

LEGISLATIVE ASSEMBLY

Tuesday 4 April 2006

Mr Speaker (The Hon. John Joseph Aquilina) took the chair at 2.15 p.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.

SESQUICENTENARY OF RESPONSIBLE GOVERNMENT IN NEW SOUTH WALES BOOK LAUNCHES

Mr SPEAKER: I wish to draw members' attention to a special event which took place in this Chamber last Friday, when, as part of the commemoration of the sesquicentenary of responsible government, two splendid publications were launched: *Decision and Deliberation—The Parliament of New South Wales 1856-2003* and *The Premiers of New South Wales, Volume One, 1856-1901 and Volume Two, 1901-2005*. *Decision and Deliberation*, which records the modern history of this place, was written by David Clune and Gareth Griffith of the Parliamentary Library. The two volumes on the Premiers were co-edited by David Clune and Professor Ken Turner. I commend the publications to the House, and advise members that the *Hansard* record of last Friday's proceedings is now available on the Parliament's web site.

CRIMES (SERIOUS SEX OFFENDERS) BILL

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

ASSENT TO BILLS

Assent to the following bills reported:

Constitution Amendment (Pledge of Loyalty) Bill
Crimes (Serious Sex Offenders) Bill
Environmental Planning and Assessment Amendment Bill
Fines Amendment (Payment of Victims Compensation Levies) Bill
Greek Orthodox Archdiocese of Australia Consolidated Trust Amendment (Duties) Bill
Land Tax Management Amendment (Tax Threshold) Bill

CHINESE PREMIER, HIS EXCELLENCY WEN JIABAO, SYDNEY VISIT

Ministerial Statement

Mr MORRIS IEMMA (Lakemba—Premier, Minister for State Development, and Minister for Citizenship) [2.21 p.m.]: This morning it was my honour, in the company of the Deputy Premier, the Minister for Tourism and Sport and Recreation, and the Hon. Henry Tsang, to welcome the Premier of China, His Excellency Wen Jiabao, to Sydney for discussions to strengthen and broaden our bilateral relationship. These discussions have one focus in mind: investment leading to exports and jobs for New South Wales. China is one of the three great nations whose relationships with us form the fundamental architecture of our economic and security interests, the others being Japan and the United States. The talks with Mr Wen hold particular significance because this is the first visit to Australia by a Chinese Premier in 18 years. In those 18 years China has gone from being a marginal trade partner to being Australia's second-most important partner. In fact, it is on track to become our most important trade partner within a decade.

New South Wales accounts for \$11 billion, or 34 per cent, of total Australian bilateral trade with China. China's unprecedented growth presents a range of new business opportunities in diverse markets such as biotechnology, education, tourism and the management of sporting events. The other big opportunity is the Beijing Olympic Games in 2008, which gives us the prospect of building on our experience and success in staging the "best ever" games in 2000. New South Wales companies have already enjoyed major success in assisting the 2008 Beijing Organising Committee for the Olympic Games, including developing the initial

master plan for the Beijing Olympic Games, designing the \$US200 million athletes' village and the 17,000-seat Beijing Olympics National Swimming Centre, providing strategic advice to the Beijing organising committee, providing advice on telecommunications services for the Games and designing the Olympic sailing and shooting venues.

Premier Wen's visit to Sydney follows those of President Hu Jintao in 2003 and the Chairman of China's National People's Congress, Mr Wu Bangguo, in 2005. It also builds on the sister state relationship with Guangdong Province, which was pioneered by my distinguished predecessor Neville Wran in 1979 and has been enhanced and fostered by governments from both sides of politics in the years since. As part of the sister state relationship the Wran Government also initiated biennial joint economic meetings, forums for regular dialogue on trade and investment that are held alternately in Guangzhou and Sydney. I am pleased to say that the next meeting is scheduled to take place in Sydney later this year. I look forward to welcoming a significant delegation led by my counterpart, Governor Huang of Guangdong Province. That meeting will build on the goodwill and opportunities built up over the past 27 years.

Today's discussions with Premier Wen were clearly about jobs, trade and investment. We strongly welcome Chinese investment in New South Wales and we will do everything in our power to facilitate and encourage it. Premier Wen is a welcome and honoured guest to Australia and to New South Wales. China is our greatest emerging trade partner and we will not let the resulting opportunities pass us by.

LEGISLATION REVIEW COMMITTEE

Report

Mr Allan Shearan, as Chairman, tabled the report entitled "Legislation Review Digest No. 4 of 2006", dated 4 April 2006, together with minute extracts regarding "Legislation Review Digest No. 2 of 2006" and "Legislation Review Digest No. 3 of 2006".

Report ordered to be printed.

PETITIONS

Pensioner Travel Voucher Booking Fee

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

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**.

Dunoon Dam

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

Mount Austin Public School

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

Wagga Wagga Electorate Schools Airconditioning

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

Colo High School Airconditioning

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

Epping West Public School

Petition requesting funding for the provision of a school hall for Epping West Public School, received from **Mr Andrew Tink**.

Breast Screening Funding

Petitions requesting funding for breast screening to allow access for women aged 40 to 79 years, received from **Mr Steve Cansdell** and **Mr Michael Richardson**.

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**.

Sutherland Hospital Management

Petition requesting the retention of a full-time general manager and the re-establishment of a local community based hospital board of management, received from **Mr Malcolm Kerr**.

Kurnell Sandmining

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

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**.

CSR Quarry, Hornsby

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

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**.

The Rock/Bullenbong Road Upgrade

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

Cross-city Tunnel and Road Closures

Petitions requesting a reversal of the tunnel funnelling measures and road and lane closures associated with the cross-city tunnel, received from **Ms Sandra Nori** and **Mr Paul Pearce**.

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

HOSPITAL WAITING LISTS

Mr PETER DEBNAM: My question is directed to the Premier. How does the Premier justify his claims of reducing the long waiting lists for surgery when a leaked document from Concord hospital told a patient in February:

Your operation is usually scheduled to be performed within six months, but due to lengthy waiting lists, this has increased to 12 months.

Mr Chris Hartcher: You were health Minister.

Mr MORRIS IEMMA: Indeed, that is right. I am happy to respond to the Leader of the Opposition, and I will do so in detail. In 2004-05 the Government devoted an additional \$35 million in recurrent funding to improve access to surgery. These funds were targeted at people who had been waiting too long for their surgery.

Mrs Jillian Skinner: How many were on the waiting list?

Mr SPEAKER: Order! The Premier is answering the question and will be allowed to do so in silence.

Mr MORRIS IEMMA: We will come to that all in good time, Jillian. Just sit there, be patient and listen.

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

Mr MORRIS IEMMA: We note the presence of the former President of the Australian Medical Association, Professor Gullotta. We know you are going to put on a big show, so just calm down, Jillian. We welcome Professor Gullotta to the gallery. This year we have increased elective surgery funding by a further \$15 million, bringing the cumulative increase for booked surgery to \$115 million since July 2004. That has been underwritten by permanent funding for an additional 1,300 beds in our hospitals. The Government will allocate a further one-off \$7 million this financial year to reduce waiting times for elective surgery in New South Wales public hospitals. That additional funding will provide for an extra 3,000 surgical procedures. Those procedures will target patients who have waited more than 30 days for urgent elective surgery, as well as patients who have waited more than 12 months for procedures such as hip and knee replacements, cataract surgery, and ear, nose and throat surgery.

The extra \$7 million will be distributed to area health services across the State, including \$1 million to South Eastern and Illawarra and Sydney South West; \$750,000 to Sydney West and North Sydney and Central; \$500,000 to Hunter New England and North Coast and \$250,000 to Great Southern and Greater Western. The performance figures for February reveal that there have been 128,000 elective surgery procedures so far this financial year. That is an extra 4,285 surgical procedures compared to February 2005. In relation to the long-wait list—that is, those patients who have been waiting more than 12 months—there has been a 67 per cent decrease, or a reduction of 7,000 in the long-wait list compared to February 2005, from approximately 10,400 down to just under 3,500.

Mrs Jillian Skinner: Point of order: The question was about a leaked document.

Mr SPEAKER: Order! The question was about elective surgery. The honourable member for North Shore will resume her seat.

Mrs Jillian Skinner: No, it was not. It was about a leaked document.

Mr SPEAKER: Order! The honourable member for North Shore will not tell the Chair what the question was about. She will resume her seat. I call the honourable member for North Shore to order for the second time. The Premier has the call.

Mr MORRIS IEMMA: That is a 67 per cent reduction, targeting those who had been waiting more than 12 months—and how she hates it! All of this comes about as a result of the surgical services task force, which commenced in August 2004 and has been instrumental in developing a model for the management of surgical services across the State. The task force boasts a broad cross-section of senior surgeons, and I acknowledge the nods of Professor Gullotta in the gallery.

[Interruption]

Mrs Jillian Skinner: It is negative shaking.

Mr MORRIS IEMMA: The honourable member for North Shore is too slow. He was nodding 60 seconds ago. The predictable surgery plan successfully devised by the surgeons has resulted in this reduction in the long-wait list and in the overall list.

[Interruption]

We will come to Concord in a minute.

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

[Interruption]

Mr SPEAKER: Order! The honourable member for Wakehurst will stop calling out.

Mr MORRIS IEMMA: The predictable surgery plan devised by senior clinicians, including Professor Brian McCaughan and Patrick Cregan, makes provision for around 2,000 additional procedures to be performed in public hospitals and a partnership with private hospitals for a further 2,500 low-complexity procedures. As I mentioned, this year an additional 4,200 surgical procedures have been performed. The process of engagement with the clinicians in devising this plan has led to a 67 per cent reduction in the long-wait list and a reduction in the overall list.

The honourable member for Gosford asked about Gosford Hospital. I can give him an example. As an example of improvements in surgery in our hospitals, at Gosford Hospital only one patient's surgery has been rescheduled since January 2005 as a result of a lack of available beds. That is an example of the success the task force at Gosford Hospital. Cases are still rescheduled due to patient or surgeon illness. I can also provide the information for Sydney West, where the reschedule rate has fallen from 13 per cent in 2003 to less than 4 per cent in the past year. In the past six months at Westmead Hospital the number of patients rescheduled each week has halved compared to the previous year.

Importantly, as a result of the formation of the task force, surgeons are now managing the surgical processes that take place at our major hospitals: in Sydney East Sydney Illawarra, Professor Dennis King; in Sydney South West, Professor Brian McCaughan; in Hunter New England, Professor Stephen Deane; in Sydney West, Dr Patrick Cregan; and in Northern Sydney Central Coast, Dr John Vandervord. The very good work of the surgical services task force has given us a reduction in the long-wait list, as well as the reduction in the overall list. This planned approach to surgery, a determination to improve the efficiency of our elective surgery, cutting the rescheduling rate and reducing the list, stands in stark contrast to the honourable member for North Shore, who, when asked for her policy this morning, gave us the familiar refrain, "I will get back to you later."

Mr SPEAKER: Order! The honourable member for Wakehurst will stop calling out.

Mr MORRIS IEMMA: Whether it is protecting workers from the excesses of John Howard's industrial legislation, a detailed policy response on a range of issues, priorities for New South Wales or elective surgery, the increasingly familiar refrain from all those opposite, led by the Leader of the Opposition is, "I will get back to you later."

Mr Peter Debnam: Point of order: My point of order is relevance. The question was about Concord hospital and the general manager—

Mr SPEAKER: Order! The question was about elective surgery. The Leader of the Opposition will resume his seat. He is abusing the standing orders of the House.

Mr MORRIS IEMMA: In relation to Concord hospital, Mr O'Connor, the general manager, provides the following advice. All patients have a right to have their urgency for surgery reviewed and this includes the patient referred to by the Leader of the Opposition. In relation to elective surgery waiting times for patients at Concord hospital, Mr O'Connor provides the following information. There has been a 68 per cent reduction in patients waiting longer than 12 months for elective surgery at Concord hospital since February of last year. That is, there are 104 people on the long-wait list for surgery as of February 2006 for Concord hospital. This compares to 330 waiting in February of 2005. No wonder the honourable member for North Shore hates it! The predictable surgery plan is yielding the benefits of reducing the waiting lists and reducing the rescheduled rate.

Mr SPEAKER: Order! The honourable member for North Shore will cease interjecting.

Mr MORRIS IEMMA: That is why she hates it so much. That is why, when confronted with the question, "What is your policy?" she said, "I'll get back to you later."

FEDERAL GOVERNMENT INDUSTRIAL RELATIONS LEGISLATION

Mr RICHARD AMERY: My question without notice is addressed to the Premier. What is the latest information on the impact of the WorkChoices laws on New South Wales families?

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

Mr MORRIS IEMMA: John Howard's new laws are already taking their toll. One need only pick up a newspaper to read about people such as Erin McLemon, a 21-year-old photographic laboratory assistant who was sacked because her workplace is allegedly suddenly overstaffed. Mr Tom Bollard, a truck driver at a concrete plant, was wrongly accused of not being medically fit to work—sacked! Two apprentice electricians in their final year of training were sacked, with no reason given. The State Government's Fair Go hotline—131628—has received more than 3,500 calls this week as the Howard Government's WorkChoices legislation starts to bite. That is 3,500 workers who have rung the hotline because they are concerned—

[Interruption]

That is a lot more concern than members opposite have expressed for them. Despite the best efforts of the Leader of the Opposition to support these attacks, we are starting to see the evidence of how unfair and unbalanced the legislation is. And it is being felt across the State.

Mr SPEAKER: Order! There is far too much audible conversation on the Opposition benches.

Mr MORRIS IEMMA: Employees are being forced to sign away their former entitlements or face the sack. That is the choice: sign away your entitlements or get the sack!

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

Mr Milton Orkopoulos: John Brogden can't keep his mouth shut.

Mr SPEAKER: Order! I call the Minister for Aboriginal Affairs to order.

Mr MORRIS IEMMA: Remember the promise the Leader of the Opposition made to the former member for Pittwater if he chose to come back to politics: straight on the front bench! That was the promise six months ago. A couple of weeks ago, when there was speculation that the former member for Pittwater was considering a return to politics, I asked the Leader of the Opposition whether he would stick to that commitment. His response was, "No comment on that one today."

Mr SPEAKER: Order! I call Government members to order.

Mr MORRIS IEMMA: It is either "No comment on that today" or "I'll get back to you later". An employee at Yass who presented with an Australian workplace agreement [AWA] that did not allow for any accrual of sick leave was threatened with the sack. He chose to sign. A Sydney locksmith was sacked by his employer and told he no longer needed to provide any notice or reason. A Port Macquarie spray painter who had worked for his employer for 10 years was sacked without notice or reason. A South Coast caravan park employee who moved from interstate for the job was sacked when she raised concerns about her AWA.

A Nambucca woman had a job offer withdrawn when she raised simple questions about the AWA. She was then told, "You're not the right sort of person for this job." Although she was standing up for her rights and asking legitimate questions she was told, "You're not the right sort of person for the job." A Sydney woman was told that the award no longer applies and she will no longer receive penalty rates on weekends. The single response from the Federal Government has been to employ more inspectors. That is in addition to the \$50 million advertising campaign trying to convince people that the WorkChoices legislation is good for workers, and that it will not result in a reduction in entitlements or workers getting the sack. We are seeing the truth, and the truth is also in the gallery today.

[Interruption]

Members opposite might not care about workers like Rhonda Walke, who is in the public gallery today. Rhonda, a part-time receptionist employed with the same company for more than 20 years, was handed a new contract by her employer this week and told to sign within 24 hours. That is the kind of workplace relations the Leader of the Opposition not only supports but loves. With all those examples of workers who have been sacked or had their entitlements reduced, one would think the Leader of the Opposition would utter a word of support for them. Not at all! The new contract offered to Rhonda, which was due to "a restructuring of the practice", changed her employment from permanent to casual. After 20 years of faithful, loyal service, that is what she got. And the Leader of the Opposition sits there in silence. His silence condemns him. He will not utter a single word; he will not even look up.

Not only that, but the new contract required Rhonda to work at different locations and provided for a one-month probationary period. Someone who had been with the company for 20 years was given a one-month probationary period and required to work at different locations, and her job changed from permanent to casual. All that after 20 years service! The next day, before Ms Walke even had a chance to discuss this supposed new contract with her employer, guess what happened? She was sacked.

Mr SPEAKER: Order! I call Government members to order.

Mr MORRIS IEMMA: This is callous, unfair treatment and is now allowed by John Howard's new laws—supposed work choices. That is why we have challenged these laws in the High Court on behalf of all workers. We are able to legislate to protect nurses, TAFE teachers, ambulance officers and bus drivers. It will not stop the Commonwealth questioning our right to do that, but we are able to protect the 185,000 State public sector workers through legislation. The only way we can protect non-public sector workers is to challenge and have the laws struck down in the High Court.

Members opposite should stand up for workers like Rhonda. When they have been given the opportunity to stand up and vote for workers or simply utter one word of support for them, they have never taken the opportunity to do so. Not only that, they are on record again, even after our legislation went through, as saying that they are still committed to the policy of handing over the State's industrial laws to John Howard. Not satisfied with inflicting damage on workers like Rhonda, the meatworkers in Cowra and all the other workers, they want to go further and hand over the rest of the State's system to John Howard should they ever get onto the Government benches.

Mr Thomas George: What about country employees?

Mr MORRIS IEMMA: Where do you think Cowra is, and the meatworks?

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

Mr MORRIS IEMMA: The Opposition will hand over the rest of the State industrial system, giving more credence to what Nick Minchin uttered to the H. R. Nicholls Society, that what we have seen is round one and round two is coming. They know it and that is why they are sticking to their policy of handing over the State system to John Howard.

Mr Andrew Fraser: What about timber workers at Gwabegar?

Mr MORRIS IEMMA: Well, we all saw those ads. We all remember the advertisements stamped "Conditions protected by law", "Your job protected by law". Ask the Cowra meatworkers whether the guarantee was worth anything. Ask the Cowra meatworkers whether their jobs have been protected. Ask them whether their conditions were protected.

Mr SPEAKER: Order! Opposition members will cease calling out.

Mr MORRIS IEMMA: Not one of them! It is little wonder that with almost 1,500 pages of regulations and legislation the Commonwealth has hired the top legal brains in the country to get employers to act in this way. There is no coincidence here. The Commonwealth has engaged some of the top legal firms in the country, who are out there giving employers this kind of advice. They are telling them to use the legislation to do exactly what has happened to workers like Rhonda and the meatworkers. Is there any support from the Opposition for those meatworkers? Is there any support from the Opposition for workers like Rhonda? No! Not only will the Opposition never stand up—

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

Mr Steve Cansdell: Point of order: There is a bit of relevance here. What about the six timber workers at Tynedale?

Mr SPEAKER: Order! The honourable member for Clarence will resume his seat. If he wants to raise that matter he can do so by way of notice of motion.

Mr MORRIS IEMMA: The Commonwealth has engaged some of the top legal minds in the country to provide employers with the kind of advice that has led to situations like the Cowra meatworkers, and the circumstances surrounding individual workers such as Tom Bollard and Rhonda Walke. That is exactly what WorkChoices is designed to do; it is a race to the bottom when it comes to hard-fought working conditions that workers have relied on for decades to pay the bills and the mortgage, and that families have relied on for protection. This is exactly what WorkChoices was all along designed to do. Gone are the days when enterprise bargaining meant workers, through their organisations in the workplace, would sit down with management and work toward greater efficiencies and better ways for production, and for workers to share with employers the benefits of increased productivity.

Gone are those days. The Opposition now stands for a straight cut to workers conditions and pay, and for the sack. The Opposition has failed to support meatworkers, and workers like Rhonda, Tom Bollard and the electrical apprentices. There is a lot more coming and the Opposition's failure to utter one single word and its failure to join with and support the Government in the legal challenge condemns it and its Federal friends as people who will not stare down the Federal Government and stand up for workers.

HOSPITAL WAITING LISTS

Mrs JILLIAN SKINNER: My question is directed to the Premier. Given his preference for hiring spin doctors rather than real doctors, what does he say to people needing ear, nose and throat surgery now that many hospitals have shut their books because waiting lists are so long, including Prince of Wales Hospital where 283 patients are currently on the list and 63 have been waiting for more than a year?

Mr MORRIS IEMMA: Let me quote from the annual report of NSW Health for 2004-05 in relation to staffing, since the honourable member mentioned the employment of doctors. I can report that in June 2002 the New South Wales health system had 5,822 medical staff. I can provide information to the honourable member for North Shore that as of June 2005 the New South Wales public hospital system had 6,470 medical officers.

Mr SPEAKER: Order! The honourable member for North Shore will cease interjecting.

Mr MORRIS IEMMA: In relation to administration staff, I can report to the honourable member for North Shore that as of June 2003, the New South Wales health system had 5,457 corporate administration staff, and as of June 2005, it had 5,059 staff. And while I am at it, I will provide the figures for nursing. There were 31,400 full-time equivalents as at June 2002, and in June 2005, there were 35,526—in nursing, 4,000 more; in medical, 600 more; and in administration, 400 less. That means we have more nurses, more doctors, more beds and more dollars for elective surgery.

PUBLIC TRANSPORT IMPROVEMENTS

Ms ALISON MEGARRITY: My question without notice is addressed to the Minister for Transport. What is the latest information on ferry upgrades and other public transport improvements?

Mr JOHN WATKINS: The Iemma Government is absolutely committed to providing the safest public transport system possible in the State. That is why last October I announced a safety plan for Sydney Ferries worth \$7.5 million. Today I was at Circular Quay with Acting Chief Executive Officer Rear Admiral Chris Oxenbould inspecting new global positioning system [GPS] technology, which is being installed in the entire fleet of 31 vessels.

Mr SPEAKER: Order! The honourable member for Southern Highlands will cease calling out.

Mr JOHN WATKINS: The introduction of GPS technology will give ferry masters access to accurate information on speed, position, and direction when approaching a wharf, and help to facilitate safe berthing. This GPS technology will also provide an important input to the black box vessel data recording systems that we are also installing right across the ferry fleet. I can announce today that Nova Marine Instruments, based in Wickham in the seat of Newcastle, has been awarded the tender for \$2.4 million to provide the technology for 31 vessels in the Sydney ferry fleet.

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

Mr JOHN WATKINS: The black boxes have the capacity to record important operating information, including time and location, radar images and commands given by the crew. I can also inform the House about progress on another initiative, the installation of new engines in 12 of our Sydney ferries. MTU Detroit Diesel has been awarded the contract to provide and install new engines in nine of the first fleet and three of the RiverCat vessels. As well as the new engines, this \$5.2 million project includes new propellers for the first fleeters and a new electronics steering and throttle controls for the RiverCats. MTU Detroit Diesel has its regional headquarters at Chipping Norton in the seat of Menai. Even though it is a long way from Sydney Harbour, the skills of that company will go a great way to providing safer ferry services on Sydney Harbour.

Mr SPEAKER: Order! The honourable member for Coffs Harbour will cease calling out.

Mr JOHN WATKINS: Whilst on the subject of public transport improvements I draw the attention of the House to the announcement made by the Premier last Sunday that State Transit has accepted a tender for 505 new buses for State Transit over the next five years, 255 compressed natural gas [CNG] buses and 250 EURO 5 clean-diesel buses for Sydney and Newcastle. That is a quarter of a billion dollar investment delivering about 330 jobs over the life of the contract, including 50 apprenticeships, 80 direct jobs in a western Sydney factory and over 200 positions at suppliers throughout New South Wales. This follows the recent acquisition of 100 standard buses and 80 articulated buses for the STA, many of which have already been provided to depots around the system. This is more investment in public transport, more jobs for Western Sydney and better services for the people of New South Wales—all being delivered by the Iemma Government.

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

Mr JOHN WATKINS: In the first eight months of the Iemma Government we have signed one of the largest bus contracts in Australia as well as finalising the bus reform process and purchasing new buses for Westbus in Western Sydney. State Transit's 505 buses will mean 100 extra buses every year for the next five years. But what does the Opposition think of this purchase of 505 new State Transit buses? What is its policy?

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

Mr JOHN WATKINS: Upon news of the announcement on Sunday, the Deputy Leader of the Opposition said, "This is a cynical ploy by the Government." Opposition members see the provision of better public transport and 100 extra buses a year for five years as a cynical ploy! What would they do? Would they tear up the contract and throw it away? Do they think that we do not need the buses or that the travelling public of Sydney should not have the buses?

Mr Barry O'Farrell: Point of order—

Mr JOHN WATKINS: He is awake. He said that. He cannot deny it. It was a cynical exercise, he said.

Mr SPEAKER: Order! The Minister will not goad the Deputy Leader of the Opposition.

Mr Barry O'Farrell: My point of order is relevance. We would not have waited 11 years to get the buses in this mess. We would not have waited 11 years and then said to the public, "Trust us again."

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

Mr JOHN WATKINS: Obviously Opposition members would rip the contract up, cancel the contract and put themselves further into the red with the \$20 billion that mob over there has already promised. It is always interesting to look at the history of Labor politics in New South Wales. It is a fascinating subject. In the last 20 years in relation to the procurement of buses there were huge bus investments under the Wran-Unsworth Labor Government, massive bus investments under the Carr Government and, as I have just reminded the House, unprecedented investment in public transport by the Iemma Government. But between these two peaks of bus investment there was a dark period, a slump. And who was responsible for that? Yes, it was in the Coalition years in government. During the Coalition years the biggest slump occurred when the Deputy Leader of the Opposition was the chief of staff for the Liberal transport Minister.

Mr Barry O'Farrell: Point of order: While we are dealing with history, why are we 171,000 passenger trips a week on buses down on four years ago?

Mr SPEAKER: Order! There is no point of order. The Deputy Leader of the Opposition may debate that matter by way of a motion or a private member's bill. He will resume his seat. This is question time, not explanation time.

Mr JOHN WATKINS: The Deputy Leader of the Opposition does not want this on the record, and in a minute you will see why, Mr Speaker. In the time that he was chief of staff advising his Minister—and one should always take the advice of his chief of staff—under the former Coalition Government, in all of 1992 State Transit delivered how many buses? Just three. We will be providing 100 buses a year, fields of buses delivered by the Labor Government. Under Barry O'Farrell there were three in one year. There was a time when you could call him Three-bus Barry, but that has more to do with his previous physical condition. I congratulate him on avoiding that condition over recent times. But now we know the detail of his public transport plan. He claims that our proposals are a cynical ploy but in New South Wales history it was always the New South Wales Labor Government that bought buses and trains for the people. The Coalition sunk \$800 million into the airport rail link. That is what it did with public transport. We provide buses and trains; they waste public money.

The Viscount of Vaucluse and Three-bus Barry do not care about commuters and they do not care about workers. This was proven yesterday when the Leader of the Opposition was on Virginia Trioli's program—a pathetic performance—on 2BL in the morning when he refused to stand up for the Cowra meatworkers. It was an absolutely cowardly refusal. If you want to know about cynical ploys, Mr Speaker, the Leader of the Opposition hopes to run silent on WorkChoices all the way to the next election. If he ever became Premier of this State he would bend over backwards and let John Howard have his way with all New South Wales workers. We know that is what is coming. The job security our workers rely on from this Government, the investment in their industries that I have detailed today, would all be torn to pieces by the Leader of the Opposition.

