LEGISLATIVE ASSEMBLY

Wednesday 5 April 2006

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

Mr Speaker offered the Prayer.

Mr SPEAKER: I acknowledge the Gadigal clan of the Eora nation and their elders and thank them for the custodianship of this land.

CRIMES AMENDMENT (ORGANISED CAR AND BOAT THEFT) BILL

Second Reading

Debate resumed from 28 March 2006.

Mr CHRIS HARTCHER (Gosford) [10.00 a.m.]: The Coalition does not oppose the passage of the Crimes Amendment (Organised Car and Boat Theft) Bill. I was interested to hear from the Parliamentary Secretary's second reading speech that it is estimated that $100 million annually is lost to the State of New South Wales as a result of car rebirthing activities, and that in 2005 some 8,600 stolen cars were suspected by police of being further used by thieves, on an organised basis, for rebirthing purposes. The legislation is aimed at the organised crime gangs that operate in stealing cars, breaking them down, using their parts to build entirely new cars, and selling them back to unsuspecting members of the community on the used car market. The bill creates a number of offences, which have been dealt with by the Parliamentary Secretary in the second reading speech so I do not intend to canvass them.

I note that the second reading speech made no reference to a police task force, or to a request by police arising from deficiencies in a police task force or from matters uncovered by a task force that have necessitated this legislation. Far be it for me to query why the legislation has been introduced. It is obviously legislation that NSW Police regard as necessary. Therefore, if it is regarded by police—the people entrusted by the community with the task of fighting organised crime and the rebirthing rackets—as being necessary, obviously it should be supported by Parliament.

In recent times considerable attention has been given to the fact that organised gangs are operating in car rebirthing. One would like to know—it is not set out in the second reading speech—what success police have had in breaking up these gangs, the number of charges that have been brought in respect of gangs operating rebirthing activities, and what has been the success rate in securing convictions as a result of charges brought. One would also like to know whether there were judicial comments, or findings or determinations by the Director of Public Prosecutions [DPP], as the prosecuting authority, that there was not a sufficient case under existing law to prosecute certain people and therefore these new statutory offences have to be created. Parliament is entitled to know the genesis of the offences created by the bill. There must have been either a report by the DPP or comments by a court or police that led to these offences being created and the bill being presented to Parliament.

Clearly, in many respects the Government has failed with regard to organised crime. For example, it has failed with respect to gangs that operate and prey upon ethnic communities. It is argued, at least in the media—I do not have data on the matter other than in media reports—that the gangs that operate within certain ethnic groups have been prominent in car rebirthing, which itself is a matter of great concern. One would also like to know from the Government the areas in which cars have been most significantly stolen for rebirthing purposes. Are certain areas of the State at greater risk than others? Is car theft simply spread right across the board, relating to individual impulse? Is car theft taking place on an organised basis in certain areas? It is appropriate that Parliament and the community be kept informed of these matters. Clearly, the Government's failure to inform on these matters indicates a deficiency in its presentation of the bill to Parliament.

The shadow Minister for Police in the Legislative Council, the Hon. Michael Gallacher, in his former life as a serving New South Wales police officer, was involved in breaking up car rebirthing rackets. At that time he was involved in making arrests as part of a task force, as well as in investigating, detecting and

apprehending people who had been involved in car rebirthing. I am sure that in the Legislative Council he will raise issues regarding the genesis of the legislation and the present situation in New South Wales in relation to arrests, charging and convictions.

Mr SPEAKER: That is because of the extraordinary teachers he had when he was at school.

Mr CHRIS HARTCHER: He did, at Shalvey, where you, Mr Speaker, were a distinguished teacher in the English department. That is why the Hon. Michael Gallacher's command of English literature is so pronounced. The Government has an obligation to present more information to Parliament and to ensure that the community is better informed about what is an ongoing and serious crime problem. With those remarks, I reiterate that the Coalition will not oppose or seek to amend this legislation.

Mr BARRY COLLIER (Miranda) [10.09 a.m.]: I am pleased to support the Crimes Amendment (Organised Car and Boat Theft) Bill. The bill amends the Crimes Act to create several new offences relating to the theft of motor vehicles and vessels, including an offence of facilitating an organised car or boat rebirthing activity; repeals and re-enacts the offence of car stealing, so that it extends to vessels; extends other existing offences relating to stolen motor vehicles or vehicle parts to stolen vessels or vessel parts; and makes other consequential and ancillary amendments.

This is an extremely important bill. It is estimated that rebirthing activities cost New South Wales taxpayers in the order of $100 million each year. Organised motor vehicle theft—often referred to as car rebirthing—in many cases is the first and essential step in that process. Car rebirthing involves a series of steps, using either stolen cars or stolen car parts, with the intention of producing a vehicle that can then be registered with the Roads and Traffic Authority or other authorities as a legitimate vehicle. Counteracting this form of crime requires special legislation targeting steps preparatory to fraudulent re-registration. These steps can be a number of links in the chain removed from the actual end product of a rebirthed car. They are not easily caught by the general dishonesty offences, such as obtaining benefit by deception, or making or using false instruments with the intent that they may be used to someone else's detriment.

Organised motor vehicle crime is a compartmentalised activity. The person who, for example, attaches a fraudulently manufactured vehicle identification number plate—or VIN plate—to a rebirthed car usually will not be the person who sells the rebirthed car to another person or presents it for registration at the RTA or other authority. Those who attempt to register the rebirthed car may not have committed the original theft and may not easily be traced to subsequent steps in the rebirthing process. The bill creates a principal offence of knowingly facilitating organised car or boat rebirthing activities, and the offence carries a maximum penalty of 14 years imprisonment. Simply stealing cars or having stolen car parts in one's possession is not enough to prove the offence. There must be some substantial level of organisation between two or more persons, with the intent of performing some stage in the rebirthing process, before a person can be convicted of this offence.

The bill also creates four offences relating to the misuse of "unique identifiers". Unique identifiers are markings, letters, numbers or anything that enables a car or car parts to be identified. It includes the vehicle identification number, the engine block number and the like. The four offences I speak about are: dishonestly interfere with a unique identifier; dishonestly make a purported unique identifier; possession of a motor vehicle or part with intent to dishonestly alter a unique identifier; and knowingly induce another person to accept a false unique identifier as genuine. Each of those offences will carry a maximum penalty of seven years imprisonment.

The bill also creates two offences relating to the possession of unique identifiers and vehicle identification plates. The first is knowingly possess a vehicle identification plate unattached to a motor vehicle without reasonable excuse, and the second is dishonestly possessing a car or car part that has an altered unique identifier. Those offences will carry a lower penalty of five years imprisonment, no doubt because they are what are known as preparatory offences. Most of these offences are extended to boats and other vessels. In addition, offences of take and drive motor vehicle without consent, carjacking and the like, will be extended to include vessels.

Coming from the Sutherland shire, with its magnificent waterways, I appreciate that vessels are an important part of the shire's leisure activities. It is interesting that these provisions are being extended to vessels, or boats if one likes. One of those amendments is to section 154C of the Crimes Act. The current section, which deals with an offence known as car-jacking, involves taking or driving a motor vehicle when a person is in it or on it, and carries a penalty of 10 years imprisonment, or 14 years in circumstances of aggravation. Schedule 1 extends this offence to conduct involving the taking of a vessel as defined in the Marine Safety Act.

Another important provision is section 188 of the Crimes Act and also in section 527C of that Act. Section 188 relates to receiving property knowing it to be stolen, and section 527C relates to an offence known as goods in custody, that is, having in one's possession property that one could reasonably expect to have been stolen or unlawfully obtained. The bill extends those provisions to vessels and vessel parts. In the case of receiving a motor vehicle or motor vehicle parts, the maximum penalty is 12 years imprisonment, or 10 years for having in one's possession property other than a stolen car or car parts.

The same applies with section 527C, the offence of goods in custody. Where the offence relates to a car or car parts, the maximum penalty is one year's imprisonment, or a fine of $1,100; and where it does not involve a car or car parts, the maximum penalty is six months imprisonment, or a fine of $550, or both. Again, those provisions are extended to include offences involving vessels, or boats, and providing the higher penalty of one year's imprisonment, or a fine of $1,100, or both. This is an important bill. It will overcome some of the deficiencies of the criminal law in relation to motor vehicles rebirthing. The bill extends those provisions to boats, and as boats and boating activities are an important part of the recreational life of the beautiful Sutherland shire and its magnificent waterways I have no hesitation in commending the bill to the House.

Mr MALCOLM KERR (Cronulla) [10.15 a.m.]: This is an important bill, as the honourable member for Miranda said. It is a pity that he did not take the opportunity during his speech to answer the important questions that were raised by the honourable member for Gosford. The House would be more informed if those questions were answered. I hope they will be dealt with in the Minister's speech in reply to the debate. This legislation is both significant and overdue. The Legislation Review Committee said in respect of its review of the bill:

> In explaining the need for the Bill, the Parliamentary Secretary stated:
>
> > The bill amends the Crimes Act 1900 to create several new offences targeted at the practice of car and boat rebirthing.
> >
> > Even though rebirthers may commit a range of existing offences, the law is not currently structured to deal effectively with the methods that rebirthing gangs use. The bill addresses the challenge of creating an offence that covers all behaviour that constitutes rebirthing. It imposes strict penalties for rebirthing and closes any loopholes in the criminal law that rebirthers might try to exploit.

That is a rather confident prediction. In Cronulla there is an old saying that it is unwise to make predictions, especially about the future. That is because the ingenuity of criminals is well known. I suspect criminals will be seeking to exploit potential loopholes in this legislation. When those loopholes emerge, I hope we will not have to wait any great length of time for amending legislation to be brought forward. This bill should have been brought forward in the Carr Government's term of office. People in the Sutherland shire, including motorists and boat owners, would have had better protection for their property if this bill had been introduced some time ago.

As the honourable member for Gosford said, the Opposition will not oppose the bill. However, this is legislation that needs to be carefully monitored. The challenges posed by rebirthing have been ongoing. Governments of both political persuasions have been grappling with those challenges for decades. I know this issue has been the subject of meetings between Attorneys General and Ministers for Police of various States, because of the need for a national approach by the States to deal with gang activities relating to rebirthing. This legislation has particular import for the Sutherland shire in general, and my electorate in particular. Therefore I welcome the fact that this legislation, though overdue, is to be passed by this House. I ask police and members of the public to be vigilant in monitoring the operation of this legislation so that we will know if it is not addressing all aspects of this criminal behaviour.

Ms SANDRA NORI (Port Jackson—Minister for Tourism and Sport and Recreation, Minister for Women, and Minister Assisting the Minister for State Development) [10.19 a.m.], in reply: On behalf of the Attorney General I thank members for their contributions to this debate. This bill represents a significant step forward in the Government's initiatives against criminal gangs and, in particular, car and boat rebirthers. It creates specific offences that will allow police and the courts to respond appropriately to the threat posed by organised motor vehicle crime. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

NATIONAL PARKS AND WILDLIFE (ADJUSTMENT OF AREAS) BILL

Second Reading

Debate resumed from 4 April 2006.

Ms SANDRA NORI (Port Jackson—Minister for Tourism and Sport and Recreation, Minister for Women, and Minister Assisting the Minister for State Development) [10.20 a.m.], in reply: I take this opportunity to assure honourable members that in proposing the establishment of a regional shooting centre at Hill Top, development issues have been comprehensively addressed, as have concerns over any possible contamination of the area.

Regional shooting facilities are now classified as State significant development sites under proclamation and the Minister for Planning will be the consent authority for the development application [DA] for the expansion of the range. In considering the DA, the Minister will need to take account of State Environment Planning Policy 58—protecting Sydney's water supply. Matters for consideration by the Minister will need to include whether the development or activity will have a neutral or beneficial effect on the water quality of rivers, streams or ground water in the hydrological catchment, including during periods of wet weather, and whether the water quality management practices proposed to be carried out as part of the development or activity are sustainable over the long term.

In addition, a land management plan will be developed and will deal with issues related to: exclusion zones and safety signs; erosion control; periphery contamination—cartridges, swabs, et cetera; water recycling and flow control; waste water treatment and discharge; contamination containment and removal; testing of ground water and creek flow; and contamination levels in accordance with Australian and New Zealand Environment and Conservation Council guidelines. A lease allowing the use of the site for the sport of shooting will incorporate the issues specifically addressed in the land management plan and the decontamination of lead containment devices. A new land management plan will considerably improve the environmental outcomes on the proposed parcel of land.

Existing levels of contamination, if any, will be initially established, providing a benchmark against which self-testing could be carried out in the future. This would be done at the earth berms and the watercourses. Subsequent testing would be undertaken at appropriate times and consistent with the requirements of the land management plan. The overall environmental impact on the site will be negligible, including water contamination. The dynamics of the site are contained within a controlled area and by a sporting activity well managed and regulated. This compares very favourably to other demands and pollutants impacting on the water catchment area, including farmlands, agriculture, sewage and major highways. In addition, recreational shooters not associated with club activities are not subject to the same discipline and operate with impunity within the catchment areas. The National Parks and Wildlife Service welcomes well managed and regulated shooting activities within Crown land areas, given that their occupancy is subject to lease and land management requirements and can help improve and enhance flora and fauna through designated no go areas.

Competitive and practice shooting is target focused. Firearms and projectiles used are either state-of-the art or well maintained. Shooters reach high levels of skill in their chosen discipline and all projectiles, bar a handful, pass through the target to the containment devices—earth berm mound, target shrouds and stop-buts. In addition, construction will include catch trenches and collection pits to deal with the across surface movement of fine lead particles. For the miniscule number of projectiles that pass over the containment devices, their energy would carry them into the safety zone. In the present safety zone—which will be similar to the safety zone for the two additional ranges—the area is dense with trees. Most stray projectiles would strike a tree and either be buried in the tree and therefore contained, or strike the tree and fall to the ground. Of those projectiles falling to the ground, some would fall on soil, others on rock.

There are streams and creeks within the safety zone. It is possible that a miniscule number of stray projectiles could land in or near water. Given the high level of range management containment measures in place, to contain the vast majority of bullets within the containment devices—and that many stray projectiles would strike trees first—it is believed this number would be so small that water contamination through lead breakdown would be unlikely. All users of the current Hill Top Rifle Range and the proposed two additional ranges must be registered members of a shooting club or representatives of approved government agencies. All users are required to comply with approved Firearms Registry operating protocols. All shooters must hold a current firearms licence.

Further, to continue to hold a licence, shooters must participate in a registered number of competitive shoots per year with a registered club, with appropriate documentation provided. Firearms Registry licence requirements for the clubs which use the range include the need for a designated range control officer whenever a shooter is using the range. The range control officer is responsible for ensuring that proper shooting and safety protocols are carried out. The so-called "cowboys" of recreational shooting have been eliminated from the club environment now that the sport is regulated very well, including the operation, structure and management of the clubs, and a strict licensing regime for range management, control and activities has been in operation since the late 1990s.

I now come to the reason for excising 1,000 hectares. The National Parks and Wildlife Service [NPWS] made a scientific assessment of four site configurations before choosing the proposed one and its dimensions. I stress that this was done by the NPWS. The National Parks and Wildlife Service wanted to identify an area that was easy to manage for the operators as well as for the parks service for that area beyond the boundaries of the site. It had to provide a sufficient safety zone as well as meet a preferred area ratio—area to perimeter—and it had to take account of existing natural and human-made features. A circle or a square is the perfect reserve shape. Certain natural and human-made features declared themselves obvious boundaries and dictated much of the area proposed for excision. One is Wattle Ridge Road as a northern boundary. The second is a cleared area of power transmission lines as an eastern boundary, and the third is Iron Creek to the far south of the shooting facility proper. In the main, the western boundary follows existing property lines.

Conservation groups have raised some concerns in relation to this development. One concern is whether the United States of America Environmental Protection Authority Best Management Practices for Lead at Outdoor Shooting Ranges have been followed. Yes they have, and will be. But let me explain in more detail. Guidelines issued by the United States of America Environmental Protection Authority detail that to operate an outdoor range that is environmentally protective requires implementing a variety of appropriate best management practices [BMPs]. These BMPs create a four-step approach to lead management. The BMPs are:

- Step 1 - Control and contain lead bullets and bullet fragments.

  (a) bullet containment ie. earthen backstops, sand traps, steel traps, lamella or rubber granule traps

  (b) shot containment (reduce shot-fall zones)

- Step 2 - Prevent migration of lead to the subsurface and surrounding surface water bodies

  i. monitor and adjust soil pH (eg. lime spreading)

  ii. immobilize lead (eg. phosphate spreading)

  iii. control runoff (plant vegetation and use organic ground cover; implement engineered runoff controls).

- Step 3 - Remove the lead from the range and recycle

  1. hand raking and sifting

  2. screening

  3. vacuuming

  4. soil washing

  5. working with a contacted re-claimer

  6. recycling

- Step 4—Document activities and keep records

  (a) document number of rounds fired/shot size

  (b) document BMP's used at ranges to control migration

  (c) document date and provider of reclamation services

  (d) keep records for the life of the range and at least 10 years after closing

  (e) evaluate the effectiveness of the BMPs used

The guidelines indicate that effective lead management programs require the implementing and evaluating of BMPs from each of the four steps. They should not be considered alternatives to lead reclamation, but rather practices that should be followed between lead reclamation events. United States of America guidelines provide a sound framework for design and construction proposals and matters for inclusion in the land management plan for the site. The Government is committed to ensuring that the BMPs are followed in the planning, management and operation of the complex. These BMPs have been adopted by the State-owned and operated Sydney International Shooting Centre.

The second concern relates to why the Hilltop site was chosen. This requires some background for the information of honourable members. The first phase was in 1987. Due to the construction of the Mittagong bypass road in the late 1980s, the Southern Highlands Rifle Club was required by the then Department of Main Roads [DMR] to vacate a range then occupied at Welby. The DMR indicated that it was prepared to assist the club in securing an alternative site and to assist in its developing as a new range. The Hilltop site was then owned by the Forestry Commission and satisfied the safety template framework. It was incorporated within an area bounded by a power line, providing a high level of security for the range. Subsequently, the land has been vested in the Minister for Conservation and is administered by the National Parks and Wildlife Service.

Numerous leases have been executed between the club and the service for the site to be used as a rifle range. The second phase was in 2003. The site at Hill Top was identified as a potentially suitable site for a regional shooting complex for the following reasons. There was an existing range with capacity to expand; therefore there was no need to find a green field site. A number of the clubs that had been forced from their sites or were threatened with closure at existing sites were using Hilltop already. The surrounding land uses at Hilltop meant there would be certainty of land tenure in these areas and therefore minimal or no chance of urban encroachment. The site is geographically central to shooting clubs in the Southern Highlands and Illawarra regions.

In summary, the approach taken to finding a suitable regional shooting complex site determined that Hill Top met all the necessary criteria and was a successfully operating shooting facility. However, another fact needs to be underlined. The relevant Government agencies considered alternative sites at Dharawal and the Mellong Swamps. Unfortunately, both these sites were found to have significantly higher conservation values. This is reflected in the fact that they are now proposed as part of the State's national parks network. On balance, the land management agencies, including the Department of Environment and Conservation and the Department of Lands, agreed that the consolidation of shooting activities at Hilltop was the best solution. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT (RESERVED LAND ACQUISITION) BILL

Second Reading

Debate resumed from 4 April 2006.

Mr IAN ARMSTRONG (Lachlan) [10.34 a.m.]: The Opposition will oppose the Environmental Planning and Assessment Amendment (Reserved Land Acquisition) Bill. The overview of the bill states:

> The object of this Bill is to change the procedure by which a person whose land has been reserved for use exclusively for a public purpose by an environmental planning instrument under the *Environmental Planning and Assessment Act 1979* may require the land to be acquired by a public authority. At present, land owners can choose to have their land acquired under the terms of the environmental planning instrument that reserved their land or in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*, which applies where an owner will suffer hardship if there is a delay in acquisition of land by the relevant public authority.

The bottom line is that in 1991 when the just terms legislation was introduced and passed by this Parliament it was welcomed by virtually all sections of the community who were involved in land ownership. I stand to be corrected, but Australia, and New South Wales particularly, have one of the highest percentages of personal private land ownership of any nation. We like to own land. It is one of the best investments you could possibly make. We have commercial land, industrial land, agricultural land, private land, public land and myriad other land titles.

But the bottom line is that land is a valuable asset, the one we get capital growth from, the one on which we develop our business and lifestyles, and the one we use when we go to the bank or the financier to raise money to do everything from educating our children to buying a car to expanding the business to building

a new home or a new business. Land is the pivotal, essential asset of the average family and businessmen. That is part of the background of the 1991 Land Acquisition (Just Terms Compensation) Act. Prior to the introduction of that Act the Crown could declare that it had an interest in a parcel of land for a future road, a bridge, a railway station, a public park, a national park, a recreation area or for Crown purposes generally.

At the time it was believed that once the Crown expressed an interest in privately owned land the Crown had a responsibility to acquire the land expeditiously. Speaking metaphorically, a landholder cannot be half hung. Crown interest in privately owned land affects the landholder's finances and management plans. If land is reserved for Crown purposes and the landholder does not know when the Crown will execute its rights he cannot make plans to expand or acquire other land and he cannot talk to his financiers about taking a mortgage on other lands. He may have business plans for 10, 20 or 30 years that involves the land on which the Crown has placed a covenant.

