalition and Labor. A new funding arrangement is desperately needed soon from both sides of politics, and the sooner the better. I say "the sooner the better" because one preschool in my electorate—and there are 16 community-based preschools in my electorate—the Copmanhurst Community Preschool is struggling with numbers this year. This preschool has been operating for 20 years but, unfortunately, funding arrangements are such that schools receive funding on a per child basis. In some year in these small, isolated communities not many kids are enrolled and that makes it almost impossible to keep the doors open, with the rising costs of running preschools.

Each August I conduct a pedal-for-preschools fundraiser amongst my preschools, travelling around 400 kilometres. Copmanhurst is one of my most outlying areas. There is always strong enrolment and strong participation there. People from the local school come down to help the preschool. If this preschool closes not only the childminding facilities will be lost. Some kids may have to go to preschools in Grafton, which is 36 kilometres away, form attachments there, and end up going to school in Grafton. So we will end up with fewer kids at a very small public school as well. In turn this leads to the loss of a schoolteacher and demountable classrooms, and this disadvantages an area that is already suffering disadvantage through isolation.

Last year the community got right behind the pedal-for-preschools fundraiser. All small communities are great for raising funds. In small communities there is the local rodeo club, the local soccer club and half a dozen other clubs trying to raise vital and very scarce funds. As I said, this is a disadvantaged community with little employment or industry. Money needs to come from somewhere. I have made representations to the Minister for Community Services, who has been very receptive and understanding of the plight of preschools. Unfortunately, with the Government's lack of funds right now, it is more than likely that money to bail out this preschool will not be available.

I emphasise to the Minister the need for better funding arrangements for preschools right across New South Wales. We need to keep the doors open and give these kids an advantage, so when they go to school they will not drop out because they feel inadequate. We also need to pick up the attendance rate at preschools. Compared to Queensland, Victoria and South Australia, New South Wales lags way behind. That might have something to do with the fact that we are the worst-funded preschool State in Australia, or perhaps we have not been promoting them enough. Perhaps those two things go together. If they are not funded correctly, preschools have to charge more. That takes them out of the range of the lower socioeconomic group, and that is what most of these communities are. The people do not have the money to take the kids to preschool more than one day a week.

This year the preschool only opens its doors for two days. There are 10 children on a Tuesday and eight on the other day. That does not make it financially viable for the school to keep its doors open. Again I call on the Government to come up with funding to ensure preschools across New South Wales are viable and better attended. I call on the Opposition to come up with policies to force the Government to do so. [*Time expired.*]

#### **LIVERPOOL ELECTORATE HERITAGE BUILDINGS PRESERVATION**

**Mr PAUL LYNCH** (Liverpool) [6.27 p.m.], by leave: I thank the House for the courtesy of granting me leave to speak. A significant issue facing Liverpool at this time is the preservation of its built European heritage and recognition of heritage values. There has been considerable discussion about individual items of that heritage in Liverpool: I have spoken in this place several times about individual buildings of concern. It is

perhaps time for Liverpool to look at all of the issues rather than dealing with them individually, considering all of them as part of the one heritage. During the 1960s and 1970s much of the older built heritage of Liverpool was destroyed and removed during a massive urban development boom. Providing more accommodation for people is a good thing, and it was important for it to happen in Liverpool at that time. Unfortunately, it also involved the destruction of many of the older buildings and structures. However, we have kept some.

The fact that we have kept some but lost so many makes the ones that we have kept even more important. Among them is Collingwood House, one of the oldest European structures in this State. It was originally owned by Ebor Bunker, a whaling captain. He was on the wrong side of the American Revolution: he supported the Empire rather than the freedom fighters in America and as a result came out to the colony of New South Wales. Whilst here he managed, in my view, to support the wrong side as well: he supported the Rum Corps in the Rum Rebellion. Indeed, he was referred to in the transcript of the court martial of Major George Johnson, the military commander of the Rum Rebellion. He was an interesting character politically, but Collingwood House is a significant bit of our heritage.

The house is on the peak of a hill overlooking the Georges River, an important indigenous site as well. It is one of the sites in Liverpool where the entire history of the invasion, dispossession and colonisation can be seen—just on the one site. Another significant building is a much newer building located next to Collingwood, the Liverpool Museum. It was recently under threat by the council. I am delighted to say that the Liverpool Council Administrator, after a significant public campaign in which I am happy to say I played a significant role, has decided to maintain the museum where it is. She has also decided not to develop the vacant space between Collingwood House and the museum, so that the vistas that are so important to understanding Collingwood and what it is are retained.