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

Mr JOHN WATKINS: Opposition members would just rip it up. They do not care about public transport and they do not care about the workers of this State. Cowra abattoir was just the start. Imagine the carnage that they would unleash on working men and women of this State if they ever came into government, especially with Howard and his cronies still in government in Canberra. They do not deserve ever to be on this side of the House. They do not even deserve to be in opposition.

HOSPITAL WAITING LISTS

Mr DONALD PAGE: My question is directed to the Premier. Given Labor's 1995 promise to halve hospital waiting lists, what does he say to the people of Tweed who have seen their hospital's waiting list increase by nearly 400 patients or 71 per cent under his Government?

Mr MORRIS IEMMA: I am glad the honourable member for Ballina has asked me about that because, getting back to the question about cataracts, in February 2005 the long-waits in cataracts stood at 1,557. In February 2006—

Mrs Jillian Skinner: What are you talking about?

Mr MORRIS IEMMA: This is for the benefit of the honourable member for North Shore, as she asked.

Mrs Jillian Skinner: Point of order: I asked about ear, nose and throat surgery. That does not include cataracts.

Mr SPEAKER: Order! The honourable member for North Shore will resume her seat. I presume there was some interjection.

Mr MORRIS IEMMA: Yes. It was cataracts, hips, knees and ear, nose and throat. I have given you the figures for ear, nose and throat and now I am very happy to give you the figures about cataracts. For cataracts the figure in February 2005 was 1,557 and in February of 2006 it was 277. In February 2005 hip replacements stood at 375 and in February of 2006 they stood at 144.

Mr Donald Page: Point of order: My point of order is under Standing Order 138. The Premier, by his own admission, is answering another question. He is not answering mine.

Mr SPEAKER: I do not need a preamble. What is your point of order?

Mr Donald Page: By his own admission he is not answering my question, which was specific to the Tweed. He is answering the previous question. He has got to be out of order. For Christ's sake rule him out of order!

Mr SPEAKER: Order! The honourable member for Ballina will resume his seat. I am sure the Premier was making some general comments prior to answering his question.

Mr MORRIS IEMMA: The long-wait figures for knees were 1,110 in February 2005 and 512 in February 2006. In relation to the North Coast Area Health Service, it has received its share of the \$115 million allocated for the predictable surgery plan. The New South Wales long-wait list is down from 10,400 to 3,500, and honourable members will find that those figures are reflected across the State. The overall figures have declined from approximately 66,000 to 58,000, and they would also be reflected across the State, including the North Coast.

Mr Donald Page: What about the Tweed?

Mr MORRIS IEMMA: The honourable member asks about the Tweed Heads District Hospital. Those figures would be reflected at the Tweed hospital—which this Government has completely rebuilt—as they would at other hospitals on the North Coast, including Port Macquarie Base Hospital, the one that honourable members opposite sold off and made the taxpayers pay for three times. The Labor Government had to buy it back after the Coalition Government privatised it.

CIVIL LIABILITY LAWS

Mr JEFF HUNTER: I direct my question to the Attorney General. Will he update the House on changes to civil liability laws to assist injured persons and their dependents?

Mr BOB DEBUS: I thank the honourable member for his question.

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

Mr BOB DEBUS: Until October 2005 so-called *Sullivan v Gordon* damages were awarded by courts in New South Wales in negligence actions. These were damages designed to compensate those injured through negligence for the cost of domestic services they were no longer able to provide because of their injury. In October 2005, the High Court disallowed the award of such payments. The court highlighted a number of

uncertainties with these damages and also the difficulty faced by the courts in identifying boundaries for the damages when there are no clear underlying principles for such damages. The court acknowledged that while there may be a number of policy reasons to justify such damages, it was a matter for Parliament, and not the courts, to decide whether and in what circumstances, these damages should be awarded. Unfortunately, this is not merely an academic debate about the law. The fact is that considerable hardship can arise if these damages are completely barred, as two current cases illustrate.

In one case an Adelaide woman dying of mesothelioma sought damages for the care involved in raising her nine-year-old triplets. She would be entitled to what are known as *Griffiths v Kerkemeyer* damages, which would provide her with support such as house cleaning and personal care so long as she is alive—which is vitally important because her husband works full-time—and the damages make up for her role as the children's primary care giver. However, when she dies, those damages will no longer be available and as a result of last year's High Court decision her family would not have been entitled to *Sullivan v Gordon* damages when she died either. They would have had no support at all.

In a case closer to home a New South Wales man dying of mesothelioma obtained damages for the cost of providing care to his wife. His wife is legally blind and he did all of the household shopping and chores as well as managing the family finances and driving his wife to her appointments and accompanying her whenever she went out. Substantial *Sullivan v Gordon* damages were paid to this man to enable those tasks to continue being undertaken. However, as a result of October's High Court ruling, those payments are now the subject of an appeal, which may leave this woman—now sadly a widow—with no support at all.

Clearly, these sorts of consequences cannot be allowed to stand in New South Wales. It is only appropriate that we in this State take advantage of the opportunity offered by the High Court to revisit *Sullivan v Gordon* damages. In fact, a recent inquiry by General Purpose Standing Committee No. 1 of the Legislative Council recommended precisely that step. The Government is of the view that in some cases of serious injury it is appropriate for these damages to be available. Accordingly, I am today releasing for public consultation a proposal to amend the Civil Liability Act to partially reinstate those damages.

The exposure draft bill provides a right for seriously injured people to recover in negligence actions the cost of domestic services they are unable to continue to provide to their dependants as a result of their injury. In the light of the High Court's concerns, however, it is important that these damages be structured to allow recovery only in cases of the greatest need. The injured person will need to show that his or her dependants need domestic assistance for at least nine hours a week and for at least six consecutive months. Damages will be calculated at an hourly rate on the basis of average weekly earnings. It will also be necessary to show that the injured person's dependants have a real need for the services in two senses: first, that they cannot provide those services for themselves; and, secondly, that their need for the services is reasonable in all the circumstances.

The provisions of the bill partially reinstating *Sullivan v Gordon* damages are proposed to apply to claims made under the Civil Liability Act 2002, to motor accidents claims and to dust diseases claims. The bill also proposes a change to *Griffiths v Kerkemeyer* damages in dust diseases claims by extending the current cap on the hourly rate in the Civil Liability Act to dust diseases claims. The Government's proposals are contained in an exposure draft bill and background paper, which, as I have said, is being released today for public comment. Honourable members and the public can access those documents on the Cabinet Office's website at www.cabinet.nsw.gov.au. Given the anxiety felt by families and individuals left in a state of uncertainty by the High Court's ruling, the Government believes that these reforms are urgent. Therefore, the consultation period will be brief, with submissions open until 20 April 2006.

I encourage all interested parties to obtain a copy of the bill and the background paper. I look forward to presenting the final bill to this House at the earliest available opportunity because families who have seen a loved one grievously injured or killed should not also suffer the indignity of losing the care provided in the past through *Sullivan v Gordon* damages.

HOSPITAL WAITING LISTS

Mr RUSSELL TURNER: I direct my question to the Premier. Given that the Government will be closing Orange Base Hospital for elective surgery for an extended period over Easter even though waiting lists have doubled to 1,240 since 1995 despite Labor's promise to halve them, why will the Premier not take action now to keep the hospital open throughout April to address this elective surgery blow-out?

Mr MORRIS IEMMA: I will come to the honourable member's question in a moment. I will start by giving the honourable member for Ballina the figures that he sought. These are in addition to the figures provided to the honourable member for North Shore. We will always provide resources for and make a commitment to health. That is why this Government is rebuilding both hospitals in the honourable member's electorate—Bloomfield and Orange Base Hospital. It takes a Labor Government to rebuild his electorate's general and psychiatric hospitals. That is what this Government is doing. When they were last in government, honourable members opposite closed down 33 hospitals; they downgraded and privatised them. Where were their voices then? We are very proud to be rebuilding Orange Base Hospital and Bloomfield Hospital. In relation to Tweed Heads District Hospital, over the 12 months to February, the waiting list decreased by 143 patients. The long-wait list has decreased over the past 12 months from 195 to 50 patients, a reduction of 74 per cent.

Mrs Jillian Skinner: There were 47 in December.

Mr MORRIS IEMMA: There were 195 patients on the list 12 months ago. In December there were 47 and there are 50 today. The honourable member jumps for joy. The North Coast Area Health Service has reduced the number of patients on its long-wait from 1,703 in February 2005 to—

Mr Brad Hazzard: There shouldn't be any long-waiting list.

Mr MORRIS IEMMA: Is that a policy? Do we hear a policy from the Opposition?

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

[Interruption]

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

Mr Donald Page: Point of order: The Premier is not answering my question. My question relates to the period for which the Labor Party has been in government—not the past 12 months. When the Labor Party took office there were 557 people on the waiting lists; now there are 954.

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

Mr MORRIS IEMMA: We have seen progress today. We have heard what could possibly be a policy from the honourable member for Wakehurst, on behalf of the honourable member for North Shore, when he uttered the words that "no-one should wait more than 12 months". Stay tuned, Brad. In relation to the North Coast Area Health Service—

Mr Russell Turner: Point of order: The question was about regional New South Wales—

Mr SPEAKER: Order! The Premier had already answered a substantial part of the question. The Premier has the call.

Mr MORRIS IEMMA: In relation to the North Coast Area Health Service—

Mrs Jillian Skinner: Tell us about category 9. That's what you are doing with the long- waits—

Mr MORRIS IEMMA: That old, hoary chestnut. For the honourable member for North Shore to sustain that proposition would mean that all those conditions on that task force were conspiring with managers in area health services to do that. Is that the proposition she is suggesting?

Mrs Jillian Skinner: No, it is your proposition.

Mr MORRIS IEMMA: If she is suggesting that, why not look Brian McCaughan straight in the eye and say that to him? Why not look Patrick Cregan straight in the eye and say that to him? Why not look Dennis King straight in the eye and put that to him? She is a disgrace! She should withdraw that comment.

Mrs Jillian Skinner: You are misrepresenting—

Mr MORRIS IEMMA: No. The honourable member for North Shore should have the guts to put that proposition to people like McCaughan, Cregan and King. She is a disgrace! If she had any courage, she would say it outside!

Mrs Jillian Skinner: Point of order: I find the Premier's behaviour offensive. He is misrepresenting me, misleading the House, and making out that I said something that I did not say.

Mr SPEAKER: Order! If the honourable member for North Shore believes she has been misrepresented, she can make a personal explanation. The Premier has the call.

Mr MORRIS IEMMA: In relation to the North Coast Area Health Service, I can report that in February 2005 the long-waiting list stood at 1,703, and as at February 2006 the long-waiting list, for the benefit of the honourable member for Ballina, stands at 428. Do we have more to do? You bet! And there is more coming. For the benefit of the honourable member for Ballina, I can tell him that in February 2005 the long-waiting list at the Tweed hospital stood at 195, and as at February 2006 the long-wait list stands at 50, a 74 per cent reduction. I inform the honourable member for Orange that as at February 2005 the long-waiting list at Orange hospital stood at 174. As at February 2006 the long-waiting list stands at 48, a reduction of 72 per cent. The Government has a plan to bring those lists down even further, and we are getting on with the job of bringing them down.

DROUGHT-AFFECTED REGIONAL BUSINESSES SUPPORT

Mr STEVE WHAN: My question without notice is to the Minister for Regional Development. What action has the Government taken to support regional businesses in drought-affected areas?

Mr Andrew Humpherson: Point of order: Pursuant to previous rulings of the Chair, Ministers should be in the Chamber during question time. The Minister for Planning has been answering a letter in the Chamber during question time, carrying out business of a private nature, and has been on a mobile phone. The Minister is supposed to be in the Chamber so he can take questions.

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

Mr DAVID CAMPBELL: I thank the honourable member for Monaro for his ongoing interest, together with that of his Country Labor colleagues, in the economic welfare of regional communities in New South Wales. While many regions around our State are experiencing strong economic growth, many parts of New South Wales continue to be drought affected. As of last month, 38 per cent of the State was drought declared. Unlike the Leader of the Opposition—who is so out of touch he does not see drought-affected regional communities as a priority, as evidenced by the Opposition's document, which contains not one mention of the regions or of drought, which is as close as one might get to a policy from members opposite, apart from what the honourable member for Wakehurst said earlier—

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

Mr Donald Page: Point of order: The Minister is clearly misleading the House. The Opposition's document contains a whole section on that matter. It says, "We will rebuild regional and rural New South Wales." The Minister should open his eyes and have a look!

Mr SPEAKER: Order! There is no point of order. The honourable member for Ballina will resume his seat. There is too much audible conversation in the Chamber. The Minister will be heard in silence.

Mr DAVID CAMPBELL: There is not one mention of drought in that document. Clearly, that is why The Nationals are so upset about this: they do not have enough voice within the Coalition to change the Leader of the Opposition's city-centric policies. While members opposite fight amongst themselves, the Iemma Government is working hard to support regional businesses affected by drought. Even though the drought has eased for almost two-thirds of the State, many businesses will continue to feel its impact for some time.

While the Opposition has no ideas of how to help drought-affected country communities, the Iemma Government is making sure regional New South Wales is open for business. Unlike the Opposition, we are ensuring that drought-affected regional businesses are supported by effective programs. To date the New South Wales Government has committed more than \$150 million in drought assistance. Our program includes more than 30 different measures to help farmers, communities and regional businesses survive in drought. It is a practical investment in the future of our regions.

In his first eight months of leadership, the Premier took the initiative and added drought-affected retail business to our drought assistance program. Our Business Drought Assistance program includes payroll tax relief for regional firms. It helps enterprises involved in the production and sale of farm machinery and supplies, or those dependent on farm produce. Since the program began, nearly 70 offers of payroll tax assistance have been made, helping to retain more than 1,200 regional jobs. Our Small Business Drought Assistance program also helps these enterprises find new ways of earning income during droughts. For example, the program has helped a sheep shearing company diversify into ultrasound sheep scanning technology. Farm-related small businesses can apply for up to \$3,000 each to engage independent expertise or advice. Through this program, the New South Wales Government has supported more than 130 businesses. Last year we extended this assistance to help retailers and other small businesses in drought-affected towns of up to 15,000 people.

Another element of this support includes our Beyond Survival workshop program, which trains small business operators in the basics of financial management. About 12 courses have been held so far around the State, the most recent in Bourke. I commend the dedicated Department of State and Regional Development workers for their efforts during these difficult times. Unlike the Opposition, whose plan to cut 29,000 public service jobs will stall the economy and cut services to regional New South Wales, we stand by the great work of the State's public servants.

I urge, as do all my Country Labor colleagues and, I am sure, the Independent members from the bush, eligible businesses in drought-affected areas to apply as soon as possible through their local Department of State and Regional Development office. I note that the honourable members representing the electorates of Northern Tablelands, Dubbo and Tamworth are nodding in agreement with that suggestion. This business drought program comes on top of six tax cuts. In just eight months Premier Iemma has cut six taxes. Vendor duty has been abolished, we have lifted the land tax threshold, payroll tax has been cut for high jobless areas, we have negotiated a fair deal for clubs on pokies tax, WorkCover premiums were cut by 5 per cent last year, and just last week WorkCover premiums were cut by a further 10 per cent.

Mr SPEAKER: Order! The honourable member for Southern Highlands will cease calling out.

Mr DAVID CAMPBELL: Just as New South Wales is open for business, regional New South Wales is open for business.

DELTA ELECTRICITY MR PAUL FORWARD APPOINTMENT

Ms PETA SEATON: My question without notice is directed to the Minister for Energy. Given the former Roads and Traffic Authority chief executive officer Paul Forward was sacked from his position by the Minister for allegedly failing to fulfil his duties, why has the Minister now appointed him to a directorship of Delta Electricity on a fat cat retainer of \$50,000 for attending one meeting a month?

Mr JOSEPH TRIPODI: Appointments to the boards of State-owned corporations are matters for the shareholding Ministers, the Treasurer and the Minister for Finance. As such, the question is better directed to the Minister representing the Treasurer.

TWO WAYS TOGETHER PROGRAM

Mr JOHN MILLS: My question without notice is directed to the Minister for Aboriginal Affairs. What is the latest information on the outcomes of the Government's Aboriginal Affairs plan Two Ways Together and related matters?

Mr MILTON ORKOPOULOS: Two Ways Together is the Government's co-ordination of health, education, justice, housing and community services to Aboriginal people. We are working hard to ensure that the Two Ways Together approach is delivering practical solutions. We know education is an investment in the future of young Aboriginal people.

Mr SPEAKER: Order! There is too much audible conversation in the Chamber. I would not like to ask the Minister for Aboriginal Affairs to raise his voice.

Mr MILTON ORKOPOULOS: Recently the Commonwealth's Productivity Commission report on government services noted that over the past five years the performance of Aboriginal students at Year 3 has improved across reading, writing and numeracy, at rates above those for all students. We have done this by establishing 35 new teaching positions, allocating an extra \$53 million over the next four years for targeted indigenous education programs, and establishing the Schools in Partnership program, which has delivered additional funds to 10 schools with a large number of Aboriginal students. We are not finished. An additional 20 schools will participate in the Schools in Partnership initiative from 2007.

We are in touch with the real needs of Aboriginal families. That is why we are also providing \$640,000 in scholarships for Aboriginal students, with 160 scholarships awarded each year. Our work in education is made all the more effective by our drive in recent years to reduce otitis media, or glue ear. Glue ear affects hearing and can have disastrous impacts on learning, long-term education and employment potential. The \$2.4 million otitis media program is screening more than 65,000 Aboriginal children. We are making sure that the condition is picked up and treated early, thereby avoiding learning difficulties.

Our Housing for Health program has also improved things for kids when they get home from school. Our rolling program ensures that children benefit from essentials such as hot water, refrigeration and sewerage systems. The results of the program are outstanding: overall admissions to hospitals have fallen by as much as 24 per cent; hospital admissions due to respiratory infections have been halved; and there has been a 21 per cent fall in admissions due to skin infections—real results for more than 1,000 families in more than 30 communities, and we are expanding this program over the next four years.

With regard to crime prevention, Aboriginal justice groups are operating in 10 locations across New South Wales, and we have introduced circle sentencing. Under this scheme offenders are forced to face their victims so that they realise the impact of the crime committed. Formal evaluation is under way and early reports are positive. The Government also supports Aboriginal community night patrols in 17 communities across the State. These deliver real results, including a 25 per cent reduction in malicious damage to property and a 43 per cent reduction in stealing from motor vehicles in Nambucca, and a 47 per cent reduction in break and enter offences at Dareton in the State's south.

The success of the programs I have just outlined relies on the good work of local communities supported by staff in government agencies. It is exactly this kind of work that will come to a screeching halt if members opposite ever get their hands on the Treasury benches. The community wants to know if programs like this have a future under the Leader of the Opposition's slash and burn plan or whether they will disappear like the jobs of the Cowra Abattoir workers under the Federal no-WorkChoices legislation. The Leader of the Opposition has made \$22 billion in promises, including the removal of 29,000 jobs, that will see the destruction of the programs I have outlined today. We are working hard to build the foundations for change and we are starting to see the results. We cannot afford to allow the Leader of the Opposition and the diminishing number of members of The Nationals in this Chamber to destroy what we have achieved. We are determined to see these results sustained for the benefit of Aboriginal kids, families and elders across the State.

Questions without notice concluded.

BUSINESS OF THE HOUSE

Routine of Business: Suspension of Standing and Sessional Orders

Special Adjournment

Mr CARL SCULLY (Smithfield—Minister for Police) [3.35 p.m.]: I move:

That:

(1) standing and sessional orders be suspended to permit:

- (a) at 7.30 p.m., consideration of the condolence motion for Lindley John Forbes Barraclough, former Minister of the Crown;
- (b) the introduction of the Independent Commission Against Corruption Amendment (Operations Review Committee) Bill, notice of which was given this day for tomorrow, up to and including the Minister's second reading speech;

- (c) the resumption of the adjourned debate on Government Business Orders of the Day Nos 1 to 7 for the second reading speech of the Leader of the Opposition or one member deputed by him next speaking, after which debate shall be adjourned on motion without question being put;
- (d) from the commencement of private members' statements until the rising of the House, no divisions or quorums being called; and

Mr Adrian Piccoli: You're lazy.

Mr CARL SCULLY: No, the motion is being moved out of respect for a colleague of the honourable member for Murrumbidgee.

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

Mr CARL SCULLY: When you die you can go to hell. The motion continues:

- (e) at the conclusion of Government Business, the House to adjourn without motion moved.
- (2) the House at its rising this day do adjourn until Wednesday 5 April 2006 at 10.00 a.m.

Motion agreed to.

PUBLIC TRANSPORT IMPROVEMENTS

Personal Explanation

Mr BARRY O'FARRELL, by leave: During question time today the Minister for Transport erroneously claimed that the only bus contracts entered into were either by the Unsworth Government or by this Government. He conveniently overlooks the 300 Scania buses ordered by the Fahey-Armstrong Government in 1993-94, a fact acknowledged by former Minister for Transport Brian Langton.

Mr SPEAKER: Order! That is not a personal explanation. If honourable members wish to debate matters such as that they can do so by way of a motion or a private member's bill.

SELECT COMMITTEE ON THE CROSS-CITY TUNNEL

Reference

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 it has this day agreed to the following resolution:

1. That the terms of reference for the Joint Select Committee on the Cross City Tunnel be amended by inserting after paragraph 1 (f):
 - (g) the role of Government agencies in relation to the negotiation of the contract with the Lane Cove Tunnel Consortium,
 - (h) the extent to which the substance of the Lane Cove Tunnel contract was determined through community consultation processes,
 - (i) the methodology used by the Roads and Traffic Authority for tendering and contract negotiation in connection with the Lane Cove Tunnel.
2. That the committee report on paragraphs 1 (g) to (i) by the first sitting day in September 2006.
3. That this House requests the Legislative Assembly to agree to a similar resolution.

Legislative Council
4 April 2006

MEREDITH BURGMANN
President

Consideration of message deferred.

CONSIDERATION OF URGENT MOTIONS

Mr SPEAKER: Order! On 9 March the honourable member for Coffs Harbour raised concerns about the way Standing Order 120, which relates to consideration of urgent motions, has been applied. Under the standing order members are permitted to make statements of up to five minutes to assist the House in determining which motion should be given priority. Part of the process of establishing priority is outlining why a motion should receive immediate attention and is more urgent than the other motion.

When members take points of order about a member not establishing the urgency of a motion, those points of order generally relate to members debating the substance of the motion rather than arguing why it should have priority over the alternative motion. Such points of order comply with the standing order. I remind all members that when they are arguing the priority of an urgent motion, although they can make passing mention of substantive matters in relation to that motion, principally they should seek to establish why the motion should be given priority.

CONSIDERATION OF URGENT MOTIONS

Federal Government Industrial Relations Legislation

Mr GERARD MARTIN (Bathurst) [3.40 p.m.]: My motion goes to the heart of the Federal Government's WorkChoice's legislation, and the devastating impact it is having on Australian families means that it is urgent and must have priority. Since the legislation came into force on 27 March there have been many examples of why this matter should be given priority over any other matter. As the Premier said so eloquently during question time, bosses with no compassion have been using this flawed legislation to throw people onto the scrap heap, regardless of whether they have been employees for 20 years or 20 minutes. Opposition members should also state their views on the New South Wales Government's High Court challenge. Mr Backflip from Vacluse, who sat on the fence while we were protecting the Crown employees of this State, said that he would give those powers to John Howard—although this is hypothetical, of course—if ever the Coalition were to stumble into government.

Mr Andrew Fraser: What about the timber workers?

Mr GERARD MARTIN: The honourable member for Coffs Harbour should attend his anger management courses. He has not finished; he still has a long way to go. That is why this matter is urgent and should have priority.

Police Numbers

Mr PETER DEBNAM (Vacluse—Leader of the Opposition) [3.41 p.m.]: The House has heard yet again from the biggest shareholder in Telstra. I am not quite sure what he was talking about in his rambling contribution, but it is evident that people are dying in the streets because of this Government's incompetence. That is urgent, not the Labor Party playing games with Federal issues.

Mr Steve Whan: It is a State issue.

Mr PETER DEBNAM: The State Labor Government should actually do its job in New South Wales. The honourable member for Monaro finally says that it is a State issue.

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

Mr PETER DEBNAM: It is important to talk about why people are dying on the streets in this State, why there is blood in the streets in this State, and why south-west Sydney is a war zone. As one journalist said, Why is south-west Sydney a free-fire zone? That is the urgent issue. This matter is urgent because for three years the Labor Government has ignored it and played games.

Ms Linda Burney: What a load of rubbish! You know that gun crime has gone down.

Mr PETER DEBNAM: The honourable member for Canterbury has just betrayed her community.

Mr Alan Ashton: Point of order: Mr Speaker, in view of the ruling you gave that debate should proceed on the basis of establishing priority, you might allow passing reference but already the Leader of the Opposition is speaking to the substantive issue.

Mr SPEAKER: Order! I will hear further from the Leader of the Opposition before ruling on the point of order.

Mr PETER DEBNAM: For three years I have been talking about gun crime in New South Wales. On 28 May 2003 I mentioned the article in that journal of record, the *Daily Telegraph*, by Lilian Saleh which reported that there is a shooting in Sydney every second day. After May 2003 we had five months of abuse from the former Premier, from the pretend police Minister, John Watkins, and from the Commissioner of Police. But after five months they finally established Task Force Gain. How many officers did they put into it three years ago? They put 170 officers.

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

Mr PETER DEBNAM: After five months of denying the problem, letting people die in the streets in south-west Sydney, they finally put 170 officers into Task Force Gain.

Mr Alan Ashton: Point of order: I refer to your previous ruling in which you allowed the Leader of the Opposition further time to show urgency. In the two minutes since then all we have heard is debate about the substantive motion. I ask you to reflect on your decision.

Mr SPEAKER: Order! I draw the attention of the Leader of the Opposition to the ruling I gave prior to the start of this debate. Within the confines of the ruling and complying with the standing order, he must show reasons why his motion should have priority over the motion of the honourable member for Bathurst.

Mr PETER DEBNAM: Nothing is more urgent than stopping the war zone in south-west Sydney. It is an issue that I have raised with the Government for three years, yet it has done nothing. It established Task Force Gain, put 170 officers in it, then within a year or so reduced the task force to 57 officers.

Mr SPEAKER: Order! Government member will cease calling out.

Mr PETER DEBNAM: That is why the matter is urgent. At the same time that the Government established Task Force Gain, it reduced police numbers in this State. It has now reduced them by 600, and for a decade it has continued this softly-softly, politically correct policing—this media-driven policing—which has allowed the drug gangs to take over. That is why people are dying in the streets.