If we pass the legislation, which refers to hardship, any land, be it owned by a company or an individual, in which the Crown expresses an interest will be subject to an indefinite covenant. The Environmental Planning and Assessment Amendment (Reserved Land Acquisition) Bill winds back the legislation on Crown land acquisitions and interests in land prior to 1991. Although weasel words in the legislation state that the owner has certain rights, et cetera, the fine print makes it very clear that the Crown will be totally dominant in the process. The explanatory note states:

> Under the proposed amendment, an environmental planning instrument is not to be construed as requiring an authority of the State to acquire land, except as required by Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991*. Therefore, land acquisitions by public authorities resulting from the reservation of land under environmental planning instruments under the *Environmental Planning And Assessment Act 1979* will take place under the *Land Acquisition (Just Terms Compensation) Act* 1991. Accordingly, an authority of the State will not be required to acquire land unless it is of the opinion that the owner will suffer hardship if there is any delay in the acquisition of the land under the *Land Acquisition (Just Terms Compensation) Act 1991*.

In his response I would like the Minister to give us a clear and transparent definition of what hardship is. Who will judge whether the current owner, the titleholder, is suffering hardship because the Crown has expressed interest in his land? Who will do the assessment? Will there be a right of appeal against the Crown's opinion on hardship? That is certainly not spelled out in the legislation. They are merely weasel words to suggest that the owner will suffer hardship if there is any delay in the acquisition of the land under the Land Acquisition (Just Terms Compensation) Act because it is not spelt out in this bill. Until that becomes transparent it would be naive, even for this Government, to expect the community to have any confidence in the bill if it is passed today. One cannot have an effective jury on legislation unless the composition of the jury, the responsibility of the jury and, indeed, its mantra are clearly spelt out. Proposed section 27 states:

> (3) An environmental planning instrument (whenever made) is not to be construed as requiring an authority of the State to acquire land, except as required by Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991*.

That new section clearly does not set a time frame. It is one thing to express an interest in land on behalf of the Crown but there is no time frame. How long can one leave an owner, the adjoining landholders and the community in economic, business and community suspense if the Crown is not prepared to say when it is going to acquire? It is incumbent upon the Crown, as it is with any person who is entering into contractual arrangements with another person or entity, to at least put a time frame on the agreement leading to the contract. In this case the Crown sets out circumstances that would be the first step to an agreement but there is no evidence that the agreement will be consummated in any way leading to a contract, because there is no time frame and there is no monetary value. There is no endpoint and there is no transparency. Indeed, there is no confidence or comfort given to adjoining landholders and the community.

Let us put aside individual owners and consider the community. The Crown must always represent the community. The Crown has a responsibility to deal with its own client, which is the community. The Crown should act in a businesslike manner, the same as any other business that expresses an interest in land and a fundamental agreement is reached and a time frame is set. A monetary value must then be agreed so that both parties can proceed to see whether interest is sufficiently strong enough for a contract to be entered into. If this were a commercial or industrial arrangement in a real estate office it would be laughable.

The bill is not even at the embryonic stage of a business relationship with a responsible attitude towards the vendor and the purchaser, the vendor in this case being private enterprise and the purchaser being the Crown. The Crown is not overanxious because it is not prepared to state when it is wishes to proceed. Under the Valuation Act 1906, the sale of comparable land between a not eager vendor to a not overanxious purchaser is clearly a basic proposition that we have used in land transactions for well over 100 years.

The bill is naïve and flawed. I give a tip to the Government: if it wants something to bite it 11 months out from the election, pass this bill today and watch the wheels spin on every parcel of land under Crown

consideration in the future. At some time in the future even the odd few metres at the street corner where kids play may be of interest to the Crown. Over the years the talk has been that the Crown may acquire 5,000 parcels of land around the harbour, and it may acquire land to put a road through. It would be nice to think the Crown might express an interest in additional water resources but I suspect that land for that purpose might be safe. However, the Crown may wish to acquire land for other government purposes. I could not speak more sincerely in saying that the bill is naïve. It lacks function, probity and integrity and I urge the Government to rethink its position. The Opposition will agree to the bill being postponed to allow the Government to do so in the public interest.

Mr BRYCE GAUDRY (Newcastle—Parliamentary Secretary) [10.45 a.m.], in reply: I thank the honourable member for Gosford for his colourful interpretation of the bill and the honourable member for Lachlan, who was sincere but who, once again, drew a long bow. The bill provides fairness to landholders. When Wal Murray introduced the Land Acquisition (Just Terms Compensation) Bill—one of the first bills passed after I became the member for Newcastle in 1991—the honourable member for Gosford voted for the bill. That bill gave landholders fairness and procedures in relation to payment of compensation, and set timetables. If the honourable member for Lachlan had read the second reading speech of Wal Murray prior to the dissolution of Parliament in April 1991, he would have seen that it referred to mechanisms for payment of compensation and drawing up of agreements. The honourable member for Gosford stated:

> [What is at stake] 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.

He went on to claim that this right is being taken away, but he is wrong. If the Government wishes to acquire land for a public purpose, the landowner must be compensated. The compensation provisions are found in the Land Acquisition (Just Terms Compensation) Act 1991. We pay tribute to the Hon. Wal Murray for those clear-cut provisions, which the Government does not seek to change. This amendment does not take away a landowner's right to be compensated if the Government wishes to acquire their land.

The honourable member for Gosford knew this perfectly well and he cast his vote in favour of the Land Acquisition (Just Terms Compensation) Bill when the Coalition Government introduced it in 1991. He claims now that the State is under no obligation to review its reservations. That is also untrue. The Minister said in his second reading speech that the State would introduce a new State environmental planning policy [SEPP] for reserved public lands where sites are identified as no longer required for a public purpose. This SEPP would provide landowners with certainty over the land use ability of their property.

The legislation continues to require governments to purchase land required for a public purpose and to compensate landowners. Concurrently, government and councils will update their public reservations and take action to lift reservations that are no longer required. That could be seen to be in the public interest. The legislation does not remove property rights. It retains all the protections of the Land Acquisition (Just Terms Compensation) Act—an Act introduced by the Coalition and supported by Labor. The legislation allows governments to use funds for public open space and compulsory acquisitions in a manner that delivers the maximum benefit to the people of New South Wales. If the State is to look to its duty to expend funds for the most benefit for the public of New South Wales, this legislation is absolutely dedicated to that purpose. I commend the bill to the House.

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

The House divided.

Ayes, 46

Ms Allan	Mr Gaudry	Mr Orkopoulos
Mr Amery	Mr Greene	Mrs Paluzzano
Ms Andrews	Ms Hay	Mrs Perry
Mr Bartlett	Mr Hickey	Ms Saliba
Ms Beamer	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 McLeay	Mr Tripodi
Mr Chaytor	Mr McTaggart	Mr West
Mr Collier	Ms Meagher	Mr Whan
Mr Crittenden	Ms Megarrity	Mr Yeadon
Mr Daley	Mr Morris	
Ms D'Amore	Mr Newell	*Tellers,*
Mr Debus	Ms Nori	Mr Ashton
Ms Gadiel	Mr Oakeshott	Mr Corrigan

Noes, 31

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

Pair

Mr Martin Mr Debnam

Question resolved in the affirmative.

Motion agreed to.

Bill read a second time and passed through remaining stages.

PROTECTION OF THE ENVIRONMENT OPERATIONS AMENDMENT (WASTE REDUCTION) BILL

Second Reading

Debate resumed from 4 April 2006.

Mr ANDREW CONSTANCE (Bega) [11.01 a.m.]: The Opposition will not oppose the Protection of the Environment Operations Amendment (Waste Reduction) Bill. However, I shall talk specifically about that part of the bill's overview that relates to the establishment of new marine parks. I hope that the Minister for the Environment will be here to listen to my comments because, frankly, over the past three months he has caused nothing but absolute confusion, destruction, anger and hurt among communities on the far South Coast. The creation of a 85,000-hectare marine park has caused much concern from Eurobodalla Shire Council, which has come out in opposition to the gazettal of the park; concern among recreational and commercial fishing industries, which now face a restriction on where they can and cannot fish; and concern for caravan park operators, petrol station owners, bait and tackle shops and the co-operatives. The list goes on.

I listened to the Minister for the Environment on the Alan Jones program last Friday. It seemed that he is not in touch with the people of New South Wales and particularly the people on the far South Coast in relation to this issue. The processes surrounding the creation of the marine park have been nothing short of absolutely disgraceful. The announcement was made by the Premier back in November, and for three months the Government did nothing about promoting information about the park. Indeed, we have seen the formation of organisations such as the Coastal Rights Association, which has brought communities together to try to put some sense and reason into the debate.

The 85,000-hectare park will extend from Brush Island down to Wallaga Lake. We all know that the Greens intend to lock up this park with an enormous sanctuary zone—anywhere from 20 per cent to 30 per cent. The socioeconomic effects will be serious if that happens. Last year the State Government released a report by Dominion Consulting on the recreational fishing industry. That report clearly spells out that in townships such as Narooma and Bermagui 250 jobs alone are dependent on recreational fishing. The recreational fishing sector in those two communities generates upwards of $36 million annually.

A month ago the chair of the Marine Parks Authority, Dr Col Gellatly—he is also the head of the Premier's Department—was questioned on local ABC radio about job losses. His response was, "I would not like to speculate." That is terrific! The chair of the Marine Parks Authority cannot tell the far South Coast community how many jobs are likely to be lost as a result of gazettal of the park and in particular the zoning

plan. We are also hearing a duplicitous argument from the Labor Party: The Federal Government has marine protected areas, and the creation of this marine park does nothing but complement that process. I point out to the State Labor Government that the Commonwealth is consulting with industry before devising these marine protected areas.

These parks are being railroaded through. The marine park extends out to the three-mile mark and wholly takes in State waters, and also extends to the high tide mark in and around estuaries and coastal rivers. The impact will be significant, although we do not know what the true impact will be. Who would trust the mob on the Government benches to reveal the true socioeconomic impact of the creation of this park? The matter has been made worse only this week. On Tuesday the Minister responsible for fisheries, the Minister for Natural Resources, was on local radio saying that recreational fishing havens would not have any sanctuary zones. This is news to communities up and down the far South Coast because we were told that an advisory committee process would be put in place to devise the zoning plan for the park. It seems that the Minister has jumped the gun; he has already told the far South Coast communities that Tuross Lake and Mummuga Lake will not have sanctuary zones.

To my mind, that means the State Labor Government already has its plan in place. It already has the zoning plan in place; it knows what is in the zoning plan; and at this stage it is not willing to release the plan to enable the community to digest and look closely at the impact of the zonings. There is a question mark over what will happen to Montague Island and Tollgate Island. I am fighting hard to ensure that the current closure on Montague Island remains in place but is not extended. The State Labor Government must give that commitment because of the iconic nature of Montague Island and its importance to the local economies of Narooma and Bermagui. The Government should come clean about its plans for Montague Island and do so now. If the Government is prepared to make statements about recreational fishing havens it should be prepared to make statements about Montague Island and Tollgate Island.

The processes of the Marine Parks Authority towards the focus groups have been nothing short of disgraceful. They have been a rabble. At focus group meeting after focus group meeting people have walked out more confused than they were when they walked in, simply because they are being told different things by the Marine Parks Authority and the Minister. People are frustrated by what they hear on local radio from Ministers desperately trying to alleviate the political fallout from this. We will see further demonstrations from the community in the months ahead. The Government has been asked, not unreasonably, by local representatives such as Gary Nairn and me to delay gazettal of the park and to undertake the appropriate habitat mapping, socioeconomic studies, community consultation and zoning plans before gazetting the park.

Mr Chris Hartcher: What's the rush?

Mr ANDREW CONSTANCE: The honourable member for Gosford is right: What is the rush? It took four years to develop an appropriate zoning plan for the Jervis Bay Marine Park, which has 21,000 hectares. The Government is looking to prepare the zoning plan inside three months for an 85,000 hectare park off the Batemans marine bio-shelf. In regard to the bio-shelf, the Government indicated there would be only one marine park per bioregion. Why are there now two in the Batemans bioregion? What is the intention of the State Labor Government when the Minister for the Environment, in private meetings and private discussions, is saying that Twofold Marine Park will be the next cab off the rank? The impact of a marine park further south will also be significant on the fish processing industry, and there is a higher dependence on fishing the further south one goes. That brings into question what happens in townships such as Eden.

Council has quite rightly reflected the concerns of the local community. Council met last week and opposed the gazettal of the park. It also highlighted the fact that no socioeconomic study has been undertaken. It is imperative that the Government release for public discussion the socioeconomic data that it has collected on this issue. We need to know that the tackle shops in Narooma, Bermagui and Batemans Bay are going to survive in the longer term because a high percentage of tourism in the area is based on recreational fishing. Whilst the economy thrives during the summer months, it can be quite difficult for businesses in the winter months of June and July. That is when we are dependent on many recreational fishers and others coming to the region to spend a bob in the local caravan parks or in our local retail industry.

The key point is the process. This process has been completely mishandled by the Labor Government from day one. I believe the Minister for the Environment was somewhat deceitful when he said on the Alan Jones radio program last Friday that the Australian Labor Party had made an announcement about this issue during the 2003 election campaign. I have done some searches and I cannot find anyone who can recall such an

announcement. The Minister certainly did not stand on any wharf in Narooma, Bermagui or Batemans Bay to announce this park plan. The community is not going to forgive or forget this deceit.

The Minister responded to a question about socioeconomic studies that I put on notice in this House last April by saying that there would be no announcement of any park until a socioeconomic study had been undertaken. When the Premier made his announcement in November, no socioeconomic study had been undertaken. In fact, at a public meeting held in Narooma the National Parks and Wildlife Service [NPWS] indicated that the socioeconomic studies had not even commenced. So the Minister lied. It was a straight-out lie. He lied again on radio on Friday when he said, "Oh, yes. We do socioeconomic studies, but it is part of the zoning plan process." Why did the Minister say, in answer to a question in this House, that an appropriate socioeconomic study would be undertaken? [*Extension of time agreed to.*]

The community lacks confidence in the Minister. It would seem that the Minister for the Environment has responsibility for carriage of the Batemans Marine Park whilst the Minister for Natural Resources is overseeing affairs up in Port Stephens—and, no doubt the honourable member for Myall Lakes will have some comments to make about that issue in a few moments. What struck me yesterday were the comments on radio by the Minister for Natural Resources that the recreational fishing havens would be left alone. I held a meeting with the Tuross Lakes community on Friday 24 March, during the course of which it was made very clear that they wanted the recreational fishing haven in Tuross Lakes left alone. In fact, it was suggested that the community could seek special zoning in relation to Tuross Lakes.

I find it somewhat bewildering that a Minister would, pre-emptively of any zoning plan process, state that the recreational fishing havens would be left alone when the Marine Park Authority has said openly that all waters, regardless of whether they are recreational fishing havens or not, will be subjected to the zoning plan process. Last Friday another meeting was held in Queanbeyan on the issue of the marine park. The honourable member for Monaro did not have the guts to show up, but, as we all know, the honourable member for Monaro lacks spine and guts in respect of a whole range of issues. The former whiteboard monitor in Roz Kelly's office seems to be ducking and weaving in relation to this issue. I do not know whether he is feeling the heat over the Snowy Hydro issue or what it is, but the whiteboard monitor has gone to ground.

The point is that 130 people turned up to that meeting. No information has been sent to the residents of Queanbeyan, many of whom travel to the far South Coast to fish. The Government has to do better with information. It has to get out there and proactively promote the region and put funding into the region because of the way in which it has mishandled this marine park process. The Government has done a lot of damage by not having its Ministers out there, with the resources of their departments, promoting the parks. I believe that the Government knows this process will result in job losses, the closure of businesses and a downturn in the local economy. I am tired of hearing from the National Parks Association, these greenie grubs who get on local radio every five minutes to tell everyone that there are reports and science and there are going to be ecotourism benefits.

Mr Bryce Gaudry: Fancy you saying "grubs"! Fancy you having the hide to call someone a grub!

Mr ANDREW CONSTANCE: I note that the left wing is defending the greenies again. The point is the Government does not have any information. If it had the information, the Government would be promoting it and trying to dispel the concern of the local community. It is not doing that. Government members sit in this House and say that misinformation is going around. The reality is that there is no information to go around because nobody knows what the impact of the park will be.

Mr John Turner: It is based on secrecy.

Mr ANDREW CONSTANCE: As the honourable member for Myall Lakes says, it is based on secrecy—grubby little meetings held behind closed doors between the Premier's Office and the Greens in relation to preferences for the next State election. That is what this bill is all about; it is all about preference flows at the next State election. The Government has not been proactive so far as communications are concerned and only has itself to blame for the inevitable backlash on the issue. I conducted a community survey of every household in the Eurobodalla shire, 19,500 in all. The questions were basic and related to whether people supported the park: If they did not support the park, why not? If they did support the park, why? The questions were about whether they fished or were involved in tourism. Within the first week I received 2,100 responses—to householder mail! It was not targeted direct mail, it was just householder mail.

I think that is an unprecedented response to an issue. I say to the Government: Do not gazette the park this Friday. Why not hold off gazetting the park? Engage in proper community consultation, undertake the socioeconomic studies and habitat mapping, prepare the zoning plans and then take it to the community. Gazette the park when you have done all this preparatory work. What is unreasonable about that? I do not see what is unreasonable about doing it that way. Pressure is obviously being brought to bear by the Greens. Local conservationists are running around saying that this is all about Greens preferences.

This issue is best summed up by one the local conservationists, a member of the advisory committee, who developed his own plan. He thought he would be smart. He drew some lines on the map. In respect of Durras Lake he drew two zones—a habitat protection zone and a sanctuary zone—and took the map to the recreational fishermen, who pointed out to him that the area in which he proposed to allow people to fish was black bream breeding grounds. So the next day he completely flipped the zones over. That demonstrates the level of expertise that is going into this debate. It is reasonable to expect that appropriate science involving habitat mapping and breeding grounds and a sound environmental approach will be the basis of decisions about such zones.

The Government is rushing the bill through in three months because of the Greens, and that is resulting in some potentially bad environmental outcomes. It has been proven that restrictions increase fishing effort in some areas. The way in which the Government is going about this process has environmental and socioeconomic consequences. I again highlight that it took four years to develop the zoning plan for Jervis Bay, which is a quarter of the size of this park. Why is the process for this park being rushed through within three months? In conclusion I refer to a commitment made by the Minister for the Environment on the Alan Jones program. He said he had a date in his diary to hold a community meeting. Everyone was invited to turn up so that the Minister could hear what the community was saying. I hope he has the guts to hold the meeting; I suspect he will not. People have been contacting his office to come clean about a date so that the meeting can be organised. I hope that the matter can be settled within the next month so that the community can clearly put its views on the issue.

Ms KRISTINA KENEALLY (Heffron) [11.21 a.m.]: I support the Protection of the Environment Operations Amendment (Waste Reduction) Bill. I note that the previous speech was the longest I have heard from someone who is not opposing a bill. Today I want to talk more specifically about the need for waste reduction. The rate at which comparatively wealthy societies are consuming and degrading environmental resources is simply unsustainable. As a society we still have a long way to go if we are to pass on a sustainable lifestyle and a sustainable environment to future generations. To maintain and enhance the quality of life we currently enjoy we need to apply new and more efficient ways of producing goods and services while reducing our call on the natural environment for natural resources and energy, and generate less pollution and harmful waste products.

This bill is a step in the right direction, and a key step in the Government's City and Country Environment Restoration Program. The City and Country Environment Restoration Program is a major initiative that adds to this Government's outstanding environmental achievements. It is aimed at: helping New South Wales to achieve the targets of the New South Wales Waste Strategy by sending a strong economic signal to encourage waste avoidance, resource recovery, reuse and recycling; directing substantial resources to environment restoration over the next five years to tackle our most significant environmental challenges; and enabling local government to be rewarded for the delivery of good environmental management outcomes and high quality waste services in the levy-paying areas of Sydney, the Hunter and the Illawarra.

I now turn to the levy and its use as an economic tool. The City and Country Environment Restoration Program will help drive the necessary changes in New South Wales. It will help us achieve the targets of the New South Wales Waste Strategy by providing increases in the waste levy over five years from 1 July 2006. The targets set goals of increasing recovery and use of materials by 2014. The targets for each sector are: municipal waste 66 per cent, commercial and industrial waste 63 per cent, and construction and demolition waste 76 per cent. The levy increase sends a very clear economic signal to reduce waste generation and encourage greater recovery of resources from wastes. It provides a firm basis on which companies can invest in new waste recovery and recycling technologies. It also provides immediate competitive advantage to businesses that avoid creating waste in the first place.

That is not all: a key feature of the bill is that it provides a mechanism to help local councils and hence the community to achieve high-quality waste service standards. The bill provides for local government performance payments for all councils where the levy is payable, in the Sydney, Hunter and Illawarra areas from

Port Stephens to Shoalhaven. Councils will be rewarded by payments if they meet benchmark performance standards for delivering good environmental performance in waste avoidance and resource recovery. The payments will rebate half the levy increases attributable to household waste. They have been provided to reward and support local communities who have shown themselves to be champions of recycling over many years. We can be confident that the Government's City and Country Environment Restoration Program is the most significant environmental investment program the State has ever seen.

Over the next five years the City and Country Environment Restoration Program will help restore and protect our natural heritage through: $105 million for the New South Wales RiverBank Fund—to buy environmental water to restore our stressed inland rivers and wetlands; $30 million for new marine parks and buying back fishing licences on the Manning Shelf and Bateman Shelf; and $13 million for a High Conservation Value Area Fund to buy Crown leases in areas of high conservation value. We will also help to create a sustainable future for country New South Wales through a $37 million Native Vegetation Assistance Package—grants for sustainable farming, farmer exit assistance and the creation of native vegetation "offset pools". We will also help to revitalise our urban environments through $80 million for urban sustainability programs, and $76 million for Environmental Trust grants, including support for local government waste reduction initiatives, and payments to local councils for achieving waste reduction performance.