I noticed criticism of that decision in one of the local newspapers by a guy called Michael Byrne. He seems to be in a minority of one, as usual. He represents all that is worst in old Liverpool: he wants to get rid of heritage buildings and all the vacant space. When he meets someone with whom he disagrees he responds with personal abuse and personal attack. I am delighted to say that the community campaign to maintain Collingwood House and the museum as they are was successful. Rosebank Cottage is also a significant building. It is not as old as Collingwood, being completed in, I think, the 1880s or 1890s. It was the subject of a private lease by council to an architect, Mr Mosca, who is notorious in Liverpool and in the Independent Commission Against Corruption. Thankfully, that private lease has been ended and the building is now back in the control of the council, which means that it will not be in the dilapidated state it was in recently.

The School of Arts is not as old as Collingwood or Rosebank but it is still a quite significant building because of its age. There was a suggestion by the council that it would be sold. The campaign to save the School of Arts has also been successful. Once again, I am happy to say, I was part of the campaign. Some builders who approached me through the Construction, Forestry, Mining and Energy Union indicated they are happy to consider doing some voluntary work on the building, perhaps to help offset its upkeep. That is to be encouraged. The point I make is that these are not just individual buildings; they are part of the total heritage of Liverpool. One of the weaknesses of the public debate up to now is that those sites seem to have been regarded as separate cases rather than as all part of the one. I am delighted that all those buildings have been protected. I look forward to continuing the fight to sustain their protection.

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

**Mrs JUDY HOPWOOD** (Hornsby) [6.32 p.m.], by leave: I wish to speak about mental health issues at the request of the mother of a young woman with a mental illness. She wrote:

Just over a month ago, my daughter went through an episode of mental illness. The Case Worker was called and after a period of over a week, two nurses arrived nearly two hours after the time after which they said they would be available [2 p.m.] and subsequently half an hour after the time they said they would be arriving [3.30 p.m.]. When they did arrive at 3 minutes to 4 p.m. my daughter shot through. My husband had called them and had taken the afternoon off to sit with my daughter till they arrived. I myself was standing at the gate to let them in. I stood there for nearly three quarters of an hour—the hospital is ten minutes drive away, but they arrived too late.

Nearly a further week passed and countless phone calls later when finally a second team arrived which consisted of a psychiatric nurse, a doctor and two policemen. They were at my home, where my daughter was at that time residing to get some rest, and I was called on my mobile to be in attendance. The following scene was quite horrific and culminated in my daughter being taken to Hornsby Hospital by Paddy Wagon and a lot of trauma ensued. Now, a month later, I am only just beginning to recover from this trauma and I was not even the person involved.

Please explain to me how transporting a mentally unwell patient in a Paddy Wagon accompanied by Police is going to improve their state of wellness. Why do we have to criminalise the mentally ill?

What would people say if their mother was having a heart attack and we stated that there was a Paddy Wagon waiting in the driveway, for all the neighbours to see, and we were going to transport her to hospital in the back of the Paddy Wagon? There would be a public outcry and yet this is routinely how difficult cases are dealt with. Why is it beyond the wit of man to transport these individuals whose rational thought has temporarily abandoned them—perhaps through fear/terror/re-lived, repeated, previous experiences—why cannot we transport them by ambulance, as with any other ill person? That ambulance could be staffed by two additional 'specials' to help restrain the individual in question: 'specials' in security who were trained in mental health.

I repeat, Why do we have to criminalise mental illness? The individual has already had a lifetime of trauma related events, as likely as not, by virtue of their illness: They have already experienced rejection by society and low self-esteem and low morale. How does it help to have the neighbours see them carted off in a Paddy Wagon?

How does it help cement future relationships of this individual with the Police and vice-versa? Why must the Police endure this kind of trauma themselves, when they already have quite enough to do without being forced to transport the Mentally Ill? Why cannot further ambulances and transport services be specifically designated for the transportation of the mentally ill and have suitably manned personnel trained to deal with thought-disordered persons?

Not only am I traumatised, but also are the Police, the attending psychiatric nurse, the Doctor [very young and looking quite bewildered and out of their depth] and two traumatised Police officers. It has taken me nearly a month to recover from this and I am still suffering from Post Traumatic Stress and as mentioned, I was not the individual it happened to. I would say that my daughter's path to recovery has been set back by at least another year by this last incident.