Mr Steve Whan: Point of order: The Leader of the Opposition is casting aspersions on the police officers in this State in suggesting a softly-softly approach.

Mr SPEAKER: Order! There is no point of order. The honourable member for Monaro cannot debate the issue raised by the Leader of the Opposition. Again I remind the Leader of the Opposition that he must show why his notice of motion should have priority over the motion of the honourable member for Bathurst.

Mr PETER DEBNAM: It is urgent because Middle Eastern crime has been totally out of control in this State for a number of years, certainly for the past three years. That is why we had the Cronulla revenge attacks and the attacks on Maroubra, and that is why the Government has failed to lock up and arrest about 180 revenge attackers. That is why people are dying in the streets of Granville now. [*Time expired.*]

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

The House divided.

Ayes, 54

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

Noes, 35

Mr Aplin	Ms Hodgkinson	Mr Roberts
Mr Armstrong	Mrs Hopwood	Ms Seaton
Mr Barr	Mr Humpherson	Mrs Skinner
Ms Berejiklian	Mr Kerr	Mr Slack-Smith
Mr Cansdell	Mr Merton	Mr Souris
Mr Constance	Ms Moore	Mr Tink
Mr Debnam	Mr Oakeshott	Mr Torbay
Mr Draper	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

Question resolved in the affirmative.

FEDERAL GOVERNMENT INDUSTRIAL RELATIONS LEGISLATION**Urgent Motion**

Mr GERARD MARTIN (Bathurst) [3.55 p.m.]: I move:

That this House:

- (1) supports the Iemma Government's High Court challenge to the Federal Government's WorkChoices legislation; and
- (2) condemns the Federal Government for stripping the wages and conditions of working Australians.

The WorkChoices legislation will drastically strip New South Wales workers of the protection they need, which workers have fought for over the past 100 years, ably aided by a wonderful trade union organisation. With John Howard's WorkChoices legislation and the Opposition's promise to sack 29,000 public sector workers, one thing is clear: with Debnam and Howard there is no job security for New South Wales workers. There will be worse conditions, lower wages and at least 29,000 public servants sacked. Since the introduction of WorkChoices we have already seen honest workers sacked for doing their job.

Not far from my seat of Bathurst, in Cowra, 30 workers were sacked when their abattoir employer simply laid them off. The scandal of all this is that the abattoir then offered some of the workers—20—the same job again. But here is the sting: they were offered \$180 less a week. An article in today's *Sydney Morning Herald* quoted the mayor of Cowra, Bruce Miller, who is a voice of reason. Bruce is well known to me as we have worked together on many regional committees. He said that the dismissals were hard because "we all know each other". This perhaps confirms what many have thought—that the WorkChoices legislation would be abused. That is important, because I think the mayor of Cowra got it dead right.

An application form for the new job was included with the dismissal notices given to the Cowra meatworkers. This is simply an unAustralian thing to do to hardworking family people. It is nothing but an attack on these hardworking Australian meatworkers, and it is orchestrated by the Prime Minister, who has claimed to be their champion. How can the Liberal Party claim to represent Aussie battlers when it allows an abattoir worker to be sacked and then be offered his job back for \$180 less a week? One of the workers, Rodney Veney, is the sole breadwinner because his wife has to stay at home to look after their disabled teenage son. Another abattoir worker, John Thompson, has been working in the abattoir for 35 years. He is worried that he will be unable to get another job in Cowra as he is 53 years of age.

Can any member of The Nationals explain how country towns will survive if decent people like those workers in Cowra are sacked at 53 years of age and told to find another job? I point out to my colleagues how many members of The Nationals are in the Chamber at the moment. The sole representative on the other side is the hapless member for Gosford. The WorkChoices legislation leaves decent families on the industrial scrapheap. But they are not alone. Here are some more examples of what has happened in the past few days. Tom Bollard, a truck driver at a concrete plant, was falsely accused of not being medically fit to work. Sacked! Erin McLemon, aged 21, was a photo lab assistant. Her workplace was allegedly suddenly overstaffed, and she was sacked! Two apprentice electricians in their final year of training were sacked, with no reason given.

Waylon Vaughan, a 29-year-old truck driver, tried to stop his boss from doing a shoddy job and was sacked. The boss would have said it has his just deserts. Ten workers at a Port Melbourne firm were simply sacked, with no reasons and no redundancy. Emily Connor, a 23-year-old child care worker—so-called personality clash—sacked! Three workers at a Melbourne construction company were offered contract work only, and then they were sacked. Eight workers at Melbourne firm Triangle Cables—no reason given—just sacked under this WorkChoices legislation.

Mila Kent, a hotel cleaner from the Sunshine Coast, was offered casual work or nothing—and then sacked. Three workers from an Altona cabinet installation company were also offered casual work at a lower rate of pay—and then sacked also. Rhonda Walke, a part-time receptionist employed with the same company for over 20 years, was handed a new contract by her employer this week and told to sign within 24 hours. The new contract, which was offered "due to a restructuring of the practice", changed her employment from permanent to casual, requires her to work at different locations, and provides for a one-month probationary period—after 20 years of continuous employment! The next day, before this lady even had a chance to discuss the new contract with her employer, guess what happened? She was sacked! This is nothing short of disgraceful.

We are certainly heading into a dark age in Australia if this is to be the operating procedure of the new WorkChoices legislation. If there is one thing certain in life it is that a Liberal State Government controlled by Peter Debnam with Howard's mob running the Federal Government will spell disaster with a capital "D" for working families in New South Wales. There is only one political party interested in doing something for these people. That is why the New South Wales Government is committed to stopping these industrial changes.

I turn now to the High Court challenge. The New South Wales Government was the first to challenge the legislation, in December 2005. That challenge has now been joined by all States and Territories, together with Unions NSW. The case to be put before the High Court will demonstrate that the Howard Government has misused its authority in conducting a hostile takeover of powers that are constitutionally vested in the States. This Government has also been at the forefront of protecting New South Wales' front-line workers.

The Public Sector Employment Legislation Amendment Act, which was passed just a week or so ago, will protect 186,000 workers, including nurses, ambulance officers, bus drivers, TAFE teachers and home care workers, to name just a few. Many of those people would be under threat from a Coalition Government in New South Wales for different reasons. By removing these staff from corporatised entities they will be shielded from the WorkChoices legislation.

Another important aspect is continued access to an independent umpire. The Government has also moved the Industrial Relations Amendment Act 2006 that extends the powers of the New South Wales Industrial Relations Commission to rule on common law agreements between employers and workers. By allowing the commission to hear common law disputes, employers and employees can continue to use the efficient and popular New South Wales Commission. Industrial parties will have another option for making agreements if the state system is no longer available and they do not want to use the WorkChoices system. It also provides employers and employees ready access to an expert tribunal as a means of supporting a co-operative industrial relationship.

With regard to preserving negotiated conditions of employment, the Industrial Relations Act was also amended to preserve agreed future pay rises contained in State consent enterprise arrangements. Under WorkChoices any future pay rises agreed by the parties as part of the award are specifically prohibited. We are also moving to protect local government employees. The lemma Government has written to the mayors and general managers of every New South Wales council advising against the use of the Commonwealth's WorkChoices legislation. The New South Wales Minister for Industrial Relations, John Della Bosca, and the Minister for Local Government, Kerry Hickey, have advised councils that they should wait, at least until the 1,388-page legislation has been tested in the High Court.

These changes will affect the working lives of thousands of New South Wales workers. The High Court challenge to these laws is essential to protect everyone's basic right—the right to a decent wage for decent day's work. The consequences on the New South Wales economy and on New South Wales families of a State Liberal Government and a Federal Liberal Government will be devastating, to say the least. Many workers will be looking long and hard at John Howard's man in New South Wales, Peter Debnam, and the damage he will inflict on the workplaces of our State if he ever gets to sit on the Treasury benches.

As bad as WorkChoices is, the other threat that is going to come from this coalition of the evil, if you like, between Howard and Debnam is the assault on New South Wales public servants. It will be sack, sack,

sack from day one. If honourable members have any doubt about that, they have only to turn back the clock to the dark years between 1988 and 1995—and I know you would be well aware of it, Mr Deputy-Speaker—when 2,500 school teachers were sacked, 2,000 Department of Community Services caseworkers were sacked and 6,200 employees went from FreightCorp. If honourable members want to know why we ran into a shortage of train drivers, they need only to look back to when the Coalition was in office, because, of course, it is legend what the Coalition did to 15,000 State Rail employees.

It is the same old leopard with the same old spots sitting over there. What we want to know from the members of the Opposition today is whether they are going to support this motion? Are they going to support New South Wales families? Are they going to unite against this draconian legislation, this WorkChoices legislation, that has been foisted on the people, particularly the working people, of New South Wales by Howard, Costello and the rest of the loony Right?

Mr CHRIS HARTCHER (Gosford) [4.05 p.m.]: The Opposition strongly supports the workers of this State. The Opposition strongly supports the principle enunciated throughout many years of "a fair day's work for a fair day's pay". The people of New South Wales and the employees of New South Wales can be assured that a Coalition Government post-March 2007 will support and protect them, and that it will ensure that they have good working conditions and, as has been enunciated, a fair day's work for a fair day's pay. The Australian Labor Party simply uses the workers of this State and the trade union movement as a political football. It plays them constantly as a diversion from the real issues facing New South Wales. It uses the workers and the unions to hide its own failures in areas such as health, education, roads, public transport and law and order.

By failing to address health problems, Labor is failing the workers of this State. By failing to address education issues it is failing the workers of this State. By failing to address law and order problems it is failing the workers of this State. The Premier, especially, repeatedly fails the workers of this State by failing to address the principles of law and order. The Labor Party in this State fails the workers of this State as the workers, one million of them every day, are forced onto a public transport system that is antiquated, slow, overcrowded and dirty. It fails the workers of this State by putting them each day onto the roads system, which ends up in traffic gridlock. The Labor Party has failed the workers in New South Wales again and again, even in relation to industrial relations.

Ms Linda Burney: Point of order: I ask that the honourable member be brought back to the substance of the debate. This is not about public transport; it is about what his leader said on Virginia Trioli's radio program two mornings ago, that he would go with the Federal system except for the public service.

Mr DEPUTY-SPEAKER: Order! That is not the question. The honourable member for Gosford has the call.

Mr CHRIS HARTCHER: The Labor Party has failed, and continues to fail, the workers of this State. The ultimate sign of rejection of the workers of this State by this Government and its predecessor, the Carr Labor Government, was when the former Premier of New South Wales, the Hon. Robert Carr, stood on the veranda of the Parliament and gave the two-fingered salute to demonstrating unionists and workers outside this building. When 5,000 workers surrounded the building to demonstrate against the Carr Labor Government, the trade union movement organised it, the trade union movement was there and demonstrated against the Carr Labor Government.

What happened? The Premier gave them an insulting salute. That was the action and reaction of Mr Carr and his Labor members. Labor members opposite burst through the workers, insulting them by breaking through their picket lines—picket lines that Labor always pretended were sacred, until it suited Labor to act to the contrary. The Labor Government is once again using the workers of New South Wales and their hard-fought conditions as simply another political football.

The Government is mounting an expensive High Court challenge, which it is unable to cost. The only person who has ever made a comment on the cost, Queensland industrial relations Minister Tom Barton, said that the Government had several hundred thousand dollars set aside to mount a legal challenge. He said no-one can speak definitively about what it will cost ultimately. The Government, is unable to fund its trains, schools, hospitals and law and order program. The budget is in complete disarray, forcing it to privatise the Snowy Mountains scheme, one of the great icons of Australia. Even though it is out of cash, it is nonetheless prepared to spend money on a High Court challenge.

And why? It is simply using the workers of New South Wales as part of its political smokescreen. We will not be caught up in the sort of games that Labor wants to play. We assure the workers of New South Wales that they have no better friend than the Coalition. The Coalition will ensure they have a public transport system that works, hospitals that will treat them, schools where their children can be educated, and a proper system of law and order to give them personal and home security. The Coalition will look after the workers of this State, as it has always looked after them. It will ensure that the economy runs effectively and well so that jobs are available—and well paying jobs at that!

Ms Linda Burney: Point of order: I ask the honourable member what happened in the 2003 election. Who won it?

Mr DEPUTY-SPEAKER: Order! The honourable member for Gosford has the call.

Mr CHRIS HARTCHER: The Coalition will look after the workers and will ensure that those who are working in the public sector have proper workers compensation rights. We have always ensured that those who are employed in the public sector of New South Wales are properly looked after. We will ensure that workers have proper access to health, schools, law and order, roads and rail transport. The Government fails the workers every day. In an hour's time, when tens of thousands of workers stream onto trains and into their cars to go home—

Ms Linda Burney: Point of order: I repeat my first point of order. I ask you to ask the honourable member to come back to the substance of the debate. Will he support WorkChoices? Did his leader yesterday say on Virginia Trioli's show that he would not?

Mr DEPUTY-SPEAKER: Order! I am sure the honourable member for Gosford will return to the issue forthwith.

Mr CHRIS HARTCHER: We now see how desperate the Government is, making totally irrelevant remarks as points of order and attempting to rewrite the record to try to establish a system which simply does not exist. The Coalition assures the workers of this State that they will get good roads, trains, hospitals, schools and law and order. Those employed by this State will get a good salary for a fair day's work and good working conditions. The workers of New South Wales can be assured that a Debnam-led Coalition government will look after them and protect them.

Ms ANGELA D'AMORE (Drummoyne) [4.14 p.m.]: I am proud to support the honourable member for Bathurst in bringing this matter of utmost urgency to the House. [*Quorum formed.*]

The Commonwealth's so-called WorkChoices legislation has nothing to do with choice and everything to do with forcing hardworking Australians to give up wages and conditions the labour movement has fought for—and delivered—over the last 100 or so years. Workers' rights must be protected by sound industrial relations law. I do not want to imagine an Australia where putting your family first, looking after a sick child or wanting to enjoy a public holiday with your friends and family means facing the sack. The Howard Government's WorkChoices legislation threatens our way of life. Working families across New South Wales can rest assured that the lemma Government will fight against these changes every inch of the way in the High Court of Australia.

The Government recently passed legislation in this Parliament to protect nurses, ambulance officers, TAFE teachers, bus drivers and home care workers by making them employees of the Crown to shield them from the WorkChoices legislation. But what about the private sector? What about aged care nurses, who are already behind in conditions compared with public sector nurses? What protection will they have? Do they not deserve the same? What about employers? Last week I took a delegation of employers to meet the Minister for Small Business. They are very concerned about what WorkChoices means for them. In fact, the Federal Government has done nothing to reassure employers what it means for them.

Last week the Premier announced that the Government will conduct an upper House inquiry into the WorkChoices Legislation. The inquiry will look at the social effects of the legislation on New South Wales families, workers and businesses. This inquiry is crucial to exposing this legislation for the shameful attack on working families that it is. John Howard's WorkChoices legislation shuts the gate on a range of important employment protections and hard-won benefits and it is families that stand to suffer most. What about paid maternity leave? How will that be protected? It will not be; it will be gone. The Premier has made it clear that he

expects Federal public servants including the Fair Pay Commissioner to give evidence to the inquiry. The inquiry is an opportunity to do what the Federal Government refuses to do, that is, give ordinary workers a forum to provide an honest account of how the WorkChoices legislation will impact on them. And what stories they will be able to tell.

The Leader of the Opposition is given the opportunity to speak up for the people of this State in this House. At every turn he dodges, ducks and disappoints. He will not stand up for the people of New South Wales in the great GST rip-off, so why would he stand up for workers now? He sneers at New South Wales business people and families and refuses to detail policies even when he is asked a direct question. I have a message for the Leader of the Opposition: Families in my electorate are listening. They are worried about their children, about their breadwinners, about what will happen to their family members. But there is a deafening silence from the Leader of the Opposition. Today once again the Iemma Government offers the Leader of the Opposition a choice—unlike the hundreds of thousands of hardworking New South Wales families that his Federal counterparts will rip apart with this appalling piece of legislation.

Mr DAVID BARR (Manly) [4.19 p.m.]: I support this urgent motion. The High Court case resulting from the WorkChoices legislation will be one of the most important since Federation. We are witnessing a Federal Government onslaught on States' rights the like of which we have never witnessed before. That is somewhat ironic because the Conservatives are strong supporters of States' rights. This is a broad-ranging attack on those rights. It is an attempt to grab industrial relations powers from the States and to impose a neo-conservative ideological position that will change the nature of industrial relations in Australia for ever. It will change it in a way that will disadvantage everyone. We have a mixed economy and our system is based on a balance between labour and capital, and an understanding that the mutual tension that has existed over many decades produces an outcome that benefits everyone. There are inherent tensions and conflicts in the system, but they are resolved in the Industrial Relations Commission, in enterprise bargaining negotiations, by unions negotiating on behalf of employees and by collective bargaining.

This country has achieved a high level of affluence and we have an egalitarian society, and we should all be enjoying the fruits of that effort. The WorkChoices legislation represents an attack on the working class of Australia. It will produce a working poor underclass similar to that in the United States of America. Some people in America are working, but they are so poor that they need assistance that the Government does not provide. People find it difficult to get enough money together to pay for transport to work. The minimum wage in America is about \$7.25 an hour. That figure varies from State to State, but that is about the highest rate. Our neo-conservatives in Canberra are modelling themselves on the American neo-conservatives and are pursuing the ideological doctrine of hammering unions. That is what this legislation is all about. This is sectarian warfare declared on the workers' movement in this country. It is totally unnecessary, because less than 25 per cent of the Australian work force is unionised. Paradoxically, this legislation will ensure an upsurge in union membership.

Our children will be forced to sign employment contracts that will trade away working conditions that people have fought for over many decades. Annual leave will be reduced and sick leave and many other entitlements will disappear. The work force will be casualised and employees will lose all the conditions that are part and parcel of full-time employment. Why on earth is the Federal Government going down this path? It is totally unnecessary. The honourable member for Gosford, who has left the Chamber—and I note that although there are 31 Coalition members in this House not one of them is in this place—

[Interruption]

There is one here. Honourable members of the Opposition are going to need to show the people of New South Wales that they are prepared to stand up for States' rights and protect the conditions which men and women over many decades have fought for and we which regard as our entitlement. It is no good for the honourable member for Gosford to say that the Coalition will look after workers when it is elected. Honourable members need to demonstrate how they will do that. One of the best ways to do so would be to have the courage to stand up to John Howard and to say that they do not accept the WorkChoices legislation and that the New South Wales Liberal Party and The Nationals will oppose what the Federal Coalition is trying to do. They should stand up for States' rights. If they do not do that, it is to their shame.

Mr JOHN BARTLETT (Port Stephens) [4.24 p.m.]: I support this urgent motion, which states:

That this House:

- (1) supports the Iemma Government's High Court challenge to the Federal Government's WorkChoices legislation; and

- (2) condemns the Federal Government for stripping the wages and conditions of working Australians.

I helped and was involved with the strike by Boeing workers at Port Stephens, which lasted for 265 days. I can assure honourable members that this legislation is the predominant issue in my electorate. The workers realised what this WorkChoices legislation would do and they were not going to put up with it. If the current Leader of the Opposition becomes the Premier of New South Wales, he will work hand-in-hand with John Howard in undermining the wages and conditions of New South Wales workers from day one. As the Premier reminded the House today, the Leader of the Opposition will sit silently in his office hoping this issue will go away. It will not. As he travels around the State promising more police officers and police stations, at the end of the day WorkChoices will create a far more dangerous society. There will be no support from the Leader of the Opposition for the victims of these terrible laws and he has offered no support for the Government's High Court challenge. What is worse, when pressed he revealed his support for John Howard's WorkChoices legislation. On 10 March he was quoted in the *Sydney Morning Herald* as saying:

We will legislate to refer a majority of our industrial relations powers to the Commonwealth if elected in March 2007.

He continued:

We will refer the majority of IR powers to the Commonwealth but we will retain some IR powers, including those covering state employees.

He jumped on board that wagon about two weeks ago. When asked if he intended to retain the New South Wales Industrial Relations Commission, which arbitrates and conciliates between workers and employers, he stated:

We will spell it out later in the year.

The WorkChoices legislation will strip New South Wales workers of the protections that they need and have worked for over the past 100 years. That is why the New South Wales Government is fighting this legislation in the High Court. In December 2005 the Government was the first to challenge the legislation, and it has now been joined by all the State and Territory governments and Unions New South Wales. In addition to the High Court challenge, the Public Sector Employment Legislation Amendment Act 2006 was passed last month to protect 186,000 workers, including nurses, ambulance officers, bus drivers, TAFE teachers and home care workers, to name but a few. Removing these workers from corporatised entities will shield them from the WorkChoices legislation.

The Boeing employees at Port Stephens are highly skilled, highly trained workers. According to the Federal Government they should benefit from the WorkChoices legislation because of those skills and that training. Exactly the opposite has happened. They fought the Federal system for 265 days. Minister Della Bosca intervened and took the case to the New South Wales Industrial Relations Commission. The workers were back at work within three days after the commission handed down its decision. Of course, the Federal system has no dispute resolution process.

My time is limited, but I would like to cite two examples of what has happened to workers in the Port Stephens electorate. A lady rang my office and said that she did not want her name mentioned because she is already afraid of discrimination. This legislation is already generating fear. She has to provide her own tea, coffee, milk and pens. There is no lunch room and she has to fill the water jug in the restroom. There is poor ventilation and fire hazards, and she gets 30 minutes for lunch. This single mother works eight days on and is required to work weekends. She told her employer that she had to have weekends off to look after her children, and she is now no longer employed.

Mr GERARD MARTIN (Bathurst) [4.29 p.m.], in reply: The significant feature of this debate is the lack of input from the Coalition benches. We heard a pathetic performance from the honourable member for Gosford, who waffled on for about eight minutes without committing himself to anything. We know the Opposition is opposed to the legislation. But even more stunning than the Opposition's lack of debate on this legislation was the lack of presence in the House of any member of The Nationals. Central to this debate has been the example of the Cowra meat workers. Cowra is in the electorate of the honourable member for Orange. The honourable member for Lachlan lives in Cowra, just outside his electorate. So The Nationals cannot say they are not aware of the fate of the Cowra meat workers. But not one member of The Nationals, who are decreasing in importance, fronted up here to defend the meat workers in Cowra. It is an absolute disgrace!

Mr Brad Hazzard: Point of order—

Mr GERARD MARTIN: And here is another one!

Mr Brad Hazzard: I remind the honourable member for Bathurst that he could not even get a quorum—

Mr DEPUTY-SPEAKER: Order! That is not a point of order. The honourable member for Wakehurst will resume his seat. The honourable member for Bathurst has the call.

Mr GERARD MARTIN: Throughout this debate we have had interruption after interruption. We do not mind members opposite having a contrary view, but they should have the guts to get up and say so. They should tell the workers of New South Wales that they will fall into line with John Howard's draconian industrial relations WorkChoices legislation, that they will gut the public service if, hypothetically, they ever come to this side of the House, which is looking increasingly less likely to happen. The Leader of The Nationals will say he was in Broken Hill for Pro Hart's funeral, which I acknowledge was a very important event. The honourable member for Murray-Darling attended the funeral, but he got back here; he hightailed it back here to do his job. It cannot be denied that The Nationals have sold out the meat workers of Cowra time and again.

Mr Brad Hazzard: Point of order: That is quite improper. You know that the Minister, Tony Kelly, brought your members back and left the Leader of The Nationals up there—

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

[Interruption]

Mr DEPUTY-SPEAKER: Order! I call the honourable member for Wakehurst to order. He should control himself.

Mr GERARD MARTIN: In his speech to the H. R. Nicholls Society's conference, which I know the honourable member for Gosford would have attended, as well as many others who support the loony Right, Nick Minchin said that this is just round one. We think the present legislation is draconian enough. Example after example has been trotted out today by the Premier and my colleagues in their speeches, but there is more to come. John Howard has told people to back off. He has said, "Let's see if we can win another term, and then we will really put the boot in. If you think WorkChoices stage one is bad, see what else we have got in store for you."

We ask the Opposition, "Where do you stand on this legislation? Do you support John Howard's WorkChoices legislation, or do you not? You cannot sit on the fence and have a terminal case of splinters in the backside on this issue. You have to make a decision on it." My motion is simple. I couched it in as clear terms as I could, so members opposite would understand it. We heard a pathetic performance from the honourable member for Gosford, who spoke for about eight minutes but said nothing. He did not address any of issues. As I said, The Nationals should be supporting the meat workers at Cowra, who have been the worst example so far of this draconian Howard legislation, but not one member of The Nationals fronted up to debate the motion.

Where is the honourable member for Orange? The Cowra meat workers are in his electorate. I bet those workers are delighted that the seat of Orange will go to someone else and the honourable member for Orange will go out the back door. This is how badly The Nationals are going. Even the honourable member for Lachlan, one of the great stalwarts of The Nationals, did not front up to support the workers in his hometown of Cowra. The Nationals' lack of presence during this important debate has been an absolute disgrace. We expect it from the North Shore Liberals. We thought at least The Nationals might have had the guts to stand up for their constituency. This is why The Nationals are going out backwards. They will not even have a bridge team in this House after the next election. I commend the motion to the House.

Motion agreed to.

VIETNAM VETERANS

Matter of Public Importance

Ms MARIE ANDREWS (Peats) [4.35 p.m.]: I am honoured to address the House on such an important issue as the wellbeing of our Vietnam veterans. Many members would have personal stories to tell of

friends or family who served during the Vietnam War. I am sure all members will join me in expressing their admiration and respect for our veterans. This debate is timely, given the ANZAC Day commemorations which will take place in a few weeks. When the *Last Post* is played across the country, we will remember the brave men who gave their lives on the steep shores of Gallipoli, as well as the many nurses and support staff who endured the horrific conditions. But we should also take a minute to reflect on all our veterans, including those who served in Vietnam.

No issue is more deserving of the Parliament's attention than the ongoing health issues that continue to affect the daily lives of the men and women who returned from the Vietnam conflict. This difficult and distressing issue has been the subject of much debate in recent decades, by the media, politicians and the community. The matter reaches right to the heart of our society, as a modern, civilised and compassionate community. We must be even more involved, and more aware, if we are to give these veterans the dignity and support they deserve. It is not a matter for the younger generation, or something to be delayed for another day. It is a matter of such importance that we must never allow it to be ignored. I draw members' attention to a report in the *Australian* newspaper of 22 March 2006. The headline states "Vietnam cancers linked to water", and the article highlights some startling new links between Vietnam service and health problems for veterans. The article claims:

Sailors who served on naval ships during the Vietnam War have been told their ships' drinking water, which was contaminated with Agent Orange, could be causing their cancers.