Another part of the Government's City and Country Environment Restoration Program is the Urban Sustainability Program, a major environmental initiative on its own. As I just said, over the next five years $80 million in new grants will be provided through the Environmental Trust for urban sustainability programs led by local government in conjunction with community organisations, local business and other government agencies—for example, catchment management authorities. The objectives of the Urban Sustainability Program are: to improve urban water management with particular focus on stormwater and urban runoff capture for reuse, and to achieve sustainable water quality and conservation outcomes; to improve resource conservation through effective waste management, avoidance, reuse, recycling and support for sustainable products and services; to improve and protect urban bushland and creeks, urban wildlife and habitats of rare and endangered flora and fauna; to improve the quality of the local urban environment through integrated approaches that address a combination of sustainability issues including air quality, water quality and conservation, noise, odour, chemical use, biodiversity, and waste management including litter and illegal dumping. In the State seat of Heffron this initiative will be welcomed as much of the area within the electorate is converting from industrial to residential and recreational use.

The program will also improve the sustainability performance of local councils, small businesses, community organisations and householders in urban areas. Grants through the program will be prioritised to assist projects that: effectively develop partnerships between councils, local businesses, community organisations and householders; clearly focus on environmental priorities identified in local state of the environment reports and local sustainability plans; complement other funding programs and council investments, such as when a council uses new Local Government Act powers to generate funding for stormwater projects; and are developed in co-operation with local catchment management authorities and other Government programs. This bill demonstrates the Labor Government's strong record on environmental protection, environmental management and waste reduction. This is a good bill and I am proud to commend it to the House.

Mr JOHN TURNER (Myall Lakes) [11.30 a.m.]: The overview of the bill mentions marine parks, and, predictably, I will concentrate on them. Obviously, the marine park I am talking about is the Port Stephens Great Lakes Marine Park, which extends from Port Stephens in the south to Cape Hawke in my electorate in the north. In fact, mine is the second-last house adjacent to the park. Why the secrecy about the proposal to establish this marine park? When reading the budget papers about three years ago, the Opposition discovered a one-line item about a proposed marine park. I regularly asked questions and wrote to the Minister about it and all I received was evasive answers. Late last year the park was announced out of the blue. Members of the Minister's staff came to see me and told me what would be happening. At the time I said that, if the Minister wanted public support, that was no way to behave. Of course, I have been proved right because my constituents are aghast.

The secrecy has continued throughout every phase of the establishment of the park. As I said, it was announced without consultation. Blind Freddy would know that an announcement about 97,000 hectares being set aside for a park would upset people, particularly when they knew nothing about it. I asked the Minister's staff not to issue surveys in my electorate over Christmas because it is an extremely busy time for tourism and so on. What happened? The closing date for the surveys was 27 January. Of course that upset people. In addition, the survey was appalling; it did not seek much scientific or general information. The Government

conducted this survey when many people could not concentrate on it or complete it within the time frame. This issue generated significant interest in my electorate and the adjoining electorates. Many constituents of the honourable member for Cessnock and the honourable member for Maitland have approached me about this issue, and I have received thousands of petitions because people object to the proposal and the way in which the Government has proceeded.

The Government's secret agenda was perpetuated with the advisory group appointments. We were kept in the dark about how it would happen, then suddenly an advisory group was appointed. We asked about the membership and were told that in the short term that information was confidential. Why? The latest we have heard is that the Minister will not be directed in any form or fashion by the advisory group. With all due respect to its members, the advisory group is of little consequence because the Minister is obviously receiving his instructions from the Greens. They will determine the outcome.

That is reminiscent of 1995, when the honourable member for Granville, Kim Yeadon, was locked in a room with the Greens to sort out the Government's timber policy. He had to come out with a policy that would secure Greens' preferences, and that is what happened. He was appropriately rewarded with a ministry. The same is happening with the Hon. Ian Macdonald. Why is October so important? Why after three years of hiding this project must it be rushed through by October? The answer is simple: It is six months out from an election and the Greens have given the Government an ultimatum: they want these issues signed off by October. It is as clear as the nose on your face.

The secrecy continues with the no-go zones on the zoning maps. We want the Government to tell us which areas will be locked up and what reefs and headlands will be deemed out of bounds for recreational fishermen. Of course, that is where the fish congregate and where the fishermen want to fish. We could not get that information; it is kept secret or hidden away. Suddenly, a map fell off the back of a truck. I did an interview about this issue the other day and, as a result, the Minister has finally admitted that there is a map, but it is not a final map. They have not spoken to anyone in the community about the map; they have simply produced this map. "They" is an unknown quantity. We suggest that the Greens are driving this issue through the National Parks Association of New South Wales, because the Minister will not tell us anything. He has locked up this issue completely, which is typical of the entire process.

If he wants support for this proposal, the Minister should take the people with him. The Minister has already said that he has not released the map. He acknowledged its existence only after I did the interview. As the honourable member for Newcastle no doubt knows, the one that fell off the back of the truck was featured on the front page of the Newcastle *Herald*. Suddenly, out of the blue, a compliance boat has appeared. The honourable member for Port Stephens was filmed proudly sitting in this $80,000 boat that will be used to ferry officers around so that they can issue infringement notices in a marine park for which we do not yet have a map. The honourable member looked idiotic sitting in the back of the boat with a tie on cruising around the waterways. That sends the message that this is all about penalising people who want to use the area. I find it weird that we have the boat and everything else but no maps or any details about the zonings.

We found out by accident that a socioeconomic study has been carried out. Can we see it? In response to a question about it in the upper House, the Minister said that he would have to think about it. The report will tell us which businesses will be affected, how they will be affected, what will happen to the social fabric of the area and so on. However, the Minister is sitting on it; he will not give it to us. Why? The Minister's constant secrecy is shocking. Again I had to go public about this issue and ask for the report. The Minister said he might release it, he thinks, with the draft zonings. We do not know when he will do that, but at least he has verified that the draft zoning map exists. He would not admit that when I did the interview. It is like pulling teeth; we are slowly making ground. People in my electorate want to know what is in the socioeconomic study. The bait and tackle retailers want to know if they are likely to go broke. Seven fishing retail outlets have closed because of the establishment of the marine park in the Coffs Harbour area.

Commercial fishermen want to know about the $10 million that they are supposed to get. Only today I received an answer to questions on notice about that money because we could not get answers from the Minister. The fishermen will be able to claim compensation for twice the average value of the catch for the three best consecutive years from 1986 to 2002—not even 2005-06. I asked the Minister whether the figures would be adjusted to 2006 dollars and I was told that that would not happen. If the fishermen sell, for example, mullet roe, which is worth more than the carcass of the fish, will that be taken into account? No, only the product that goes through the Sydney markets will be considered. The provision is very cleverly worded; it states "up to $10 million".

The map that fell off the back of a truck indicates that Boomerang Beach, Blueys Beach, the headlands in that area and half of Smiths Lake will be closed. If the Minister is looking for a fight, he has one. First, he has taken on everybody at Blueys Beach and Smiths Lake. That is only part of it. If fishermen drop anchor in a no go zone and the anchor hits the sand, the $80,000 compliance boat will zoom in and they will be fined. That is ridiculous. If the Minister wants to regulate the commercial fishing sector, he can do so under section 8 of the Fisheries Act. He has draconian powers under that legislation and they are regularly used to close down fisheries. Indeed, about one-third of the State's fisheries are closed down now.

This park is obviously a panacea to the Greens to secure preferences for the next election. There is no other explanation. The Minister has steadfastly said that he will not tell us anything and that the process will be completed by October. It is clear what is happening. As I said, my electorate is not the only area that will be affected. I note that the honourable member for Port Stephens has tacked his colours to the mast. I have a brother who lives down there and I have a cottage there. The honourable member has made a very foolish political mistake by, on the one hand, opposing the pearl farm and then, on the other, supporting removing recreational fishing from extensive areas of his electorate. He is in trouble. I note that the honourable member for Maitland has come into the Chamber. He probably knows that I have received many petitions from his constituents. Hundreds of unsolicited petitions have arrived at my office, for presentation in Parliament, voicing the anger and angst felt about this proposed national park.

Mr Bryce Gaudry: Have you put them in?

Mr JOHN TURNER: Yes. In fact, they have been lodged every sitting day for a year, and there are more to come. I think the latest petition, which I lodged yesterday, was from the electorate of Cessnock. These people are recreational fishermen who have traditionally fished the areas that will be locked up by the Government. It is not a scare campaign; I can assure honourable members that thousands of people have expressed their concern. As I said, the petitions from Maitland and Cessnock were unsolicited; these people came to me. Indeed, I received a phone call from the office of the Minister for Local Government, the member for Cessnock, requesting a draft of the petition. So it is obvious that there is considerable angst right across the board.

I want some answers from the Minister. When will we see the zonings? When will we see the socioeconomic study? Why is the Government's indecent haste to sign off on this being pursued with such vigour? It is well and truly time for the Minister to come up with the answers. He has been challenged by the community, he has been challenged by me and others, but he simply will not come up with the answers. In some respects the marine park proposal has merit, but the Government's failure to explain what will happen there is a great concern to us. We must simply have those answers, and it is only fair and right that we do.

I know that commercial fishermen have different views on the matter. However, some commercial fishermen want to be bought out under this package, and they need certainty. There are recreational groups and fishermen who want to know where they can fish and what they can do in the future. Businesses associated with the waterways there will be affected. But we cannot get answers out of the Minister. We cannot get a statement as to what will happen. It is time for this secrecy to stop. It is time for the Government to consult with the people, to abandon the project and go back to square one.

Mr ANDREW FRASER (Coffs Harbour) [11.41 a.m.]: I support the comments of my colleague the honourable member for Myall Lakes about marine parks. I speak from experience. In Coffs Harbour we have been through this farcical marine parks process in relation to the Solitary Islands Marine Park. My colleague and good friend the honourable member for Myall Lakes would well recall that when we debated the legislation on the Solitary Islands Marine Park, and the enabling legislation to establish the Marine Parks Authority, the then Minister for Fisheries, Bob Martin, allowed us to amend the legislation because at the time the intention of the legislation was that the National Parks and Wildlife Service should take over the marine environment. Indeed, after the debate the Minister personally invited us to go to his office, where he thanked us for intervening in the legislation because Cabinet was so green at the time that it wanted fisheries out of the debate altogether. That problem is now coming back to haunt us again.

The honourable member for Myall Lakes said that seven bait and tackle shops in Coffs Harbour have closed. It is not only bait and tackle shops that have closed. Marine charter businesses that take people out on whale watching and fishing expeditions are now basically excluded from the Solitary Islands Marine Park. The Marine Parks Authority and the National Parks and Wildlife Service, who oversee marine parks, will claim that those businesses are not excluded from the marine park. But I can assure honourable members that when people

get licences to undertake any activity within the marine park, their lot is made so difficult that eventually they walk away from it in despair.

A number of charter vessels operators have left the Coffs Harbour port and gone elsewhere because they have found it impossible to function there. Commercial fishers have gone out of business because of the restrictions that have been placed on the marine park in Coffs Harbour. Whilst I am the first to admit that the marine environment in Coffs Harbour is pristine and attracts tourists, especially divers on the coral reef, those divers and others were attracted there previously when it was a marine reserve. This legislation was introduced only to score brownie points—or, should I say, greenie points—for the Government. The North Coast and the South Coast are fast-developing areas. The problem that the marine parks legislation brings into play is that the Marine Parks Authority, as the planning authority, can veto any proposed development within the area covered by a marine park, where the waterways may run into that marine park.

Mr Bryce Gaudry: Have you been to the Great Barrier Reef lately?

Mr ANDREW FRASER: Yes, I have been to the Great Barrier Reef lately. Once again, it was managed well until, as the honourable member for Myall Lakes rightly said, a group of people were given expensive boats to troll around in, and there have been few positive results from that. In fact, the person who designed the Solitary Islands Marine Reserve and the marine park in Western Australia publicly stated that he believed the reserve system was far better and far more manageable than a marine park system. That fellow has now basically been sacked. He designed the marine park and the marine reserve and put in the conservation regulations for the marine park, but at the end of the day, even though he said it was working well, the fish stocks were coming back and so on, they got rid of him because he did not support a marine park system.

Meetings at Coffs Harbour were attended by more than 500 people. I am going back a number of years now. The people who attended those meetings said exactly what the honourable member for Bega and the honourable member for Myall Lakes have said today: there was no public consultation. I well remember one meeting at Woolgoolga. The then Minister for the Environment, the Hon. Pam Allan, was outside the meeting but would not come in. She had five stooges at the meeting, which was attended by well over 500 people. Motions were put. Only five people objected to the motions, which related to more public consultation, a true and open process, and financial studies being done to see how the proposal would affect the region. Those five people were then appointed to the Marine Advisory Committee on behalf of the community. However, they were not representative of the community. People are still concerned about that. I well remember that two Labor voters who came from the Clarence area were fishing at Arrawarra.

Mr Bryce Gaudry: A beautiful spot.

Mr ANDREW FRASER: It is an absolutely beautiful spot. From memory, they were fined $600 for fishing in a sanctuary zone within a marine park. There were no signs there, because no money was being made available for marine park managers to put up signs. Eventually, after personal intervention on my part—Harry Woods would not even meet with them—the Minister agreed that the fines should be dropped. The Minister knew the fines would have got rolled in court because no-one knew about the prohibition.

Regulations were then introduced, and the zonings were changed. Recently they went out for public consultation. I attended a meeting at the Moonee hall, which is probably about the size of this Chamber. The meeting was attended by 300 or 400 people. They were outside the hall; they were everywhere. The meeting was told that the Government proposed to incorporate the Moonee reserve area and the Moonee Creek, up to the high water mark, as a sanctuary zone. The area is well utilised, and it has been monitored and well managed by Coffs Harbour City Council and by the management trust, the Moonee Reserve Trust. The Government was adamant that it would go ahead and make the area, as well as the beach running from Moonee through to Sandy Beach headland, a sanctuary zone. Sandy Beach is an area where people take their dogs on leashes and exercise them. They clean up after their dogs. It is pristine area. It has a nature reserve on one side and a marine park on the other.

The Government told us that it would not budge on its proposal. So the people at the meeting were left feeling dejected. However, about three or four weeks later, perhaps even longer, when the rezonings came in, the Government gave us what we wanted. Without any public consultation whatsoever, the Government has declared half the Sandy Beach headland a sanctuary zone. No studies were done, and no public consultation took place. The people were not told that that would happen, yet the area is now a sanctuary zone. There are also no signs in the area. No true public consultation is undertaken in relation to these issues. There may appear to be

a dichotomy, because I said the Government did not establish a sanctuary zone at Moonee. The issue became so hot politically for the Government that it was not game to do it.

To make up for that, and probably to appease the National Parks Association and others, the Government incorporated the area as a sanctuary zone, even though that had not been mentioned or put up for public discussion. That is an example of the duplicity with which the National Parks and Wildlife Service and the National Parks Association act. It is all about the precautionary principle. As the Government tells people in its documentation, 90 per cent of the area of these marine parks is open for everyone to utilise. People can fish in them; they can do whatever they like. But what the Government fails to tell the general public in its documentation is that it is a sandy bottom. Fish are not caught in reefs. They are not the areas that anglers and others, either commercial or recreational fishermen, want to fish.

Mr Andrew Constance: They just want to catch flathead.

Mr ANDREW FRASER: You rarely see flathead in these areas.

Mr Andrew Constance: I don't know about that. Look at the other side.

Mr ANDREW FRASER: I am talking about fish, not political flathead.

Mr Bryce Gaudry: What about the boneheads?

Mr ANDREW FRASER: Exactly. There are a few over there too. The Parliamentary Secretary can say it privately, although I know he is under privilege. But the true situation is it was never put to the people in regional and rural New South Wales. I note that the honourable member for Heffron spoke on this bill. I wonder what the attitude of some members would be would be if some of these Sydney electorates, such as Maroubra—

Mr Michael Daley: We will have a marine park any day at Maroubra.

Mr ANDREW FRASER: Thank you very much. Maroubra wants a marine park. I am pleased the honourable member for Maroubra has said that.

Mr Michael Daley: To keep all you blokes out of there.

Mr ANDREW FRASER: The honourable member for Maroubra wants to keep everybody, including the kids, out of the beaches at Maroubra.

Mr Michael Daley: No, just people like you.

Mr ANDREW FRASER: It is very good of the honourable member for Maroubra to say that. These Sydney-based members, who never venture to the North Coast and see the potential, the industry and the money that is generated in these particular coastal areas, support the bill. The irony is that the Government has stopped fishing in Sydney Harbour because of pollution. Why is the Government not spending the $80 million in the environmental trust to sort out Sydney Harbour, to clean the dioxins out?

Ms Angela D'Amore: It is spending $155 million.

Mr ANDREW FRASER: $155 million. It would be interesting if the Government turned Maroubra and Sydney Harbour into a marine park and applied the same restrictions to those areas as it applies to country areas. For a long, long while I have said that the Government finds a problem in Sydney and fixes it in the bush. If the harbour in Sydney is polluted by dioxins and the Government wants to fix it, it locks up the north and south coasts as marine parks. It is a feel-good decision. The Government says, "We feel better", and the Greens say to the Government, "That is marvellous, we will give you the preferences." That is what this is all about: preferential deals with the Greens. It is not about true protection of the environment; it is not about protecting the marine parks for posterity. All it does is create jobs for a certain group of people. They are not real jobs: people just float around in boats.

I want to see the studies. I challenge honourable members to go and look at the Solitary Islands Marine Park and have a look at the studies that have been undertaken. They were all done back in the eighties and nineties. Nothing current has been published. Any study that is current is speculative. Those studies do not talk

about the marine park as a marine reserve that recovered; a marine reserve that was implemented by a Coalition government with restrictions that could be picked up. The Government likes to make feel-good decisions about regional New South Wales without due care and diligence to the economies and lifestyles of the people living in those regions.

I smiled when I heard the honourable member for Heffron talk about how this bill is marvellous because there will be farmer exit assistance of $37 million on native vegetation. These areas that are being preserved or reserved are good enough to preserve or reserve under a farming management scheme, as has been done in the past. Yet the Government will use $37 million of taxpayers' money of to buy out a productive farmer, in the same way as it will use $10 million to buy commercial fishermen out of this area. Where do all the fish go from the north and south coasts? They come onto the Sydney market. In fact, fish in the Parliamentary Dining Room have not been caught around this area, they have been caught on the North Coast or the South Coast. Yet the restrictions the Government is proposing will affect the hip pockets of its Sydney constituents and those who go to the North Coast for holidays.

The honourable member for Myall Lakes spoke about petitions. We had thousands and thousands of signatures on petitions and we received something like 4,000 written submissions prior to the zonings in Coffs Harbour, which were ignored by the people who formulated the zonings. Yet the Greens, who only had hundreds of pro forma letters, were given their way. It is fairly obvious, and it is on the public record, that the populace was ignored. As a result of the inaction of the Government in relation to what the people want, those out in the electorates will suffer. As the honourable member for Myall Lakes will remember, we had a meeting in Grafton. [*Extension of time agreed to.*]

Those people were not directly affected; they were not living within the boundaries of a marine reserve, but they utilised the areas. As the honourable member for Myall Lakes will well remember, when we went to the meeting in Grafton it was the blue-singlet, Labor-voting people who came out and said, "We will not back Labor". If the Government thinks that did not have an effect, where is Harry Woods these days? He is not here. The marine park was a major catalyst in getting rid of Harry Woods. I had to smile because the Government then said to the people at Sandon River, "We are going to take the commercial fishers out of the Sandon River area and we are going to hand it over to the anglers". Everyone thought, Gee, that is not a bad idea, we will give it to the recreational anglers. That was until I pointed out to them that the zonings in Sandon River would be sanctuary zones.

I happened to be in Grafton, I heard about the meeting and went along to it. Lies were told at that public meeting. Harry Woods was nowhere to be seen, and people found out that although they were told that the Government was getting rid of commercial fishing, in fact it was getting rid of all fishing out of the beautiful, pristine Sandon River area. The area is pristine because it has been well managed, well preserved and well looked after by the people who currently use it. To have proper management these areas do not need to be locked up as marine parks. The Government does not need to throw farmers off their land and hand over $37 million worth of compensation to get proper land management. The Government does not need to pour in all this money just to buy Greens preferences. Proper management, done the right way, in a co-operative manner—

Mr Michael Daley: We don't need them.

Mr ANDREW FRASER: You do not need management? Unbelievable.

Mr Michael Daley: No, we don't need Greens preferences.

Mr ANDREW FRASER: This is the man who wants to lock up his own area in a marine park! We will enlighten all his constituents on that one and see how long he lasts. It is bizarre. I repeat to him what the former member for Bathurst once said to me: "You haven't been in here the length of a cigarette." Yet the honourable member for Maroubra is making decisions that will affect not only the people on the North Coast and the South Coast, but also people in his electorate who would normally take the opportunity to go to those areas to have a decent holiday and do a bit of fishing. Those people will not thank him for this.

We urge the Government to back off. It should undertake the proper scientific and socioeconomic studies and make decisions that are based on proper science and economics. It should not make decisions because of heart-on-the sleeve Greens preferences Such actions are ruining farming and fishing. They are ruining primary industry; they are ruining New South Wales. I should mention in this debate as a throwaway

line the fact that the Government locked up the Brigalow, but something like 1,000 hectares of land at Leard near Gunnedah is currently being clear-felled so a mine can go in. We have not heard a peep out of the Government about that, but if a farmer cuts down one tree he will cop a $60,000 fine. The way that the Government plays the environment game is absolutely bizarre.