We could all see it coming. We had asked repeatedly over a period of over two weeks for help and assistance and this had not been forthcoming. When are we going to get Community Services, like a half-way house where affected individuals can go [not hospital, where they have very bad memories] but where they can go to get treated when they first begin to be/feel unwell? We URGENTLY REQUIRE community facilities, perhaps even a place to stay overnight or a few nights to regain wellness under supervision, that is not a hospital but a Half-Way house set aside for this purpose. This is urgently required. It would free up much needed urgent hospital beds for the mentally ill.

In the event my daughter was hospitalised for a week but the after effects have taken so much longer to come to terms with and have set her back, as I say, probably by a year or so in trying to recover from the awful trauma of this event. ...

What is clearly indicated is that in spite of numerous phone calls to the Hospital and appeals for help, when help finally came the episode was then in severe crisis/acute mode and violent measures were then enacted which only served to further traumatise everyone involved, not the least of whom was my daughter who needed the most help of all. Now she does not just have a mental illness—now, she is also a criminal in her own eyes and her relationship with the Police is irrevocably and unnecessarily damaged.

This is just another example of what is wrong with the mental health system. It shows the position that police officers are put into when they are called on to attend a person with disordered thought. It is well known that the training and preparation of our police officers is inadequate to deal with mentally ill persons. The present procedure involves the stigma not only of the mental illness but also of a paddy wagon being in the driveway, as the mother of this young woman stated. It is about time the Government took a long, hard look at the way in which people with psychotic illnesses who demonstrate disordered behaviour at home are transported for further care. In regard to encouraging halfway houses, Werrina House in Wairoa provides excellent care and should remain. [*Time expired.*]

#### **WAGGA WAGGA ELECTORATE WOMAN OF THE YEAR AWARD**

**Mr DARYL MAGUIRE** (Wagga Wagga) [6.37 p.m.], by leave: I place on record my warmest congratulations to Val Weldon, who is the Wagga Wagga Electorate Woman of the Year. I had great pleasure in nominating Val for that award and in joining her and her daughter Dorothy Whyman at Government House at a ceremony to acknowledge the great contributions and achievements of women in our communities. Val Weldon, who is an Aboriginal, is a marvellous woman and a quiet achiever. When I read the nomination form and the list of her life's achievements there was no way I could consider anyone else. Val has quietly gone about her work in our community for the past 20 years. She helped to establish the Aboriginal Health Centre, which deals with health issues throughout our region. Not satisfied with that, she then established the Aboriginal Dental Corporation, a great organisation that provides treatment to the Aboriginal community of Wagga Wagga and the region.

Val was, and still is, very involved in our community. I recently had the great pleasure and honour of attending the opening ceremony for Gunamburra Enterprises, which has been established to employ young Aboriginal people. I attended along with Federal members, community representatives and, of course, Val. She had the honour of participating in the opening ceremony, which was chaired by her son-in-law, Hewitt Whyman. He and Dorothy are well known in the halls of Parliament House. They are a great family, great leaders in our Aboriginal community and great Australians. Of course, Val is the matriarch of the family. The hope and aspirations she has given young Aboriginal people through this business is wonderful. The atmosphere was electric when she participated in the opening.

Val came to Parliament House for the first time and dined with the honourable member for Albury and his nominee, Dorothy Whyman, and me. It was a great pleasure to host that occasion. Val informed me last night that the Aboriginal Dental Corporation and the Aboriginal Medical Service occupy rented premises and that they have worked tirelessly for years to try to find accommodation that they could call their own. I do not think I am letting any secrets out of the bag or giving too much away, but I now know that they have achieved that goal. Val will make an announcement about a grant very soon. The organisation will be able to purchase its own property at which they can carry on the business of delivering those vital health services. I note that the Minister for Aboriginal Affairs is present. All Australians should be focusing on delivering better health outcomes for Aboriginal people, and Val Weldon has tirelessly work towards that goal.

Val has also established Aboriginal preschool services and studied to become a qualified preschool teacher. When we first moved to Wagga Wagga my children attended her preschool. She is an amazing Australian. When the announcement was made last night that she was a finalist in the New South Wales Woman of the Year Award, it gave me great pride. I am sure it will give the Aboriginal community—indeed, the wider community—even greater pleasure to acknowledge her achievements when she returns home today. I know that the *Wagga Wagga Daily Advertiser* has published articles about her and that WIN Television interviewed her about her life's achievements. It gives me a great deal of pleasure to tell the House about Val's achievements and I offer her my warmest congratulations and those of the electorate of Wagga Wagga.