According to the report, the Commonwealth Department of Veterans Affairs is investigating a link between the number of cancers among sailors and the water they were given to drink onboard some ships. The water allegedly contained dioxins from Agent Orange, which members would recall was one of the most destructive weapons used in Vietnam. The herbicide was designed to destroy enemy cover by stripping trees and shrubs of their foliage. The product was mixed with kerosene or diesel fuel and sprayed from the air, from land, or by hand. Its seemingly innocuous name was derived from the orange band marking the drums in which it was stored. Agent Orange was effective at helping to prevent ambush. An estimated 19 million gallons were used in South Vietnam during the war.

But the deadly impact of Agent Orange extended much further than the foliage. Tragically, it also had a devastating effect on local civilians and service men and women over the decade during which it was used. As this latest report from the *Australian* shows, the full long-term impact of this sinister product is only just being realised. According to the article by Simon Kearney, the ships in question took on water in Vung Tau harbour between 1965 and 1972. The concerns relate particularly to HMAS *Sydney* and her escort ships. According to the Royal Australian Navy, the *Sydney*, a converted aircraft carrier, carried about 16,000 Australian troops to and from Vietnam. It was affectionately nicknamed the "Vung Tau Ferry" by the troops, in typical Australian fashion, and was the first aircraft carrier of the Royal Australian Navy.

It is understood the carrier was sold for scrap to a South Korean company in 1975. HMAS *Sydney* lives on only in the memories of those who served aboard. If these reports are accurate, her tragic legacy is only too real for those veterans. The *Australian* report claims that as many as 170 navy personnel died from cancers between 1980 and 1994, and those deaths could potentially be related to the water on the ships. The report states that the connection was first identified several years ago by the National Research Centre for Toxicology, which is based at the University of Queensland. The Commonwealth Government has confirmed it is investigating the issue through the Repatriation Medical Authority [RMA]. For the benefit of members, the authority is an independent statutory body that is responsible to the Minister for Veterans' Affairs. Its web site includes a long list of current investigations including looking at malignant neoplasm of the lung and throat, soft tissue sarcoma and acute myeloid leukaemia. According to Department of Veteran Affairs Secretary Mark Sullivan, as quoted in the *Australian*, the Repatriation Medical Authority is considering evidence of a link between all those conditions and potable water.

I am not here to cast aspersions on the work of the Repatriation Medical Authority. I am sure scientists and staff involved work very hard to research these issues. However, I would like to highlight some concerns about the Commonwealth Government's response. I acknowledge that the Department of Veteran Affairs continues to urge veterans to lodge claims for compensation if they believe they have service-related conditions or disease. I note concerns that the Commonwealth criteria for lodging these claims are too limited. According to Ron Coxon from the Vietnam Veterans Association of Australia, as quoted in the article, veterans must prove they spent at least 30 days drinking the water. But Mr Coxon points out:

We don't know how much of the dioxin actually settled in the tank because they never cleaned them.

That is a very valid point and one I urge the Commonwealth to consider more closely. If there were ever to be a time to abandon the normal limitations of fiscal management and policy setting, this is it. This debate is not about pointing the finger at one level of government or another, it is simply about ensuring that the issues affecting the day-to-day lives of our veterans remain a high priority for all governments.

We want these issues to remain on the agenda for all to see. The first step is to recognise that Vietnam veterans have unique health problems. The second step is to use the best possible science to address these health problems. It is expected that an updated mortality study on Vietnam veterans will be released this year. I hope this study will provide extra clues to help our scientists continue their cutting-edge research for the benefit of all veterans and their families. The first comprehensive study was released in early 1998 following a survey of more than 40,000 veterans. The study confirms statistically what we already knew: the health of Vietnam veterans is generally worse than that of Australians of comparable age.

The report found that Vietnam veterans were three times more likely to report their health as poor and three times less likely to report their health as excellent. Specifically, the results for male veterans showed that 30 per cent reported experiencing panic attacks and 45 per cent suffer depression. More than 400 veterans said they had cancer of the colon, which is more than three times higher than expected, and more than 50 veterans had male breast cancer—more than 17 times the average. The results for women also suggested above-average rates of conditions such as asthma, depression, breast cancer, panic attacks, stillbirths, hearing and ear problems, and more.

Decades ago these veterans went to fight a terrible war, but their battle has not ended. They are now required to fight these appalling health problems for the rest of their lives. Sadly, the research also shows that many of their children will face increased rates of cancer. Specifically, the study found that the prevalence of adrenal gland cancer among veterans' children is higher than expected. Clearly this will be an issue that will require a long-term national approach from future State and Commonwealth governments, regardless of whether those governments are Labor or Coalition. I assure the House that the Iemma Labor Government is committed to supporting our veterans and their families as part of that national approach.

There are more than 13,000 Vietnam veterans in New South Wales from a total of 48,000 Vietnam veterans nationally. In my electorate of Peats is the Gosford City sub-branch of the Vietnam Veterans Association of Australia. There are a large number of Vietnam veterans not only in the electorate of Peats but right throughout the Central Coast, and many of them have significant health problems. We will continue to lobby the Commonwealth to listen to veterans and investigate whether the criteria for compensation could be expanded. I will be very interested in the results of the latest morbidity study of Vietnam veterans when it is released. I thank the House for focusing its attention on national efforts to research and address this critical issue.

Mr STEVEN PRINGLE (Hawkesbury) [4.44 p.m.]: The Opposition very strongly supports our veterans. Recognition of our Vietnam veterans is well and truly long overdue. Unlike other conflicts—the Boer War, the Sudan War, World War I and World War II—after the Vietnam conflict unfortunately our service personnel more often than not did not come home to that universal praise or those constant tickertape parades that their predecessors had. Probably all of us in this Chamber remember the anti-Vietnam War protests—the infamous moratoriums both here and in America. Unfortunately, we saw the burning of flags and we saw the harassment of many of our military personnel. These protests certainly contributed to the ending of the war, but—and this is perhaps the most important point—they left deep psychological and physical scars on many of our veterans.

It is hard to imagine some of the conditions that our troops had to put up with: the booby-traps; Agent Orange—which has been spoken about previously; the overwhelming size of the enemy forces; the oppressive heat; the mud; the difficulty of knowing who the real enemy was, and so on. As usual, our forces performed extremely well. In perhaps the most famous battle of all, Long Tan, 18 Australians were killed holding off thousands of Viet Cong, killing about 245. All arms of our forces were included in the Vietnam War. Our forces included many conscripts—the famous Nashos, who did their duty both overseas and in Australia. I acknowledge how important the national service groups are. I specifically mention my own Hawkesbury Nasho group and its president, Vince Burke, its vice-presidents, Ted Books and Leon Walker.

Australia's involvement in Vietnam began in 1962, with 30 military advisers, and ended in 1972. At the height of the war some 8,500 troops were involved in Vietnam. All nine battalions of the Royal Australian Regiment rotated into Vietnam. The regiment's contribution to the war and how much it sacrificed is acknowledged along the New England Highway in the Hunter Valley with individual memorials to each of

those groups. The Royal Australian Navy provided transport in HMAS *Sydney*, a converted aircraft carrier, and lots of other transport vessels. It provided the specialised naval gunfire support that was so important to the army and the air force. The navy also contributed the famous clearance diving teams that were involved in covert operations, demolitions and the dangerous clearing and protection of ships' hulls.

The air force's Caribou transports were also some of the first into Vietnam. Canberra bomber crews maintained their support throughout much of the war, and we can all be proud of the eight Hercules aircraft—aircraft that today are still represented in my electorate, or nearby, at RAAF Richmond—which, under fire, evacuated orphans from Saigon, thanks to the selflessness of various local nuns and nurses. These aircraft also evacuated the Australian Embassy in Saigon on Anzac Day, now some 31 years ago. I remember some of my navy mates telling me how they had been spat upon and booed for just doing their duty in the Vietnam War. This was clearly a shameful period in our history and one I hope will never be repeated.

Over the years some people suffering from the effects of the Vietnam War have become patients at the St John of God Hospital at Grose Vale in the Hawkesbury electorate. I thank all the doctors, nurses, psychologists and other staff from that institution for their magnificent service in looking after our precious Vietnam veterans. The Opposition commends very strongly all our Vietnam veterans. Of the 50,000 or more who served in the Vietnam War, 520 were killed, 2,400 were wounded, and, as we have heard again today, many have suffered from long-term ill effects on their health. Indeed, one of my colleagues, Lieutenant Commander Ken Stone, will be buried on Friday as a result of mesothelioma. I know many others members in this Chamber also have friends and relatives who, as a result of the Vietnam War, have suffered very badly.

I turn now to the Vietnam Veterans Association of Australia and some of the details it has identified from its mortality study. It is worth reiterating that the death rate for Vietnam veteran males is some 7 per cent higher than that of the general male population: death from cancer is a staggering 21 per cent higher than the general population; prostate cancer is even worse at 53 per cent higher, lung cancer is 29 per cent higher, heart disease is 10 per cent higher and the suicide rate is much higher than the average. We need to do everything we can to assist our Vietnam veterans throughout their lives, to protect them and the lives of their children.

The other day while I was listening to the radio I heard about some studies, which showed that trauma from the Vietnam War continues from the veterans through to their children and grandchildren. State governments have a major responsibility to contribute towards the rehabilitation and successful involvement in society of all Vietnam veterans. The End of War List has finally been compiled. This will give support to many veterans who have not been awarded medals, and will recognise their great efforts on behalf of Australia. I conclude by quoting from the Vietnam Veterans Association of Australia, which stated:

Over the years there has been a persistent media presentation of Vietnam veterans as "victims". The Association believes that this is counter-productive. This is not an image that the VVAA wishes to perpetuate either for itself or for its members. Rather, it sees Vietnam veterans as achievers.

All honourable members would agree with that. The Association continued:

Vietnam veterans have reached the highest level of business, professional and political ranks within Australia, and every one of them who has overcome psychological or health problems in order to raise a family and live a relatively normal life has overcome adversity in order to achieve. Vietnam veterans aren't victims, they are achievers.

So say all of us on this side of the House.

Ms TANYA GADIEL (Parramatta) [4.52 p.m.]: I am pleased to speak on this matter of public importance. As previous speakers have acknowledged, we have a collective responsibility to ensure that this issue remains a high priority for all levels of government. This includes the Commonwealth Government, which manages claims from veterans who suffer from service-related diseases or conditions, but it also includes the State Government in a broader sense, because we are heavily committed to cutting-edge cancer research.

Science is essential if we are to fight this insidious condition. All the political goodwill in the world cannot substitute for the work of our leading scientists in fighting cancer. This research has implications for all those in the community who have been touched by cancer, either directly or indirectly. More specifically, it could lead to breakthroughs, which will benefit Vietnam veterans or their children who are battling cancer. On behalf of the Minister Assisting the Minister for Health (Cancer), the Hon. Frank Sartor, I would like to elaborate on some heartening progress in New South Wales cancer research.

As the Minister announced in January this year, cancer mortality rates in New South Wales are now the lowest in 30 years. Since 1994 death rates have fallen by 17 per cent in men and 12 per cent in women. This is

reflected in good survival rates for people suffering from cancers such as breast and prostate cancer. In fact, honourable members will be pleased to note that 75 per cent of patients diagnosed with these cancers are still alive five years after diagnosis, and by 2011 it is estimated that two-thirds of new cancer patients in New South Wales will survive. The number of new cancer cases will continue to rise as the population ages and we continue to improve early detection programs.

As we can all appreciate, diagnosis as early as possible can literally make the difference between life and death. These results are a testament to the talent of the men and women in laboratories across the State whose work brings relief and hope for so many. It is also proof that the Iemma Labor Government's plan for tackling cancer is working. By investing in cancer research, prevention and treatment, we are improving survival rates. For example, this year the Minister announced almost \$3.5 million in funding for new cancer doctors in New South Wales through a unique fellowship program. This announcement coincided with World Cancer Day on Saturday 4 February.

There can be no doubt that New South Wales is playing its part on the world stage when it comes to fighting cancer. These fellowships show that we are serious about cancer research. The \$3.5 million will fund one year of in-depth training and research for 30 doctors who have recently completed specialty training in cancer. It will help these brilliant young cancer doctors to become experts in their fields. I note with interest that the first eight fellowships have been awarded to Sydney-based specialists in cancer genetics, melanoma and prostate, bowel, breast and cervical cancer. There is no doubt that these youth represent one of our biggest hopes for cancer treatment in the future.

The State Government will continue to support and encourage them. We will continue also to invest in facilities and equipment to enable them to carry out their lifesaving work. Through the New South Wales Cancer Institute, the State Government has a comprehensive program of funding grants to enhance the equipment used by our medical specialists. This will include new imaging equipment for more accurate detection, monitoring and treatment of tumours. This is expected to improve treatment of prostate cancer patients, in particular. Additionally, new equipment will target tumours more specifically, minimising the impact of radiation on surrounding healthy tissue.

Finally, the State Government's program of investing in cancer research also gives women great hope for the future. Honourable members would be aware that breast cancer is the third most common cancer in New South Wales after prostate and bowel cancer. There are more than 4,000 new cases every year and 900 deaths. But I am pleased to remind honourable members that breast cancer death rates in New South Wales have fallen by 21 per cent since 1995. Again, this encouraging result is largely attributed to BreastScreen NSW's screening and early detection. Clearly, we have made very steady but exciting progress in tackling the many forms of cancer affecting New South Wales' families each week. The State Government will not rest on its laurels. We will continue to provide the funding and political will to meet cancer head-on. This is our commitment to all residents affected by cancer including, of course, our Vietnam veterans. *[Time expired.]*

Ms MARIE ANDREWS (Peats) [4.57 p.m.], in reply: I thank the honourable member for Hawkesbury and the honourable member for Parramatta for their contributions to the debate on this matter of public importance. The overriding message is that the health problems Vietnam veterans and their families now suffer are of paramount importance to both sides of the House. I congratulate the Iemma Government on its continuing in-depth research into cancer. New South Wales was the first State in Australia to have a Minister specifically for cancer and the honourable member for Parramatta has highlighted some of the gains in that area.

Honourable members on both sides of the House must highlight the importance of continuing research into cancer, particularly the effect that this insidious disease has on Vietnam veterans and their families. The Iemma Government will continue to make approaches to the Federal Government to consider ways to improve compensation for Vietnam veterans and their families, particularly with respect to cancer, which can be traced back to their service in Vietnam. None of us would like to see a repeat of a war of the scale of Vietnam or its disastrous health effects. I commend this matter of public importance to the House.

Discussion concluded.

CHILD PROTECTION (INTERNATIONAL MEASURES) BILL

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

PRIVATE MEMBERS' STATEMENTS

Private members' statements, by concurrence, taken forthwith.

NATIONAL SOLAR ENERGY CENTRE

Mr BRYCE GAUDRY (Newcastle—Parliamentary Secretary) [4.59 p.m.]: I am pleased that the Minister for Energy is in the House today. On Friday last I represented the Government at the launch of the National Solar Energy Centre at the Steel River site, which is the location of the CSIRO energy centre. I thank the New South Wales Government for its contribution to the project. It has driven the creation of the Steel River site as a future industry site, and has advocated that the CSIRO research centre on the site focus on the whole area of renewable energy as well as clean coal technologies. Nothing could be more important in today's context than research into renewable energy sources. The earth is talking back to us strongly, whether it be in New Orleans with the tremendous damage wrought there, Cyclone Larry in the Innisfail area or the cyclone in Western Australia. They are clear indications that global warming is not a figment of our imagination but a scientific fact.

Both the national and State governments are being directed towards the issue of sustainable energy, and the National Solar Energy Centre at Steel River will form an important part of that focus. "Energy transformed" are the centre's watchwords; looking at ways to make energy production much more sustainable and with fewer greenhouse impacts on the planet. The State Government's contribution of \$324,000, together with the \$5 million coming from the Federal Government, will provide a high concentration tower solar array that uses up to 200 mirrors to generate more than 500 kilowatts of energy. That energy is focused into the tower, and achieves peak temperatures of more than 1,000 degrees centigrade. Then there is a low concentration linear solar array that generates hot fluids at temperatures of about 250 degrees, and a control room facility.

There is also dedicated research looking at advanced technologies, and collaboration with national and international research institutes to look at the production of solar gases in particular. As we know, the current problem with electricity is that it is not storable, whereas solar gases can be stored, combined and used to produce electricity at a later date. So important research into that area will take place. It is significant that the Hunter Valley, with the power stations, is the major producer of energy for New South Wales. It is also our major exporter of energy commodities, with 80 million tonnes of coal going out of the Hunter Valley. Therefore, it is appropriate that we focus on renewable energy sources and dedicate research to that. With the combined intellectual property of the solar research centre, the University of Newcastle, CRC on coal technology, and the former BHP scientists who are still researching minerals technology, a whole range of activities are dedicated towards improving our understanding and delivery of sustainable energy.

I congratulate Newcastle City Council in this context. Back in 1997 the then lord mayor, Greg Heys, was involved with the International Pathways to Sustainability conference. The council also created the Australian Municipal Energy Improvement Facility program, which is dedicated to education on energy savings and to drawing down greenhouse gas emissions. Added together at the national, State and local government levels, there is a focus in Newcastle and the Hunter Valley on delivering renewable energy sources, whether they be solar, wind power or clean coal technologies. They are all essential if we are to have sustainable energy production and combat the issue of greenhouse gas emissions, not only at the national level but also the international level. [*Time expired.*]

RAWSON STREET-CARLINGFORD ROAD, EPPING, TRAFFIC MANAGEMENT

Mr ANDREW TINK (Epping) [5.04 p.m.]: I raise a matter on behalf of my constituent Mr Austin Carwardine about traffic conditions near the intersection of Rawson Street and Carlingford Road at Epping. This area is becoming increasingly congested as it is one of the few ways that traffic in the central Eastwood and Epping area can get access via Carlingford Road and the Epping overbridge to the eastern side of the railway line towards the city. It will be made worse again soon by the imminent completion of a major nine-storey residential and shopping development in the Epping area. In addition, the soon-to-be-completed Epping to Chatswood rail link will also generate a great deal of vehicular traffic, with drivers dropping off people at Epping Station. I notice that traffic conditions in Rawson Street have deteriorated dramatically in the past month.

Whereas at times in the past the traffic flow was challenging—nevertheless the traffic flowed—during the morning and evening peak period over the past three or four weeks there has been a queue of cars stretching

for what appears to be about 600 or 700 metres, that is, the length of Rawson Street between Carlingford Road and Bridge Street, with the traffic backing up over the Epping overbridge during the worst periods. Initially Mr Cawardine put it to me that there had been a change in the traffic-light phasing on Carlingford Road at the intersection of Beecroft Road, which had a knock-on effect back into Rawson Street and also Ray Road, which is the continuation of Rawson Street on the other side of Carlingford Road. I have made representations to the Minister for Roads accordingly.

I also noticed that a number of vehicles now park outside the Coles shopping centre, which used to have "no stopping" signs, early in the morning, during the day and in the evening. Previously, two lanes allowed people to queue to make a right-hand turn but provided a free lane on the left for people to go straight ahead or turn left. Now the left-hand lane is totally blocked by cars parking in what was a "no stopping" zone. I contacted the Eastwood police yesterday. James Bilton and Craig Thorpe acted with great speed; they spoke to the people who were parked there and cleared the obstruction. Looking at the work they did this morning, I saw the traffic in Rawson Street running very smoothly. It was almost back to normal conditions—it was not without challenge but nevertheless still workable.

I also rang Richard Searle, who is in charge of traffic matters at Parramatta council. He indicated to me that from the Parramatta council car parking area right down to Carlingford Road along the southern kerb of Rawson Street should be a "no stopping" zone. The "no stopping" signs were removed by construction workers a few weeks ago in connection with building work taking place both at Coles and across the road at the nine-storey unit development, but the signs have not been replaced. That is part of the problem. First, people are unaware that it is a "no stopping" zone; and, secondly, when the police turn up to deal with the situation they are unable to book drivers because the area is not properly signposted according to law.

So I have asked Mr Searle, as a matter of priority, to have the "no stopping" signs replaced to enable the council rangers and the police to enforce the law. Police and council rangers should not have to enforce the law in this location and drivers who park there should not have to receive a significant monetary penalty. When people park in this area and look in their rear vision mirror to see people banked up for half a mile behind them they should be able to figure out that they should not be parked there.

It is selfish, it is stupid, it is dumb. They should get out of the damn way and let the traffic flow. There are plenty of other places to park: underneath in Coles car park, under the new development that is being built if they are construction workers, and in the council car park. I would say to everyone who goes to park there, "Just have a look in your rear vision mirror, see the queue behind you, and get out of the way so that other people can get to work and do what they have to do." It is a case of just thinking a little bit about others. I hope that the signs will be back in place soon, and that the enforcement will go ahead for those who do not get the message.

COMMUNITY FIRE UNITS

SPORTING CLUB VOLUNTEERS

Mr KEVIN GREENE (Georges River) [5.09 p.m.]: We often hear the common phrase "God helps those who help themselves" and last Saturday I had occasion to reflect on it. I had the opportunity to attend the opening of two new community fire units in Lugarno. It was a perfect example of generous people putting their hands up to look after, and protect, their community. As honourable members will appreciate, community fire units are manned by volunteers, particularly in areas where there is considerable bushfire danger. The two new units I met with last Saturday morning are at Tallowood Avenue and Lugarno Parade. I congratulate the 18 members who gathered there for me to hand over the keys to the units on their contribution to the community.

The Tallowood Avenue group, led by John Hoban, and the Lugarno Parade group, led by Carol Flanagan, have generously made the commitment not only look to after their area when bushfires approach, but, most importantly, to commit to an ongoing training program to ensure the safety of their community. The very first community fire unit came into operation at Cedar Street in Lugarno, and within the six local units there are now 134 volunteers. I congratulate each and every one of them on their commitment to their community. It was a great pleasure, indeed a privilege, to have the opportunity to meet with members of the two new units on Saturday and I certainly wish them continued success. The Government committed \$15,000 to set up each of the two units, and I believe it is money extremely well spent.

The second occasion on which I had cause to think of that term was when later on Saturday I moved on to my role of managing my son's soccer team. I was at Gannons Park, where hundreds of young people and their

parents were involved with soccer that morning, and I reflected on the fact that the volunteers of both the Lugarno Soccer Club and Forest Rangers Soccer Club decided at the end of last year to undertake some returfing of bare patches across those fields. While it is well recognised that parents and volunteers give up a lot of their time to ensure that their children's sporting and other activities can take place in a safe and learning environment, to go above and beyond the call to dig out bare patch areas and lay turf—with the support of Hurstville council, I should add—shows great dedication.

I commend the work done at Gannons Park by Lugarno Soccer Club under its President, Greg Harris, and Forest Rangers Soccer Club, with which I am involved, under its President, Tim Hooper. An enormous amount of work took place at the grounds associated with both clubs at Gannons Park. In saying that, I recognise that, also at the end of last year the Penshurst West club did a lot of work at Olds Park and I extend my congratulations to that club's President, Gino Sacilotto, and his committee. I also congratulate All Saints Oatley West club and its President, Bob Klinker. It is fantastic to see local sporting groups working with the council to upgrade the quality of playing fields, particularly given additional difficulties imposed by the drought in maintaining the standard of those fields.

I am sure honourable members would concur that as we move among our community groups we see many people who are prepared to put up their hands to help not only themselves and their families but also the broader community. We all should recognise the work of volunteers in organisations such as local sporting clubs and community fire units. We are very fortunate, particularly in the electorate of Georges River, to have so many generous volunteers who are prepared to contribute their time to help our community to be a better place in which to live.

[Private members' statements interrupted.]

BUSINESS OF THE HOUSE

Notices of Motions

Mr ACTING-SPEAKER (Mr John Mills): Order! It being 5.15 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

[Private members' statements resumed.]

GROUND WATER STRUCTURAL ADJUSTMENT PACKAGE

Mr ADRIAN PICCOLI (Murrumbidgee) [5.22 p.m.]: The ground water structural adjustment package and reduction of water entitlements process that is currently under way is an important issue in the Murrumbidgee electorate and also affects Albury, Murray-Darling and other electorates in western New South Wales. It is unfortunate that the current and previous Ministers for Natural Resources have handled the issue so badly. Then Minister Richard Amery and the New South Wales Government were issuing ground water licences until as late as 2000, despite having stopped issuing licences for river water allocations in 1994 because of concerns about overallocation. Yet in 2006, allocations are about to be reduced by as much as 87 per cent in the Namoi area and as much as 63 per cent in the Murray area. The Government was issuing allocations and a few years later decided to cut them, and now it has been left with a very messy situation indeed.

I have been contacted by many upset and concerned farmers who have relied on the ground water allocations for their businesses. They have bought properties and gained licences on the understanding they would be able to use the allocations. People such as Robin Turner from Coleambally and a group of farmers towards Corowa who call themselves the Rennie Sustainable Pumpers—Michael Sandral, John Moffatt, Russell Lowden and others—people right across the Murray, people around Narrandera, Darlington Point, and Coleambally, will have their allocations cut significantly.

Another significant error the Government made a couple of years ago was to announce that allocations would be across the board: if a valley was 50 per cent overallocated, everybody's allocation would be cut by 50 per cent. About 12 months later the Government changed its mind and said that allocations would be reduced

on the basis of the farmers' history of extraction, depending on how much ground water was used. Both ways of reducing entitlements affect people adversely—I understand that—but the Government made a major error in stating that allocations would be cut across the board and then changing its mind after people had relied on that advice about the Government's policy.

People are concerned about their reduced allocations and about having relied on information from the Government about how the allocations would be cut. In addition, in an attempt to avoid some of the blame for the bungle the Government has now gone a long way toward wrecking catchment management authorities [CMAs], because the authorities have been given responsibility for sorting out this very difficult process. That is unfortunate. The Coalition supported the establishment of the CMAs. Farmers are already very angry and they will be more angry in future with the catchment management authorities. They will blame the board members for the cuts in their business when it is the fault not of the board members but of the New South Wales Government.

The board members took on their positions in good faith, having been told the roles they would have, which they understood and accepted. The Government has now imposed all these additional roles that will make board members the enemies of the farming world. The Coalition supported the establishment of the CMAs but had we known of this development we might well not have endorsed the role of CMAs. The New South Wales Government has a lot to answer for. There are many angry farmers who will remember this on 24 March 2007.

IMMIGRATION DETENTION CENTRES POLICIES

Ms VIRGINIA JUDGE (Strathfield) [5.27 p.m.]: I draw to the attention of the House the atrocious treatment of those in our detention centres, including the incorrect detention and prejudice endured by one mentally ill non English-speaking Australian citizen. This issue is deeply concerning on a number of fronts to me but most importantly to my electorate. The majority of my constituents in the electorate of Strathfield come from backgrounds in which English is not the native language. Indeed, 67 per cent of households in my electorate have one person born overseas, and more than 50 per cent speak a language other than English at home. Furthermore, a number of my constituents suffer from various kinds of mental illness. I believe I must speak out for these constituents and advocate the seriousness of this issue on their behalf before such a horrifying instance recurs.