Last week I spoke in the House about a fellow at Coramba who has had pollution on his property since 2002. The environmental trust funds in this State have been unable to fix it for him. He now has a property that is not worth a cracker. He cannot sell it, it is not being remediated and that pollution is running into the Orara River, which feeds into the water supply for the Clarence and Coffs Harbour. Yet the Government is telling us it is doing the right thing environmentally. I say to members of the Government: Get off your backsides and fix that problem.

I urge members opposite to read the debate in this House a number of years ago on the marine parks legislation, look at what we managed to save, and then consider whether the marine park was the best option for Solitary Islands. It was not. Economically it has hurt New South Wales and environmentally it has not improved the area one iota. I suggest the Government listens to what we are saying, undertakes the necessary studies before any declaration is made and makes sure that decisions are made in the interests of the local people and the environment and not because of Green preferences and the political future of the Labor Party.

Mr BRYCE GAUDRY (Newcastle—Parliamentary Secretary) [11.59 a.m.], in reply: I thank honourable members for their contributions to the debate, particularly those who actually read the bill and covered the range of areas that will be greatly advantaged by the passage of this bill. The honourable member for Coffs Harbour, the honourable member for Myall Lakes and the honourable member for Bega focused more on a grubby scaremongering campaign than on dealing with the relevant issues. They failed to address the Government's City and Country Environment Restoration Program, which provides a more practical way to deal with recycling and waste minimisation.

The honourable member for The Hills, who led for the Opposition, questioned the Government's success in reducing waste. It is important that I place some facts on the record. The New South Wales Government is committed to a 66 per cent reduction in municipal waste by 2014 and we are already well on the way to achieving this target. In 1994, the last year of the Coalition Government, every Sydney resident generated 430 kilograms of waste but only 60 kilograms was being recycled. After the Government's waste reforms, which have been put into effect over the terms of the Carr and Iemma governments, waste has fallen by 28 per cent to 310 kilograms per person and recycling has increased by 65 per cent to 102 kilograms per person. The Government has already made a commitment towards waste minimisation and recycling, with waste generation decreasing and recycling increasing.

The honourable member for The Hills referred to the impact of the proposed waste and environmental levy on households. The levy will increase by $6 annually, plus consumer price increases, over a five-year period beginning 1 July 2006. However, the impact on households will be modest. In the first year the average household will pay only an extra 4¢ a week. This will rise to less than 20¢ a week by 2011. The honourable member for The Hills referred to an article in the Newcastle *Herald*. Contrary to the claims made in the article, every cent of the levy increase will be ploughed back into environment programs under the Government's City and Country Environment Restoration Program. That is $439 million for environmental programs, including RiverBank, two new marine parks and support for councils for environmental projects through the $80 million Urban Sustainability Fund.

The honourable member for Bega, the honourable member for Myall Lakes and the honourable member for Coffs Harbour made adverse comments about marine parks. Only in New South Wales do we find an Opposition that revels in predicting economic mayhem for coastal communities whenever a marine park is declared. Last year I represented the Government at the annual New South Wales Coastal Conference at Narooma, which looks at environmental and development issues along the coast, including the assay of marine resources and the impact of recreational use.

A few weeks ago, on behalf of the Minister for Planning, I travelled to Woolgoolga, near Coffs Harbour. From listening to the diatribe from members opposite one would have expected these areas to be recreational deserts as a result of the profound impact of being made a marine park. To the contrary, tourism, recreational use and the viability of the area were obvious. The honourable member for Coffs Harbour made negative comments with respect to the Solitary Islands Marine Park. Rather than predictions of economic devastation, Opposition members should talk up the benefits of marine parks. When the Government expanded

the pre-existing marine reserves to create Solitary Islands Marine Park in 1998 the honourable member for Coffs Harbour made some exaggerated predictions. He said it would be the end of fishing, hundreds of jobs would be lost, and the price of fish would skyrocket. All those predictions have failed to come to pass.

In fact, the Marine Parks Authority commissioned an independent study to investigate the economic contribution of the Solitary Islands Marine Park to the regional economy. The study indicated that the park contributes around $6 million every year to the Coffs Harbour regional economy. The expenditure by the authority alone has created six new jobs and an estimated $738,000 worth of gross product, along with an additional income of $413,000 and indirectly a further 18 extra jobs. The study suggested that other values could exceed $10 million per annum. But there are many other benefits besides the economic and tourism benefits; there are also direct benefits for fishers.

Preliminary monitoring in the Solitary Islands Marine Park shows that fish numbers have increased since the new zoning plan was adopted in 2002. That is good news for recreational fishers, who continue to have full access to nearly 90 per cent of the marine park. Although the scientific research is ongoing, this early monitoring shows that snapper numbers are on the increase throughout the Solitary Islands Marine Park, particularly in sanctuary zones, where their numbers have increased sixfold. Numbers of other fish species in the park, such as bream and red morwong, also have increased in the larger sanctuary zones. This is consistent with results in the Jervis Bay Marine Park, only four years after commencement. The zoning plan placed 20 per cent of the park in sanctuary zones. The Nationals on the South Coast and the mid North Coast have been suggesting that they intend to unwind marine parks; that is, they are looking to scrap them. I am sure the honourable member for Gosford supports marine parks, particularly given their tourism and recreational importance to the economy of this State.

The bill enables the establishment of a local government waste reduction scheme from recycling, resource recovery, and other reduction of waste, including payment to councils that achieve waste reduction goals set by the Environment Protection Authority. At its heart the bill is a simple mechanism to amend the Act to enable regulations to be made to deliver a scheme for recycling, resource recovery, and other reduction of waste by councils and payments to councils that meet the standards of the scheme. The bill has two main elements. First, it sends a strong economic signal to encourage waste avoidance and resource recovery, reuse and recycling. Second, it provides a major funding boost for environmental restoration over the next five years to tackle our most significant environmental challenges. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

COURTS LEGISLATION AMENDMENT BILL

Second Reading

Debate resumed from 28 March 2006.

Mr CHRIS HARTCHER (Gosford) [12.09 p.m.]: I lead for the Opposition in this debate. The Courts Legislation Amendment Bill makes miscellaneous amendments to various statutes: the Civil Procedure Act, the Criminal Procedure Act, the Crown Prosecutors Act, the District Court Act, the Judges' Pensions Act, the Land and Environment Court Act, the Local Courts Act and the Public Trustee Act. Accordingly, it is not possible to address the bill in the sense of having a central theme. The bill simply amends various Acts for different reasons in each case. A number of points need to be made about the bill. The first relates to the amendment to the Civil Procedure Act 2005. Item [3] of schedule 1 inserts proposed part 3 in schedule 6 to the Act to provide that proceedings taken to have been dismissed under clause 18 of the Civil Procedure Regulation 2005 before the repeal of that clause by the Civil Procedure Amendment (Savings and Transitional) Regulation 2005 are taken to have never been dismissed.

That simply means that the Government messed up. The amendment is an admission by the Government that the Attorney General's Department messed up, and messed up badly. In promulgating the Civil Procedure Regulation 2005, the Attorney General's Department failed to take into account transitional arrangements to preserve existing rights that are normally necessary when new regulations are made. The department, in its haste and as a result of indifference and incompetence, ruled out hundreds of actions that should have been allowed to continue. This bill is retrospective legislation; it retrospectively restores those actions and says they "are taken to have never been dismissed". What an admission of incompetence!

Here we have a government with 340,000 public servants, and rising daily, and with consultants doing jobs all over the place at enormous expense involving literally hundreds of millions of dollars, and it cannot get right a well-known and well-established procedure that when a regulation is amended the existing rights of people involved in litigation before the courts are preserved. We are accustomed to hearing honeyed words from the honourable member for Miranda, who is known as concrete Barry or the old concrete king in his electorate. With his usual honeyed words in his prepared speech, in his bid to be the successor to Minister Debus, he will gloss over the fact that there has been nothing but incompetence in the Attorney General's Department. We cannot wait to hear his honeyed words.

Let us acknowledge that the Attorney General's Department made a mistake. I do not know which person in the department was responsible, but at the end of the day the Attorney General must accept responsibility for his department. He must accept responsibility that his department could not get right a simple change to a regulation on a simple matter that has been well established in the legal system for 200 to 300 years, that is, the preservation of existing rights. The amendment to the Judges' Pension Act 1953 provides that judges' pensions are to be paid fortnightly instead of monthly. Why? Who asked for that amendment? That was never made clear. The salaries of judges are paid monthly. Why is it necessary to change pensions to fortnightly?

The Government, which operates on the principle of fear, simply introduces legislation, promulgates it, and therefore it is law. But why? What is the explanation? Who knows! These amendments are not insignificant because they are changing established practices and well-established procedures. If there is a reason for the changes, we should be told, but no reasons have been given. The Government simply made the statement that judges pensions will be paid fortnightly instead of monthly.

The amendment to the Local Courts Act is significant as it changes the age restriction for magistrates from 72 years to 75 years. The Government, for whatever reason, is increasing the pool of available retired magistrates, but it is also changing the age tenure basis under which magistrates operate. Magistrates can retire at the statutory age and then come back as part-time magistrates; now they will be able to be part-time magistrates until the age of 75 years. The age limit for magistrates used to be 70 years; then it was raised to 72 years and this amendment will raise it to 75 years.

Why? What is going on? Why is the Government changing the traditional formula under which people who preside over the courts are taken to have reached an appropriate retirement age? Once it was 70, then it was 72 and now it is creeping up to 75. These changes are substantial, yet there is little explanation for them. Another little amendment snuck in by the Government relates to a matter of enormous interest to many people: the amendment to the Criminal Procedure Act 1986 relating to costs in summary criminal proceedings in superior courts. The explanatory note states:

> Proposed section 257D provides that professional costs are not to be awarded in favour of an accused person unless the court is satisfied as to the existence of certain circumstances, for example, the investigation into the alleged offence having been conducted in an unreasonable or improper manner. The proposed section does not apply to the awarding of costs against a prosecutor acting in a private capacity.
>
> The proposed section also provides that it does not apply in relation to occupational health and safety proceedings.

Why will proposed section 257D not apply to occupational health and safety proceedings? Because occupational health and safety prosecutions can be brought by the unions! The amendment means that the power to award costs cannot and will not apply in actions instituted by trade unions. Once again, hidden away in the fine print is the usual sweetheart deal done with Unions New South Wales. There is always something in the fine print for the unions, for the bosses in Sussex Street, and for the people who have 50 per cent of the votes at Labor Party annual conferences.

Who has the power to bring proceedings relating to occupational health and safety? The unions! Who is protected from having costs awarded against them by this clause? The unions! However, that was not highlighted when the legislation was introduced. The Minister skipped over that because it is not important, it is a minor matter! Indeed, it is a minor matter that once again the trade union movement has received a special deal from the Government.

The Government exists to give special deals to the unions, to appoint them to offices, to look after them at every possible level, and to ensure that legislation reflects their views because they have votes in preselections and at annual conferences. Indeed, as much as the honourable member for Liverpool may dislike it, unions overwhelmingly support the right wing. The honourable member for Miranda converted to the left. He saw his Damascus light on the F6. He was not riding along a narrow old road; he was riding on the big F6 when he saw his Damascus light and converted to the left wing of the Australian Labor Party simply for his personal preselection purposes.

Mr Paul Lynch: Point of order: I concede that this miscellaneous bill covers an extraordinary number of Acts, but none of them is in any way, shape or form relevant to the ideological obsessions of the honourable member for Gosford. Perhaps just for once in his life he could address the bill before the House, rather than his own preconceptions.

Mr DEPUTY-SPEAKER: Order! The honourable member for Gosford will address the bill.

Mr CHRIS HARTCHER: I am not canvassing your ruling, but the bill states that the proposed section provides that it does not apply in relation to occupational health and safety proceedings, and the only institution capable of bringing private prosecutions relating to occupational health and safety are the trade unions. So the points I am making are relevant. The honourable member for Liverpool may not wish to hear my points, and the honourable member for Miranda can respond in the debate. The Act contains a special provision, and that is what I am talking about now. The honourable member for Liverpool may not like it—he does not; he never does—but at the end of the day he has to wear it because it is there in the bill. If honourable members are interested, I am specifically referring to proposed section 257D of the bill. Mr Deputy-Speaker, I understand you to be saying, which is fair enough, that I have made my point and I should now be move on.

Mr DEPUTY-SPEAKER: Yes.

Mr CHRIS HARTCHER: I have made my point and they are squirming. The honourable member for Liverpool is squirming. Look at them all, look at all the Lefties here—the honourable member for Newcastle, the honourable member for Miranda and the honourable member for Liverpool. Of the present gathering, only the honourable member for Parramatta holds the right-wing ideology. If I can move on without interruption from the honourable member for Liverpool, I will move on to schedule 8 to the bill, which amends the Local Courts Act 1982. I am referring specifically to items [1] and [2] of schedule 8. I take it that the Parliamentary Secretary will reply on the issue of what is happening to the magistrates' retirement age. Where are we going with the retirement age? What is the pool of retired magistrates that the bill seeks to increase? Why is this necessary? Are there problems getting retired magistrates? Are their problems with having magistrates conduct hearings? None of these matters has been addressed.

The law is being changed in a significant way, but the reasons for the change have not been addressed and we are left to wonder why. As is normal in these matters, the Coalition reserves its position to consider the matter further. As usual, the bill is just lumped down before us, so we reserve our rights with regard to moving amendments in the Legislative Council. At present the Coalition does not oppose the bill, but we make the very relevant point that hidden in proposed section 257D is the usual sweetheart deal with Unions New South Wales.

Mr BARRY COLLIER (Miranda) [12.22 p.m.]: It is obvious that an election is coming up for the honourable member for Gosford/Terrigal. He is a true Terrigal! But even the Terrigals would reject the honourable member. I am pleased to speak to the Courts Legislation Amendment Bill, which makes miscellaneous amendments to courts-related legislation and is part of the Attorney General's regular legislative review and monitoring program aimed at improving the efficiency and operation of our court system. The bill amends a number of Acts. First, it amends the Civil Procedure Act 2005 to provide that clause 18 of the Civil Procedure Regulation 2005—the power to dismiss actions that have not progressed for 12 months—is to be taken as never having been made and that any proceeding that was dismissed under the clause may be continued. This clause has operated more widely than anticipated, and there are other more effective powers that allow the courts to better manage these cases.

The honourable member for Gosford/Terrigal should be aware that this provision has the support of the Law Society and the Bar Association. Contrary to his statements, I note that the Legislative Review Committee of the New South Wales Parliament takes the view that this clause, unlike what the honourable member for Gosford/Terrigal said, does not unduly trespass on personal rights and liberties. The bill amends the Criminal Procedure Act 1986 in a number of ways and I would like to highlight some of them. First, it provides that costs orders may only be made against prosecutors in certain summary criminal proceedings in the Supreme Court and other higher courts where proceedings were brought or conducted in an improper manner. This is consistent with the position in relation to the bulk of summary criminal matters, which of course are heard in the Local Court.

The amendments also provide that the Supreme Court and other higher courts may make costs orders against a party in summary criminal proceedings, on an adjournment, in relation to unreasonable conduct or delays. It also provides for a change of date for the lodgement of written pleas from five to seven working days

prior to the first date on which a person is required to attend court. Last, the bill amends the Criminal Procedure Act 1986 to prevent costs being awarded to prosecutors for penalty notices where a person elects to have a matter dealt with by a court and has lodged a written plea of guilty.

One may ask: Why does the bill prevent costs from being awarded to the prosecution where a defendant has received a penalty notice, elected to go to court and lodged a written plea of guilty? Under the Criminal Procedure Act a court has the power to award costs to the prosecution at the end of summary proceedings. While the court retains its discretion not to award costs, the general rule, particularly in civil matters and matters involving authorities such as the Roads and Traffic Authority, Waterways and local government, is that costs follow the event.

In 1998 the Government introduced reforms to enable defendants in summary proceedings to inform the court of their plea in writing. A key objective of the amendments was to streamline procedures by reducing time-consuming, costly and unnecessary court appearances. The State Government is aware of a number of cases where people who received a penalty notice and lodged a written plea of guilty had costs awarded against them in their absence.

The imposition of costs in such circumstances is likely to undermine the effectiveness of the objective of the 1998 reforms. People who receive penalty notices and elect to go to court should not be deterred from entering a written plea of guilty because of the prospect of costs being awarded against them. The proposed amendment is consistent with the Government's policy of encouraging defendants to enter an early plea of guilty, thus saving the courts, the parties and the community time and money. In relation to proposed section 257D, which will impose a limit on the award of professional costs against a prosecutor acting in a public capacity, and the unfortunate comments of the honourable member for Gosford, who hopes to become the member for Terrigal, it is important to note that prosecutions for offences under the Occupational Health and Safety Act 2000 are mainly undertaken by WorkCover.

WorkCover outsources its prosecution work for many of the penalty notices it issues. Therefore WorkCover automatically incurs costs when an accused elects to have a penalty notice dealt with by a court. The matters in respect of which WorkCover issues penalty notices are often complex, requiring the collection of a considerable amount of evidence and sometimes expert opinion. As a consequence, considerable time and money is expended in preparing the case for court. Therefore WorkCover wants to encourage people to not simply plead guilty but to plead guilty at an early stage.

One aspect of the bill to which I would draw attention is the provisions that specifically enable Crown prosecutors and public defenders to perform their duties on a part-time basis. I know that the honourable member for Mount Druitt, who no doubt is listening to this debate, will be particularly interested in these provisions. The existing provisions of the Public Defenders Act and the Director of Public Prosecutions Act are arguably wide enough to enable public defenders and Crown prosecutors to perform their duties on a part-time basis. However, the bill removes any ambiguity from the two Acts by inserting provisions that specifically provide for Crown prosecutors and public defenders to work on a part-time basis by arrangement with the Director of Public Prosecutions and Senior Public Defender respectively.

These amendments are important, family friendly initiatives. We live in a time when work places increasing demands on our time. As work practices intensify it becomes increasingly difficult for all working people to strike a healthy family-work-life balance. I envisage these provisions being used to employ Crown prosecutors and public defenders on a part-time basis for short trials of two, three, four, or perhaps five days, and particularly for country circuit court work, which often involves a defined sitting period of, say, two weeks.

The option of working part-time provides criminal lawyers serving the public on both sides of the divide, whether prosecution or defence, with the flexibility they need at different points in their working life to balance their work with their family commitments. Part-time work enables them to meet carer responsibilities such as looking after children or a sick friend or relative. It also enables them to further pursue their career in law, to keep up to date and to continue to hone their skills—professional development—all of which are important in representing the community as a Crown prosecutor or representing clients as a public defender. As well as offering benefits to employees, part-time work arrangements provide the DPP and the Public Defenders Office with flexibility in ensuring that the human resources they have access to meet the very heavy demands of the office. I have no hesitation in commending the bill to the House.

Mr PAUL LYNCH (Liverpool) [12.31 p.m.]: I support the Courts Legislation Amendment Bill. As a preliminary comment I should briefly mention the histrionics of the honourable member for Gosford. It takes a

particular degree of ingenuity and inventiveness to turn a debate on the Courts Legislation Amendment Bill into an example of his obsessive campaign against trade unions. It really was an impressive performance to have something so irrelevant placed on the *Hansard* record as a contribution to the debate on this bill. His campaign against the unions is a reflection of his unutterable contempt for working people and for their organisations. Frankly, it is a contribution that this House could well have done without. Apart from its being a reflection of his obsessive campaign, it was also almost completely wrong for the reasons outlined very cogently by the honourable member for Miranda.

This bill results from the regular review and monitoring program of the Attorney General. It includes, as is usual with such bills, a number of various and miscellaneous provisions relating to a variety of jurisdictions. The bill amends the Public Defenders Act to allow for part-time public defenders. Likewise, the Crown Prosecutors Act is amended to allow for part-time Crown prosecutors. As the honourable member for Miranda indicated, perhaps that is possible at the moment but the amendment will clarify the position. Granted that magistrates can certainly be part-time and there are acting judges, this seems a logical step. Of course, many other professions function quite properly on a part-time basis. Greater flexibility in these arrangements will presumably increase the number of people who can be Crown prosectors or public defenders. That is all to the good.

The amendment to the District Court Act confers a right of appeal to the Supreme Court against a judgment or order of the judicial registrar of the District Court. There is currently a right of appeal from the judicial registrar to the District Court except on interlocutory matters. That provision is now removed and replaced with a provision for an appeal to Supreme Court. Such appeal can include an appeal on interlocutory matters, although only by leave. The advantage of that is that it makes the appeal process from judicial registrars consistent with the appeal process from District Court judges. The only reservation one might have is that at first blush one suspects that it would be a more expensive process going to the Supreme Court than to the District Court.

A number of provisions relate to costs in criminal cases. Proposed section 215 (lA) is inserted in the Criminal Procedure Act to provide that a court may not order an accused person to pay professional costs in summary criminal proceedings in a lower court if it involves a penalty notice and the accused lodged a written plea of guilty no later than seven days before the first date the person is required to attend court. The public policy reasons are obvious: we do not want to discourage people from pleading guilty if that is an appropriate course for them by imposing extra costs. Another amendment increases from five to seven days the time before which an accused person served with a court attendance notice can avoid attending court with a written plea of guilty. Another amendment provides for the Supreme Court, the Land and Environment Court and the Industrial Relations Commission to make orders in summary criminal proceedings for costs against the prosecutor for adjournments in relation to delays or unreasonable conduct. This is said to be on the same basis as applies in the Local Court.