**Mr MILTON ORKOPOULOS** (Swansea—Minister for Aboriginal Affairs, and Minister Assisting the Premier on Citizenship) [6.42 p.m.]: I congratulate the honourable member for Wagga Wagga on his tribute to Val Weldon. Aunt Val has been an indefatigable leader of her community in providing these vital services. I also acknowledge that there are problems with Aboriginal health. I can assure the honourable member that the Government is working hard to address the cycles of disadvantage that critically affect Aboriginal health. I met Aunt Val when I opened the Department of Aboriginal Affairs office in Wagga Wagga late last year. I was very pleased to do so and I paid tribute to her work at the time. I again thank the honourable member for Wagga Wagga not only for promoting Val as the Wagga Wagga Electorate Woman of the Year but also for working with her to improve conditions in his electorate.

#### **EAST HILLS ELECTORATE WOMAN OF THE YEAR AWARD**

**Mr ALAN ASHTON** (East Hills) [6.44 p.m.], by leave: Like the honourable member for Wagga Wagga, I will speak about the Electorate Woman of the Year award. I congratulate Mrs Gwen Williams of Panania, who is the East Hills Electorate Woman of the Year and a nominee for the Electorate Woman of the Year as part of yesterday's celebration of International Women's Day. This is the second year in which these awards have been presented and I am sure they will continue, because both sides of Parliament recognise the importance of acknowledging people, particularly women, who do good work in our electorates. Most of them make their contributions on a voluntary basis and have risen above some disability or difficulty of life to achieve greatness.

When I was asked to nominate someone from the East Hills electorate, like other honourable members I had no trouble quickly drawing up a long list of candidates. The difficulty was making a choice. Gwen Williams has served in many community organisations in my electorate and is probably best known for her active work as the driving force behind the Panania Senior Citizens Centre. For the past seven years during which I have been the member for East Hills, and for many years before that, Gwen Williams has organised many functions at the centre for the senior people who meet there once a week. Those functions include Christmas in July celebrations. Local councillors and the Federal member, Daryl Melham, and I are always invited. It is a great day for us and we have the opportunity to meet many of our constituents who often cannot get to see us. Gwen also provides community transport to the event for people who cannot otherwise attend. She is always ably assisted by her daughter Cathy, who is obviously a lot younger than Gwen and who helps to make the function such a success. While Daryl Melham, other members of Parliament, councillors and I attend the centre twice a year, Gwen is organising events every week.

Gwen Williams is also active on the executive of the Panania-Picnic Point Neighbour Watch Group, which is one of the few remaining active groups. I am fortunate to have three such groups in my electorate. Some 20 years ago they attracted a great deal of support. Gwen plays a very important role in facilitating the group's meetings at Picnic Point Bowling Club. She still hands out pamphlets and dodgers to encourage people to participate. Mrs William also worked for 27 years as the main secretary at De La Salle College at Revesby Heights. She also had the privilege of working with Jacob Melham, Daryl Melham's brother, who on various occasions was deputy principal at the school. I also hosted a morning tea—as most honourable members do—at

which I presented Gwen Williams with her plaque and a lovely pen. The morning tea went very well. My secretaries were so serious about the celebration that they wanted to have the best china tea service that could be provided. My wife and I spent the weekend cleaning our wedding gift tea service—the only time the tea service has been used was in the ceremony in my office last Monday.

We were privileged to have Daryl Melham, the Federal member, and Councillor Allan Winterbottom, from Bankstown City Council, attend the function. Gwen was really tickled pink to receive the award. I am sure that in every electorate when women win an award they are so amazed that they have been nominated and that their contributions have been recognised. They do not do good work in the expectation of receiving any accolade whatsoever. On the morning of the ceremony Gwen rang my office to check that she was not the subject of an early April Fools' Day joke. She wanted to check that there really was to be a morning tea held in her honour. It was true. Gwen is a wonderful person and has done so much for my community. I congratulate her on receiving the honour that she very much deserved.

### **CUBBY HOUSE TENTH ANNIVERSARY**

**Mr BARRY COLLIER** (Miranda) [6.59 p.m.], by leave: On Saturday 18 February 2006 I had the privilege of joining visitors, guests and members of the Southern Region of the Sydney Woodturners Guild Inc. to celebrate the tenth anniversary of the Cubby House. The proceedings were opened by the current convenor, Ken McEwen. Also present were previous convenors and founders Alan Bourne and Clive Cairns, and Jean Ponder, the widow of founding member Bert Ponder, and former convenors Pat Thorpe, Gavin Wenham, Jim Govan, Fred Warr and Ian Casburn. It was a delight to see the members again, to celebrate the achievements of all members of the guild, past and present, and to recognise their contribution to the guild, their fellow members, and the shire community.