It has been discovered that an innocent Australian citizen, a mentally ill man known only as Mr T, was incarcerated in an immigration detention centre three times in four years. An Australian citizen for the past 22 years, Mr T is Vietnamese born and suffers from schizophrenia. Mr T's second spell in detention lasted more than eight months. It took that long until it was discovered that Mr T is in fact an Australian citizen who was mentally ill and incorrectly detained as an illegal resident. When Mr T was finally released he was sent off with his belongings and \$20. This treatment has been suffered at the ruthless and insensitive hands of the Australian Federal Government.

We need to address this issue as concerned representatives of our vulnerable constituents. I express my sincere sympathies to Mr T and his family. What they have been forced to go through was entirely unnecessary and is nothing short of a national disgrace. The faulty arrangement that the Federal Government calls our migration system has blatant prejudices and gaping flaws. I appeal to the Federal immigration Minister to acknowledge that these problems are systematic and will not be fixed by education programs, because we simply cannot educate away prejudice.

On Wednesday 29 March it was made known that another mentally ill man has been confined in detention for six years. On Friday 30 March 2006 the *Sydney Morning Herald* reported that this man, known as Mr X, was forced to remain in detention because he has been refused a protection visa although his home country of Bangladesh does not recognise him as a citizen. The Ombudsman's report in relation to Mr X has revealed that his mental illness has been partly caused by his lengthy detention. Despite suffering from mental illness and insulin-controlled diabetes, it has been reported that the immigration department was contemplating deporting him to Bangladesh.

This decision was made even after medical advice suggested that, as an insulin-dependent diabetic, Mr X would have died two to three weeks after his arrival in Bangladesh. The fact that this ludicrous and inhumane idea was ever entertained is appalling. This morning it has been reported that Mr X has been granted permission to live in the community while his application for a permanent visa is being processed. However, the Minister has refused to rule out his future deportation.

Unfortunately, these efforts show no real change or attempt to address problems within the immigration department. They would appear to be a quick fix for a disgraceful incident made public. Something must be done, and I urge the Howard Government and the Minister for Immigration and Multicultural Affairs to act now, and not let more individuals needlessly suffer. Minister Vanstone must look long and hard at the Migration Act and realise that it must be urgently reformed. My deep concern begs me to ask: Why is the system continuing to make such fatal errors? Why are all detainees not put through a more rigorous and transparent system of identification?

Mr T had fingerprints on a police database that provided proof of his Australian citizenship. Why were these records not checked? Furthermore, the *Sydney Morning Herald* reports four separate occasions on which Mr T either gave information about his true identity or in which people at the detention centre recognised him as someone who should not be there. Why did it take until the fourth occasion for the authorities to act? Why did it take eight months for Mr T's details—details he had given on arrival—to be translated by a Vietnamese translator? Never was Mr T's admission of his real name taken seriously by authorities. This is a national disgrace. These details were Mr T's key to freedom, the kind of freedom he is already entitled to as a citizen of Australia. Whilst I share the sentiments of Federal Labor's spokesperson for immigration, I would like to speak on behalf of the New South Wales Government and express sincerest sympathy to Mr T and his family.

These matters concern human rights for all and they should disregard all prejudice based on race or background. Out of respect for Mr T, his family and the people of New South Wales, it is our responsibility to make clear our disgust. We have a responsibility to support our Australian citizens. I urge the Howard Government to act now, to do the right thing by Mr X while it still has the opportunity, and to ensure that proper checks and rigorous identification measures are in place before more innocent Australians, like Mr T, are drawn into such an appalling mess!

MR MARK AND MRS TASANEE NAMISNYK IMPOUNDED MOTOR VEHICLE

Mr MICHAEL RICHARDSON (The Hills) [5.32 p.m.]: In May 2004 my constituents Mark and Tasanee Namisnyk of West Pennant Hills bought a Toyota RAV4 car through the *Trading Post* for \$17,000 from a private seller in Revesby. The car was for their son, Adam. Before completing the deal, the Namisnyks obtained a Register of Encumbered Vehicles certificate confirming that the car was unencumbered. Adam completed the transfer of the car's registration at Blacktown motor registry on 18 May and the Roads and Traffic Authority [RTA] issued him with the new registration papers. Three months later, an RTA inspector contacted Adam to inform him there was an irregularity with the registration and he was told to deliver the car to Penrith police station for further investigation. Adam took the car to the police station on 23 August and it was duly impounded. When, after four weeks, the Namisnyks had heard nothing further, they rang Penrith police and were told the vehicle had been transferred to the Bass Hill holding yard, and that Bankstown police were now in charge of the investigation.

The Namisnyks rang Bankstown police every few months to find out how things were going, and when the vehicle might be returned. Police who had been assigned to the case were transferred elsewhere or quit, and it was not until 25 April 2005 that the case started being seriously investigated. The police believed that the car had been rebirthed and they were trying to find the evidence to charge the person from whom the Namisnyks had bought the car. In March 2006 the police revealed they had insufficient evidence to prosecute and the vehicle could be picked up at the Bass Hill holding yard. This is where the rubber well and truly hit the road.

My constituents went to Bass Hill to find that the RAV4 had been sitting in the open with no covering over it for 18 months and it was completely undriveable. They did not even have time to inspect it properly, because there was only one constable on duty and she could not leave the front desk unattended. Of concern here, following the recent shooting of Constable Elizabeth Roth at Wetherill Park, is that there was only one female police constable on duty. However, that is not the key issue. The driver's window of the vehicle was wound halfway down and covered with a plastic garbage bag. The bonnet was not closed and there was panel damage to it and the rear bumper bar. The windscreen wipers were lying on the back seat of the car, along with other panels that had been removed from the interior and elsewhere on the car. The Namisnyks were not game to try to start the engine.

As honourable members might expect, they declined to accept the car in this condition, and it is still sitting forlornly out at Bass Hill. The state of this vehicle, after 18 months in the holding yard, is nothing short of disgraceful. Surely it would not have been impossible for it to have been kept under a roof or at least to have had a cover placed over it for the 18 months it was in police custody. If the vehicle had to be disassembled for

operational reasons, it should have been put back together. That is only right and proper. The fact that it took eight months for the police investigation even to start is also completely inexcusable. This is yet another example of the appalling lack of police resources under this State Government and the way in which it is affecting ordinary people.

I fully understand the serious nature of car rebirthing. All of us could fall victim to this pernicious practice when buying a car privately. However, that is no reason for the Government to have acted in the way it did on this occasion. The RTA should have spotted the possible identification problem when Adam Namisnyk took the car to Blacktown to be registered. The Iemma Government should provide a decent holding yard for the police and sufficient resources to put vehicles back together again after they have been disassembled.

There have been no beneficiaries from this operation. The police have wasted their time, the perpetrator of the crime—if the car has indeed been reborn—has got off scot-free, and Adam Namisnyk has been without a car for 18 months. I understand that the vehicle identification plate indicates that the car originally came from another State. Indeed the Namisnyks have had to buy another car so that Adam can get around. That has been an additional expense.

The Namisnyks do not want compensation for the loss of the use of their car since August 2004, nor are they seeking compensation for the depreciation of the vehicle or for the cost of the purchase of another vehicle. All they want is for the car to be returned in its original condition. I do not think that is too much to ask. When an offender is charged and his property is taken from him, the police are obliged to return that property to him in the same condition as it was when they took it. Surely the same rules apply to an innocent person's motor vehicle impounded in this way. These people are the victims, not the perpetrators, of crime. I ask the Minister for Police to address this serious situation immediately and to organise for the car to be fixed and returned to its rightful owners.

TWEED HEADS CENTRAL BUSINESS DISTRICT DEVELOPMENT

Mr NEVILLE NEWELL (Tweed—Parliamentary Secretary) [5.37 p.m.]: I bring to the attention of the House an update on progress made on the Tweed CBD revitalisation that was implemented on the recommendations of the Tweed ministerial task force master plan. The Tweed Heads master plan and the economic development strategy reinforces the Tweed as a regional gateway, and provides the framework for the next 15 years to create a sustainable and vibrant commercial business centre. The recently commenced Tweed Ultima project will consist of three towers—two 15-storey towers and one 10-storey tower—housing 220 residential apartments, conference facilities, and retail and office space valued at \$150 million. This project brings the activities to approximately \$550 million to \$600 million worth of development in the Tweed Heads CBD. This is only the beginning of a major revitalisation program initiated by New South Wales Government.

The project facilitation team was established in August 2004 following the launch and endorsement of the master plan. It has worked with the stakeholders to successfully attract this amount of investment and development proposals to Tweed Heads. According to the master plan, development proposals must vary to ensure the precinct accommodates a mix of density, height, type and tenure to encourage a demographic mix of sustainable development, which was the task force's main agenda. Sustainable development produces jobs and lifestyle for the Tweed community. Such development and investment proposals include Bay Street mixed development by CITIMARK and the Dolphins Hotel redevelopment, which includes 44 apartments, a tavern and 30 hotel rooms. Both projects are with the Department of Planning at present.

Development applications are also being prepared for Centro Tweed residential tower and redeveloped mall, Florence Street Church proposed medical-child care and residential site, and Southern Cross University expansion. The Tweed Heads Medical Education Centre proponents have just lodged their development application. All this sustainable development was initiated with the New South Wales Government-funded Tweed ministerial task force that was established in September 2002, which I chaired. After extensive consultation with all stakeholders, community groups, and CBD residents the master plan was produced.

Following the launch of the master plan by the then Minister Assisting the Minister for Infrastructure and Planning, Diane Beamer, the project facilitation team was established to continue the work that was initiated by the ministerial task force. The team, funded by the Department of State and Regional Development and Tweed Shire Council, includes representation from State Government agencies including the Department of State and Regional Development, the Department of Lands, the Department of Planning, Tweed Shire Council, and the Tweed Economic Development Corporation.

The project team has an accomplished manager and co-ordinator in Magdy Youssef, who has been with us since the team's inception. Noel Hodges, Doug Jardine, Gary Smith and Georgina Wright—the project officer for our most beautiful, natural wonder, Jack Evans Boat Harbour—represent Tweed Shire Council. The Jack Evans design details are currently progressing, with the expectation of funding for capital works by Tweed Shire Council in July 2006. The council has successfully completed a section 94 contribution to fund future capital works to the value of \$15 million to improve the public realm within the town centre precinct in accordance with the master plan recommendation. The planning Minister also allocated \$200,000 to Tweed Shire Council in support of the local environmental plan and development control plan amendments, and the development of design guidelines.

The project facilitation team has been promoting the vision and strategy of the master plan, and co-ordinating the implementation of the various aspects of it. The team has also been identifying and seeking funding for investment in public works, as well as implementing initiatives to attract desired private sector investment. It has been providing support and advice regarding new policies and planning instruments to implement the master plan, and working with council to integrate new developments. The team has also been evaluating progress and making required revisions to the master plan. It has been pursuing opportunities for private sector investments, and co-ordinating joint venture investment opportunities within the town centre. The team has also been working with Tweed Shire Council officers in co-ordinating the preparation of detailed design guidelines, development control plans, local environmental plans and infrastructure contribution plans.

The Tweed Heads CBD master plan created an opportunity for government agencies to work in partnership with council and the business community to create a sustainable, multifunctional and vibrant regional centre that attracts people to work, live and play with a variety of commercial, retail, educational and cultural facilities. By taking advantage of the current regional infrastructure provided within the Tweed, including the hospital, the Southern Cross University, the clubs and the retail facilities, the master plan has addressed the key challenge of attracting a more diverse local resident and commercial population to the Tweed, to create long-term employment for the Tweed community. I congratulate the project facilitation team on its work with regard to the Tweed CBD master plan.

ROADS AND TRAFFIC AUTHORITY DORRIGO HEAVY VEHICLE INSPECTION SERVICE

Mr ANDREW FRASER (Coffs Harbour) [5.42 p.m.]: On behalf of the people of Dorrigo I wish to refer to the cancellation of the Roads and Traffic Authority [RTA] inspection service in that town. The RTA has stopped sending inspectors to the Dorrigo plateau area. People who live in Dorrigo and Ebor, on the plateau, and who own heavy vehicles are now required to travel to Coffs Harbour, Kempsey, Nambucca, or some other area, to have their heavy vehicles inspected. While this may not sound much of an impost to the average person in Sydney, it is a major impost for the people of Dorrigo. For example, the bus company in Dorrigo owns six buses. The cancellation of the inspection service means that those buses have to travel down to Coffs Harbour, a journey of about an hour, on six separate occasions.

Previously, heavy vehicle owners in Dorrigo had reached an arrangement with the RTA under which they had similar registration inspection times for most of their vehicles and they could get inspections done on a quarterly basis. Although quarterly inspections were not totally acceptable, they were preferable, given that Dorrigo is about an hour's drive from Coffs Harbour by car, and a little more by heavy vehicle, down a section of road that is extremely dangerous. In fact, the journey from Thora to Dorrigo is about 15 kilometres of probably the windiest road one has ever encountered. I place on record my congratulations to Peter Collins, the regional manager of the RTA, on the hot soil that the RTA recently put on the mountain, which improved the surface out of sight.

However, Keogh's bus company said to me that one section of road from Thora to Bellingen is so narrow that if school buses and trucks have to pass vehicles on the road, which is used extensively by heavy vehicles, one of the vehicles has to get over onto the gravel verge. It is extremely dangerous, and I have written to the RTA asking it to fix that section of road. The action the RTA has taken in cancelling this visiting inspection service to Dorrigo means that all those heavy vehicles now have to travel down that mountain at a time when school buses will be utilising the road. In my view it is extremely dangerous. It is a very windy section of road down the mountain and, as I said, the section of road between Thora and Bellingen is extremely narrow in places. The RTA is simply creating an opportunity for a major accident to occur.

For the RTA to send two inspectors to Dorrigo, on either one or two days once a quarter, would involve minuscule expense. The income the RTA would receive from the registration renewals for these heavy vehicles

would far exceed any cost to it. I have written to the Minister to ask why the RTA would, without just reason, withdraw a service that has been operating so successfully in this isolated town for a number of years. By withdrawing the inspections of the heavy vehicles in Dorriggo, the RTA is increasing the risk of motor vehicle accidents and decreasing public safety on this section of road. There has not been a death on the Dorriggo Road for a number of years, and that is because people treat it with caution. To require the owners of heavy vehicles that transport potatoes, dairy, beef cattle and so on to drive their vehicles long distances to have them inspected is totally unacceptable to the community that uses that road.

I also raise the cost incurred to businesses. For example, the bus company will lose one day's operation for every bus that has to travel down for inspection. In other words, it will mean an additional six days costs for the operator. There are many subcontract carriers in the area—for example those that carry cattle, potatoes, and milk. It costs those companies who send their vehicles down for inspection a day, whereas the RTA sends only two inspectors to the area once a quarter. I appeal to the Minister and the Government to reinstate this vital service for the people of Dorriggo, who are paying their taxes and registration fees. I urge them to reassess the economic sense and social detriment of a simple decision that has been made in Sydney by a bureaucrat, under the Minister's direction, without any real consideration being given to people's safety or the economics of this decision.

MENAI ELECTORATE HEALTH AND EDUCATION SERVICES

Ms ALISON MEGARRITY (Menai—Parliamentary Secretary) [5.47 p.m.]: A review of the census data conducted by the Parliamentary Library ranked the various electorates in this place according to different criteria. The Menai electorate showed a very high proportion of families with young children. It is not surprising, therefore, that health and education services are important priorities for my constituents. As the local member, and as someone with a young family, these priorities are also very important to me. I have previously raised in this place the Government's significant investment in health care facilities in my electorate. On the most recent occasion I briefly advised the House about the recent opening of a \$32 million mental health centre at Liverpool Hospital. The hospital also has a stroke unit and upgraded cardiac catheter laboratory. There has also been a \$9.1 million expansion of the emergency department.

All honourable members are aware of the pressures on staff working in the emergency departments of our State's hospitals. Ambulances arrive at the side or back door, and at the same time patients requiring medical assistance walk through the front door. It has been well documented that people present at emergency departments citing a range of health conditions and complaints. It is a fact that many of these cases could be effectively treated by general practitioners [GPs]. In February 2004 former Premier Carr committed an initial \$2 million to the start of after-hours GP clinics in or near 45 public hospitals, including Liverpool Hospital, to treat patients with non-urgent conditions.

The former Premier said that it was time for the Howard Government to come on board and to work with the State Government on rolling out the program after a successful trial in the Hunter region. In the lead-up to the October 2004 Federal election the Howard Government promised \$50,000 towards the establishment of an after-hours bulk billing GP clinic at Liverpool Hospital. The Federal Government also promised to consider more substantial funding submissions for the establishment of these after-hours clinics. Certainly the Liverpool general practitioners submitted an application to run a clinic that was similar to one already operating at Campbelltown Hospital, taking the emergency and accident cases that do not need the more intensive critical care services of an emergency department.

The Liverpool Division of General Practice, which is an association of local GPs, wanted to put its clinic in the outpatients section of Liverpool Hospital so that the emergency department is nearby if ever there is a major problem. However, the division is understandably reluctant to sign an agreement with the Federal Government until all the funds promised almost two years ago have been released. It would be like signing a contract to buy a house without having all the mortgage funds at one's disposal. The State Department of Health has been pressing the Federal Government to release the funding.

Awash with the massive budget surplus, the Federal Government is certainly not short of a few dollars. Apart from it being a matter of principle that the Federal Government promised the funding, and it is well past the time that it should deliver on that promise, the State Government is ready and willing to provide facilities for the new service. These clinics make great sense. Hardworking local GPs can rest easy knowing that their colleagues are covering these after-hour periods, and hospital emergency departments can get on with treating more urgent cases and thus reduce waiting times. On behalf of local families needing emergency treatment as

well as those requiring an after-hours GP service for non-urgent conditions, I call on the Federal Government to deliver on its promise and show us the money.

Earlier I referred to education services being a priority in my electorate. That priority extends to the preschool education of the children in our community. I have made a number of strong representations on this issue and I acknowledge that the State Government's commitment to a strong children's services sector based on standards, choice and quality is shown by its investment of more than \$900 million in children's services since 1995. This financial year the New South Wales Department of Community Services investment is a record \$101.7 million, which includes \$93.5 million for preschools and long day-care centres. However, I draw the attention of the House to a statement made by Neil Shepherd, the Director-General of the Department of Community Services, in a letter to me dated 25 January 2006, in which he said:

The New South Wales Government is aware that services are nevertheless facing considerable cost pressures, and in recognition of this, the Minister for Community Services and the Minister for Education and Training have asked their respective Departments to work together to assess and present options for improving and supporting preschool services in NSW. This work is being progressed as a major priority.

I will continue to advocate strongly on behalf of my constituents for well-funded and comprehensive preschool programs. I believe that they are a great investment in our children's future, one that will benefit not only our school system but also our community as a whole. I urge the progression of this issue as a major priority, as mentioned by the director-general, and I look forward to the outcome.

NORTH SHORE ELECTORATE STUDENT LEADERS PARLIAMENT HOUSE VISIT

Mrs JILLIAN SKINNER (North Shore) [5.52 p.m.]: I am pleased to inform the House that tomorrow the Federal member for North Sydney, the Hon. Joe Hockey, and I will host a visit to Parliament by student leaders from all the secondary schools in my electorate. I feel privileged to be doing this. I have a high regard for the student leaders in my electorate and I am thrilled that all but one school is able to send two representatives to join us. I very much look forward to hearing the students' views on local issues, particularly those that affect young people. I know from discussions I have had with young people in the past that there will be a wide-ranging discussion. Along with some of my parliamentary colleagues on the Coalition side, I sent a survey to young people aged under 25 when the issue of P-plate drivers was in the news and I received good, sensible and committed responses from them. It is terribly important that we engage young people in discussions about policy and future directions and that we are aware of the issues that are important to them.

The students who will join me tomorrow in this place are two representatives of the Student Representative Council at Mosman High School, presidents Maddie Leary and Tyler Rogers; the school captain, Melinda Choy, and school vice-captain, Kate Lindeman, from North Sydney Girls High School; school captain and vice-captain Bibhu Aggarwal and Jeremy Zhu from North Sydney Boys High School; Harry Marples and Charles Thompson, the senior prefect and second prefect from Shore; school captains Michael Compton and Clementine Rendle from SCEGGS Redlands; school captain and vice-captain Edwina Tidmarsh and Jane Favretto from Queenwood; school captain and vice-captain Nicky Dickson and Ashleigh Sladden from Wenona; year 11 leaders Declan Byrne and Alex Godbold from St Aloysius; and Monica Healey, school captain, and Jessie McPherson, a year 11 Student Representative Council member, from Monte Sant' Angelo Mercy College. As I said, only one school, Loreto, is unable to send students. That is because the students are doing Higher School Certificate trials and are otherwise engaged.

I have a close relationship with all the schools in my electorate. It is always a great pleasure for me to join the students at school functions, whether they are debating or performing. I can assure the House that many students at these schools demonstrate talent in drama and music and at presentation and speech days at the end of the year. These are schools where education is valued highly and where students achieve great things academically, in sport and in many other endeavours. I am particularly mindful of the number of students in my electorate who place great store on community involvement and who have a sense of civic and social responsibility. Many of them go out on excursions and help in a real way by visiting nursing homes and supporting community groups.

Tomorrow, lunch will be an informal but important occasion. I hope the students will then sit in the gallery during question time. I hope that the House gives them some insight into the kinds of matters their local member raises in the House and into the behaviour of members of the House. We should host more of these functions more often. A number of members host functions here, and Parliament runs a wonderful program of education for students on excursions. On many occasions I have seen parliamentary attendants running the

students through a mock Parliament with individuals sitting in the Speaker's chair and others playing various roles. It is terribly important that our young people are engaged in the civic responsibilities of our community, but it is also important that we as local members listen to them. I very much look forward to seeing the students here in the Parliament tomorrow.

AUSTAR SUBSCRIPTION FEES

Mr PETER DRAPER (Tamworth) [5.57 p.m.]: Tonight I wish to inform the House of a disgraceful and unjustified decision by a pay television company to attempt to gouge money from small country pubs and clubs. Recently, pay television provider Austar informed licensed premises in country New South Wales that the new monthly subscription fee for its services would more than double, without any change to, or improvement in, its services. While conducting research on the issue, one of my staff contacted the Australian Hoteliers Association [AHA] national secretary-treasurer Bevan Douglas, a successful publican from Tamworth, to seek information regarding Austar's price increases. Mr Douglas informed my staff member, among others, that the industry is extremely concerned by this development as it will have significant impacts throughout country New South Wales. In fact, industry is so concerned about the issues that the AHA has taken the matter to the Australian Competition and Consumer Commission [ACCC] and is awaiting a response.

In recent years, having a beer on a Saturday afternoon in country pubs and clubs is synonymous with being able to watch the football, and Austar provides that through a package to licensed premises across the State. I live near Dungowan, a small district some 25 kilometres east of Tamworth. I visited the Dungowan Tavern late last Saturday afternoon hoping to catch up with friends, but found the pub almost empty. Publican Kevin Smith has closed his Austar account, as he could no longer justify the expense. Austar has increased his monthly fee from \$420 to \$987, a hike of more than 130 per cent.

The monthly subscription fee had already risen from \$242 in 2003 to \$253 in 2004, and had again increased to \$420 in 2005. That is appalling news for locals, who used to meet at the Dungowan pub for a few beers, have dinner with friends and watch the football matches that are not screened on free-to-air television. People who can afford Austar now stay home, and the many who cannot afford it now miss out completely. Local licensees and I believe that the absence of televised sport at their venues will result in a decline in patronage, as many country people rely on their local pub or club to get their weekly dose of league. Mr Smith is not alone in his decision to cancel the subscription. The Australian Hotels Association conducted a survey of country pubs asking if they would continue subscribing to Austar following the planned increase, and 73 per cent of hotels said they would cut off the service. Country pubs are simply not in a position to absorb such a cost. Most local clubs in my electorate intend continuing the service despite the massive cost increases, but clubs such as Tamworth Services Club, which is facing a 268 per cent increase, will not. In Manilla, only the Manilla RSL Club will retain Austar, and that will be reviewed at the end of the current rugby league season. The secretary of the Gunnedah Services and Bowls Club, James Gallon, said the club would wear the increase from \$650 to \$1,440 per month.

Mr Gallon, who is also a State councillor for Clubs New South Wales, said he had received more complaints from clubs across this region on the Austar increases than any other issue during his two years in the position. Pubs and clubs receive value from Austar only for the winter football season, with viewing at a minimum at other times of the year. Austar supposedly uses a formula to determine pricing based on bar turnover for most pubs, but the figures are simply an estimate. I am advised that Austar blames Foxsports for putting up its prices to televise live sport, forcing Austar to pass on the increase, but that certainly does not help country patrons. Home subscribers have not been subjected to such extortionate increases over the same period.

Hoteliers' dissatisfaction with Austar did not begin with this price hike. Mr Smith said that for a number of years he has tried to negotiate a package with Austar that includes only the sport channels, without success. Currently, the package Austar offers to licensed premises is most unsuitable. It includes Lifestyle, Fox 8, Arena, Discovery, Max, V, Country Music Channel, Nickelodeon, Cartoon Network, Bloomberg and the Shopping Channel. How many people go to a pub to watch those channels? Hoteliers question strongly the value of such a package, as few would go to a pub to watch *Spongebob Squarepants*, to view the stock market report or to look for a birthday present.

The National Rugby League relies on Austar to promote its game in country areas, as many people cannot receive free-to-air television. A mass boycott of the service that removes league from country pubs and clubs will have an adverse effect on the sport. Without exposure throughout licensed venues in the country, Austar's greed could affect league's support base in country areas. Austar has a protected monopoly in the

country and, as a result, its operators believe that they can charge whatever price they want for their services. Quite simply, it is unfair, unethical and unjustifiable for Austar to expect small country pubs and clubs to wear such a cost. This matter should be urgently reviewed by the Australian Competition and Consumer Commission and also the Minister for Fair Trading, and I have referred the issue to them for consideration.

NORTH HEAD DRAFT MANAGEMENT PLAN

Mr DAVID BARR (Manly) [6.02 p.m.]: On 9 March I spoke in this House about the draft management plan for North Head. At that time I referred to the ongoing negotiations on the lease for the Quarantine Station and I said there were whispers about serious complications. It has now come to pass that there are, indeed, serious complications, and that fact has now been reported in the media. The Quarantine Station Environment Officer wrote recently to the Quarantine Station Community Committee, of which I am a member, and stated:

DEC have been informed that Mawland has parted ways with its financial partner—

Its financial partner was Babcock and Brown—

It is a matter for Mawland to arrange their financing. DEC needs to be satisfied that the financial arrangements are robust.