Proposed section 257D provides that in these superior courts costs not be awarded against a prosecutor acting in a public capacity except in specific circumstances, including: that the investigation was conducted in an unreasonable or improper manner; the proceedings were instituted without reasonable cause or in bad faith or were conducted in an improper manner; the prosector unreasonably failed to investigate exculpatory matter; or there are other exceptional circumstances relating to the conduct of the proceedings by the prosecutor that would make it fair and reasonable to have costs awarded against the prosecutor. So there is a capacity to award costs against a prosecutor but only in what could be described as fairly limited circumstances. There is also a provision to indemnify public officers, including police, from such costs orders. This new part also gives the court discretion to order that one party pay costs if a matter is adjourned if additional costs have arisen because of unreasonable conduct or delays.

A further amendment in this omnibus bill is to amend the Civil Procedure Act 2005 by repealing clause 18 and by legislating to say that clause 18 is to be taken as never having been made. Clause 18 provided that civil proceedings in the Local Court and District Court were taken to have been dismissed if there was no progress after 12 months. It is reported that the clause has been more widely operated or interpreted than originally intended. Thus it is perhaps appropriate to go down this path. Uniform civil procedure rule 12.9 can be used to dismiss proceedings where there has been no progress, so there is another way of solving the evil that clause 18 was intended to deal with. The result of this change means that any proceedings dismissed under clause 18 may be continued accordingly. I commend the bill to the House.

Mr BRYCE GAUDRY (Newcastle—Parliamentary Secretary) [12.36 p.m.], in reply: I thank the honourable member for Gosford, the honourable member for Miranda and the honourable member for Liverpool

for their contributions to the debate. I must pick up the point made by my colleague the honourable member for Liverpool. The honourable member for Gosford continues his obsession to seek out any mechanism by which he can attack the trade union movement, and he does so with tedious repetition as we saw today.

The amendments contained in the Courts Legislation Amendment Bill are aimed at improving the efficiency and operation of courts in New South Wales. Parties to summary criminal proceedings before any court will be deterred from unreasonably delaying proceedings because doing so may result in costs being awarded against them. People who receive penalty notices and elect to go to court will not be deterred from entering a written plea of guilty because the prospect of costs being awarded against them will be removed. This is consistent with the Government's policy of encouraging defendants to enter an early plea of guilty, thus saving both the courts and the parties time and money. Some of the amendments in the bill will enhance the rights of litigants before the courts. A party that is dissatisfied with an interlocutory decision of the judicial registrar of the District Court will now have the right to appeal against that decision. Other amendments in the bill will increase flexibility in the appointment of acting magistrates and in the management of Crown prosecutors and public defenders.

I will now respond particularly to a number of points raised by the honourable member for Gosford. The purpose of the change to arrangements for judges' pensions is to create efficiencies by enabling all pensions and salaries paid through the Attorney General's Department's payroll system to be processed at the same time. Retired judges were surveyed about the change and the majority agreed to it. The rationale for increasing the retirement age of acting magistrates was, firstly, to align the age limit of acting magistrates with the age limit of acting judicial officers in all other jurisdictions; secondly, the provision will enable magistrates who reach the age of 72 to be reappointed on a temporary basis to continue to hear part-heard matters, thereby saving money and reducing disturbances to the progression of the matters before the courts. Other amendments will improve the civil procedure reforms passed earlier this year. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

MOTOR ACCIDENTS COMPENSATION AMENDMENT BILL

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

MOTOR ACCIDENTS (LIFETIME CARE AND SUPPORT) BILL

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

Consideration of amendments deferred.

COMMITTEE ON CHILDREN AND YOUNG PEOPLE

Membership

Mr DEPUTY-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:

> That Mr Catanzariti be discharged from the Committee on Children and Young People and that Ms Sharpe be appointed a member of the committee.

Legislative Council
5 April 2006

MEREDITH BURGMANN
President

[*Mr Deputy-Speaker left the chair at 12.40 p.m. The House resumed at 2.15 p.m.*]

PETITIONS

Pensioner Travel Voucher Booking Fee

Petition requesting the removal of the $10 booking fee on pensioner travel vouchers, received from **Mrs Shelley Hancock**.

South Coast Rail Services

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

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**.

CountryLink Rail Services

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

Jervis Bay Marine Park Fishing Competitions

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

Shoalhaven River Water Extraction

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

Shoalhaven Policing

Petition requesting a permanently staffed police station in the Sanctuary Point-St Georges Basin area, received from **Mrs Shelley Hancock**.

Mount Austin Public School

Petition requesting funding for the provision of a school assembly hall facility 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**.

Campbell Hospital, Coraki

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

Breast Screening Funding

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

Shoalhaven Mental Health Services

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

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**.

Isolated Patients Travel and Accommodation Assistance Scheme

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

Kurnell Sandmining

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

Manyana Residential Land Rezoning

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

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**.

Sow Stall Ban

Petition requesting the total ban of sow stalls, received from **Mr Richard Amery**.

Circus Animals

Petition praying that the House end the unnecessary suffering of wild animals and their use in circuses, received from **Mr Richard Amery**.

Battery Cages for Laying Hens

Petition praying for support to phase out battery cages for laying hens, received from **Mr Richard Amery**.

Recreational Fishing

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

Shoalhaven City Council Rate Structure

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

CSR Quarry, Hornsby

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

Edinburgh Road, Castlecrag, Traffic Conditions

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

Grafton Bridge

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

F6 Corridor Community Use

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

The Rock/Bullenbong Road Upgrade

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

Old Northern and New Line Roads Strategic Route Development Study

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

BUSINESS OF THE HOUSE

Reordering of General Business

Mr DONALD PAGE (Ballina—Deputy Leader of The Nationals) [2.23 p.m.]: I move:

> That General Business Order of the Day (for Bills) No. 7 [Protection of Agricultural Production (Right to Farm) Bill] have precedence on Thursday 6 April 2006.

I seek precedence because this bill deals with an urgent planning issue in New South Wales. Essentially, that issue is the conflict that occurs between farmers who have a legitimate right to farm on land that is zoned rural and those who move in next door and who, for lifestyle reasons often, object to the legitimate farming activities being carried out on that land.

I presented the second reading of the bill more than 12 months ago, and in the meantime this issue has been getting worse and worse. The problem is exacerbated by the fact that today we are experiencing both a sea-change phenomenon and a tree-change phenomenon. Increasingly, in coastal areas in New South Wales, and indeed in large regional centres, we are finding more and more people wanting to go into rural areas to experience the pleasures of a rural lifestyle, but they then complain about the legitimate and legal activities that are occurring on the farm next door.

A typical example on the North Coast would be where a person buys a small piece of land that was previously being used for agricultural pursuits and then decides to set up a bed and breakfast establishment, next door to a macadamia farm for example. The person who owns the bed and breakfast establishment has a concern because they want their clients to be able to sleep in on Sunday mornings, whereas the person who owns the farm has to get up early and quite often will make noise with machinery and the like, and this causes conflict. Often the non-farming person will then complain to the council, the Environment Protection Authority or other body about the legitimate and legal activities being carried out on rural land.

This issue must be addressed, and this legislation seeks to do so. It simply attaches a rural land use notice to the land that is being purchased next to the land that is zoned rural. In other words, a person who buys land next to land that is zoned rural goes into the sale with their eyes open; when they buy that block of land they know that it adjoins rural land and that rural activities will be permitted. Importantly, under this legislation if there is a dispute further down the track, the court must take into consideration the fact that the purchaser of the land next to the land zoned rural knew in advance that they were buying land next to land on which rural activities were permitted.

In short, the reason for seeking precedence is that some councils are now trying to deal with this issue through a notification system of their own. It is important that we ensure statewide consistency in relation to that issue. Secondly, New South Wales farmers have been advocating for legislation such as this for a number of

years now and they strongly support it. Thirdly, there is a lot of community and media interest in the bill, and I am often asked to comment on its progress. It is extremely embarrassing for me to have to say that the bill has been before the lower House of this Parliament for more than 12 months but insufficient progress has been made. I ask members, including the Independents and Country Labor members, to support my motion. [*Time expired.*]

Mr CARL SCULLY (Smithfield—Minister for Police) [2.26 p.m.]: Talk about a lack of sparkle! This is the least spirited argument for a motion to reorder business I have ever heard. The honourable member for Ballina ought to practise in front of a mirror, to try to get a bit of verve and interest into his presentation. I almost went to sleep listening to him. In future, if the honourable member wants to activate the interest of the Government in reordering the business of the House, he should inject a little more excitement into his argument. The House has a very busy program tomorrow. It is private members' day. The honourable member has not been able to put the case eloquently or succinctly enough as to why his legislation should have priority over everything else. The answer is no, the Government will not support the motion.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 37

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

Noes, 53

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

Pair

Mr Merton	Mr Martin

Question resolved in the negative.

Motion negatived.

DISTINGUISHED VISITORS

Mr SPEAKER: I welcome to the Speaker's Gallery Mr Peter Heenan, the Consul-General of New Zealand, and a number of members, advisers and directors from New Zealand, who are here as guests of the Australian Political Exchange Council.

BUSINESS OF THE HOUSE

Reordering of General Business

Mr ADRIAN PICCOLI (Murrumbidgee) [2.35 p.m.]: I move:

> That General Business Notice of Motion (General Notice) No. 1207 [Government Best Practice Water Pricing Policy] have precedence on Thursday 6 April 2006.

I seek precedence for this motion because its content has the unanimous support of the 560 people who attended a public meeting in Deniliquin last Thursday. The motion should have precedence because the impact of the Carr-Iemma Government's best practice water pricing policy is having a serious impact on the town of Deniliquin. Pensioners' water bills are increasing and people have stopped watering their lawns. Residents and community leaders are worried about the impact of the policy on the beautiful town of Deniliquin—and it is not only Deniliquin that is being affected. The residents of Berrigan and Murray shires and many others are very angry about a policy designed to solve a Sydney problem being forced upon western New South Wales towns that have very different rainfall, water supply and evaporation figures. I am told that elderly residents of Mathoura are very upset about this policy, and that one elderly lady now washes herself from a bucket, so fearful is she of the huge water price hike thrust upon her by the Carr-Iemma Government. That is why this motion should have priority.

The policy has to be scrapped as soon as possible. The great deception involved in all of this is that councils have been told that they must adopt this policy; if they do not, they will not receive any funding under the Country Town Water and Sewerage Program. Not surprisingly, given the track record of this Government over 11 years, councils have adopted the policy, only to be told that there is no money. As a result, councils cannot update their water supplies. That is why this motion should have priority. If it is supported by this House it will send a strong message of support to the people of Deniliquin and the local council. They already know The Nationals and the Liberals support them, but they have little confidence in the Labor Government.

At the meeting last Thursday a proposal to move a no-confidence motion in the New South Wales Labor Government was supported unanimously, with cheers and rousing applause by the 560-strong, standing-room-only crowd. The motion should have precedence because it might go some way towards showing the people of Deniliquin that Labour cares about them. In November last year the honourable member for Murray-Darling promised, in Neville Chamberlain style, that there would be a Minister a month in Deniliquin in the lead-up to the election. Since then, in nearly six months, they have not seen another Minister. I invite the Minister for Police to visit the electorate of Murrumbidgee, because every time he does the National Party vote goes up. I can also say to a few other members here, "Please come to Deniliquin." [*Time expired*.]

Mr CARL SCULLY (Smithfield—Minister for Police) [2.39 p.m.]: The honourable member for Murrumbidgee has hurt my feelings. I was inclined to consider supporting the motion until he rudely insulted me, which is cause enough for me not to support it. How dare he say that The Nationals vote goes up when I visit his electorate! The honourable member for Murray-Darling will be the best representative the town of Deniliquin has ever had. This motion is a stunt. The good people of Deniliquin and those who attended the meeting should not be manipulated by this character. I say to the folks who attended that meeting: "Wait until you've got Blackie representing you because he'll look after you like the honourable member for Murrumbidgee has never been able to." The answer is no. If I had not been insulted, I might have thought about agreeing to it.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 37

Mr Aplin	Ms Hodgkinson	Ms Seaton
Mr Armstrong	Mrs Hopwood	Mrs Skinner
Mr Barr	Mr Humpherson	Mr Slack-Smith
Ms Berejiklian	Mr Kerr	Mr Souris
Mr Cansdell	Mr McTaggart	Mr Stoner
Mr Constance	Ms Moore	Mr Tink
Mr Debnam	Mr Oakeshott	Mr Torbay
Mr Draper	Mr O'Farrell	Mr J. H. Turner
Mrs Fardell	Mr Page	Mr R. W. Turner
Mr Fraser	Mr Piccoli	
Mrs Hancock	Mr Pringle	*Tellers,*
Mr Hartcher	Mr Richardson	Mr George
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Noes, 53

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

Pair

Mr Merton Mr Martin

Question resolved in the negative.

Motion negatived.

DISTINGUISHED VISITORS

Mr SPEAKER: I welcome to the Speaker's Gallery His Excellency Dr Peter Prochacka, the Ambassador of the Slovak Republic.

COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION

Report

Mr Kim Yeadon, as Chairman, tabled report No. 6/53 entitled "Quarterly Examination of the Inspector of the Independent Commission Against Corruption, October-December 2005, Incorporating Edited Transcripts of Evidence" dated March 2006.

Ordered to be printed.

QUESTIONS WITHOUT NOTICE

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CRONULLA RIOTS

Mr PETER DEBNAM: My question is addressed to the Premier. Given that Superintendent McKay admitted in February that police had around 200 numbers of the cars involved in the Cronulla-Maroubra-Brighton-Le-Sands revenge attacks but four months later only 30 offenders have been charged, why will the Premier not give police the resources and political commitment they need to get all these offenders charged and into court?

Mr MORRIS IEMMA: Yet another attack on the police! The Leader of the Opposition pretends to attack the Government but once again he is undermining the police. He needs to answer this question: Do you have such a lack of respect for the police that you believe they have a hidden agenda and are part of a mad conspiracy that he asserts has been going on for some time?

Mr Peter Debnam: Point of order: I am happy to answer that question.

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

Mr Peter Debnam: He asked me the question.

Mr SPEAKER: Order! The Leader of The Opposition can answer the question at another time; he will not answer it during question time. The Leader of The Opposition will resume his seat.

Mr MORRIS IEMMA: Behind the Leader of the Opposition's question is his view that the police have a hidden agenda of not bringing to justice those who should be brought to justice or not to undertake investigations and bring charges. Policing is a dangerous job and involves great risk. The Leader of The Opposition is asserting that the men and women of the New South Wales police force either have a hidden agenda or are part of a conspiracy to go soft on crime or individuals, or not to undertake investigations.

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

Mr MORRIS IEMMA: However, the Leader of the Opposition never produces any evidence. All he does, under the guise of an attack on the Government, is to undermine the police once again. Every opportunity he has to say anything on policing is always couched in terms of an attack on the police. That is where he always ends up.

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

Mr MORRIS IEMMA: Today we saw the latest instalment. The fact is that everyone is waking up to the Leader of the Opposition. The media, the public, his colleagues and, above all, the police have woken up to him.

Mr Peter Debnam: Point of order: My point of order is relevance. The police have 200 registration numbers. What they do not have are the resources and the commitment from the Premier.

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

MOTOR VEHICLE SMASH REPAIRS

Mr TONY STEWART: My question without notice is directed to the Premier. What is the latest information on negotiations between the insurance industry and smash repairers to get a fairer deal for New South Wales motorists?

Mr MORRIS IEMMA: I thank the honourable member for Bankstown for his interest in this matter and the strength of his advocacy, and that of other members, for constituents in the business.

[*Interruption*]

Members opposite might think it is a joke but many small businesses do not. The issue of anti-steering legislation has set insurers and motor repairers at each other's throats. That is a tragedy for ordinary motorists who want a clear and simple system in place to help when they have an accident. At the heart of this issue is the NRMA's care and repair scheme, which sought to restrict work to a select group of preferred repairers, to allocate work using photographs and descriptions posted on the Internet rather than by way of physical inspection, and to impose penalties on repairers who increased their quotes after accepting a job.

Understandably, there have been fears that this system would narrow the choice of repairer available to motorists, freeze many motorists out of having the repairer of their choice do the work, and freeze many repairers out of lucrative NRMA work. Repairers have also expressed concern that the Internet-based system would make it difficult to submit accurate and defensible quotes. I know many members of the House share the concern of the honourable member for Bankstown and the honourable member for Northern Tablelands, and their reservations about the NRMA's scheme are very real. I acknowledge the hard work of the Minister for Fair Trading and the chairman of the Staysafe committee to achieve a negotiated settlement.

Mr SPEAKER: Order! Opposition members will cease interjecting.

Mr MORRIS IEMMA: As honourable members would be aware, the NRMA has, to its credit, responded to these concerns and modified the Internet-based allocation of work. It has also withdrawn the preferred repairer model and suspended the penalties system that governs contracts between the NRMA and preferred repairers. The NRMA's response to community concerns has demonstrated goodwill on its part, and I commend it for the measures it has taken and the progress that has been made. The Minister is sympathetic to the need for a system that balances the interests of insurers, repairers and the motoring public. That is why the meeting to be held tomorrow between the Government, the NRMA and the Motor Traders Association [MTA] is a vital opportunity to deliver a solution.

The Government's position is simple: The insurance industry and the Motor Traders Association need to come up with a model that protects consumer choice, gives repairers a fair go and provides insurers with value for money. I call upon all parties to find that solution without delay tomorrow, because if they do not fix the issue by negotiation the Government will fix it through legislation. I sincerely hope that tomorrow's meeting produces the fair and balanced outcome that the motoring public expects.

RURAL POLICING

Mr ANDREW STONER: My question is directed to the Premier. Given this week's launch of a University of New England publication, *Policing: The Rural Crisis*, which reveals that violent crime in rural areas exceeds the State average by 58 per cent, and given that police numbers in towns such as Dubbo and Bourke have been cut, does rural crime need to be on the Sydney news before the Government provides sufficient police resources to country communities?

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

Mr Andrew Stoner: I can get it on the news, if you want.

Mr MORRIS IEMMA: Listen to him—he's back and firing. As the Leader of The Nationals would know, an additional 2,000 police officers have been appointed since 1995, when we took—

Mr Barry O'Farrell: How many since October 2003, about 600?

Mr MORRIS IEMMA: I will come to the interjection of the Deputy Leader of the Opposition in a second. The Leader of The Nationals would know that the latest crime statistics released by the Australian Bureau of Crime Statistics and Research [BOCSAR] show crime trending down in the major categories. He would know that, but he comes in here with an exaggerated, hysterical claim. He would also be aware of the recent announcement by the Government that an additional 750 police officers will be joining the ranks of NSW Police by the end of January next year.

MENTAL HEALTH SERVICES

Mr STEVE WHAN: My question without notice is addressed to the Premier. What is the Government doing to better support people with mental illness, especially in country New South Wales?

[*Interruption*]

Mr MORRIS IEMMA: The honourable member for Monaro is a good member. He will return to represent the people in his electorate with an increased majority. In response to the honourable member's question, I welcome today's announcement on the part of the Prime Minister of a $1.8 billion package for mental health services over the next five years. This is a good start and offers real hope to those suffering from mental illness and their families. I welcome the Prime Minister's announcement today, making mental health a national issue and the focus of national action to improve services for those with a mental illness and their families. Honourable members might recall that I sought to have the Prime Minister make mental health a priority on the agenda at the Council of Australian Governments [COAG] meeting in February. We reached an historic agreement to work together on a national action plan for mental health.

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

Mr MORRIS IEMMA: I am proud to say that New South Wales took the lead on this issue to ensure, firstly, its placement on the agenda and, secondly, to progress the development of a new national action plan when the Prime Minister and the Premiers reassemble in June of this year. I also recount to the House some of the elements of the New South Wales plan that are contained in the Prime Minister's announcement today, which is most pleasing and welcome. Our plan highlights the need for a national response to increase our mental health workforce; to promote wellness, prevention and early intervention; to improve service provision by better integrating mental health services with general practice, non-government organisations and private services; to provide additional educational and employment opportunities for people with mental illness; and to provide better access to respite for carers.

I am very pleased the Prime Minister has responded and adopted elements of the New South Wales plan in his package announced today. The Prime Minister today, and I welcome it, has pledged increased funding for clinical services, non-clinical and respite services, an increase in mental health nurses and clinical psychologists, and new programs for community awareness. These initiatives are welcome and represent an excellent start. They are not perfect and ought to be seen as being not the end but just the beginning. More instalments will come in June when we assemble. There are some areas where more needs to be done, and I note that today's package makes no mention of psychiatry. I say that not as a criticism but simply to make the point that further work is needed to encourage more psychiatrists to work in the public system and to develop partnerships with those who are already in the public system. In welcoming the 400 places per annum in mental health nursing I make the point that New South Wales alone requires approximately 1,200 places. Nevertheless, it is a very good start.

Mr SPEAKER: Order! The honourable member for Willoughby will stop calling out. The Premier has the call.

Mr MORRIS IEMMA: It is an excellent start, 400 a year, but much more is required, much more is needed. I look forward to the June meeting of COAG to progress this aspect. Likewise, the 650 extra respite care places is a good start, but with more than 850,000 sufferers in New South Wales alone, there is clearly more to be done. New South Wales commits itself to do more and I am confident that, come June, we will reach an agreement on a new national action plan—even more so, given today's announcement.

Mr George Souris: Just remember the mike is on there.

Mr MORRIS IEMMA: The mike is working very well.

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

Mr MORRIS IEMMA: Just ask Jillian after yesterday's performance. The microphone works very well.

Mr SPEAKER: Order! Members will cease interjecting. The Premier has the call.

Mr MORRIS IEMMA: I note from today's statement that the Prime Minister is seeking from State governments greater investment in supported accommodation, greater investment in hospital and emergency services, and the care of the mentally ill in the prison system.

Mr Steve Cansdell: More early intervention, too.

Mr MORRIS IEMMA: Yes, that too.