On that Saturday we looked forward and we looked back. We reminded ourselves of how the ABC of the wood-turners—Alan Bourne, the late Bert Ponder and Clive Cairns—and 40 volunteers took the initiative, put in the hard yards and turned an old derelict scout hall that was awaiting demolition into the Cubby House. Members continued on with that work, made improvements and developed the Cubby House into the great facility it is today. Honourable members might be interested to know how that derelict scout hall got the name "Cubby House". Bert, Alan and Clive were interested in wood-turning and got together to form the Southern Region guild.

As the group was growing, and they were spending so much time on getting the old hall up and running for the members, they were always away from their homes. People who went to their homes and asked where they were, were told by their wives, "Oh, they are down at the cubby house again." Eventually the name stuck as the place for the men to get together. I add that today the Cubby House does not only have male wood-turners but also an increasing number of female wood-turners. I met Alan, Bert and Clive for the first time in December 1998 when I was the candidate for the electorate of Miranda, and attended the opening of the accident and emergency section of the new Sutherland hospital. The wood-turners had raised \$6,600 from their first craft fund-raiser, which they donated to the children's unit at the hospital.

Bert invited me to the Cubby House Maxi Day, and I remember that visit very well. I was so impressed by the wood-turners' skills, including Bert turning a piece of wood on an old hand lathe. I admired their techniques. I saw also their infectious camaraderie, so strong then and as strong today. Along with their camaraderie is their passion for good workmanship. Their commitment to the craft and each other that have seen the wood-turners at the Cubby House go from strength to strength, not just in developing the hall but in contributing to the community. Over the years, through their craft fairs, they have raised more than \$50,000 for the children's ward at the hospital, the Rural Fire Service, the State Emergency Service and the Assistance Dogs for Independence.

I had no hesitation in 2000 in nominating the wood-turners for a Premier's Community Service Award, which they accepted from Premier Carr in Parliament House. The ABC of wood-turners, together with Pat Thorpe, Gavin Wenham and their partners, met with Premier Carr and had a cup of tea and the Premier presented the award. I joined the guild and did class number 26 under the excellent guidance of Gavin Wenham and Don Dixon. I still have the lamp I made; it sits proudly in my office. I have not had the heart to tell my staff that Gavin and Don used my wood for the demonstration and helped get the lamp stand finished.

If anything, I suppose my hands-on experience at the lathe, such as it was, demonstrated the skill and talents of the other members. As the local member of Parliament, I am proud to have the wood-turners of the

Cubby House in my electorate of Miranda. I thank all those involved over the years, members past and present, convenors past and present, for their work in getting the Cubby House up and running. I congratulate them on their contribution to the community. They have achieved so much not only for the craft but also for themselves and the community. I am sure they have many more years to enjoy as members of the Cubby House. Happy tenth anniversary to all at the Cubby House.

[Private members' statements interrupted.]

## **PUBLIC SECTOR EMPLOYMENT LEGISLATION AMENDMENT BILL**

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

## **INDUSTRIAL RELATIONS AMENDMENT BILL**

**Message received from the Legislative Council returning the bill with an amendment.**

### **In Committee**

**Consideration of the Legislative Council's amendment.**

*Schedule of the amendment in message of 9 March*

Page 3, schedule 1. Insert after line 2:

**[1] Sections 127A–127G**

Omit the sections.

**[2] Chapter 2, part 11**

Insert after part 10 of Chapter 2:

**Part 11 Outworkers in clothing trades**

**Division 1 Preliminary**

**129A Definitions**

In this part:

**constitutional corporation** means a corporation to which paragraph 51 (xx) of the Commonwealth Constitution applies.

**employer** means a person described in clause 1 (f) of schedule 1 as an employer and, in relation to division 3, does not include a person whose sole business in connection with the clothing industry is sale of clothing by retail.

**Note.** A person described in clause 1 (f) of schedule 1 as an employer is taken to be an employer for the purposes of this Act by section 5 (3).

**modification** includes addition, exception, omission or substitution.

**outworker** in the clothing trades means a person described in clause 1 (f) of schedule 1 as an employee.

**Note.** A person described in clause 1 (f) of schedule 1 as an employee is taken to be an employee for the purposes of this Act by section 5 (3).