Mawland is in a flurry of activity to attract a new venture partner or partners. However, it is unacceptable that a heritage site of this importance is being held hostage to the possibility of a private hotel operator being able to cobble together a robust proposal to present to the Government. Everyone is in the dark as to what is going on, and commercial in confidence is no excuse. The Government should tell us decisively what is going on. A number of things are happening in relation to the Quarantine Station and North Head. This is a golden opportunity for the Government to take significant action by pulling back from the 45-year lease. The proposal has been on foot for more than 10 years, yet Mawland is still rushing around to find someone to underwrite its proposal. That is totally unsatisfactory.

The Sydney Harbour Federation Trust has presented a draft plan of management for North Head and is willing to contribute up to \$20 million to the conservation of the site. After five years the site will be handed over to the State. At that time buildings could be leased, thus providing a revenue stream. In October 2001 the then Minister said that the Quarantine Station was running at a loss of \$750,000 per annum. I suggest that revenue from the old School of Artillery site and from the Quarantine Station—in addition to the subleasing of restaurants and kiosks, the conference centre and tours—provides plenty of scope for a viable, self-funded heritage site at North Head that will become a sanctuary and green entry point to our beautiful harbour. The Government should walk away from the proposal and devise a much more constructive proposal for the site, instead of entering into a 45-year lease with a private hotel operator.

The site comprising all of North Head south of Park Hill gates has been nominated for national heritage listing. It is believed that the Australian Heritage Council ticked that off in December. The Federal Minister for the Environment and Heritage, Ian Campbell, was due to make a determination by 28 February. The site is currently on the national register but if it is placed on the national heritage list the Federal Government will have certain powers and, indeed, obligations to protect North Head. That may involve more Federal Government intervention in the matter.

The Opposition has resurrected its Quarantine Station Preservation Trust Bill, which it last presented to the House in May 2004. At that time I made the point that a trust merely for the Quarantine Station had already been overtaken by the sanctuary concept, and I will move an amendment to that effect. A foundation or trust to cover the whole of North Head, including the old School of Artillery site, is needed. I am surprised that the Opposition has not done something more imaginative than dust off this tired old bill. Again I call on the Government to call it a day on the lease proposal. This constellation of events provides a wonderful opportunity for the Government to do something special on the site, and it should do it right now.

SUNFLOWER HOUSE PROJECT FUNDING

Mr DARYL MAGUIRE (Wagga Wagga) [6.07 p.m.], by leave: I speak about mental health and Sunflower House, which is in my electorate. It is part of the Clubhouse model that has been adopted in almost 400 places throughout the world, including first and third world countries. Some countries and States have identified the Clubhouse concept as the preferred model of psychosocial rehabilitation. Australia has 11 Clubhouses. Pioneer Clubhouse in Balgowlah, established in 1994, has annual funding of around \$300,000 from

Northern Sydney Central Coast Area Health Service. At the tenth anniversary of Pioneer Clubhouse in February 2005 the Minister Assisting the Minister for Health (Mental Health) attended and congratulated Pioneer on its achievements. After each evaluation report Pioneer has received an increase in funding. The last report commissioned by the area health service was by overseas independent consultants, who recommended triennial funding. That recommendation was implemented.

Billabong Clubhouse in Tamworth has annual funding of around \$250,000 from the area health service. Research provided by Billabong, in partnership with the area health service, has demonstrated a 90 per cent reduction in hospital bed days for people recovering from a mental illness. In March 2003 a public meeting attended by the chief executive officer and director of mental health in Wagga Wagga unanimously endorsed the Clubhouse concept and supported the establishment of the service in our region. In July 2004 a submission for operational funding was lodged with Greater Murray Area Health Service. The submission was subsequently revised in November 2004. In July 2004 a letter of support for the clubhouse by the Acting Chief Executive Officer of the Greater Murray Area Health Service was received. In February 2004 an independent rehabilitation review in Greater Murray identified Clubhouse as a top priority. Reviewers recognised the effectiveness of the model.

In February 2005 the Sunflower organisation took possession of a building in a dilapidated state—Sunflower House—and the State lands Minister, Tony Kelly, gave approval for occupation by the Sunflower group. The community has since renovated the building, raising funds and providing pro bono labour and materials. Pre-building students at Riverina TAFE worked on the building all year, and it is now ready to be fitted out. A revised submission for operational funding was lodged with Minister Burton's office in November 2005. During a radio interview only last week the Minister for Health made a statement that concerned me greatly and caused me to speak in the House today. He said:

There are a number of clubhouses around I understand, none of them have been evaluated in terms of their effectiveness.

I am perplexed by that statement because other organisations funded since 1994 have clearly demonstrated in some way that they are providing results to the community; otherwise, why would they have received funding? According to the Minister's statement, those organisations have not been analysed, yet they have received funding. The Minister also said that an analysis of the Clubhouse movement is now being conducted. I ask the Minister Assisting the Minister for Health (Mental Health): Who is conducting the analysis on the model that we want to provide for the community, which is based on the same models that other area health services are endorsing?

The Minister for Health made another alarming statement: he said that he was aware that a couple of mental health consumer organisations have indicated that they are not supportive of the Clubhouse model. I ask the Minister: Who is not supportive of this model? Are these people within the area health service? Are they within NSW Health? Who has expressed the view that they are not supportive of this model? During the interview on ABC radio, which I listened to carefully, the Minister was asked when we would get a response to our request for funding. Basically, the interviewer said, "Are we waiting until the election for the announcement?" Our community cannot wait. People who are suffering from mental illness need this service. It is not a lot of money; it is about \$250,000 to ensure that three staff can be employed in a building that has been funded and renovated. It has the support of the entire region. It is ready to provide desperately needed mental health services. I ask the Minister to take up this issue as a matter of urgency.

Miss CHERIE BURTON (Kogarah—Minister for Housing, and Minister Assisting the Minister for Health (Mental Health)) [6.12 p.m.]: First, I thank the honourable member for Wagga Wagga for bringing this issue to the attention of honourable members. I am advised that the Schizophrenia Fellowship of New South Wales has submitted a proposal for funding of the Clubhouse in Wagga Wagga. The Government recognises that community-based programs are an essential component of mental health care. The Premier, when he was Minister for Health, said in Parliament that "mental health services are not just about beds." Last year this Government invested almost 50 per cent of the mental health budget—more than \$360 million—into community mental health. This year the Government invested a further \$10 million for new community-based initiatives.

Any development of clinical rehabilitation or disability support services needs to occur in line with the Government's "Framework for Rehabilitation for Mental Health". The Government makes no excuses for expecting that the development of vocational support models in mental health are designed to deliver results. There are several models of mental health vocational support, and the Iemma Government is targeting funding to those services that can demonstrate that they can get people living with a mental illness into open

employment. Some examples of programs delivering results are the Housing Accommodation Support Initiative [HASI] and the Court Diversion Program. HASI has demonstrated a 90 per cent reduction in hospital stays for people who entered the program.

The Court Diversion Program is currently diverting more than 2,000 people a year from the criminal justice system. The Minister for Health has asked for a review of the current clubhouse services provided in New South Wales. The review is expected to take three months to complete. Once received, the Minister for Health will consider the findings. I am more than happy to raise these issues with the Minister for Health in another place and to come back to the honourable member. However, I reiterate: The Iemma Government is determined that investment should be directed to mental health services that demonstrate good results for those in need.

Private members' statements noted.

[Madam Acting-Speaker (Ms Marie Andrews) left the chair at 6.14 p.m. The House resumed at 7.30 p.m.]

**DEATH OF THE HONOURABLE LINDLEY JOHN FORBES BARRACLOUGH,
A FORMER MINISTER OF THE CROWN.**

Mr NEVILLE NEWELL (Tweed—Parliamentary Secretary) [7.30 p.m.], on behalf of Mr Morris Iemma: I move:

That this House extends to Mrs Barraclough and family the deep sympathy of members of the Legislative Assembly in the loss sustained by the death on 13 December 2005 of Lindley John Forbes Barraclough, a former Minister of the Crown.

John Barraclough was the member for Bligh from 1968 until 1981. In that time he attained the respect not only of this House but also of his colleagues and the community that he represented. He was able to attain that respect because, from the information I have been able to glean, he was a man of the people. Every member of Parliament brings experience to Parliament and, judging from the personal experiences that John Barraclough brought to the Chamber, he understood so much of what it is to be an ordinary citizen of a city and of a State, and he brought that to his role as a parliamentarian.

John grew up in the area that he represented, which I think gave him the confidence to mix with people from all walks of life. That was probably best summarised in the *Sunday Telegraph* back in 1971 in an article in which the journalist pointed out that Mr Barraclough's constituents ranged from Point Piper millionaires to Paddington pensioners. He represented a range of people. He obviously represented them very well because he was able to win five elections, representing the same seat throughout that period. That newspaper article, which was quite extensive, brings home the fact that John was a man of the people and considered himself a local. He certainly turned that into a political art, meeting and working with so many different types of people.

In the newspaper article the journalist very flatteringly referred to him as "A good Liberal" and a "good mixer." I do not know whether it was said tongue in cheek, but the journalist stated that John Barraclough could easily be a knockabout Labor man, he mixed so easily with pensioners and others from all walks of life. That background stood John in good stead throughout his parliamentary service. So far as his sporting ability was concerned, he was a quality athlete and first grade rugby union player for his club, Eastern Suburbs. In athletics terms he was a "miler and a half miler". For those who are not quite old enough to know, that means he was a middle distance runner and good at 800 and 1,500 metre events—just a little further than I would probably go!

John was able to bring to Parliament many qualities and achievements. So far as advocating for his constituency is concerned, the newspaper article has a snapshot of what he did in a day. It is probably worthwhile relating that he shared an office with six other members—obviously in the days before individual offices were allocated—so they were certainly crowded in. I will refer to the final part of the article, because I do not think parliamentarians of today would receive such a sympathetic note. The article concluded:

... he takes home less than \$150 a week after superannuation and tax and what have you.

I figure there must be easier ways of making a living.

I tend to agree with the journalist, regardless of the pay! Certainly the journalist was very impressed with the work Mr Barraclough did representing his constituents when he described a day in his life. In his inaugural speech to Parliament John laid out some of what he wanted to achieve. His inaugural speech was delivered on 13 August 1968, and, like many others before him, he quoted Abraham Lincoln's concept of government being

of the people, by the people and for the people. Although he achieved things during his parliamentary service, some things he predicted came to fruition much later. Ministers and backbenchers alike know how difficult it is to achieve what we want to achieve. I pay tribute to John for raising an issue that is still contemporary when he said:

I deplore the Commonwealth's attitude towards New South Wales. It often forces us to increase unpopular taxes such as stamp duty on the sale of property or on hire purchase agreements. In fact, the States in the past 10 years have been forced by the Commonwealth Government to treble taxation while federal taxes have only doubled.

He mentioned that problem more than once. It appears that there has not been a lot of progress over the years. He also mentioned that things have differed with Federal governments and State governments but by and large it has been a tough call for the State governments. In mentioning the people that he represented he described the city as simply made up from the warp and fibre of the life of its people. Rather than just buildings, it is people that make cities. In other words, he understood the people who made up his electorate of Bligh and, to his credit, he represented them well. He also showed foresight in that speech by stating:

In my election campaign last February I told the people of Paddington that I was utterly opposed to the proposed expressway and the ravages upon the identity and beauty of Paddington they will cause.

He spoke about the historical architectural precinct that he wanted to see established, and which still exists. I am sure members from the other side of the Chamber will be able to add a little more about the events because they know the achievements of the inner-city and the politics of the time. John regretted that before his time conservation was not an issue and that because of the lack of foresight of our forefathers it was too late for a harbourside scenic drive. It is amazing how on the mark people such as John can be. He fought very strongly for the hospitals in his electorate and supported construction of the Eastern Suburbs Railway. I will not go into where the credit lies as I come from the north of the State and was young at that stage. I think I was doing my school certificate in 1968. Nevertheless, I am happy to give the credit to John Barraclough. As a said, when he raised the issue with some of his branches they thought he was dreaming. Well, he saw his dream come to fruition.

Another issue that demonstrated his foresight was his advocacy of breath testing drivers. Breathalysers were only just coming into discussion at that stage. All power to John Barraclough for seeing the necessity of such things. He fought for many other things. I mentioned the amenity of his electorate. He mentioned noise abatement measures when building was being carried out and the need to restrict noise and impose penalties on offenders. He did not use the term but we now have just-terms legislation. John even referred to that in his inaugural speech in regard to government departments, particularly the Department of Main Roads, now the Roads and Traffic Authority. I mention all these things to show that John brought to Parliament great foresight and a preparedness to speak on important issues regardless of what other people thought. That is what we want from any member of Parliament—me and others included—being able to represent the electorate and bring a diverse range of views to Parliament. This can only happen if people are prepared to speak out. John did that to the benefit of his electorate.

In his last speech to Parliament on 27 August 1981 he said that it was both a happy and a sad day for him. He had celebrated his daughter's nineteenth birthday on that day. I hope Julie can remember that. She had lunch with her father on that day and he said that he had a most enjoyable luncheon in the Parliamentary Dining Room. So there was some joy there for him. It was also a sad day because he had attended the funeral of constituents who had died in a tragedy. In referring to that he foreshadowed workplace reform. We almost take it for granted these days. We have speeches from both sides of the Chamber about it, but he was right on the mark when he asked for an investigation into the terrible building accident. Again, full marks to John Barraclough for that work. To his wife, Lois, daughter and son Julie and Michael, and the grandkids, I extend my deepest sympathies. It is always sad when one loses a spouse or parent, regardless of the situation. It is something that we all have faced or will face. Our sympathy goes to you. I am sure that, to Lois, the 53 years of marriage were wonderful and something she will treasure. To all members of John's family, including the grandkids, I extend my deepest sympathy.

Mr PETER DEBNAM (Vaucluse—Leader of the Opposition) [7.48 p.m.]: I endorse the words of the honourable member for Tweed. We lost John in December. There was a wonderful service on Friday 16 December which Deborah and I were honoured to attend. Lois spoke at the service, as did Michael. I thought they summed it up. I cannot remember whether it was Lois or Michael who said that John was not a politician; he was simply the people's representative. That was everything about John, it is everything that the honourable member for Tweed has read in the speeches and it is everything we know about John. I think Michael or Bill

Hayward also spoke about John's legendary clumsiness, which came through very strongly that day. I had not seen that so much with John but that put another dimension to John for me. I had the opportunity over the past decade to spend a little time with John discussing politics. They were times that I very much enjoyed. I enjoyed them even more as I went back to have a little look, as the honourable member for Tweed did, at John's record in Parliament, being re-elected so many times, and the last speech he gave, which I will come back to in a minute.

It is worth noting that John served not only the people of Bligh so well for all those years but also the people of New South Wales. He was Minister for Culture, Sport and Recreation from January 1975 to December 1975 and he was Acting Minister for Youth, Ethnic and Community Affairs from May 1975 through to January 1976. John joined the Australian Imperial Force in 1945 and had a distinguished career as an athlete playing first grade football. He was also President of the New South Wales Metropolitan Rugby Union and a member of the 1968 Olympics Games Committee. On behalf of Liberal Governments, he was chairman of the Maritime Services Board Waterways Authority, a director of the Maritime Services Board from 1989 to 1995, and a director of the Multiple Sclerosis Society from 1987 to 1997 and he had a number of other interests. He was awarded the Order of Australia. No-one deserved it more than John, because he threw his heart and soul into everything he did, whether in the Parliament or in the community.

Honourable members making their inaugural speeches these days are allowed to speak for 15 minutes and can seek an extension of five minutes. I started reading John's inaugural speech and went on reading and reading. I checked the time and discovered that the speech went for 45 minutes. The Parliamentary Secretary was correct in saying that John covered everything in that speech. In the first minute he said:

I feel ardently about many things in New South Wales, none more than the problems that belong to this city, which I love, and especially those of the electorate of Bligh, which I must confess I love most of all.

He went on to speak about the Parliament:

It is the duty of every one of us in this Parliament to be vigilant to preserve the basic freedoms of expression and criticism and to maintain Abraham Lincoln's concept of Government "of the people, by the people and for the people".

That summed him up. He kept going for 45 minutes and abused the daylights out of Canberra. He said:

When the Labor Party left the Government benches, New South Wales was receiving the worst deal of all States under the Commonwealth-State financial arrangements.

He then went on for another page about the Federal Government. Before the Hon. Michael Costa went to Canberra last week he could have referred to John's inaugural speech to get all the rhetoric he needed. There is one statement in John's speech I love:

I deplore the shabby treatment given to New South Wales by the Commonwealth Government. It seems that we of New South Wales are no better than gentile dogs grateful for the crumbs that fall from the rich man's Canberra table. The Commonwealth Governments keeps us poor in an affluent society. Its great mistake is its indifference to State affairs.

He raged on for another four pages about Commonwealth-State relationships. Nothing has changed! John also spoke about something I did not know. He said:

When Robert "Big" Cooper, the first great landowner of Paddington, established a gin distillery a few years later in Frogs Hollow down near the Bay—

Rushcutters Bay—

he supplied a demand that presumably continues unabated.

I then found out that Old Gin Road, which twisted and turned to avoid rocks and creeks, is, of course, largely the Glenmore Road of today. I did not know that. The Parliamentary Secretary referred to John's statement that "A city is a cloth made up from the warp and fibre of the lives of its people." Throughout his time in this place and in every conversation we had, John spoke about people. He spoke at extraordinary length about Paddington and the need to preserve it. He was clearly successful in that regard. He started another debate that rages to this very day when he said:

I ask the Premier and his ministerial colleagues to reconsider their decision to transfer Sydney Hospital to Parramatta.

He then spoke at great length about the need for Sydney Hospital and what should be done. I do not know how he became so well informed on all these topics, but his knowledge is there for all to see. The Parliamentary Secretary also mentioned the Eastern Suburbs Railway. John stated:

It will be about 7 miles long, mainly underground, with intermediate stations at Town Hall, Martin Place, King's Cross, Rushcutters Bay, Edgecliff, Woollahra, Bondi Junction, Charing Cross, Frenchman's Road, Randwick, and the University of New South Wales.

Of course, that did not happen, though clearly it should have. That is not a policy announcement, Premier; do not add it to the list! John went to Melbourne to see the breathalyser unit at North Carlton and to familiarise himself with the technology and what it would do. He then spoke passionately about the importance of introducing it. He also spoke about bus services, schools in his electorate, waiting lists for housing, and something else that has been debated in the past week—dental services. Nothing has changed in 40 years! He very appropriately spoke about harbour pollution. He said:

As a great part of my electorate borders Sydney Harbour, from Double Bay to Garden Island, I ask the Government to consider severe penalties against people who pollute the harbour and waterways; otherwise Sydney might eventually face a similar situation to the filthy canals of Venice.

He was successful in putting that issue on the agenda and he achieved a great deal over the decades in cleaning up Sydney Harbour. Interestingly, he also spoke about young people. He said:

Youth today is alert, go-ahead and intelligent, and I am delighted we are considering the right of the vote for the under twenty-one year olds.

That was in 1968, and he spoke for a while about that. Then he returned to one of his favourite topics—how he would conduct himself. He said:

I shall do my best to conduct myself with dignity and comradeship.

That was a great start to his parliamentary career, and he certainly retained his passions and principles. John was caught out in his last speech, on 27 August 1981. He spoke about his lunch with Julie and then related that he had been upstairs until someone said the Attorney General had made some comments about him. He raced into the Chamber and started talking about the upcoming election campaign and abused the Attorney General, and Minister for Justice for a while. He then said:

For the information of the Attorney-General and Minister for Justice, the good ship Bligh sailed at 9.30 last night. We will fire our first salvo at 7.30 a.m. tomorrow on Kings Cross railway station.

He noted that he would raise a number of different topics and at the end he said that, like MacArthur, he would return. Of course, he did not, but he did come back many times to have lunch, and thoroughly enjoyed it. During his valedictory speech he talked about the behaviour of some honourable members in public discourse. He cautioned people to be very careful in what they said and advised:

This Parliament will succeed in its work only by having an effective government and an effective opposition.

He chided a number of people who were clearly not pursuing that end. When John made that speech, as he said, he intended to return, but he did not. When Michael Yabsley came into this place in 1984 he summed up John in his maiden speech by saying:

John Barraclough in particular is synonymous with the electorate of Bligh. The enthusiasm with which he represented Bligh for fourteen years is no less evident now in various community interests and through his membership of the Liberal Party.

That statement again makes the point that in his contribution to this Parliament, the people of New South Wales and the community John was very much a public servant, and he absolutely loved it. As I said, I had the opportunity to meet with John many times over the years, and certainly in latter years. Lois and I were debating tonight when it was. I think I had a couple of lunches here with him in 1997, 1998 or perhaps even 1999. We would talk through everything that was going on in this place and how it was working now compared with when he was here. He would still talk with great passion about the same issue—everything happening in Bligh. His every waking moment seemed to be focused on Bligh.

Sadly, in 2000 John moved into the nursing home at Randwick. I had the opportunity to visit him there and to have discussions with him. I enjoyed that time very much. He was a great source of advice to me during

my time as a member of Parliament. I would have to say that he remains an inspiration to every single member of this House, on both sides, in terms of doing the right thing for the people not only of his electorate but of New South Wales. John clearly saw this House in the way it was intended: as a clearinghouse for community concerns. That is how he treated it. And he implored us, in his first and in his final speech, to see it that way as well, and to make sure we were always representing the people's interests—something that, on occasions, can be forgotten.

Lois, can I say to you and your family, to the grandchildren, and to all the friends here tonight: We will certainly miss John; there is no doubt about that—we have been missing him already—but we will never forget him, because he was an inspiration to us and a mentor and really good friend to many of us.

Mr BARRY O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [8.00 p.m.]: I am pleased to participate in this condolence motion on my own behalf, on behalf of my wife, who knew John from the age of five, and on behalf of my father-in-law, Bruce Cowan, who served in this place with John—or, to give him his full name, Lindley John Forbes Barraclough. As it is that time of year again, I can still recall John joking with me about some keen bean running in the Liberal Party's State Executive elections who had tried to personalise a letter to John by crossing out the "Mr Barraclough" and writing in "Lindley". John used to laugh about it. As an exercise in encouraging a sense of familiarity it was a dismal failure. But as a lesson to a future member of Parliament, it is one I have never forgotten.

I got to know John and Lois in 1988 when I came to work as chief of staff in the office of the Minister for Transport, Bruce Baird. Following a restructuring of transport agencies, John was appointed as chairman of the Waterways Authority, and through that post he joined the board of the Maritime Services Board. I think it was one of Bruce Baird's best appointments. John brought all his charm, enthusiasm and political skills to the task. Anyone who has anything to do with the State's waterways and their users knows they can be a minefield of political traps for the unwary and the uninitiated. With John in charge we—if you will excuse the pun—sailed through the issues and, in my view, made significant improvements and advances for those who enjoy the State's waterways and those who earn a living on them.

As chairman, John was an inveterate traveller to the Waterways Authority's various State offices, always impressing staff with his decency and dedication to the job. John was the sort of chairman they could speak to, regardless of their position or seniority in the organisation. I was pleased to see the old Waterways Authority represented at John's funeral through its former chief executive officer, John Stott.

But John's success in the role—a position he held until 1995—was not surprising given his interests throughout his long career. I want to place on record John's curriculum vitae. He was educated at Scots College from 1933 to 1944. I see one or two Scots College ties in the gallery. He married Lois on 25 September 1952, about which I will say more later. He was Chairman of the Waterways Authority from 1989 to 1995, and director of the Maritime Services Board during the same period. He was a partner in John Barraclough and Son Real Estate from 1947. He was the member for Bligh from 1968 to 1991.

It is important to recall two things about that period. First, the famous ad that John ran that urged people to give him their vote because he was the man that even Neville Wran chose to be his local member—because the Premier lived in Woollahra, deep in John's electorate of Bligh. Second, John lost the seat in 1981 when parts of Bellevue Hill and Double Bay were taken out of the electorate following a redistribution. John actually recorded a swing to himself in the other areas, but given the Labor base that then existed in the seat it was still not sufficient to return him to this place MacArthur like, as he had promised in August of that year.

John was Minister for Culture, Sport and Recreation from 1975 to 1976. He was a director of the Multiple Sclerosis Society from 1985, and vice president of that society from 1987. He was a trustee of the Island Reef Research Foundation from 1982. He was a member of the Sydney Olympics 2000 transport committee from 1991 to 1993. He was president of the New South Wales Suburban Rugby Union from 1964 to 1989. To this day he holds the record chairmanship of that organisation. John was patron of the New South Wales Suburban Rugby Union in 1991, life member of the New South Wales Suburban Rugby Union in 1991, and life member of New South Wales Rugby Union in 1992. He was a member of the Executive Committee of the Australia Day Council from 1992 to 1996. He was a member of the Australia Day Regatta Advisory Committee in 1993. In 1968 he was a member of the Australian Commonwealth Games New South Wales Fundraising Committee, and he was its chairman from 1992 to 1994.

For all these things John received a number of honours and decorations: the General Service Medal through the AIF; the Queens Medal for service to the Parliament; and Member of the General Division of the

Order of Australia. John's curriculum vitae also refers to his interests of sailing, surfing, tennis, golf and theatre, and to his clubs and the famous address at Double Bay that most people know.

The noted businessman Ted Harris has written an obituary of John for Scots College Old Boys Union. Ted, whose friendship with John dates back to Scots Prep in 1937, is well placed to attest to John's attributes. He describes his mate "Barra" as an inspirational leader "dedicated and determined in all he did". He says, "No-one who ever saw Barra run a mile could forget his example of courage and endurance to the point of pain in his commitment to give his all." Ted Harris also cites then principal A. K. Anderson's remarks about John in the college's 1944 report:

The prefects were in leadership surpassed by no previous year's team. To the Head Prefect, LJF Barraclough, is awarded the Helen and Ashworth Aspinall prize. A hard working scholar, winner of the Bowan Oratory prize, a clever and indomitable rugby forward, a GPS miler and Cadet Lieutenant he has at all times carried out unflinchingly his responsibilities as Captain of this school.

Would we not all welcome that sort of send-off from our principal? John's curriculum vitae is also the résumé of an enthusiast for life. John's son, Michael, described his father in the following terms at the funeral at St Mark's:

You need to know about the head prefect, the school hero—the natural leader; the champion athlete; the honourable estate agent; the always available local member.

He was the people's representative.

He was a water baby—most happy when in or on the salt water.

Dad was always wanting to do something for us and asking little in return.

Dad had that amazing ability to enthuse people and get them involved in worthy causes—in things Dad knew were important.

At the funeral, a story was told about this latter point: John's voluntary and charitable works. The story was told that once, in organising a multiple sclerosis event, John rang Nick Farr-Jones, the great Wallaby scrum half and captain. He said, "Nick, do you believe in free speech?" Nick said, "Yes," in a puzzled voice. John said, "Good. You are going to make a speech at a fundraiser for MS—and you are not going to charge anything for it!" Of course, that was not only John's logic and enthusiasm but one of the ways in which he ensured that those fundraisers were a great success.