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

Mr MORRIS IEMMA: I am glad the honourable member for Orange nudged him in the ribs and he woke up. The Government backs the Prime Minister in this regard. I inform the House, in relation to emergency care, that that is the reason we have invested in establishing 10 emergency care centres in our emergency departments.

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

Mr MORRIS IEMMA: Perhaps the honourable member for Willoughby would prefer that we not make that investment.

[*Interruption*]

They are being built. Nepean is operating, Liverpool is operating, St George is under construction and St Vincent's is operating. They are there. I also advise the House that the Housing and Accommodation Support Initiative—the supported accommodation commenced by the Government to which the Prime Minister referred—has been increased by an investment of $35 million to provide disability support to people with a mental illness. The initiative supports 700 people with a mental illness to live independently in their homes. In relation to beds, since 2001 we have made a commitment to increase the number of hospital-based mental health beds by 600. This includes 180 in regional and rural New South Wales.

[*Interruption*]

I provided the figures on nursing yesterday, if members opposite were listening. The Government has also introduced the Court Diversion Program in 19 courts across New South Wales for people with a mental illness. In the first 12 months of this program, 18,000 people were assessed and 2,000 diverted from the criminal justice system—the kind of initiative that the Prime Minister addressed in his statement today. These are some of the initiatives that New South Wales is undertaking. Rural New South Wales is also part of this investment and the Centre for Rural and Remote Mental Health in Orange plays a key role in providing that support. It is a major rural partnership between the Government and the University. Today I am pleased to inform the House that the Government has committed a further $1.35 million over three years to help the centre continue its important work.

The program includes a 24/7 mental health triage service, introduction of mental health clinicians in the emergency department, round-the-clock telephone access to a psychiatrist, and specialist health workers and assistants to escort and transport patients from the emergency department to the most appropriate hospital. This new investment into the centre will ensure that new programs are better able to provide services for people suffering a mental illness in rural and regional New South Wales. And this funding comes on top of the $4.45 million over five years already committed by the Government, bringing the total to nearly $7 million, to deliver improved mental health services for people in rural and remote New South Wales. That is our commitment today, with that increased allocation of resources and, come June, we will put the finishing touches to a new mental health national action plan.

SILVERWATER CORRECTIONAL CENTRE ARABIC-SPEAKING PRISON GUARD TRANSFER

Mr ANDREW HUMPHERSON: My question is directed to the Premier. Given that three nights ago, on the night of the Bassam Chami revenge shooting, four carloads of Middle Eastern thugs were spotted outside Silverwater gaol communicating in Arabic with inmates, including members of the Chami family, why has the Premier jeopardised intelligence gathering operations at Silverwater by transferring to another gaol the only Arabic-speaking perimeter guard?

Mr MORRIS IEMMA: This is another question along the lines of that asked by the Leader of the Opposition. Yet again another member of the Opposition is alleging conspiracy, alleging interference. Yet again there is the suggestion that the police or even prison authorities would be participating in a conspiracy. Opposition members think so little of those who risk their lives doing dangerous jobs that they would participate

in some sort of hidden agenda, even if there were one. Under the guise of an attack on the Government the Opposition is yet again undermining the police and other authorities in this State. That is all it ever does. Everyone is now awake to it. They were awake to it at this morning's press conference. The public are awake to it. His own branch members are awake to it because pretty soon he will be the former member for Davidson.

In many respects we would welcome that but on one important issue on the northern beaches we would be sorry to see him go because he is the only one so far who has uttered anything sensible about the northern beaches hospital. The selection of Frenchs Forest has drawn support from the honourable member for Davidson but it is difficult to establish the Liberal Party position on the new northern beaches hospital. Mrs Bishop, a Federal member, came out saying, "Not on my watch is there going to be a new hospital at Frenchs Forest." The honourable member for Davidson supports the new hospital being built at Frenchs Forest. The Federal health Minister, another member of the Federal Parliament from the northern beaches, said, "Not on—

Mr Barry O'Farrell: Point of order: Unless the Arabic guard has been moved to the Northern Beaches this answer has nothing to do with the question. The question was very simple: What is the Premier doing about security and in particular the only Arabic-speaking guard at the prison?

Mr SPEAKER: Order! I uphold the point of order.

Mr MORRIS IEMMA: Again under the guise of an attack on the Government there is another attack on police and prison authorities. The Opposition is always undermining the law enforcement agencies of this State.

Mr Barry O'Farrell: Point of order: The third question to the Government today has fallen into my hands. Do you want us to respond to it?

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

[*Interruption*]

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

REDFERN AND TOWN HALL RAILWAY STATIONS UPGRADE

Ms KRISTINA KENEALLY: My question is addressed to the Minister for Transport. What is the latest information on central business district railway upgrades and related matters?

Mr JOHN WATKINS: Members of this House are well aware of the Iemma Government's massive investment in public transport. Over the next 15 years more than $15 billion will be spent on public transport infrastructure. In this financial year alone the Iemma Government is spending $1.7 billion on improving rail infrastructure. That is $141 million every month, $32 million every week or $4.6 million every single day. And we are adding to that tally every day, because that is what commuters want and that is what they deserve. The Leader of the Opposition may have his spendometer ticking over faster than the attendance list at a Liberal branch meeting in Baulkham Hills but the taxpayers of New South Wales will never see the amount he is promising.

The Iemma Government is spending real money on real projects that will deliver real results for the people of New South Wales. Two new projects I can update the House on are upgrades to Redfern and Town Hall railway stations. Design tenders will now investigate the capacity of and growth of these two locations for the next 15 years. The initial work worth $8.6 million is already under way at Town Hall station. The concourse has been widened and a master plan has been developed for the precinct's redevelopment. Each weekday 70,000 people use Town Hall railway station. It is the second busiest station on the CityRail network. More people are using rail because of our on-time running performance. The average on-time running performance over the last few months has increased to 91 per cent. People are coming back to rail also because of this record investment. The proposed upgrade of Redfern station will increase capacity for the influx of new residents and workers that the work of my colleague the Minister for Redfern Waterloo will generate. It will also provide improved access to the site and more efficient interchange facilities. I look forward to updating the House about those two projects in more detail in future.

I turn now to the related matters referred to by the honourable member for Heffron in her question. The other day I received some interesting correspondence. It was referred to me by the Deputy Leader of the Opposition, the shadow Minister for Transport, who has left the Chamber. A constituent from Botany had written to our Three-bus Barry, as we now know him, with a range of issues on her mind. They largely related to planning and transport. The letter included an interesting view on freight policy and expressed concerns about residential development, car travel and road pricing, and environment. It was a considered letter full of good ideas and strong opinions. The Deputy Leader of the Opposition referred it to me for advice.

Mr Andrew Fraser: Point of order: The Minister is now referring to private correspondence between a constituent, a member and the Minister. It is absolutely out of line for him to raise this issue in the House without the constituent's express agreement.

Mr SPEAKER: Order! The Minister has not contravened any standing order. He will have to bear the responsibility for his actions.

Mr JOHN WATKINS: This very considered letter to the Deputy Leader of the Opposition was referred to me for advice. But there is a problem: the correspondent ended the letter by asking the Deputy Leader of the Opposition for something. But he obviously did not get to the last paragraph. He did not read that far. The constituent asked an important question: Is the Liberal Party looking at alternatives?" That is a good question. We have asked it. The press gallery has asked that. Every radio host in town has asked it. What are its alternatives? What are its policies? To get this right the Deputy Leader of the Opposition sent this letter to me with a one-line request, "Your prompt reply on this matter will be appreciated."

It is a very considered letter that covers a range of detail. He sent it to me, the Minister for Transport, stating that it would be appreciated if I would respond as a matter of urgency. Let us get this right: An active local citizen wrote to the shadow Minister specifically asking for information about Coalition public transport policies, and the shadow Minister flicked that letter to me for a response. Well, I am extremely happy to reply to that correspondent. It will not take much time or effort to reply about the Coalition's transport policies; in fact, it would not take much time to respond with regard to all of its policies. If I were to follow the strategy employed by the Viscount of Vaucluse, I would get 2UE's Clinton Maynard to draft the Coalition's transport policies, after he has finished drafting its policing policies, which the Leader of the Opposition requested him to do the other day. Thanks for the referral, Barry. I will be replying to the constituent detailing the Government's comprehensive transport plans in that region. This Government has the plans, ideas and policies.

Finally, I was interested to read in Tuesday's *Sydney Morning Herald* online that Hollywood actress Gwyneth Paltrow and Coldplay's Chris Martin have finally settled on a name for their second child. The baby is reportedly going to be called—wait for it: Tink. It is highly appropriate to remember the honourable member for Epping in this way. It is more proof that the Liberal Party's loss of one of its only experienced and rational members is being widely recognised.

GUNNEDAH POLICE STATION RENOVATIONS

Mr PETER DRAPER: I direct my question to the Minister for Police. Given that half of the renovations at the Gunnedah police station have not been completed, will the Minister advise the House whether the Government plans to finish the project so that Gunnedah can move towards 24-hour policing?

Mr CARL SCULLY: I visited the Gunnedah police station, but I cannot say whether the honourable member's vote went up or down as a result. Being a true Independent, it should be neutral. As one would expect, the area that was upgraded is in pretty good nick. My predecessor allocated approximately $400,000 for a substantial upgrade of that facility. I think it involved new interview rooms, a charge room, electronic recording equipment and random breath testing unit accommodation. It was a great project and the results look pretty good. I inspected the rest of the station, and it is not as good. Under my predecessor, this Government implemented a $200-million, five-year program for police property upgrades, and I have had the pleasure of spending that money. I believe that Gunnedah has a strong case for improvement and I will certainly consider it as part of the Government's future program for upgrading police stations.

While I am at it: Muswellbrook, thank you Government—big tick; Wagga, thank you Government—big tick; Orange, thank you Government—big tick; Armidale, thank you Government—big tick. The notion that this Government is concerned only about Labor electorates is nonsense. In fact, it is concerned about all the people of this State and it is spending money equitably.

[*Interruption*]

Armidale is coming soon.

YOUTH WEEK

Ms ANGELA D'AMORE: I direct my question to the Minister for Community Services. Will the Minister inform the House of the importance of Youth Week in New South Wales?

Ms REBA MEAGHER: I am sure all honourable members would agree that Australia's greatest resource is its young people. The innovation and aspirations of our young people represent the future of this country. This week is Youth Week in New South Wales, which is an opportunity to celebrate the diversity, imagination and talents of our young people. More than 1,000 events and activities are taking place throughout the week, ranging from a short film festival in Fairfield to an indigenous arts festival on the South Coast and a community youth forum at Bathurst. The events are as varied as the young people themselves. That is because most of these events are being organised and run by young people.

This is the first year that all 152 councils in New South Wales are participating in Youth Week. I am pleased to inform the House that the Iemma Government has provided $240,000 in grants to those councils to help ensure that Youth Week 2006 is the biggest celebration of its kind held in New South Wales. This Government is investing in youth because it provides us with a great opportunity to develop our shared values of respect and responsibility. However, we also need to engage in the other part of the dialogue, which is to listen to young people and to find out what they think. That is why, as part of Youth Week, the Government is today hosting a Racism and Community Harmony Forum in Parliament House involving 100 young community leaders from across the State. The forum will provide young people with the opportunity to discuss localised strategies to promote community harmony. On behalf of the Government, I congratulate the New South Wales Youth Advisory Council members and youth leaders who are here with us today in the gallery.

Their contribution will continue well beyond today. The Government wants the ideas and enthusiasm that is being generated to continue. That is why, following today's forum, the New South Wales Government will provide more than $300,000 for young people to develop strategies to build community harmony and to combat racism in their local communities. Youth Week provides an outstanding opportunity for all levels of government to get in touch with young people. However, sadly, not all governments want to listen.

The New South Wales Youth Advisory Council has advised me that it recently wrote to the Prime Minister to express its concern about the lack of representation of youth issues in his ministry. It would appear that young people do not rate with the Howard Government. First, it abolished the Minister for Youth Affairs' portfolio after the 2004 Federal, then it downgraded the position to Parliamentary Secretary level, and in January this year it abolished the position entirely. Our nation's youth have no dedicated voice to represent their interests at the decision-making table in the national capital. They have been silenced at a time when some very important changes are being made that will impact directly on their lives.

For a start, the Howard Government is trying to close the electoral roll once the Federal election is called. The Prime Minister is trying to abuse his Senate majority by slamming the door shut on our nation's youth. The 2004 Young Australian of the Year, Hugh Evans, was quoted this week in the Melbourne *Age* saying that the reason is simple: Young people are simply not seen as a relevant voting block by the Federal Government. He said:

> This game of musical chairs has left young people with nowhere to sit.

This Prime Minister is prepared to manipulate the electoral roll to silence the voice of this nation's youth because he knows they do not want to vote for him. At the same time—

[*Interruption*]

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

Ms REBA MEAGHER: The Federal Government wants to take credit for the record low levels of unemployment in this country, but the Prime Minister has a dismal record when it comes to young people in the work force. More for than one in five teenagers in Australia is unemployed or out of the education and training system. One in five young people is not studying, training or working, despite a chronic skills shortage—

Mr Barry O'Farrell: Point of order: My point of order relates to relevance. More young people voted for John Howard—

Mr SPEAKER: Order! That is not a matter of relevance. The Minister has the call.

[*Interruption*]

Mr SPEAKER: Order! The Deputy Leader of the Opposition will resume his seat. I call the Deputy Leader of the Opposition to order for the second time.

Ms REBA MEAGHER: More than one in five teenagers in Australia is unemployed, out of work or out of the education and training system. That is a national disgrace. It is a tragic waste of young lives. Young people lucky enough to enter the work force will hit the next hurdle in the form of the Federal government's WorkChoices legislation. The Prime Minister has said that minimum wages would be made more competitive. But that is just doublespeak for slashing the wages of young Australian workers.

Let us take the example of a first-year apprentice plumber or gasfitter who earns just $213.60 a week. How does one make that kind of wage more competitive? Already it is not enough for the apprentice to pay rent, run a car, or clothe or feed himself. It is designed to keep people out of the work force completely. But that is exactly the race to the bottom that John Howard wants for Australia's youth. After a week of WorkChoices we are already seeing the results. Already McDonald's—a massive hirer of young people—has abolished penalty rates on Sundays.

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

Ms REBA MEAGHER: Last week 15-year-old casual workers were earning $10 an hour for working on a Sunday, but this week they are earning $6 an hour for working on a Sunday. That is a 40 per cent reduction in their wages.

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

Ms REBA MEAGHER: It does not stop there. Apprentice and trainee wages will continue to fall because pay rates are no longer tied to those of other workers. The new laws will encourage narrow training, which leads to dead-end employment. Wages will be discounted for hours spent training. So there will be no quality training, and those who try to educate themselves while they are at work will have to take a pay cut for their effort.

Let us not forget that most of these apprentices will be working for companies with fewer than 100 employees, so they will have absolutely no protection from unfair dismissal. Already, two South Australian apprentice electricians have been sacked without warning or explanation. And that is just a taste of what is to come for thousands of young Australians. They will be ripped off, deskilled, sacked, and exploited under Mr Howard's new industrial relations laws.

With all these threats, it is more important than ever for young people to have their voice heard. They have been turfed out of the Federal Cabinet process, shut out of the electoral process, and fleeced of their rights in the workplace. It is John Howard's plan to throw Australia's youth overboard, to treat them as expendable factory fodder. What has the New South Wales Leader of the Opposition done? He is complicit by his silence on this issue. He will not stand up for young workers in this State. He has said nothing about the unfair dismissal of young apprentices. He has said nothing about the cut in wages for young workers in this State, and he has said nothing about skills training for the youth of New South Wales.

The Leader of the Opposition is complicit by his silence about John Howard's plan to dumb down a generation. He has had three opportunities to put his views on the record here, but he has not taken any of them. As of yesterday the Leader of the Opposition was given the opportunity to stand up to the Federal Government and say that its new industrial relations legislation was unacceptable and that WorkChoices would unfairly treat young people in New South Wales. Not only did he not vote on the matter, he did not even come into the Chamber, let alone speak on the matter. The Leader of the Opposition had the opportunity to stand up for New South Wales—

Ms Katrina Hodgkinson: Point of order: The question was about Youth Week. We would appreciate it if the Minister could say something positive about Youth Week—

Mr SPEAKER: Order! There is no point of order. The Minister was specifically answering the question.

BOURKE CRIME

Mr IAN SLACK-SMITH: My question is directed to the Minister for Police. Given ongoing lawlessness in Bourke, including attacks on ambulance officers and police by teenage mobs as recently as last weekend, and given that a police incident report states "police do not have the numbers on shift to deal with these types of incidents", does crime in Bourke have to make the Sydney news before the Minister takes action?

Mr CARL SCULLY: This is interesting. The authorised police strength in the honourable member's local area command is 95; when the Coalition was in power, it was 80. When big Wal was there, the authorised police strength was 80; we have increased it to 95. As the Premier said, this Government has given a commitment to increase the authorised police strength by 750 officers. That will benefit every local area command and every specialist command. The distribution will be a matter for the commissioner and senior commanders throughout the rest of this year, with a view to the allocation of new troops coming on board at the end of January next year. Every commander says they want more police. Does that surprise members? Every single commander could do with more police.

Mr Brad Hazzard: That doesn't surprise us one iota.

Mr CARL SCULLY: Obviously I need to remind the honourable member for Wakehurst that we have about 2,000 more police than when the Coalition was last in government.

[*Interruption*]

Members opposite do not like to hear this.

Mr Brad Hazzard: The population of Sydney alone has increased by half a million people since we were in government.

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

[*Interruption*]

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

Mr CARL SCULLY: I am happy to talk about population growth. By January next year, over the 12 years of this Government, the population will have gone up by 10 per cent and the police strength will have gone up by 17 per cent. Unlike the honourable member for Barwon, I have been to Bourke—

[*Interruption*]

Blackie's vote did go up, and Blackie can vouch for that. They are good cops out there and I will not have members opposite reflect badly on them.

Mr Peter Debnam: Point of order: My point of order is relevance. Is the number after the 600 cut? Which number is the Minister talking about?

Mr SPEAKER: Order! I would like to hear a relevant point of order rather than a debating point. The Premier will resume his seat. The Leader of the Opposition will resume his seat.

[*Interruption*]

Mr SPEAKER: Order! The Premier and the Leader of the Opposition will resume their seats.

[*Interruption*]

Mr SPEAKER: Order! I order the Leader of the Opposition to resume his seat. I call the honourable member for Canterbury.

Mr Ian Slack-Smith: I have a supplementary question.

Mr SPEAKER: Order! The honourable member for Barwon is too late. I have given the call to the honourable member for Canterbury.

[*Interruption*]

Mr SPEAKER: Order! I order the Leader of the Opposition to resume his seat. The honourable member for Barwon will resume his seat. I have already given the call to the honourable member for Canterbury.

[*Interruption*]

Mr SPEAKER: Order! I call the honourable member for Coffs Harbour to order. I call the honourable member for Murrumbidgee to order for the second time. The honourable member for Canterbury has the call.

CLASS SIZE REDUCTION PROGRAM

Ms LINDA BURNEY: My question without notice is directed to the Minister for Education. Will the Minister update the House on the progress of the class size reduction program?

Ms CARMEL TEBBUTT: I thank the honourable member for Canterbury for her ongoing interest in this important matter. I hope it is an interest that is shared by everyone in the House because there is no doubt that investing in the future of our children is one of the most important things we can do. The Government is investing $650 million over four years in the future of our youngest students by reducing class sizes. By the end of 2007, class sizes will be reduced to an average of 20 students in kindergarten, an average of 22 students in year 1, and an average of 24 students in year 2. Smaller class sizes for younger students give children the best possible start to their schooling and lay strong foundations for lifelong learning.

Research now shows the importance of investing in the early years, and that is what this Government is doing. We have made substantial progress: 520 extra classrooms have been provided to schools across New South Wales, an investment of $107 million over four years. And so far we have created an extra 1,261 teaching positions, an investment of $543 million over four years. By the end of 2007, there will be an additional 1,500 teaching positions. The Government's investment is viewed overwhelmingly by principals, teachers and parents as a positive initiative. Teacher morale is higher, there is more time for one-on-one instruction, and students are more confident and better behaved in class. Principals and teachers also believe that their students are making substantially more progress in both literacy and numeracy, thanks to smaller class sizes.

It is not just the Government that says this is a positive initiative. An independent evaluation conducted by Professor Bob Meyann in 2005, and parents and teachers also confirm that the class size reduction program is overwhelmingly popular and well received. A computer teacher from Crestwood Public School who compared the performance of students in large and smaller classes between 2004 and 2005 said:

> I found that the children achieved far more knowledge and skill development than in the previous year; they covered the same amount of work in three terms, as covered in an entire four term period. I do not feel that these changes are due to any other factor other than the ability to focus on the smaller groups.

The principal at Merimbula Public School said:

> We have provided the kids with the optimum learning environment. They are whizzing through the programs.

Parents also echo these positive comments. Those parents surveyed as part of the evaluation also reported benefits for their children. One parent said:

> My son can write much better and is achieving at a higher level than his older brother who was in a bigger class.

The program is overwhelmingly positive for the majority of parents. The single most important benefit was that teachers had more one-on-one time with students. A number of parents also suggested that smaller classes had enabled teachers to get to know their students better.

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

Ms CARMEL TEBBUTT: Many other parents reported improved learning outcomes and social benefits as most significant. The honourable member for Murrumbidgee said this is rubbish. I find it extraordinary that he considers the views of parents and teachers to be rubbish. That is the view of the Opposition: it considers the views of parents and teachers as rubbish. Members of the Opposition are so out of touch that they say the views of parents and teachers are rubbish.