**relevant clothing trades award** means the *Clothing Trades (State) Award* made by the Commission and published in the Industrial Gazette on 19 October 2001, as amended and in force from time to time.

**remuneration** means an amount payable, within the meaning of the definition of **amount payable** in section 364 (1), in connection with work done by an outworker and includes an amount payable to the outworker under the *Annual Holidays Act 1944* or the *Long Service Leave Act 1955*.

**unpaid remuneration claim** means a claim for unpaid remuneration under section 129D.

**Division 2 Conditions of employment**

**129B Outworkers in clothing trades employed by constitutional corporations**

(1) On and from the commencement of this section:

- (a) the relevant clothing trades award ceases to have effect as an award in relation to outworkers in clothing trades and employers (but only to the extent that such outworkers are employed by constitutional corporations), and

- (b) the conditions of employment set out in that award (as in force from time to time) in relation to outworkers in clothing trades and employers are, by force of this section, the conditions of employment applicable to outworkers employed by constitutional corporations and employers.

**Note.** The expression *conditions of employment* is defined in the Dictionary to include any provisions about an industrial matter.

- (2) To avoid doubt, subsection (1) (b) extends to conditions relating to the giving out of work by employers.
- (3) Nothing in this section affects the continued operation of the relevant clothing trades award in its application to employees not employed by constitutional corporations and their employers.

#### **129C Application of certain enforcement provisions**

A reference in part 1 (Breach of industrial instruments) or part 2 (Recovery of remuneration and other amounts) of Chapter 7 to:

- (a) an industrial instrument includes a reference to provisions of the relevant clothing trades award applying under section 129B, and
- (b) an amount payable under an industrial instrument includes a reference to an amount payable to an outworker under any such provision.

### **Division 3 Remuneration**

#### **129D Claims by outworkers in clothing trades for unpaid remuneration**

- (1) **When may an outworker make an unpaid remuneration claim under this section?**

An outworker in the clothing trades may make a claim under this section for any unpaid remuneration against the person the outworker believes is his or her employer (the *apparent employer*) if the employer has not paid the outworker all or any of the remuneration for work done by the outworker for the employer (the *unpaid remuneration*).

- (2) The claim must be made within 6 months after the work is completed.

- (3) **How is an unpaid remuneration claim made?**

The claim is to be made by serving a written notice on the apparent employer that:

- (a) claims payment of the unpaid remuneration, and
- (b) sets out the following particulars:
  - (i) the name of the outworker,
  - (ii) the address at which the outworker may be contacted,
  - (iii) a description of the work done,
  - (iv) the date on which the work was done,
  - (v) the amount of unpaid remuneration claimed in respect of the work.
- (4) The particulars set out in the unpaid remuneration claim must be verified by statutory declaration.
- (5) This section applies only in respect of remuneration for work carried out after the commencement of the section.
- (6) Clause 3 of schedule 1 does not apply to an employer served with an unpaid remuneration claim under this section.

#### **129E Liability of apparent employer for unpaid remuneration for which an unpaid remuneration claim has been made**

- (1) Except as provided by subsection (4), an apparent employer served with an unpaid remuneration claim under section 129D is liable (subject to any proceedings as referred to in section 129G) for the amount of unpaid remuneration claimed.
- (2) An apparent employer may, within 14 days after being served with an unpaid remuneration claim, refer the claim in accordance with this section to another person the apparent employer knows or has reasonable grounds to believe is the person for whom the work was done (the *actual employer*).

- (3) An apparent employer refers an unpaid remuneration claim in accordance with this section by:
  - (a) advising the outworker concerned in writing of the name and address of the actual employer, and
  - (b) serving a copy of the claim (a *referred claim*) on the actual employer.
- (4) The apparent employer is not liable for the whole or any part of an amount of unpaid remuneration claimed for which the actual employer served with a referred claim accepts liability in accordance with section 129F.

**129F Liability of actual employer for unpaid remuneration for which an unpaid remuneration claim has been made**

- (1) An actual employer served with a referred claim under section 129E may, within 14 days after the service, accept liability for the whole or any part of the amount of unpaid remuneration claimed by paying it to the outworker concerned.
- (2) An actual employer who accepts liability must serve notice in writing on the apparent employer of that acceptance and of the amount paid.
- (3) The apparent employer may, after the apparent employer has paid to the outworker concerned any part of the amount of unpaid remuneration claimed for which the actual employer served with the referred claim has not accepted liability, deduct or set-off the amount the apparent employer has paid to the outworker from any amount that the apparent employer owes to the actual employer (whether or not in respect of work the subject of the referred claim).