Last week in this Chamber we launched some of the histories of the people who have served in this place. John is, of course, one of that select group of individuals who have had the privilege to represent the people of this State over the past century and a half. The books that were launched contain many episodes of the story of this place over its first 150 years. But few of them are the stories that members talk about between themselves, reminisce about, or laugh about over a drink or two when their elected careers are over. One of the bonuses of being Bruce Cowan's son-in-law is that I have access to a wealth of these behind-the-scenes stories. Many display the fun and pranks that were used in this place to relieve the pressures of the job or, in the case of many country members, to help lift the boredom or loneliness of being located in Sydney for such a long time.

My favourite John Barraclough story involves the time Bruce Cowan had been invited to address a branch function at Double Bay. Around the dinner break, Tom Lewis came up to Bruce and said, "Right, you're coming home with me for dinner." Bruce protested that he had a later appointment to talk to one of John's branches, but Tom indicated that Bruce should not worry, that everything would be okay. Of course, everything was not going to be okay; Tom Lewis was trying to pull a swiftie on John. Bruce recounts that, as dinner was progressing at the Lewis's, the phone finally rang. It was a distraught Lois enquiring whether they had seen Bruce Cowan, who was missing and was almost late for a speaking engagement he had been booked into for John. Apparently John and Lois had been searching for some time for the missing guest speaker at the Double Bay meeting.

Bruce tells how, when he finally arrived at the hall, John performed the most masterful of introductions, without any malice or concern, leaving Bruce to deliver a speech, before he wandered down to the back of the hall, turned around, sat in his seat and, as Bruce said, gave a great impression of someone having a sleep—observable only to the guest speaker at the meeting, one Bruce Cowan. John and Bruce entered the Assembly within three years of each other and entered the Ministry within a month of each other. They knew each other well. I recounted to the honourable member for Lachlan, who will speak tonight, that one of the things the Leader of the Opposition pointed out was that John spoke vigorously in his maiden speech about Sydney Hospital.

Of course, it was a live issue: it seemed that Harry Jago, a former member for Gordon, was determined to move the hospital. John, like many people, wanted the hospital to remain. As the Leader of the Opposition said, John used his maiden speech to advance that cause quite vigorously, knowing full well that he could not be interrupted because it was his maiden speech. I suspect that the reason it took John until 1975 to enter the Ministry, as it did Bruce Cowan, was because the Premier of the day probably never forgot that maiden speech and, as people would know about Bob Askin, he never forgot much, and certainly did not forget those who, on occasion, crossed him.

All members of Parliament collect photographs, and older members of Parliament have stores of black and white photographs, but one of the more incongruous photographs that I have seen is a still photograph that Bruce Cowan has of John and Bruce at Old Bar beach clad only in their bathers and doing push-ups. It is not the sort of campaign photograph that I would ever have posed for. I suspect that even a water baby like the Leader of the Opposition would not pose for that sort of photograph, but it was obviously the way in which members campaigned in the late sixties. I was pleased that John and Lois were able to be back in that part of the world in 1992 when I married Rosemary. We had a small family wedding and I was delighted that John and Lois were there. Whenever we have guests, Rosemary and I still use their wedding gift. It is not like a husband to remember gifts given at his wedding, but every time they come out I comment on them and Rosemary says, "John and Lois gave them to us."

John's death may have been peaceful, but of course his illness was difficult for those around him. Lois was the stalwart rock she had been throughout their 53 years of marriage. But perhaps that is because of the way their marriage started. As was recounted at the wedding, John and Lois' wedding was postponed because John's rugby team had made the grand final and it was to be played on the day that Lois had booked the wedding. It was perfect conditioning for a life spent together as John pursued public service in the noblest sense of that expression. I said to Lois earlier that last night I re-read John's maiden speech that he delivered in this very place at 7.30 p.m. on Tuesday 13 August 1968. As the Leader of the Opposition and the Parliamentary Secretary have said, it was a magisterial treatise on his electorate and the issues that faced it, the State, and its dealings with the Commonwealth Government, as well as, at length, the planning and infrastructure challenges faced by this city. It is a speech I commend to all here. As one reads it one can almost hear John delivering it.

But what struck me most about it were the enthusiasm and the passion that was so evident in those words. As others have said, he started by saying that he spoke with "all the eagerness, and I hope the drive, that should be expected from a newcomer to this Legislative Assembly". He went on to say that he was "fortunate to represent an area not merely where I live now but where I chose to live all my life because of its boundless fascination". And that summed up John's love for his electorate. He closed, as the Leader of the Opposition has noted, by expressing his delight at becoming a member of Parliament with what he termed "the opportunity to assist in legislating for the benefit of our citizens". He praised youth at a time in 1968 when young people in other parts of the world were burning cities and marching on parliaments. John described our young people as "alert, go ahead and intelligent", and he promised to do his best "to conduct myself with dignity and comradeship". John Barraclough more than fulfilled the promise his supporters had for him in 1968 and the promises he made to his electorate. His career in public life is one that he and his family can be mightily proud of.

Finally, I want to acknowledge all of those present in the gallery for this condolence motion. I think everyone is here, and if they are not I will mention them anyway. They are led, of course, by John's family, his wife of 53 years, Lois; Michael and Julie Barraclough and sons Lachlan and Nicolas; Mrs Olga Craven; his daughter Julia Frazer, John Brock and Amelia, Ben and Henry; Mr Ken Turner, Mrs Pam Turner, Mr Brook Turner and Ms Virginia Turner. John's friends are also well represented by Bill Hayward, who spoke at the funeral, and Mrs Alison Hayward, the Hon. Mr Justice John Holt, a former member of this place, and John's 1968 successful campaign manager, whom John acknowledged in his maiden speech, as he acknowledged another barrister who ran two previously unsuccessful campaigns for him for the seat of Bondi, and John's wife, Heather Holt. There are also Darrel and Dixie Hughes—and I thank Darrel for helping to organise this evening, Pat Hutcheon and Helen Hutcheon, Angela Isles, Michael Jarvin, Andrew and Jeanne Beacher, and Lilian Walls, a former parliamentary staffer of John's. Thank you all for coming in. I am glad you could be here for this condolence motion.

Mr IAN ARMSTRONG (Lachlan) [8.15 p.m.]: At the outset may I extend my and my wife Jenny's condolences to Lois, and to John's daughter and son and the friends who have gathered here tonight. I have obviously known many, many people over the years of all sorts of characters and all sorts of personalities, particularly in this place. But I do not think I can ever remember anybody who was more gregarious, more

friendly, and more warm and who enjoyed life more, than John Barraclough. I knew John for well over 40 years, long before I came to this place, and he was always the same. I would see John around the old Country Party offices or I would see him at Liberal Party functions—we used to go to them in those days when I was a young, aspiring member of Parliament—and Barra would be there always with a kind word or a bit of advice. He was one of the most enjoyable characters one could possibly meet.

Participating in these sorts of motions, one gets to know more about people. I did not know John's school record. It was really something. As the Leader of the Opposition articulated a few moments ago, in 1944 John was head prefect of Scots College. It does not surprise me that he won the major award, the Helen and Ashworth Aspinall prize, and also the Bowman Oratory prize. But I just ask everyone to cast their minds back to 1944. It was extraordinarily tough at those schools because there were dozens and dozens of boys whose fathers were in the service and who had been sent as boarders at the age of six or seven. As a matter of fact, I think the late Wal Murray was at Scots College about that time. Wal's mother died when he was five and I think Wal spent his entire childhood at Scots College.

John was just one of many kids, and the responsibilities for head prefects and prefects at those schools were enormous. In many ways they virtually had to help in the upbringing of the little kids. And, of course, it was a time when Sydney was under attack from Japanese submarines. I remember that most of the schools in those days had trenches dug around the ovals and so forth in case the school had to be evacuated into the trenches if there was an enemy landing or something like that. They were tough times. I have no doubt at all that the leaders of boys in those days were well groomed to become leaders of men. That is what John Barraclough was. Throughout his life John was an inspirational boy, youth and man. I believe it is fair to say that we are much richer for having known John Barraclough and because of his participation in our society and in the management of this State.

My closest relationship with John—apart from in the social sphere—was in the mid-1990s when I was Minister for Waterways. John was chairman of the Waterways Authority and joined the board of the Maritime Services Board. I had a lot to do with him for about three years. As the Leader of the Opposition said, he was very good and he travelled all over the State. He would return from a trip and say, "Minister, we've got to have a new ramp at Wyangala Dam", or, "We've got to have a new ramp at South West Rocks. What are you going to do about it?" Somehow we always found the money to put these ramps in for John. One of the most famous rowers in this nation's history was one Earl Cruickshank back in the 1980s. He won the world championships at Henley for something like three years running, and in those days rowing was the biggest betting sport in Australia.

A statue was erected to Earl Cruickshank in the mouth of the Lane Cove River. Many years earlier the statue had been hit by ship and was only visible at water level. John came to me one day and said, "We have to do something about resurrecting the Earl Cruickshank Memorial in the mouth of the Lane Cove River". Without my knowledge he had retrieved from the bottom of the river the portion that had broken off and had already resurrected the statue, but I had to find the money to repay the authority for the cost. However, the statue is still there. Every time I pass it I think of John Barraclough and his great sense of history, because Earl was one of Australia's most notable sportsmen. If John made up his mind to do something, it happened. I was a bit of a favourite of John's when he was chairman of the authority because at one stage there was a vacancy for director on the board and I appointed the then Miss Australia, Jayne Bargwanna. Barra thought it was wonderful to have Miss Australia serve on the board with him because she is a lovely person. They are just on a couple of inspirational memories I have of John Barraclough.

Although the two previous speakers have articulated well John's record in serving the New South Wales Parliament and the people of New South Wales, I do not think one can underestimate the individual contribution that a person like John makes to this place. Democracy works because members of Parliament represent a cross-section of the broader community, and someone with the intelligence of Barra provides that kaleidoscope. He was highly intelligent, well educated, a great sportsman, and a successful auctioneer and businessman who ran a real estate company. He brought colour and passion into the place.

At the risk of being attacked by my many colleagues, I must say that over the past couple of decades we have lost a lot of that colour in the House and have become quite bland. This House was much richer when we had people such as John Barraclough in here, particularly those who returned after World War II. Those men were great characters, with vast experience and wonderful maturity. That is probably the word I am looking for.

In recent years we have lost a lot of the maturity that Parliament needs. John Barraclough was one of those people who helped to give this place the maturity that it needs to be able to govern properly and give leadership in this State.

I note also John Barraclough's war record and decorations. He received the General Service Medal in the AIF, the Queens Medal for service to the New South Wales Parliament and the Order of Australia medal. Those distinctions do not come easily, particularly the General Service Medal in the AIF. That is no mean achievement. His recreational interests were varied and included sailing, surfing, tennis, golf and theatre. He was a fairly busy man, but I suspect probably his greatest achievement was to have been happily married to Lois for well over 50 years. I know that he loved his family, as he did life, with enormous passion.

I remember Lois and John attending the Cowra picnic races on a couple of occasions in the 1980s. Barra rang me up one day and said, "I have not been to the Cowra picnic races for ages. You had better give me an invitation." So it was wonderful to have John and Lois join us at those country race meetings. I thoroughly enjoyed your company, Lois, and I do miss John. It is with a sense of great honour that tonight I remember John Barraclough. Thank you, Lois, for your support of John over those years. It was not easy in those latter years. Life can be tough sometimes, but we admire you, your family and friends and extend our deepest sympathy to you.

Mr DONALD PAGE (Ballina—Deputy Leader of The Nationals) [8.24 p.m.]: As Deputy Leader of The Nationals, I extend condolences on behalf of New South Wales Nationals, to John Barraclough's wife, Lois, their children, Julia and Michael, and, indeed, the whole family. I first met John Barraclough when he was Chairman of the Maritime Services Board Waterways Authority, a position that he held from 1989 to 1995. At that time I was the Assistant Minister for Transport, a position I held from 1991 to 1993. I will always remember John being a very professional and knowledgeable person about waterways matters. He was a keen yachtsman, and I also recall our mutual interest in rugby union.

John was one of nature's gentlemen. He was always polite and respectful. I would describe John as a very wise man. Not only was he a member of the Liberal Party but I am reliably informed by my colleague Jenny Gardiner, who has an unmistakable memory in these matters, that he was a member of the National Party at some stage, so his wisdom knew no bounds. John was always very pleasant company; he was able to talk about a wide variety of subjects with authority. When one thinks about it, that is not surprising because he had a broad range of life experiences.

John was born on 3 September 1926 in Annandale in Sydney and educated at Scots College. He entered the family real estate firm of John Barraclough and Sons, where he worked from 1947 to 1968. Prior to that John had joined the 2nd AIF in 1945. He was also a councillor of the University of Sydney from 1974 to 1976. Not only was he a first-grade rugby union player in Sydney, he became President of the New South Wales Metropolitan Rugby Union and was a member of the 1968 Olympic Games Committee. He spent a decade between 1987 and 1997 as Director of the Multiple Sclerosis Society of New South Wales. For his contribution to the community across a broad range of fields, including his 13½ years as the member for Bligh and one year as Minister for Culture, Sport and Recreation, John was awarded the Order of Australia in the general division in 1991.

John Barraclough lived a full life. I will always remember him as a good friend, not only to me but also to the National Party. He was a good Coalitionist and we always appreciated his support and friendship. I certainly remember him very fondly. Even though our friendship was only for a couple of years in government, we kept in touch beyond that. John Barraclough's passing is a matter of great regret to us because we have lost a real gentleman. He knew a great deal about many things and was only too happy to share that knowledge with people who were genuine. We will miss him very much. On behalf of The Nationals, I convey our condolences to his family.

Members and officers of the House stood in their places.

Motion agreed to.

INDEPENDENT COMMISSION AGAINST CORRUPTION AMENDMENT (OPERATIONS REVIEW COMMITTEE) BILL

Bill introduced and read a first time.

Second Reading

Mr NEVILLE NEWELL (Tweed—Parliamentary Secretary) [8.29 p.m.], on behalf of Mr Morris Iemma: I move:

That this bill be now read a second time.

The Operations Review Committee's primary role is to advise the Independent Commission Against Corruption [ICAC] before it makes a decision not to investigate a complaint or to discontinue an investigation. In 2004 the Government commissioned Mr McClintock to review the Independent Commission Against Corruption Act. The terms of reference included reviewing the adequacy of accountability mechanisms for the commission. Mr McClintock, in his report in January 2005, recommended that the Operations Review Committee be abolished and an Office of the Inspector of the Commission be created. The Government established the Office of the Inspector of the Commission, which commenced operation on 1 July 2005. The inspector's principal functions are to audit the commission's operations, deal with complaints about the commission and review the commission's procedures. At that time the Government retained the Operations Review Committee.

The Government was concerned to allow the new accountability mechanism, the inspector, to commence operations before considering further changes. In 2000 when the previous ICAC parliamentary committee originally proposed that the office of the inspector be established it suggested that the need for the Operations Review Committee be reviewed after the inspector had operated for 12 months. The inspector has now operated for nine months. The Government considers, therefore, that it is now appropriate to implement Mr McClintock's recommendation and remove the Operations Review Committee. The McClintock report stated that, despite the skill and dedication of its members, the Operations Review Committee is a limited accountability mechanism. He stated that the inspector provides a more structurally superior form of accountability than the Operations Review Committee for a number of reasons, including the fact that the inspector has greater access to the commission's records, the inspector is completely independent—whereas the chair of the Operations Review Committee is the commissioner of the commission—and the inspector reports to Parliament.

While the inspector does not have the same function as the Operations Review Committee, the Government is of the view that he will achieve similar outcomes by ensuring that the commission's practices and procedures are effective. Certainly, Mr McClintock reported that the inspector would provide a more effective accountability mechanism than the Operations Review Committee. The inspector is managing the volume of complaints well. He also has sufficient time and resources to focus appropriate attention on reviewing the commission's procedures and on his auditing role. This will ensure that a more systematic approach can be taken, improving the quality of the commission's decision-making processes. Indeed, if there is a change in the pattern of complaints relating to the commission's decisions, the inspector could initiate an audit.

The Government agrees with Mr McClintock's view that proper accountability of the commission does not require both the inspector and the Operations Review Committee to continue to exist. The establishment of the Office of the Inspector of the Commission itself provides a sound accountability mechanism for the commission. The inspector has confirmed that he does not object to the abolition of the Operations Review Committee. I thank the members of the Operations Review Committee for their dedication and their efforts to date. I commend the bill to the House.

Debate adjourned on motion by Mr Thomas George.

NATIONAL PARKS AND WILDLIFE (ADJUSTMENT OF AREAS) BILL

Second Reading

Debate resumed from 28 February 2006.

Mr MICHAEL RICHARDSON (The Hills) [8.33 p.m.]: I lead for the Opposition in this debate, and indicate at the outset that we will not oppose the legislation. However, I will raise a number of issues relating to

what is proposed, and I would appreciate it if the Minister could provide detailed answers to those issues. The bill seeks to excise 1,000 hectares of the Bargo State Conservation Area at Hill Top and vest it in the Minister for Tourism and Sport and Recreation as a shooting complex for the Southern Highlands and the Illawarra. It replaces those 1,000 hectares with a new 1,956-hectare Bargo River State Conservation Area nearby. A further 323 hectares in Dharawal State Conservation Area, which are currently used by the Illawarra Regional Shooting Association as a rifle range, will be added by gazettal.

The bill refers to 552 hectares that will be added to Yengo National Park at Mellong Swamps on the Putty Road. That area of land has no connection with the proposal, other than the fact that this area had been considered as a location for the Phoenix Pistol Club. I believe the Government is including this area to try to gild the lily and make the proposition more palatable. I understand that currently there is a 800-metre rifle range at the site, which is leased to the Southern Highlands Rifle Club, and that will be expanded to provide for an additional rifle range and pistol range. The facility will accommodate six other shooting clubs: The Illawarra Regional Shooting Association, the Illawarra Service Rifle Club, the Kiama Albion Park Rifle Club, the '74' Pistol Club, the Illawarra branch of the Sporting Shooters Association of Australia and the Phoenix Pistol Club.

The idea is that it could also accommodate other clubs in the future. Members of some of these clubs have a long way to travel. They are not all from the Southern Highlands or the Illawarra. For example, the Phoenix Pistol Club is relocating from Scheyville. I have not spoken to members of the Phoenix club about this proposal; I do not know how they feel about the relocation. Certainly, members who live in the north-western suburbs will have a much greater distance to travel.

Shooting has been an Olympic sport since 1896. Australia has won 11 medals, including five gold, starting in 1900 in Paris with Donald Mackintosh, who won the game shooting event and finished third in the live pigeon shooting. But it was a long time before the next shooting medal was won, and that was by Patti Dench, who won bronze in the women's sport pistol at Los Angeles in 1984. After that, Michael Diamond won the next gold medal, and that was for trap shooting at Atlanta in 1996. Since then, Australia has had a long and proud tradition of winning medals.

Ms Sandra Nori: What about Suzie Balogh?

Mr MICHAEL RICHARDSON: I can mention Suzie Balogh at Athens in 2004—I am happy to do that—or Adam Vella, who won bronze in the men's trap at Athens in 2004.

Ms Sandra Nori: Don't leave out the women.

Mr MICHAEL RICHARDSON: I would not dream of it. I thought Patti Dench was a woman.

Ms Sandra Nori: You left out Suzie Balogh.

Mr MICHAEL RICHARDSON: I will go through the entire list: Russell Mark, gold, double trap, Atlanta, 1996; Desirie Huddleston, bronze, women's double trap, Atlanta, 1996; Michael Diamond, gold, trap, Sydney, 2000; Russell Mark, silver, double trap, Sydney, 2000; Anne-Marie Forder, bronze, air pistol, Sydney, 2000; Suzie Balogh, gold, women's trap, Athens, 2004; and Adam Vella, bronze, men's trap, Athens, 2004. As I said, it has been a long and proud tradition for Australians in Olympic Games, and we certainly want to encourage that in the future. Indeed, we have won a minimum of two medals in shooting at each Olympic Games since 1996. Our ability to continue to do so will depend on the continuing availability of top-class facilities. I suppose that is the case also for any other sport one might like to name.

The bill vests land in the control of the Minister under the Sporting Venues Management Act 2002. That is a fairly grandiose title for an Act that until now administered only one venue, the Sydney International Shooting Centre at Homebush Bay. So this bill will double the number of venues the Minister looks after under the Act. I hope she gets some extra pay for the extra workload that is being added to her busy schedule. However, I would be interested to know why there are virtually no changes to the Act other than adding the land at Hill Top to schedule 1. I will give an example. The existing Act created a trust to manage the Sydney International Shooting Centre. Indeed, the Act is all about the Sydney International Shooting Centre and its management.

To my way of thinking, the new shooting complex sits rather uncomfortably within the parameters of the existing Act. No similar trust will be established for the Southern Highlands property. Instead, there will be a

range management committee, equally representative of all the users, established to plan, co-ordinate and manage the site, with a lease negotiated between the Department of Sport and Recreation and the committee. It is a different kettle of fish from the current arrangement for the Sydney International Shooting Centre. I am sure that my colleague the honourable member for Southern Highlands will explore this issue if she speaks in this debate, because I know she has corresponded with the Minister about this matter.

The central issue is the excision of part of a State conservation area and its handing over to a group of shooting clubs for use as a shooting range. There are, of course, some environmental concerns associated with what is proposed in the legislation and I would like to explore some of those environmental concerns with the Minister at the table, the Minister for Tourism and Sport and Recreation. One thousand hectares of Bargo River State Conservation Area will be excised and only 35 hectares of that is to be used as actual shooting ranges. I understand that there will be a further 600 hectares of safety zone around the ranges. It has also been explained to me that the topography of the land means that 1,000 hectares is apparently needed to achieve those 600 hectares. I still think that it is a large amount of land, given that only 35 hectares of that 1,000 hectares is to be used as a shooting range.

If the terrain was such a concern, my question is: Why was another, more suitable location not chosen? Why was a range of options not presented to the clubs? Was it simply a deal that was struck with John Tingle and the Shooters Party? I wonder also how the 965 hectares that has not been developed will be managed. It will be left in a fairly untouched state, I understand, so I wonder whether it will be subject to prescribed burns? Will fire trails be maintained through it? Who will be allowed into it, and when? The fact that this area is right next to Nattai National Park, which is part of the Blue Mountains World Heritage area, makes these issues even more important and relevant.

The third issue that I would like some answers about from the Minister relates to lead contamination. The proposed shooting complex is in the Sydney catchment area and only 16 kilometres from the Warragamba reservoir. I wonder what guarantees will be put in place to ensure that lead—especially lead shot from clay target shooting, should that ever take place at the complex in the future—is properly cleaned up? This has been designated a State-significant development, but that certainly does not allay my concerns relating to it. There is no scope for local input, although I gather that, under State environmental planning policy 58, which is designed to protect Sydney's water supply, the Minister will have to be certain that the development will have a beneficial or neutral effect on water and ground water for the development to go ahead.

In the past the Government's track record in protecting waterways from pollution has not been all that flash. One only has to look at the dioxins in the harbour and the enormous level of pollution in the Cooks River: a significant amount of money has been put into beautifying the banks, but nothing has been put into cleaning up the water. The Hawkesbury-Nepean river system is in a disgraceful state at present. One only has to visit any section of that waterway to find aquatic weeds and algae on or below the surface of the water. The Hawkesbury-Nepean river system is under great stress, and I would not have thought the Government would want to place Warragamba under similar stress.

According to a paper written by Dr Peter John of the Australian National University entitled "Pollution Hazards from Sporting Shooting Ranges", lead shot can travel significant distances after heavy rain. The question is: Are there any creeks rising on the site that flow into Lake Burragorang? Lead can dissolve in water and may penetrate ground water, which in turn can also travel downhill and off site. We are not talking about insignificant quantities of lead here. Dr John estimates that a clay target shooting range, used three days a week, would accumulate 20 tonnes of lead in a year. That is assuming, of course, that the shooters use lead rather than the more expensive alloy shot. Alarming, we find that the proposed shooting complex is bisected by Rocky Waterholes Creek, a major tributary of the Nattai River—not that one would know that from the maps provided by the Minister. There were no contours or watercourses indicated on those maps, which is an indication of the lack of concern that the Minister has for these environmental issues.

In his paper Dr John mentions rifle bullets. They can cause a lead pollution problem because, although they are discharged at a fixed target and should in theory be recoverable, there are losses of more than 30 per cent. However, I do not believe that the rifle bullets will be the major issue at this complex. It is possible that there may be clay target shooting there in the future, and that is the real concern. Dr John goes on to say that shotgun pellets cause the worse problem of lead entering the environment. That is so because they are entirely unrecoverable unless whole paddocks are sealed by fine mesh matting as drop zones. Drop zones are extensive in area, since shotgun shooting simulates the hunting of flying birds and the unexpected trajectory of the clay birds is part of the sport.

A Massachusetts Department of Environmental Protection report from 2001 says there is no known practical method for recovering lead shot from forested, hilly or swampy areas. Since rainwater is generally acidic, it will dissolve lead unless it falls on an exposed alkaline rock, such as chalk or limestone. Lead can then be carried both in surface water run-off and by percolation through the greater amount of water in the subsoil. Lead pollution will continue to be dispersed in solution for hundreds of years, due to the persistence of lead metal that oxidises to soluble form very slowly, and due to the slow release of lead from humic acid complexes.

In case honourable members should think that is fairly high-blown sort of stuff and that it could not happen in Australia, it has happened here in New South Wales. That was the case on Maria Macauley's property at Nelligen, which should be a salutary lesson to anyone about what can happen if a shooting range is not properly controlled. The land at Nelligen was used as a clay target shooting range between 1980 and 1994, and about eight hectares of land down there has been covered in lead shot to a depth of up to 13 centimetres. Under the terms of the club's lease, it was supposed to clean up any pollution when it left, but it incorporated in 1992 and that allowed its members to escape any personal liability. The clean-up cost has been estimated at between \$450,000 and \$1 million for this property and the club has not contributed one single solitary cent to the cost of that clean-up.

The original owner of the land, Mr Macauley, died in 1994 and the ownership passed on to his widow, Maria Macauley. She is a lady of 69 and she is facing the extraordinary burden of the cost of cleaning up the land. The Government has suggested that she might use the innocent owner provisions of the Contaminated Land Management Act, but to do that she has to provide details of all her financial affairs. She is concerned that if she were to do that the Environment Protection Authority would issue a remediation order and insist that she clean up the land. That is simply not good enough. She is clearly an innocent owner.