Mr Brad Hazzard: Point of order: This was a 2002 Coalition policy that the Government initially refused to take up.

Mr SPEAKER: Order! The honourable member for Wakehurst will take his point of order and resume his seat.

Mr Brad Hazzard: And now the Government has got it wrong. The class sizes in years 3, 4, 5 and 6 are above what they used to be. The Government should put the resources in and get it right.

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

[*Interruption*]

Mr SPEAKER: Order! Honourable members will resume their seats.

[*Interruption*]

Mr SPEAKER: Order! I call the Leader of the House to order. A number of members have been called to order. Question time will be concluded in an appropriate way. If it is not, some members may not be in the Chamber at the end of it. That warning applies as much to the Leader of the Opposition as it does to anyone else.

Ms CARMEL TEBBUTT: Ninety-seven per cent of parents were satisfied or very satisfied with the way their child had settled into kindergarten. One of the biggest factors for parents is that when their children start school they want to see them settle in well. Parents are seeing this with the class size reduction program. The Government has a strong record on delivering on its education plans for our youngest students. We have focused on early learning and early intervention programs and we have ensured that the basics of learning in literacy and numeracy are in the school curriculum to give primary students a better start. We are providing intensive support to students who need it and we are building on these achievements by reducing class sizes in the early years. All this could be placed at risk by members opposite if the Leader of the Opposition has his way with his $22 billion spending spree, because if he does he will not be able to afford the class size reduction program.

The Opposition has form. We remember when it was in government last time. We remember Minister Metherell and we remember when members of the Opposition talked about trimming the bureaucracy and putting more resources in the classroom. What did they do? They cut 2,500 teaching positions. That is the Opposition's record.

Mr SPEAKER: Order! There is too much conversation in the Chamber. The Minister for Transport will cease calling out.

Ms CARMEL TEBBUTT: That is the Opposition's record of trimming the bureaucracy: 2,500 classroom teachers gone. The class size reduction program would be at risk. Unlike those opposite, the Government is committed to reducing class sizes in the early years, committed to investing in our children, and committed to giving our kids the best possible start in life.

Questions without notice concluded.

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Membership

Motion by Mr Carl Scully agreed to:

That:

(1) Michael John Daley be appointed to serve on the Joint Standing Committee on Electoral Matters in place of Geoffrey Corrigan, discharged; and

(2) a message be sent informing the Legislative Council.

BUSINESS OF THE HOUSE

Routine of Business: Suspension of Standing and Sessional Orders

Special Adjournment

Mr CARL SCULLY (Smithfield—Minister for Police) [3.48 p.m.]: I move:

(1) That standing and sessional orders be suspended to provide for:

(a) the call for Notices of Motions (General Notices) and private members' statements to be postponed until after the introduction of the Jury Amendment (Verdicts) Bill, notice of which was given this day for tomorrow, up to and including the Minister's second reading speech.

(b) at 7.30 p.m. the introduction of the Legal Profession Amendment Bill, notice of which was given this day for tomorrow, up to and including the Minister's second reading speech.

(2) That the House at its rising this day do adjourn until Thursday 6 April 2006 at 10.00 a.m.

Mr BARRY O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [3.49 p.m.]: The Opposition has been reasonable with the Leader of the House over the past two weeks. Indeed, I think I have lost the support of my backbench by being far more reasonable than the honourable member for Epping ever was. By the way, the Premier was terrific today. He has gone from being the mild one to the wild one. If he could only take that outside of this place and start addressing some of the concerns of this House!

The reason the Opposition opposes the motion is that the Government has had nine years to implement this policy. It is nine years since the man who gave his name to Gwyneth Paltrow's baby, the honourable member for Epping, stood in this place and first argued for majority verdicts—nine years of opposition, nine years of being dragged out in this place and nine years of reintroducing the bill on so many occasions that we have all lost track of it. Now, today, it suddenly becomes urgent and has to be introduced. The Leader of the House seeks to interrupt all other business, including motions for urgent consideration and, for the second week in a row, the matter of public importance of the honourable member for Dubbo on community colleges because the Leader of the House cannot get his House in order.

This side of the House is sick and tired of the Government responding only to media pressure, not to concerns outside this place. The Government has had nine years to respond to the landmark legislation on majority verdicts introduced by the honourable member for Epping. The Government has had months to live up to its commitment in relation to the gang law it introduced last December, which would ensure that offenders were prosecuted and sent to gaol. I read in today's *Daily Telegraph* about people being let loose and charges not being laid.

We are sick and tired of the way in which the Government manipulates the House. But my favourite for the Minister for Transport—Whopper Watkins, as he is called in my office—is that in January he promised that as soon as Parliament resumed, which was on 28 February, he would introduce legislation to protect bus drivers from acts of violence perpetrated against them. We have not yet seen that legislation.

The Opposition opposes the suspension of standing orders because it again reveals that the Government's legislative program is a shambles. The Opposition does not oppose the legislation; the honourable member for Epping has been trying to get the Government to adopt such legislation for nine years. But it is about time the public woke up to the actions of the Leader of the House and his colleagues. They respond to media pressure; they say they will fix things, but they do not. They introduce legislation when it suits, they do not respond to issues outside this Chamber, and we will vote against this motion on that principle alone.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 51

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

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

Pair

Mr Martin	Mr Armstrong

Question resolved in the affirmative.

Motion agreed to.

GWYNETH PALTROW BABY NAME

Personal Explanation

Mr ANDREW TINK, by leave: I wish to make a personal explanation. In relation to the comment about Gwyneth Paltrow's baby, I would like to make it clear that I do not know Miss Paltrow, I have never met her, and I have never participated in any donation program that might conceivably be relevant. However, I would like to wish her and her child well, and I congratulate her on an excellent choice of name.

CONSIDERATION OF URGENT MOTIONS

Fuel Prices

Ms DIANE BEAMER (Mulgoa—Minister for Western Sydney, Minister for Fair Trading, and Minister Assisting the Minister for Commerce) [4.02 p.m.]: My motion is urgent because Easter is almost upon

us and New South Wales motorists are about to face record high prices for petrol—prices which rocketed to above $1.30 a litre today. This motion is urgent because only the Federal Government has the power, under the Trade Practices Act, to take immediate action to protect motorists. It has the power under the Trade Practices Act and within the Australian Competition and Consumer Commission. This motion provides an opportunity for Opposition members to stand up for motorists in New South Wales.

Mr Andrew Stoner: Why don't we do what Queensland does?

Ms DIANE BEAMER: Members opposite should support us in our campaign to get GST dollars back into New South Wales. We are subsidising Queensland. Members opposite should be as outraged as we are and take the fight to Canberra. Have a go!

Mr Barry O'Farrell: Point of order: You might have been momentarily distracted but the Minister is now entering into the substance of the debate and not arguing why her motion should take priority over the excellent motion to be moved by the Leader of the Opposition.

Mr ACTING-SPEAKER (Mr John Mills): Order! I acknowledge that I was momentarily distracted. The Minister is aware of the ruling given by the Speaker yesterday. The Minister has the call.

Ms DIANE BEAMER: This motion provides an opportunity for Opposition members to stand up for New South Wales motorists, families across New South Wales and small business owners who are under the pressure of rising petrol prices. This motion is urgent because an increase in the price of petrol has ramifications throughout the economy, and only the Federal Government has the power to take action. The Federal Government must act now to stop more pain being felt by motorists throughout New South Wales at the petrol pump.

Police Numbers

Mr PETER DEBNAM (Vaucluse—Leader of the Opposition) [4.05 p.m.]: My motion is urgent because people are dying in the streets in New South Wales because the Government has not done its job. Indeed, the Minister for Western Sydney has not represented her community. She has not talked in Parliament about the crime problems in south-west Sydney. She has never raised this issue on behalf of her constituents. In the case of Middle Eastern crime in New South Wales, the Minister should have been doing her job. Then we could talk about other issues that are not so urgent as the crime problem confronting the community. The honourable member for Camden has been absolutely silent on this issue, as have the honourable member for Auburn, the honourable member for Heathcote and the honourable member for Maroubra, whose community was trashed on the night of 12 December.

Ms Diane Beamer: Point of order: My point of order is exactly the same as that raised by the Deputy Leader of the Opposition. The Leader of the Opposition is debating the substantive motion, not explaining why his motion is more urgent.

Mr ACTING-SPEAKER (Mr John Mills): Order! I repeat to the Leader of the Opposition what I said to the Minister. He is aware that the Speaker gave a careful, considered ruling on this matter yesterday.

Mr PETER DEBNAM: My motion is urgent because the first responsibility of any government is public safety. However, for the past 11 years the Government has failed. While Government members have been silent in this House, I have met every Labor police Minister over the past 11 years and said, "Why won't the Government lock up Middle Eastern thugs?" I met with Paul Whelan, John Watkins, Michael Costa and Carl Scully, and I asked them why the Labor Government resists arresting and locking up these Middle Eastern thugs. What do we see again today? Today, on 5 April 2006—11 years after the Labor Government was elected—another six of these thugs have been let go. That is the problem. The Government's softly, softly, politically correct, media driven policing has failed the community of New South Wales. The Government has failed the communities of Auburn, Camden, Mulgoa, Heathcote and especially Maroubra, where the honourable member for Maroubra has been absolutely silent since 12 December. The honourable member has said nothing about the fact that his community was trashed.

Mr Steve Whan: Point of order: My point of order is that the Leader of the Opposition is not aware of the ruling given yesterday by the Speaker that members must establish urgency for their motions. Let us face it: The Opposition just voted against bringing on a bill—

Mr ACTING-SPEAKER (Mr John Mills): Order! The honourable member for Monaro is now engaging in the substance of the debate. He has made his point. The Leader of the Opposition has the call.

Mr PETER DEBNAM: Although the honourable member for Monaro has lost 10 police from his commands in the past six months, he has been silent. He has betrayed his community. He is part of this softly, softly, politically correct, media driven policing, and he should be ashamed.

Mr Steve Whan: Point of order—

Mr ACTING-SPEAKER (Mr John Mills): Order! If it is the same point of order as the honourable member for Monaro took earlier, I will rule against him and allow the Leader of the Opposition to continue.

Mr Steve Whan: My point of order is that the Leader of the Opposition has just gone completely off the leave, not only of urgency but also of his own motion, by talking about police in Monaro.

Mr ACTING-SPEAKER (Mr John Mills): Order! There is no point of order.

Mr PETER DEBNAM: I have to talk about police in Monaro because the honourable member for Monaro will not. The honourable member for Maroubra will not stand up and talk on behalf of his community in Maroubra, many of whom were bashed and had their vehicles trashed on the night of 12 December. The honourable member for Heathcote has never spoken in this House about the cut in police numbers. He has suffered massive cuts. The honourable member for Auburn has major problems in her electorate. When I go to Auburn, people stop me in the street and say, "Please push harder on this issue of needing more policing, because the local Labor MPs are failing to do so." The honourable member for Camden should be embarrassed and should look sheepish because his constituents are coming to me to talk about policing. He has simply failed, and that is before I get to the Minister for Western Sydney. She should be ashamed! You have all failed to address that issue. [*Time expired.*]

Question—That the motion for urgent consideration of the honourable member for Mulgoa be proceeded with—agreed to.

FUEL PRICES

Urgent Motion

Ms DIANE BEAMER (Mulgoa—Minister for Western Sydney, Minister for Fair Trading, and Minister Assisting the Minister for Commerce) [4.10 p.m.]: I move:

That this House:

(1) notes the Easter fuel price hike will push the cost of petrol to approximately $1.40 a litre and the strain this will place on New South Wales families and small business;

(2) congratulates the Government for its support of alternative fuels, including biofuels and ethanol blends;

(3) calls on the Federal Government to give the Australian Competition and Consumer Commission powers beyond fuel price monitoring.

Next week Easter will be upon us. This is traditionally the weekend when families across New South Wales take their kids on a short break, but this year the hunt for Easter eggs will be replaced by something more sinister—the hunt for affordable petrol. Once again, New South Wales consumers are about to be ripped off by the big oil companies, and sentenced to an Easter weekend at home because they will not be able to afford to take their children away. This, amongst other things, has ramifications and impacts on New South Wales regional tourism and on small businesses throughout regional areas.

We know why. It is not because of a convenient coincidence that the price of oil may happen to rise; it is because the oil companies know they can gouge motorists at the petrol pump over the holiday period. They know the Federal Government will sit on its hands and allow them to profiteer at the expense of families and their holidays. The Service Station Association acknowledged this morning that when oil companies withdraw from discounting the price rockets up, but it only comes down in dribs and drabs, during which time motorists are slugged and oil company profits rise. Just how big are their profits?

In 2005 Exxon Mobil broke its own record with a $36 billion profit—36 billion American dollars! That is the highest profit ever recorded by any company in any year. Today's *Sydney Morning Herald* reports that, just when families are getting ready for their Easter weekend trips, prices may spike upwards by as much as 20¢ per litre. It is time this unfair gouging of motorists stopped. It is time the Federal Government took action, which only it can take, to put a stop to this. Despite its protests, there are a number of things the Commonwealth can do to protect consumers from being ripped off at the petrol pump. A good place to start would be an investigation into price fluctuations. We all know what the Australian Competition and Consumer Commission [ACCC] thinks of petrol prices, that is, they are not regulated and the industry can charge whatever it likes. It is time that this body was given some real power, some real direction, and told to properly investigate what is behind the changes in the price of petrol. An Australian Consumer Association report in 2005 raised some salient points on this very issue. It stated:

> Someone should be able to see if the industry is telling the truth about cost pass through; when does a fib become misleading and deceptive conduct under the Trade Practices Act?

The association made the very valid point that:

> Consumers would like to be assured that when the crude oil price drops sharply and the petrol price doesn't fall equally sharply, that too is competition and not collusion.

These are the very issues that the ACCC must immediately investigate. They are the very issues on which motorists deserve more help than they are currently getting from the Federal Government and less lip service. Rising petrol prices was the subject of a summit by the NRMA last year. My colleague the Minister for Small Business, from whom we shall hear later in this debate, represented the Iemma Government at that summit and has been a strong advocate for New South Wales motorists and businesses. The summit demonstrated that the Commonwealth can take real action to protect motorists from rising petrol prices.

The urgent strengthening of the proposed amendments to the Trade Practices Act to ensure that a workable and effective section 46, to prevent abuse of market power, is achieved was among the recommendations coming out of the summit. Both the Australian Consumers Association and the NRMA recommend action under the Trade Practices Act. This morning Ron Bowden from the Service Station Association added his voice to the campaign, concerned with the concentration of market power—the advent of Coles and Woolworths and the 65 per cent market share through their outlets—enabling the big end of town to manipulate prices.

How do they do this? They do it by three or four weeks of selling below cost, squeezing the independents out and then raising the price again. The oil companies are playing with the independents, playing with the consumer purse and moving prices when it suits them. Recently, Shell's terminal gate price to independent retailers was 118¢ a litre, while Shell was selling for as low as 111¢ and admitting as much on its web site. The independent operators were then effectively out of the market by 8¢ or 9¢ a litre. Some of the discounting may be in the interests of consumers today, but what about in three or four years' time when many of these independent operators have gone?

Ron Bowden has called on the Commonwealth to strengthen the Trade Practices Act to stop this concentration of market power. Not one, not two but three independent bodies are calling for the Commonwealth to take action. These matters of competition go straight to the heart of the responsibilities of the ACCC and are completely in the realm of the Federal Government. The response thus far from Canberra has been muted silence and the occasional mumbling about market forces. Another independent body, FUELtrac, predicted last week that record petrol prices would soon be upon us, and a look this morning at the NRMA's Petrol Watch web site revealed just how much consumers are already being hit at the petrol pump.

Today the average price in Sydney is 131.2¢ per litre. That is, a little more than $1.30 as the average price. No doubt those of us who have been listening to radio stations have heard consumers talking about the enormous change in the price of petrol that has taken place in the past two days. I heard one listener to radio 2BL say how she sat in her car behind some traffic lights and watched while the price of petrol at the service station in front of her jumped by nearly 20¢ before her very eyes! One only has to look around Sydney today to see that motorists are being hurt. Battlers in Western Sydney were gouged at the petrol pump today. This morning the price of petrol was 134¢ at Plumpton, 132¢ at Blacktown, 134¢ at St Marys and 134¢ at Narellan. It is hitting those people who can least afford it. They are being asked to line the pockets of oil companies with their hard-earned dollars.

Where is the Leader of the Opposition, the so-called shadow Minister for Western Sydney? He should join me in this debate and stick up for the motorists of Western Sydney by supporting the motion. He is out of touch with the motorists of New South Wales. I am sure the Opposition supports the motion. I have referred to what is happening in Sydney. My ministerial colleague, as I foreshadowed earlier in my speech, will address some of the issues facing regional New South Wales. I have mentioned the ramifications and flow-ons from people not travelling for holidays at Easter. They will not be going out to Dubbo to look at the fine events and attractions there. They will not be going to the north of the State. They will not be going to Eden or Taree.

Mr John Turner: I will give you a lift.

Ms DIANE BEAMER: Thank you for the offer. I am sure we will have to do a lot more car sharing because of fuel prices. The Opposition should support the motion and stand up for motorists, families and small business owners across New South Wales. [*Time expired*.]

Mr JOHN TURNER (Myall Lakes) [4.20 p.m.]: I am pleased that the Minister referred in her last gasping words to standing up for the people of New South Wales because all the rest of her speech was centred on Sydney—Sydney-centric again. As Minister for Fair Trading she should know that people in country New South Wales have been paying $1.40 a litre for petrol for years. Now that Sydney people are suddenly seeing the imposts that we have in country New South Wales the Minister is speaking out. Her Sydney-centric speech shows that she has no real knowledge of her portfolios. Following a press statement from the ABC on 30 March she said that at Easter the fuel price will go up to $1.40 a litre—the Minister did not quote the press release correctly—yet we know that in country New South Wales gouging has been going on for years. In my area I have been paying $1.35 to $1.37 a litre for years. It is a bit cynical for the Minister to say a couple of days before Easter that this is a terrible thing that has happened to fuel prices in Sydney. Yes, it is gouging. Yes, we agree with the Minister that there has to be transparency. But the Minister should not be so hypocritical as to say that this has not been happening in other areas every day of the year, year in and year out.

The Minister's motion referred to prices going up to $1.40. She has obviously taken the information from FUELtrac, which she quoted. That price is for diesel; $1.359 is the price for petrol, according to FUELtrac. While we are dealing with corrections, with all due respect to the department, the third part of the motion—I noticed that the Minister did not address the second and third parts of the motion in any formal fashion—calls on the Federal Government to give the Australian Competition and Consumer Commission powers beyond fuel price monitoring. It does not have the power to monitor fuel prices. The Minister obviously does not know what is happening in her portfolio. We would like to see the commission have that power but the commission does not have the power at the moment. I will not fix up the Government's business but the Minister might like to amend her motion to call on the Federal Government to give the commission the power to monitor fuel prices.

We have some sympathy with the Government's motion. There is an interesting quote from Federal shadow Minister Craig Emerson. On 22 July 2005 in the *Age* Mr Emerson said, "It is simply not feasible or practicable to legislate lower prices." So the Minister's Federal colleague has realised that there are problems in regulating fuel prices. I am yet to be convinced that there is not gouging going on and I want to see transparency, but the Federal shadow Minister with responsibility in this area is realistic enough to know that there are problems associated with regulating fuel prices. A leading consumer group that spoke to me recently said it did not want regulation for a variety of reasons. The first thing the Minister should do is talk to consumer groups to see what we can do. The Government is banging some heads together on the anti-steering legislation; perhaps we have to bang some heads together in the petrol pricing area. I certainly believe something has to be done. As the Service Station Association treasurer said in an article in the *Daily Telegraph* on 13 January 2006:

> What the big retailers like Shell and Caltex will do is to offer a franchisee an extra 3¢ a litre so they can compete with other [private] service stations.
>
> Halfway through the week the firms might say no more subsidy from 10am. That's when prices rocket because the franchisee has to make his own margin.

It is quite clear with the gouging that goes on that the discount that the big retailers are giving throughout the year to have the competition, supposedly, in the industry is being caught up at peak times such as Easter and Christmas. Something needs to be done in that regard. Providing the power to monitor fuel prices might be appropriate. The Minister was strangely silent in her speech in relation to biofuels even though she included them in her motion. I am tempted to amend the second part of the motion to condemn the Iemma Government for its lack of use of fuels including biofuels and ethanol blends.

On 15 September 2005 The Nationals proposed a bill called the Public Sector Employment Management Amendment (Ethanol Blended Fuel) Bill to require the use of ethanol-blended fuel in the New South Wales Government vehicle fleet. What was the response from the Government? Energy Minister Joe Tripodi said, "Just withdraw the bill." That is clearly recorded in *Hansard*. Now the Minister for Fair Trading wants to congratulate her Government on using biofuels. The Opposition's very responsible bill suggested that the New South Wales Government fleet, which comprises 24,500 vehicles, including light commercial vehicles, operate on fuel with a 10 per cent ethanol component. Does the Minister's car have E10 compatibility? I think it would have but I will bet my bottom dollar that she does not have ethanol in it.

Ms Virginia Judge: Have you got it?

Mr JOHN TURNER: No, I do not have it because this Government will not do anything about putting it in.

Ms Virginia Judge: People in glass houses.

Mr JOHN TURNER: The honourable member for Strathfield is being very silly. It is her Government that has not made it available. I would put it in if we could get it from the Government but we cannot get it from the Government because it will not make it available. Minister Tripodi just said, "Withdraw the bill."

Ms Virginia Judge: Point of order: This Government does not sell petrol.

Mr ACTING-SPEAKER (Mr John Mills): Order! That is not a point of order.