**129G Recovery of amount of unpaid remuneration**

- (1) part 2 of Chapter 7 (Recovery of remuneration and other amounts) applies to recovery of an amount payable to an outworker in the clothing trades from an apparent employer who fails to make a payment in respect of an amount of unpaid remuneration for which the employer is liable under section 129E. For the purposes of this section, a reference in part 2 of Chapter 7 to an industrial instrument is to be construed as a reference to the provisions of this section.
- (2) In proceedings referred to in subsection (1), an order for the apparent employer to pay the amount concerned must be made unless the apparent employer proves that the work was not done or that the amount claimed for the work in the unpaid remuneration claim is not the correct amount in respect of the work.

**129H Offences relating to unpaid remuneration claims and referred claims**

A person must not:

- (a) by intimidation or by any other act or omission, intentionally hinder, prevent or discourage a person from making an unpaid remuneration claim, or
- (b) make any statement that the person knows is false or misleading in a material particular in any notice given for the purposes of section 129E or 129F, or
- (c) serve a referred claim on a person under section 129E that the person does not know, or have reasonable grounds to believe, is an actual employer.

Maximum penalty: 100 penalty units.

**Division 4 Miscellaneous**

**129I Effect of this part**

- (1) This part does not (except as provided by section 129D (6)), limit or exclude any other rights of recovery of remuneration of an outworker in the clothing trades, or any liability of any person with respect to the remuneration of such an outworker, whether or not arising under this Act or any other law or an industrial instrument.

**Note.** An outworker may, for example, seek an order from an industrial court under section 365 instead of making an unpaid remuneration claim under section 129D.

- (2) Nothing in section 129F (3) limits or excludes any right of recovery arising under any other law with respect to any amount of money owed by the apparent employer to the actual employer.
- (3) Nothing in this part limits the rights of entry and inspection of officers of industrial organisations for the purpose of investigating any breach of a provision of this part or a condition of employment conferred by or under this part.

**129J Relationship of this part to Industrial Relations (Ethical Clothing Trades) Act 2001**

In the event of an inconsistency between the provisions of the mandatory code within the meaning of the *Industrial Relations (Ethical Clothing Trades) Act 2001* and the provisions of this part (or a condition of employment having effect under this part), the provisions of this part and those conditions of employment prevail to the extent of the inconsistency.

**Mr CARL SCULLY** (Smithfield—Minister for Police) [6.56 p.m.]: I move:

That the Legislative Council's amendment be agreed to.

**Mr CHRIS HARTCHER** (Gosford) [6.58 p.m.]: The amendment the Minister for Police moved that the Committee agree to, and about which he knows nothing because he has not read it, relates to outworkers in the clothing trades.

**Mr Milton Orkopoulos**: It is our legislation, brother.

**Mr CHRIS HARTCHER**: No, it is not. It is an amendment moved by the Christian Democratic Party. That interjection demonstrates the ignorance of the Australian Labor Party. I am trying to talk to the amendment. They should not interrupt, because the more they interrupt the longer I will take to answer. The ignorance of the Australian Labor Party [ALP] is monumental, but the Christian Democrats are significantly different to the ALP. The amendment relates to outworkers in the clothing trades, as moved by Reverend the Hon. Fred Nile in the Legislative Council on behalf of the Christian Democrats. It is obvious that the persuasive ability of Reverend the Hon. Fred Nile is so overwhelming that the ALP readily accepted his amendment. The amendment, which is five pages long, relates to thousands of employees. It has been shoved before the Legislative Assembly, and the Minister simply says, "Agree to it. I am not going to bother reading it. Do not talk to it, because it is 7 o'clock and I want to go home."

[Interruption]

I have 13 minutes to go, although I could probably finish in three minutes. If members opposite want me to keep going I will. I thank the honourable member for Bathurst and the honourable member for Penrith for keeping quiet. The amendment deals with thousands and thousands of employees—

[Interruption]

The Minister for Aboriginal Affairs cannot control his tongue. The amendment deals with employees, none of whom have been consulted about the bill.