If this problem occurred at Nelligen, it could also occur elsewhere in the State. I would like to know what would happen if a clay target shooting club used the site, did the wrong thing and walked away. We are not talking about small bonds; we are talking about \$450,000 to \$1 million, an enormous amount of money. I wonder who would end up being responsible for that clean-up. Would it be the members of the club? Would it be New South Wales taxpayers? According to Dr John the guidelines for lead at outdoor shooting ranges produced by the Environmental Protection Agency in the United States of America have resulted in a number of ranges being closed, and the recovery of up to \$1 million by the Environmental Protection Agency for environmental damage. That always assumes that one can recover that money. In light of the Nelligen experience, perhaps that is not the case. Dr John says that all ranges should be assessed for Environment Protection Authority approval before they are created, and that the issues that should be considered are:

- All ranges should be required to present a clearly-sustainable lead recycling plan, which must include:
- Evidence that the terrain allows recovery of lead.
- Evidence that dissolved lead will not enter waterways from the site.
- A quotation from established commercial companies for extracting and recycling all lead from the range.
- Budgetary assurance, based on written commitments from users, that recycling can be sustainably funded; and
- Personal liability accepted for costs of future remediation that may arise if the complex is not managed responsibly.

If all that is done and a plan is in place for the recovery of lead shot on the property there should not be a problem in the future with the use of the land for a shooting range. As I said before, we won many gold medals for shooting at the Olympics. Trap shooting in particular is an Olympic sport at which Australia excels. In future considerable pressure will be brought to bear on the Government to agree to install a clay target shooting facility at the site. Once again, I do not necessarily have a problem with that provided that the appropriate environmental controls are put in place. On the basis of the Government's record to date, unfortunately I do not have any confidence that is going to happen. I would like a detailed and lucid explanation from the Minister about how she intends to achieve that. I would also like to hear from her why 1,000 hectares is being excised when only 35 hectares is going to be used for shooting.

Pursuant to resolution debate adjourned by Ms Sandra Nori.

**PROTECTION OF THE ENVIRONMENT OPERATIONS AMENDMENT (WASTE REDUCTION)
BILL**

Second Reading

Debate resumed from 8 March 2006.

Mr MICHAEL RICHARDSON (The Hills) [8.52 p.m.]: I indicate at the outset that the Opposition will not oppose the Protection of the Environment Operations Amendment (Waste Reduction) Bill. It would be nice if there were a Minister at the table. The Opposition could scarcely not support the bill given that it embodies the policy we released in July last year at the Waste Management Association of Australia Annual Conference at Darling Harbour. The Premier has spoken a lot of nonsense about the Opposition having no policy. It is the Government that is bereft of ideas. The Government has not had an original idea in the past 11 years, and it has a Minister for the Environment who has absolutely no interest in or understanding of waste issues. The Government's policy on waste was to spend \$102 million of taxpayers' money on setting up regional waste boards, which it then disbanded. Good things could have been done with that amount of money. Yet the Government continually cries poor and claims it is not receiving enough revenue from the Commonwealth. Look at the money it is wasting. In my speech at the Waste Management Association of Australia conference I said:

Local councils have a crucial role to play in reducing the amount of waste—particularly putrescible waste—going to landfill. They organise the collection service, determine what and how much of the materials collected should be recycled, and in many cases operate the landfill. They also decide whether to stage cleanup days for items too bulky to fit in the wheelie bin, to participate in chemical collection programs, and to organise e-waste collection schemes like the one recently trialled by Hornsby Shire Council.

Working with councils to reduce waste going to landfill will be a key plank of Coalition policy. It's pointless setting diversion objectives without providing any support to help councils and businesses achieve those objectives.

Local councils should have clear objectives set for kerbside recycling, green waste recovery, residual waste management, public place/event recycling, household cleanups and litter. The Carr Government's failure to do this is a major weakness in their strategy, resulting in Environment Minister Bob Debus recently sending out a letter exhorting councils to recycle more and not to sign up for long-term landfill contracts—a less than satisfactory response. A system of objectives, backed up by financial incentives, would be much more effective. Councils that meet their objectives would be rewarded, as would their ratepayers; councils that didn't would have an incentive to do better the following year.

The morning after the speech the Waste Management Association of Australia telephoned me to ask for a copy to give to WSN Environmental Solutions and the Environment Protection Authority. They pored over it and then incorporated it into the Premier's environment package released last November. Now the Government has introduced this minuscule bill to give effect to it. Honourable members may think that I am being unfair and unduly disparaging about the bill. The overview is considerably longer than the bill itself. It reads:

This Bill is part of a series of proposed legislative and other reforms (the City and Country Environment Restoration Program) that aim to achieve the targets of the NSW Waste Strategy and to promote environmental improvement in New South Wales.

The program includes:

- (a) investment in the Inland Rivers and Wetlands Restoration Program, and
- (b) establishment of new marine parks, and
- (c) implementation of urban sustainability programs, including stormwater harvesting for recycling, waste reduction and increased recycling, and
- (d) establishment of a local government waste reduction scheme for recycling, resource recovery and other reduction of waste, including payments to local councils for achieving waste reduction goals set by the Environment Protection Authority.

The object of this Bill is to enable regulations to be made to give effect to the scheme referred to in paragraph (d).

Turning the page, after the preliminaries what do we have?

Mr Tony Stewart: The bill.

Mr MICHAEL RICHARDSON: No, it is not a bill; it is one clause. I show the Parliamentary Secretary how big it is. It reads:

Schedule 2 Regulation-making powers

Insert after clause 5:

5A Local council waste reduction scheme

- (1) The establishment and administration of a scheme for recycling, resource recovery and other reduction of waste by local councils.
- (2) The making of payments to local councils in accordance with the scheme from money appropriated by Parliament for that purpose.
- (3) Requirements that must be met by local councils to be eligible to receive payments under the scheme.

Can honourable members see a similarity between this and the speech that I gave to the Waste Management Association of Australia conference last July? I am sure they can. It was interesting also that the Parliamentary Secretary—the bill was not introduced by the Minister, which is not surprising, because he has no interest in waste issues whatsoever—who introduced the bill devoted just 10 per cent of his speech to talking about the bill and 90 per cent to talking about the Premier's environment package. I suppose it was hard to string out this one clause, particularly when he did not know anything about the subject. The Opposition agrees with some of the things in the environment package announced by the Premier. In fact, any rational person would agree with them. However, what has not been emphasised is the way in which it is to be funded. The package depends on money coming from an increase in the waste levy of \$30 a tonne phased in over five years. The waste levy in Sydney at the moment is \$22.70 a tonne. How much will it be in five years time—\$52.70? No, because that figure does not include consumer price index adjustments. If they are added it will be \$63.86 a tonne in 2010-11.

The Parliamentary Secretary claimed in his second reading speech that the increase in the waste levy of \$30 a tonne would mean an increase of only 20¢ a week or \$10 a year in the average garbage bill. A different Parliamentary Secretary is at the table tonight so I cannot really ask him whether he believes that. However, I am wondering whether the Parliamentary Secretary who introduced the bill had worked out the numbers himself rather than simply reading what the Minister's minders gave him. Had he done that and checked the figures before coming into this place and blathering, he would have realised that the statement was completely untrue.

Households will end up paying about \$31 a year extra to make the Premier look green. That is because at the moment the average household disposes of about 750 kilograms of garbage annually to landfill. It is easy to work out how the costs are calculated. The Government claims that there will be less waste going to landfill. That is not borne out by the figures. To get down to the amount the Parliamentary Secretary is talking about—the \$10-a-year increase—we would need a 75 per cent reduction in the amount of waste going to landfill from the average household. I do not see that happening. In the absence of markets for recycled products, a significant amount of waste will still end up in landfill. Regardless of whether it has been processed beforehand, it will still end up in landfill because there is no market for the by-products. I know that markets are a foreign concept to the Parliamentary Secretary, but they are important because without them this will not happen.

There is a significant oversupply of compost in this State. Unless the Government can develop new markets for that product—and it could do that by subsidising its delivery to farmers west of the Great Dividing Range—it will be processing material for landfill. Perhaps it is better that it is processed before it is buried, as happens in the European Union. However, although it does not weigh as much and is not as smelly, it will still end up in holes in the ground. That is happening at Jacks Gully—which will now stay open for a further 15 years even though Landcom is developing land around it—because of the establishment of a recycling facility at that site to process the material so that it is no longer putrescible. The Government's subterfuge involves changing the status of the landfill.

It is good to see the honourable member for Newcastle in the Chamber. People in his electorate and in the Shoalhaven and Port Stephens electorates will be affected by this legislation. They will end up paying about \$30 a year more in waste levy. The honourable member for Newcastle has pricked up his ears. The Newcastle *Herald* carried a major story at the end of last week about this issue, and I am sure that the honourable member had some calls from his constituents in response. Many people in his neck of the woods are not happy about what this Government is doing with regard to the waste levy. The Government estimates that \$439 million will be used for environmental purposes over five years. That is a significant amount, but I think those figures are as rubbery as everything else associated with this legislation and the environmental package. As I said, some of those purposes are very worthwhile, but many people see the waste levy as just another tax, a tax on waste.

People in the Shoalhaven, for example, are extremely annoyed about the fact that not only are they paying a great deal more for their garbage collection but also that the money is not going back into resource recovery as the Government promised would be the case in 2000. It promised to hypothecate 55 per cent of the revenue raised through the waste levy to resource recovery. Three years ago it simply stopped paying any money into the waste fund and put it all into consolidated revenue. Since then the levy has been simply a tax on wheelie bins. The bill that was introduced in May last year, the Brigalow and Nandewar Community Conservation Bill, abolished the waste fund and paid all of that money into the Environmental Trust Fund. That legislation and this bill have been designed to create a slush fund for the Government using wheelie bins as tax carts. I am not surprised that the Government has stolen the Opposition's policy relating to waste, because it has been doing an atrocious job of reducing waste going to landfill. Madam Acting Speaker, you might remember—although I am not sure whether you were here at that time, but we hope you will be here much longer.

Mr Chris Hartcher: We are not going to let John Della Bosca get her.

Mr MICHAEL RICHARDSON: No, we are going to save her from John Della Bosca. I am sure the honourable member for Gosford and other honourable members remember that famous promise made by the honourable member for Wentworthville in 1995 when she was Minister for the Environment that the Government would reduce waste going to landfill by 60 per cent by 2000. In fact, the Government has increased the amount of waste going to landfill by about one million tonnes a year over the past couple of years. We know that because of the amount of money that is being raised via the levy, which has become an important revenue stream for the Government. Of course, this legislation makes it an even more important revenue stream.

This is a serious issue for members on this side of the House, as I am sure it is for members representing the Hunter on the other side of the House. Those honourable members should start talking to their constituents about this issue. I am sure that until the Newcastle *Herald* ran the story their constituents were not aware of the implications of what the Government was doing. The Government is offering to pay \$16 million a year to councils as an incentive to improve recycling rates. However, that is still much less than the amount mentioned in the promise made six years ago to hypothecate 55 per cent of the waste levy, which was then about \$40 million annually, for resource recovery.

The windfall that that tax on wheelie bins will generate will be extraordinary even if the amount going to landfill is reduced to four million tonnes a year rather than five million tonnes. That simply removes the one million tonnes a year extra that the Government has added to waste going to landfill in the Sydney metropolitan area over the past couple of years. It will still be raking off some \$240 million a year by 2011. That is more than the Government will collect through the bushfire levy, the health insurance levy or the racing industry. The \$16 million it is planning to return to councils out of that \$240 million is a pittance.

The Government has committed to the following waste reduction targets by 2014: 66 per cent diversion of municipal waste; 63 per cent commercial and industrial waste; and 76 per cent construction and demolition waste. The Minister claims that the current figures are: municipal waste, 39 per cent; commercial and industrial waste, 33 per cent; and construction and demolition waste, 75 per cent. Some progress is being made with municipal waste and also with construction and demolition waste because the industry controls that area. However, commercial and industrial waste has reached half the stated target and no plans have been developed to reach it. What is in this package to achieve that? What card does the Minister have up his sleeve to do that? What magic wand does he have to wave?

The expanded waste tax will also support the creation of two marine parks—the Manning Shelf Marine Park, based on Port Stephens, and the Batemans Shelf Marine Park. That decision is controversial. I visited Port Stephens a fortnight ago, and the night after I was there 600 people attended a public meeting to voice their objections to the creation of the Manning Shelf Marine Park. Honourable members on this side of the House do not oppose marine parks per se. For example, the Jervis Bay Marine Park is well supported by the local community, and the member for South Coast has spoken to me about that.

However, the way the Government has gone about creating marine parks has got a lot of noses out of joint. It puts the cart before the horse by declaring the marine parks first and then consults local residents. The local residents do not know what the creation of these marine parks means for them, and in particular for recreational fishing in their area. Consultation on the bill has been cursory at best. I know that in the Port Stephens area there was one meeting, which most people did not even know about. It was simply a case of the Government going through the motions.

I would like to see a new process introduced for establishing marine parks. First, the need must be determined, then the scientists justify the establishment of the marine park, then the community is consulted, and then decisions are made about where the boundaries should be and the zoning categories. The community should be included in that process. If that had been done, 600 people would not be protesting, they would be cheering the Government. However, this Government has no idea of how to consult with the community; it understands only how to antagonise the community.

I have another interesting question for the Government. Port Stephens Council already recycles around 80 per cent of its waste through its Bedminster facility. What benefits will this new scheme have for that council given that it is already exceeding any targets likely to be set by the Government in the foreseeable future? Will it receive an automatic payment in recognition of its efforts to date, or will it have to improve on its already outstanding recycling rate? Will it have to reduce its 80 per cent recycling effort perhaps by a further 50 or 75 per cent? Perhaps it will make the stuff miraculously vanish into the ether.

Mr Thomas George: Maybe the member for Maroubra would be able to answer that.

Mr MICHAEL RICHARDSON: Yes, maybe the honourable member for Maroubra would be able to answer that. He understands these issues and is passionate about them. How will the scheme be administered and monitored? In what areas will targets be set? Will they be set in kerbside recycling, green waste recovery, residual waste management, public place event recycling, or household clean-ups, as I suggested last July? What will happen to councils that underperform? Will they be penalised? The Government has not spelt that out. None of this was clear from the contribution of the honourable member for Campbelltown.

In conclusion, I reiterate that the Opposition supports the bill. It is our policy. We are still waiting for some original ideas on waste reduction to come from the Government—certainly something better than the regional waste boards on which the Government squandered \$102 million of taxpayers' money. We are still waiting for a real commitment to recycling and resource recovery, which will include the creation of markets for recycled products. Without the creation of those markets, this policy is doomed to fail.

Pursuant to resolution debate adjourned by Mr Tony Stewart.

DISTINGUISHED VISITORS

Madam ACTING-SPEAKER (Ms Marie Andrews): I draw honourable members' attention to the presence in the Speaker's Gallery of Lieutenant Colonel Steve Tuck of the British Grenadier Guards, together with his wife Jennifer and family, who are guests of the honourable member for Maroubra. I extend a warm welcome to them.

ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT (RESERVED LAND ACQUISITION) BILL

Second Reading

Debate resumed from 28 March 2006.

Mr CHRIS HARTCHER (Gosford) [9.13 p.m.]: The Environmental Planning and Assessment Amendment (Reserved Land Acquisition) Bill relates to the process by which land owners can have their land acquired by the State Government. At present, land can be acquired under an owner-initiated process under two Acts, the Environmental Planning and Assessment Act 1979 or the Land Acquisition (Just Terms Compensation) Act 1991. According to the Government, the purpose of the bill is to streamline the process so owners can initiate acquisition of their land under only one Act; that is, the Land Acquisition (Just Terms Compensation) Act 1991.

Historically, the Crown has always had a right of pre-eminent domain at common law to take land for the purposes of the Crown. In New South Wales this was first given statutory form in 1912 with the passing of the Public Works Act 1912, which vested in the Government—it was always the Minister for Public Works who administered the Act—the power to resume land or other goods for State purposes. The Commonwealth was given power, under the Constitution of 1901, to acquire land for the purposes of the Commonwealth, but it was stipulated that this acquisition had to be on just terms. The definition of "just terms" has been developed and expanded by the High Court of Australia in a number of cases.

The Wran Government introduced the Environmental Planning and Assessment Act 1979, which is the framework for the environmental planning system in New South Wales. The Act, which has been the subject of a number of amendments, provided that where land was reserved for a public purpose under an environmental planning instrument, in certain circumstances the owner of that land could seek to have it acquired by the Crown. In 1991, the Coalition Government introduced the Land Acquisition (Just Terms Compensation) Bill 1991, which also provided for the acquisition of land by the Crown. It contained a process by which owners could initiate the Government's acquisition of their land. The explanatory note to the present bill presents, in summary form, the theme of this legislation as follows:

At present, a person who owns land that has been reserved or used exclusively for a public purpose by an environmental planning instrument may choose either acquisition under the environmental planning instrument made under the *Environmental Planning and Assessment Act 1979* or acquisition under the *Land Acquisition (Just Terms Compensation) Act 1991*.

The Government says that it would prefer land to be acquired only under the "just terms" legislation, and, in effect, that is the purpose of this bill. The Government claims, as was stated in the second reading speech, that it has the support of the Local Government and Shires Associations. The Parliamentary Secretary, in delivering the second reading speech on behalf of the Minister, said:

Local government is often forced into needless land acquisitions as a result of the existing parallel systems.

In other words, the State Government seeks to change the law and claims it has the support of the Local Government and Shires Associations. What is at stake here is the fundamental right of every citizen in this State who owns property to be compensated by the Government if the Government wishes to take their land. Historically, we have always regarded that as one of the foundations under which our democracy is built. In other words, if the Government wants someone's land, the Government must pay for it.

It is significant that there is only a small number of fundamental rights set out in the Australian Constitution. It does not contain a bill of rights, but it does guarantee trial by jury for Commonwealth offences, freedom of religion at Commonwealth level, and that if the Commonwealth wants someone's land it must acquire it on just terms. They are the only three rights that the Australian Constitution spells out for Australian citizens. They were regarded as such fundamental rights that they needed to be expressed in the Constitution; the others are left to the common law. Because the process under the Environmental Planning and Assessment Act was regarded as not comprehensive enough, the Coalition, wishing to codify the law and to establish it on a broad framework, introduced the Land Acquisition (Just Terms Compensation) Bill in 1991. However, it preserved the existing process of land acquisition set out in the Environmental Planning and Assessment Act 1979.

Instead of two systems, the Government wants only one, and that is the system provided for in the Land Acquisition (Just Terms Compensation) Act. The Government is seeking the change because it finds the existing process inconvenient. This issue does not relate to the public good; it relates to what the Government regards as convenient. The example in the Minister's second reading speech is a well-known example that the honourable member for Coffs Harbour has been arguing for some time. It relates to problems with government land acquisition and specifically the plans in 1998 to extend the Pacific Highway at Yelgun.

The Government was going to extend the Pacific Highway but the Roads and Traffic Authority [RTA] did not know where the extension should go, so it looked at the map, developed contours, considered the matter very scientifically and worked out that there were three or four possible routes and reserved a land corridor on each of those routes. Of course, that sterilised the land because the RTA reserved that land for a public purpose even though it did not acquire the land. The land stayed under the ownership of the various owners, but it was now frozen by the RTA as a future road corridor.

While some landowners may not have had a problem with that—they could still use their land for farming purposes—the landowners who wished either to sell their farm or to develop or subdivide it were frustrated by the fact that this land, which they owned, was now frozen for a road corridor. One of the owners initiated a process under the environmental planning instrument, the Environmental Planning and Assessment Act, which forced the Government to acquire the land even though it did not want that particular land for its road reserve because it had decided the road would go somewhere else.

The Government was reserving land here and there, sterilising it, preventing the owners from doing anything with it, but then not acquiring it; not compensating anybody but making landowners wait, in limbo, literally years—because, as we know, some of these projects, such as the Pacific Highway, can take years to be

funded—and then coming along after a number of years and saying, "We do not want your land anymore, you can have it back. We are going to acquire other land." But what happens to those landowners left in limbo in the meantime? They need a process whereby they can say, "We want to do something with this land. If you will not let us do something with the land, you should at least buy it." They have that right under the existing legislation, but under this bill the Government is now quite blatantly planning to remove it.

The Government may claim it is supported by the Local Government and Shires Associations, but the Minister's words were "needless land acquisitions". Local government draws lines on maps for future roads and for all sorts of future purposes and then goes away and leaves it. If local government reserves land under the planning instrument, it needs to take that step; it cannot simply draw a line on the map. If it does that, it can be forced to buy the land, even though it has no intention of using the land or will not use the land for many years. But the landowner is the person who lives in limbo and is the one who suffers.

Local government or the State Government just walks away; they just draw up another set of plans for something else the next day, but the landowner lives there and suffers. Under the 1979 Act the landowner had the right to do something about that, but tonight the Government is moving to deny the landowner that right. Landowners will be compensated only when the Government actually acquires the land. So land can stay useless for many years and the owner will have no right to force the Government to acquire the land; the Government need only acquire it when it actually wants to use it.

That may help the Government's budget and it may help a council's budget, as the Government claims—we have not had any evidence that the Local Government and Shires Associations support it—but it denies people one of their fundamental rights. One would wonder why a Government, especially a Government as unpopular as this one, 12 months out from an election, would wish to deny people that fundamental right. One can only conclude that the Government is not really thinking of where its future lies. The New South Wales Government simply delivers one spin after another. Every newspaper editorial—the *Sun-Herald*, the *Sunday Telegraph*, the *Sydney Morning Herald* and the *Daily Telegraph*—blasts this Government for its endless spin and its lack of substance. Every radio commentator blasts this Government for its endless spin and its lack of substance.

Mr Bryce Gaudry: Get back to the bill, will you, Chris.

Mr CHRIS HARTCHER: I am talking about the bill. The only substance the Government has is a bill that denies people's rights to have the Government acquire their land if the Government wishes to freeze that land. It is a telling indictment upon this Government that it has become so arrogant, so complacent, so self-satisfied and so reliant on spin over substance that it is prepared, one year out from an election, to introduce legislation such as this. This legislation may well be passed. It will certainly be passed in the Legislative Assembly because the Government has the numbers here, and it will possibly be passed in the Legislative Council. But we will oppose it strenuously in this House and in the Legislative Council because it is a fundamental denial of property and democratic rights. We hope members of the crossbench in the Legislative Council will unite with us.

The New South Wales Coalition has a long and proud tradition of fighting for people's democratic and property rights. We have seen some extraordinary legislation passed by this Government in recent years. Retrospective legislation gave nine people court case rights. These people brought court actions under the third-party insurance Act involving vehicle accidents for unlicensed and unregistered vehicles on private roads. They claimed that the pending actions in the courts were nullified by legislation passed by this Government. It is simply extraordinary that a Government could retrospectively deny hundreds of people who had filed court proceedings their rights to have those proceedings go to court. We have seen other examples of the denial of rights that normally belong to a democratic society, but this legislation takes the cake. This one says: Your property will only be paid for by the Government or the council when the Government or the council wants it.

For example, land can be zoned open space. The Government will say that people have existing rights, that they can use the land, but that they cannot develop it. They can stay there for years and the council will simply not buy it because the council lacks the funds, and the Government will not buy it because the Government lacks the funds. But it is denied to the landowner and it stays there. It would normally be gaining in value over a period of years, but it is frozen permanently.

Mr Bryce Gaudry: That is the hardship clause.

Mr CHRIS HARTCHER: Yes, there is a hardship clause. There was also a hardship practice under the old Public Works Act. When I was a solicitor in practice at The Entrance, a couple came to see me who wanted to sell their house in the Petersham-Lewisham area of Sydney and move to The Entrance—as so many people did in those days. But their home was frozen because it was designated as future acquisition for road widening. The husband was dying of lung cancer, and the couple just wanted to get rid of their home and move to The Entrance, where their family were. That triggered a case and they went to their local member of Parliament—I think it was Frank Stewart, who was the honourable member for Canterbury at the time; a very fine man—

Mr Bryce Gaudry: A good man.

Mr CHRIS HARTCHER: A good man, much admired on both sides of this Chamber. He and his brother Kevin were two very fine people. On behalf of this couple, Frank Stewart intervened with the Commissioner for Main Roads and triggered the process for owner-initiated resumption. Even though the man was dying of cancer—I remember because I was the solicitor acting for them—it took almost six months. I accept that it was before the Environmental Planning and Assessment Act was proclaimed, but in those days the Minister had a discretion. There was no hardship clause; just a ministerial discretion. Frank Stewart persuaded the Minister for Public Works—I do not know who it was at the time—to initiate it, yet it still took six months. The family was driven to distraction as they waited every day for a letter to come from the former Commissioner for Main Roads resuming their land.

Hardship clauses are dependent upon the goodwill and time frame of the bureaucracy. The bureaucracy may be well-intentioned, but bureaucracies are slow moving and departments must obtain money from Treasury, which is a long process. The Parliamentary Secretary will say in reply that the bill contains a hardship clause and that I have got it wrong. But he cannot hide behind the hardship clause because, in the end, hardship clauses are dependent upon the goodwill and discretion of the Government of the day and the funding of the department at the time. Words on paper are no substitute for the guarantees of law. Every citizen in this State will be tragically denied that guarantee of law when this legislation is whipped through the Parliament.

Section 28 of the Land Acquisition (Just Terms Compensation) Act gives owners a choice as to whether to seek compensation under the Environmental Planning and Assessment Act or the Land Acquisition (Just Terms Compensation) Act. This bill repeals that section and as a result the citizens of this State will no longer have that choice. The bill provides for further amendments, not only the change of two parallel systems of the government. It seeks to soften the blow by requiring local councils to review their local plans where land is reserved for public purposes. Gosford City Council reserves land for public purposes, especially in relation to the coastal open space scheme. The Government has told the council that it must review those plans, yet it places no such onus upon itself. The Government, not councils, is the biggest land acquirer for roads, schools, hospitals, police stations and a whole variety of government infrastructure, but it is always prepared to put the boot into local government.

By way of purportedly doing something, the Government is requiring councils to review any plans to reserve land for public purposes within a two-year to five-year framework, but it does not impose any such discipline upon the Roads and Traffic Authority, the Department of Education and Training, NSW Health, NSW Police, or the Department of Commerce, which is the successor to the old Department of Public Works and is the principal government instrumentality for purposes of land acquisition. The Government expects others to exercise self-discipline but it does not impose that level of self-discipline upon itself. Accordingly, the Opposition will oppose the bill. The debate will be adjourned, but when it resumes we will strongly voice our opposition.

As far as it is within our power, we will carry the message across New South Wales that everyone will lose as a result of the bill. The literally thousands of people whose land is reserved will lose because they can sit and wait until the Government wants to acquire the land or else they can go begging to the Government and claim hardship. But what are the criteria? There are no criteria! It will simply depend upon the whim, the good intentions and the goodwill of the Government. The Parliamentary Secretary can use as many honeyed words and as much soft soap as he likes, but at the end of the day the people lose and the Government wins. That is not democracy, and nor is it about property rights. One would hope that on 24 March 2007 the people of New South Wales would have many grievances against this Government. This will be one more.

Pursuant to resolution debate adjourned by Mr Bryce Gaudry.

The House adjourned at 9.36 p.m. until Wednesday 5 April 2006 at 10.00 a.m.