**Mr Milton Orkopoulos**: Individual consultation for individual contracts.

**Mr CHRIS HARTCHER**: Does the Minister want us to engage in interchange or can I address the Committee? The Government says it is acting to protect workers, yet it has such contempt for workers that it does not deign to consult them. It does not dare notify employers or employees. It simply grabs a five-page amendment that affects thousands of people and says, "Yes, Fred, if you will vote for the bill we will accept your amendment." The amendment is significant. It says:

(1) On and from the commencement of this section:

- (a) the relevant clothing trades award ceases to have effect as an award in relation to outworkers in clothing trades and employers (but only to the extent that such outworkers are employed by constitutional corporations)

Nobody knows the number of outworkers in New South Wales, whether there are 1,000 or 10,000; they are not unionised; they are not normally employed by corporations; they are normally employed on a piecework basis, either in their own home or in the homes or garages of people to whom they sub-contract. Just what the implications of this amendment are no-one knows. We are entitled to have an explanation from the Government as to what it means. The effect it will have on outworkers and the effect it will have on the clothing trades industry is not explained. Nobody but nobody was told, and the Government just wants the House to vote upon it and accept it sight unseen.

That is the essential nature of the way this Government runs industrial relations legislation. Why does it run industrial relations legislation this way? Because it uses industrial relations legislation as a stunt. The Government cares nothing for the workers in the clothing trades industry; it has never protected them; it does

nothing for them; and this is another typical example of cancelling awards. If you are a worker in the clothing trade this Government is ramming legislation through Parliament cancelling your award without any notification to you. This is the way the Labor Party treats the workers of this State.

If a non-Labor government were to introduce legislation cancelling an award, the Australian Labor Party and Unions NSW would scream from here to eternity. But it is okay if a Labor government does it, just as it was okay if a Communist government did it. Both are equally contemptuous of the Australian working-class movement. Accordingly, I invite the Minister, if he is competent and capable—if he is incompetent and incapable he will not reply, but we will see if he is up to the expectations we all have of him—to tell us what the amendment seeks to achieve.

We used to sit on this side of the Chamber and say, "Scully for Premier." When Craig Knowles and Andrew Refshauge were sitting on the other side of the Chamber, we were on his side; we were backing him, and he knew it. To a man and a woman, every one of us would have lined up to make him Premier. Notwithstanding that, I invite him to explain to the House what the amendment does, what impact it will have on workers, and why a workers' award has been cancelled. These are not employees of the Crown, which was the original intent of the legislation, explicitly announced by the Premier. It does not make them employees of the Crown.

[Interruption]

You haven't read it? If you had read it, you would not have understood it. That may be unfair but it is accurate. So it is up to the Minister to explain why one industry is being singled out; why the outworkers of this State will suddenly have their award cancelled; and why the Australian Labor Party is abandoning its responsibility to the workers of New South Wales. The workers have not gained from this Government. Unemployment here is the highest of any State; housing affordability here is the lowest of any State; the cost of employment here is the highest of any State.

**Mr Paul Lynch:** Point of order: The honourable member for Gosford is making a second reading speech; he is not talking to the amendment. He ought to come back to the leave of the amendment.

**The CHAIRMAN (Mr John Mills):** Order! The honourable member for Gosford should address the amendment and not make a second reading speech.

**Mr Carl Scully:** Tell us about the Green preferences.

**Mr CHRIS HARTCHER:** That was a very relevant interjection. If the Minister likes, I will tell him about the Green preferences one day. The Minister has been trying to find that out for three years now. For three years he has wanted to know what happened to those Green preferences. One day it will be revealed, but not tonight. We want to know why the Government is accepting this amendment and why the Government is introducing it to this House at such a late stage. This Government has done nothing for the clothing workers. In fact, it closed down the clothing industry task force, the one body that actually sought to police the clothing industry to protect clothing workers, which was established by the Coalition Government when Kerry Chikarovski was Minister for Industrial Relations and Employment. I will not be surprised if the Government does not make a reply, because the Government has no interest in the workers of this State other than to use them as props in a political stunt.

**Mr Carl Scully:** Rubbish!

**Mr CHRIS HARTCHER:** It does the Minister no credit to interject "Rubbish!" when the Minister was one of those who, under a police cordon of protection, defied a union picket line outside the Parliament. The honourable member for Maroubra must have watched television that night and thought, "They are the sorts of guys I would like to join, the way they just ride roughshod over the workers of this State and use the police as their protective shield." We want to know what the purpose of the amendment is, and why the Government is moving it.

**Motion agreed to.**

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

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

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

**PRIVATE MEMBERS' STATEMENTS**

*[Private members' statements resumed.]*

**Private members' statements noted.**

**The House adjourned at 7.06 p.m. until Tuesday 28 March 2006 at 2.15 p.m.**

---