[*Interruption*]

Mr ACTING-SPEAKER (Mr John Mills): Order! The honourable member for Strathfield will resume her seat.

Mr JOHN TURNER: I agree that the Government does not sell petrol. So why are we debating this issue instead of talking about policing matters and people being killed in Western Sydney every bloody night? You do not do anything about that.

Ms Virginia Judge: I ask the honourable member to withdraw. He just used a word that I think is not appropriate for this Chamber. He just used a swearword. I think he should withdraw that word.

Mr JOHN TURNER: I withdraw "bloody", which is used now on national television around the world. Do not be so precious, please. And do not make yourself look sillier than you are, because you really are being silly.

Ms Virginia Judge: Point of order: It would seem that the honourable member for Myall Lakes has lost his decorum in the Chamber. Once again he is not calling me by my title but calling me another name.

Mr ACTING-SPEAKER (Mr John Mills): Order! I have heard enough. There is no point of order. The honourable member for Strathfield should cease interjecting. If she wishes to make a contribution to the debate she should seek the call.

Mr JOHN TURNER: I am sorry that the honourable member for Strathfield is being so precious on this whole matter. We totally support biofuels. We support ethanol blends. We totally support the Federal Government's biofuels task force. In August 2005 a report was presented recommending the setting up of that task force. The Western Australian Government has established a task force and, in a spirit of bipartisanship, it has put two National Party members on the task force to advance the biofuel debate in that State. As I said, the Government's response when the Opposition tried to introduce legislation was to suggest that we withdraw it. I am disappointed that the Minister is trying to congratulate herself about the Iemma Government's use of alternative fuels, because it does not use them. If it did, it would have supported the Opposition's bill and we would have 24,500 E10 vehicles and at least 24 E10 ministerial vehicles, but we do not.

It is disgraceful that the Minister has come into this place and tried to pat herself on the back. The benefits of ethanol and biofuels are clear. They not only result in ensuring cleaner air and better health outcomes but also assist rural industries to market a by-product that is currently of no use to them. Even Nationals Senator

Ron Boswell from Queensland gave Premier Beattie a pat on the back for actively promoting the use of ethanol by motorists and the production of ethanol by the sugar industry. We have heard nothing from the Government, including the Minister. The Opposition does not condone petrol price gouging. It is wrong and it should be investigated. However, this motion is a stunt and the Government has a cheek to try to congratulate itself for its use of biofuels. It is starting to stretch the friendship by doing so.

Mr DAVID CAMPBELL (Keira—Minister for Water Utilities, Minister for Small Business, Minister for Regional Development, and Minister for the Illawarra) [4.30 p.m.]: I certainly support the motion moved by my colleague. I am happy to be part of the team on this side of the House debating this issue. I will talk about biofuels shortly, because having a discussion and working this out is part of our team approach.

New South Wales motorists and small businesses are facing rising petrol prices because the Commonwealth Government has failed to act. The message to Canberra is clear: The Commonwealth Government must give the Australian Competition and Consumer Commission [ACCC] the power to stop major companies ripping off Australian motorists. We need to ensure that the ACCC is capable of ongoing monitoring of petrol pricing. The Iemma Government has been working hard to help small business cope with rising fuel costs. What has the Leader of the Opposition done? As usual, he has done nothing to help small businesses. Has he called on his Federal colleagues to act immediately to give the ACCC more power to protect consumers from petrol price gouging? No. Has he, or have his Nationals colleagues, highlighted how business in the bush is suffering from huge fuel bills? No, he has not, and neither have his colleagues.

Today small businesses in Wilcannia are paying a whopping $1.59 a litre to fill their tanks. Those in the transport business or delivering goods in Cooma will pay more than $1.40 a litre, and a business in Dubbo will pay much the same. I note that the honourable member for Dubbo is in the Chamber, taking a particular interest in this issue. Here in Sydney it is not much better. Newsagents delivering papers in Hoxton Park will fill up at nearly $1.30 a litre. Those filling up in Redfern should expect to pay nearly $1.35 a litre, and in Randwick the price is $1.33. Small business is bearing the brunt of petrol price rises. An NRMA survey in March found that the profits of 70 per cent of small businesses in this State have been cut because of rising petrol prices. Late last year a New South Wales Chamber of Commerce survey revealed more than 60 per cent of New South Wales companies said that fuel costs were eating into their profits.

For months the Government has been asking the Commonwealth Government to act. What has the Opposition done? Absolutely nothing. It just goes to show that the Leader of the Opposition is totally out of touch with the families and small businesses of this State. He does not understand what families and small businesses in Western Sydney or, for that matter, country communities are going through. Once again he has failed to stand up for New South Wales. This is the same as his failure to stand up to his Liberal mates in Canberra to get New South Wales a better GST deal. The Commonwealth Government reluctantly attended last year's NRMA petrol crisis summit in Sydney, at which I represented the New South Wales Government. Who was the fastest person out of the room at the conclusion of the summit? It was the Commonwealth Government's representative. Clearly, the Liberal Partly thinks The Nationals are so lost and irrelevant that it cannot be bothered fighting for country communities.

The Iemma Government wants the Commonwealth Government to show leadership. Last September I wrote to the Federal Minister for Small Business and Tourism in an effort to make the Commonwealth take control. Her response was that she was not prepared to lobby the Prime Minister on behalf of Australian small business. Her letter was another white flag from the Commonwealth Government on an issue that is crippling many small businesses. While the Commonwealth washes its hands of its responsibility, the lemma Government is working hard to protect small business. The New South Wales Government is committed to investigating and, more importantly, using environmentally friendly alternative fuels, including ethanol. The fleet of government cars and light commercial vehicles uses 110 million litres of unleaded fuel a year and millions of litres of other fuel, such as LPG. In July, when the next contract begins, the Government will for the first time include ethanol-blended fuel and other alternative fuels.

The investment the Government is making and its support for alternative fuels will be important to New South Wales fuel users in the years to come. The Government is showing leadership by mandating the use of those alternative fuels in its contracts. That is the Government's approach. It does the hard and determined policy work. On March 8 I announced the New South Wales Government's three-point plan to help small business survive the impact of fuel rises. Under that plan the New South Wales Government is providing free advice to small businesses across the State on how to restructure and perhaps minimise the impact of these price hikes. The Commonwealth Government also has a role to play. For example, it can increase small business

deductibility of motor vehicle running costs. The lemma Government will continue to call for changes to the Trade Practices Act.

Mr ANDREW CONSTANCE (Bega) [4.35 p.m.]: The two Ministers who have spoken this afternoon have contradicted each other. One Minister said that the Australian Competition and Consumer Commission [ACCC] does not have the powers, and the Minister has moved a motion calling on the Commonwealth Government to give the ACCC powers beyond fuel price monitoring. The motion is incorrectly worded. This is typical of the Labor Party. Another part of the motion refers to the price of fuel being $1.40 a litre. I wonder where these Ministers have been. They certainly have not been in country New South Wales and seen the prices being paid there. It is very disappointing that the Minister for Regional Development did not refer to that fact.

Mr David Campbell: Point of order: It is unfortunate that the honourable member for Bega is seeking to mislead the House. If he had been listening to the debate he would have heard me mention that motorists in Wilcannia are paying $1.59 a litre for petrol, motorists in Cooma are paying $1.40, and that the prices in Dubbo are similar. It was stated in the debate and the honourable member for Bega was not listening.

Madam ACTING-SPEAKER (Ms Marie Andrews): Order! I ask the honourable member to direct his remarks to the motion. He may continue.

Mr ANDREW CONSTANCE: It gets even more interesting. Craig Emerson, the chairman of the Federal Labor caucus economic committee, said that it is not true that an oil cartel is artificially spiking petrol prices and that the petrol retail market is highly competitive. It is a bit rich for honourable members of the Labor Party to give the Coalition a petty lecture about petrol pricing when its Federal counterparts are not prepared to stick up for local communities about petrol gouging. The ACCC is informally monitoring petrol, diesel and auto LPG prices at about 4,000 sites across Australia. It is equipped to take action under the Trade Practices Act 1974 if there is evidence of anticompetitive behaviour, including undertaking informal monitoring, investigations and court cases in the petroleum area if appropriate. It has instituted proceedings against 16 respondents alleging a number of competitors in the Ballarat region were part of a long-standing arrangement to fix retail petrol prices. The Commonwealth Government is doing its work. If the State Government is aware of anticompetitive behaviour in the petrol industry it has a responsibility to bring it to the attention of the relevant authorities.

In 1999 the honourable member for Bathurst put a question on notice to the Minister for Fair Trading: "What is the next step in Country Labor's fight for cheaper petrol in the bush?" The Hon. John Watkins, who was the Minister at the time, advised that the next stage of Country Labor's fight for cheaper petrol prices in regional and rural New South Wales "will start in the next few days". Seven years down the track we now have this pathetic motion before the House! It simply shows the incompetence of the two Ministers.

For the benefit of the Ministers, in relation to the business franchise fee on petrol, on which the Government was happy to collect the levies in its first few years in office, that fee was incorporated into the minimum GST payments when the GST was received by the States and Territories. After the GST tax system was introduced the amount to be collected on behalf of the States and Territories was averaged across all jurisdictions. This equated to 8.3¢ per litre. Queensland gave it back, whereas New South Wales has not. Government members talk about the business franchise fee on petrol. These mugs opposite did not even bother to give it back, and now they have been exposed. The reality is that the Government has never stood up for lower petrol prices in country New South Wales— [*Time expired.*]

Ms ALISON MEGARRITY (Menai—Parliamentary Secretary) [4.40 p.m.]: I am proud to join my colleagues the Minister for Fair Trading and the Minister for Small Business in standing up for all New South Wales motorists, families and small business owners. I can inform the honourable member for Myall Lakes and the honourable member for Bega that members of this House, from both city and country areas, know that country families can pay in the order of $300 a year more for petrol than people in Sydney pay. The real question we have to ask is: What have The Nationals been doing about this longstanding situation? The honourable member for Myall Lakes told us that he has been paying more for petrol for donkey's years.

The Nationals should be banging on Mark Vaile's door and demanding action for country New South Wales—and they should have been doing it for years. There are so few of The Nationals, they could even carpool their way down to Canberra to save on petrol costs. The Nationals are the ones with the links to Canberra. The New South Wales Government is doing everything it can. Regardless of whether The Nationals want to run this city-centric argument, in just one week all motorists will experience even more great pain at the petrol pump. Country families will be disadvantaged even further. The petrol price increase will impact on the

holiday budgets of hardworking families and potentially will stop them from taking a driving holiday in regional New South Wales. In the process, it will devastate small businesses at a time of year that they can expect to be one of the busiest.

According to the Australian Automobile Association, in the 12 months to January 2006 petrol prices across the nation increased by an average 21.5¢ a litre. New South Wales motorists understand that the international oil market is volatile and subject to external forces such as civil unrest and production shortfalls. High international oil prices are certainly a component of local fuel price hikes. But when the stage is reached of calling a price hike over Easter—what we might call a traditional price spike—that argument flies out the window. During the same time frame oil company profits have skyrocketed. Caltex announced a $500 million profit for the year, while Exxon International recorded a $48 billion profit—$48 billion!

The Iemma Government rejects outright the notion that there is nothing the Commonwealth can do to protect motorists, families and small businesses from fuel price gouging. The time has come for the Opposition to join the Government and stand up for all the people of New South Wales. Affected groups include independent truck drivers, who are already under significant pressure thanks to the Federal Government's so-called WorkChoices reforms, young families looking forward to a relatively inexpensive Easter break, regional hotel and motel operators, and the related small business operators who depend on spin-offs from them. All these groups are the people who will suffer most from the pain at the petrol pump. Motorists, families and small business people across New South Wales can rest assured that the Iemma Government will continue to stand up for their best interests. We will continue to push the Commonwealth until John Howard and Peter Costello give the Australian Competition and Consumer Commission [ACCC] some teeth to investigate petrol price hikes. However, some help from the other side of the Chamber would be more than welcome.

This is a matter of the utmost urgency. Even the most cursory perusal of the ACCC's web site shows that the commission is a toothless tiger when it comes to ensuring that there is real competition—not collusion—in setting petrol prices. According to the ACCC's web site, the last time John Howard and Peter Costello asked for a comprehensive report into reducing fuel price variability was December 2001. In October 2005 the commission printed a brochure entitled *Understanding petrol pricing in Australia*. But the ACCC has little power to address the issue in any meaningful way. When the commission has acted, it has rarely succeeded in its efforts. It "closely monitors" petrol pricing, but what it needs from the Howard-Costello Government are the powers, resources and commitment to stamp out the faintest whiff of price fixing.

We know we cannot control the fluctuations in the international oil market, but the Commonwealth must take action at home to promote competition. Opposition members need to address this matter now, rather than give their usual arrogant response—"No comment"— when asked to detail plans and policies. Opposition members will not detail their plans because they have no policies, unlike the practical solutions the Iemma Government is working hard to deliver. The Leader of the Opposition cannot play Scarlett O'Hara forever and fob off direct questions from New South Wales families, business people and the media because "tomorrow is another day". The Opposition should stand up for the people of New South Wales and send a message to Canberra—on fuel prices, on the GST, and on every issue that impacts on the day-to-day lives of the people we represent in this place.

Ms DIANE BEAMER (Mulgoa—Minister for Western Sydney, Minister for Fair Trading, and Minister Assisting the Minister for Commerce) [4.45 p.m.], in reply: I thank the Minister for Small Business, the honourable member for Myall Lakes, the honourable member for Menai and the honourable member for Bega for their contributions. Whilst I acknowledge that the contributions of the honourable member for Myall Lakes and the honourable member for Bega were not as enlightening as those of my colleagues on this side of the House, they made some salient points.

The honourable member for Myall Lakes commenced his contribution by saying that petrol price gouging has been going on for years. Indeed, petrol price gouging is the very reason why we are asking the Opposition to join with us to support changes to the Trade Practices Act. As the honourable member for Menai said, if the role of the Australian Competition and Consumer Commission [ACCC] is to collect and analyse the retail prices of unleaded petrol, diesel and automotive liquefied petrol in capital cities and 110 country towns across Australia, its role is merely that: to collect and analyse. This motion is about going a little further than that. We ask for the Opposition's support in looking at ways in which we can boost the responsibilities of the ACCC. We all know that we have a problem with the way in which petrol prices are working, not only in New South Wales but throughout Australia. We have participated in summits and made suggestions to the Federal Government regarding the issue, but so far those suggestions have fallen on deaf ears.

We seek the support of the Opposition, which acknowledges that petrol price gouging has been going on for years, so that we can tell the people of New South Wales that the practice should stop. We have had huge petrol price rises. People are stopping at traffic lights and watching the price jump 20¢ in front of their eyes. People who live in remote communities in the bush and have to pay so much more for their petrol, as well as travel greater distances, need some surety about petrol prices. Small businesses, and particularly truck drivers and those who have to buy products transported by truck drivers, also need some surety about petrol prices. This Easter, tourist operators will see a real decline in the number of people visiting their operations.

There will be a real decline in family activity, enjoying themselves with their children, over the Easter break. We want the Federal Government to work with States and Territories to help families and small business. That means giving the ACCC the power it needs to investigate price hikes, both in the regions and in Sydney. Right now that is the biggest single issue impacting on the cash flows of small businesses, particularly of truck drivers and tourist operators across regional New South Wales. They are doing it tough, but they have been lifting their market share because of families from Sydney who are visiting our regions and enjoying this great State.

Geoff Trotter from FUELtrac was quoted on ABC radio as saying that traditionally fuel prices are at their highest at Easter. Why is that so? Does Easter have an effect on the world price of oil? It is because there is a collaborative approach perhaps to the way in which oil companies use petrol prices. Indeed, it is called, as the honourable member for Myall Lakes said, petrol price gouging. We want to give the ACCC teeth to combat that practice. Geoff Trotter said that by next Thursday unleaded petrol prices in New South Wales will reach $1.35 and the price of diesel will reach $1.40 in Sydney, matching the record price in September last year. As consumers, and as consumer advocates, we want to unravel the way in which these prices are put together. I urge both sides of the House to give the ACCC the power to do that. The Federal Government has the power to give the ACCC the teeth it needs to undertake the investigation so that consumers and small business operators in New South Wales will be better off. I urge it to do so.

Motion agreed to.

COMMUNITY COLLEGES FUNDING

Matter of Public Importance

Mrs DAWN FARDELL (Dubbo) [4.52 p.m.]: Today I speak about the importance of the Government not cutting funding to New South Wales community colleges. I have been advised that 10 community colleges could be forced to close as a result of continuing State Government cuts. Faced with a 30 per cent cut to their funding next year, community college course fees may increase and some classes may be cancelled as the colleges struggle to stay open. Community Colleges NSW Executive Director John Shugg advises that, according to budget figures, the State's funding will drop from its 2005 level of $6.2 million to $4.3 million in 2006. There are rumours that another $1 million will be cut in 2007. Community colleges provide a valuable service to local and regional communities.

I realise that the Board of Adult and Community Education uses certain formulas. However, when assessing any need in our community, commonsense and logic dictate that each college or teaching facility has different geographics and needs. The formulas that may work in Sydney certainly should not be applied in rural and regional New South Wales. In 2003-04 there was funding of $2.8 million for literacy. In 2006 that will drop to $2 million. The non-registered training organisations have been put into a community providers pool to which $701,000 will be allocated, but only after the organisations have applied for funding. The colleges in the pool are, first, Balranald, which has decided it is all too hard and will not apply—and this rural community cannot afford that loss. Another is Kincumber, which has had to amalgamate with Tuggerah Lakes. The others are Nambucca, Gunnedah, Tenterfield, Bingara, Condobolin, Corryong; the far South Coast and Bega, Gravesend, Grafton, Monaro, Bourke, Quirindi, Gilligerry and Mosman. Mosman lost all its funding of more than $100,000 in 2005.

Those colleges receive no direct funds if they do not apply and they are locked out of the literacy funds unless they go into partnership with another college. This situation is appalling. Mr. Shugg advises that the Government is willing to support the sector but that it has been struggling with delivering on its policy for the sector and maintaining a secure fiscal position. That leaves colleges in the impossible situation of being unable to plan for 2006, as they are mindful of the fact that loss of funding means a reduction in staffing levels. They take their obligations as employers seriously but they are affected by the impact of funding decisions.

Community Colleges NSW is committed to working towards a financial model for members that does not make them dependent on State Government funding. To do that, they will require a short-term stabilisation of the sector funds as they move to a self-sustaining model. Progress has been made on statistical data reports, which are essential to maintain the Commonwealth contribution. The work the colleges are carrying out on the LifeWorks Project will, in time, provide new learning opportunities to communities throughout New South Wales. The Lifelong Learning for All policy of the Government outlines seven principles. They are:

1. Adults are capable of learning at all stages of life
2. The individual learner is the centre of the educational process
3. All adults, regardless of their backgrounds and circumstances, have the right to access a diversity of affordable quality learning opportunities
4. Lifelong learning is central to the health, vitality and economic wealth of the community
5. Liberal education encourages students to take a considered, critical and evaluative approach to learning and knowledge
6. Lifelong learning is essential to the continuing development of informed citizens and the promotion of a democratic society
7. Adult and Community Education contributes to the development of a skilled, cultured and creative society.

My electorate of Dubbo in the Central West of New South Wales is fortunate to have the Western College, which has been excellently managed by Gai Ellen Palmer. Gai Ellen has announced that she and her family are moving to the South Coast. She will be sadly missed in our community. Under her guidance over the past 25 years, the Western College has gone from strength to strength, providing further education for many sections of our regional community. I extend my sincere gratitude to Gai Ellen Palmer for her commitment to the education of our community and for the professional manner in which she led the college. Gai Ellen was also a board member of a local disability employment agency.

The Western College covers an area from the Queensland border in the north, including towns such as Walgett and Goodooga, to Cobar in the west, Wellington in the east, and Dubbo as the most southern point. The college has developed an extensive network in its community, including a strong connection with the Dubbo Chamber of Commerce. It has provided an opportunity for chamber members to obtain accredited qualifications through tailored training programs. It has also run consistent programs of life skills and literacy development courses for a group of young people with disabilities. Many of my constituents have come to my electorate office rightly bemoaning the fact that there are not enough programs or activities available for the further development of their adult disabled offspring. There are early intervention and special education programs for children under the age of 18, but parents of children past that age are in despair. Fifteen hours per week is not sufficient to meet their needs.

Another successful program I am aware of is a program of three days a week for young people who have left school before completing their School Certificate. Those young people participate in a range of learning, exercise and employment strategies. That project provides the college with the opportunity to extend its current program and provides additional choices to participants in the program. The key stakeholders are the Western College, the Police and Community Youth Club [PCYC] in Dubbo and the Aboriginal Employment Strategy [AES]. Those organisations have extensive experience in the planning, implementation and evaluation of programs for marginalised young people.

In 2004 a program began at the PCYC venue and participants have developed strong links with that organisation. The reason that venue was chosen is because many of these young people have unpleasant memories of institutional environments and learn more readily at the PCYC. A major new building in presently under construction and the existing building, which was built to cater for the youth of the 1960s, is being restored. The new building has been designed to run programs that have a proactive response to youth rather than reactive response when a crime has been committed. There will be ample room to cater for everyone who walks through the door. All we need are the funds to allow the college to meet its needs.

In 2004 the senior constables at the PCYC became increasingly aware of the lack of capacity to assist more young people and to expand the program over a longer period of time during the week. Once again, additional monies are needed to extend the program. This project gives participants opportunities to develop literacy and numeracy skills based on their interests and needs, to develop their living skills, to raise personal issues in a non-threatening environment, to identify their future choices through individual mentoring and workshops, and to participate in an employment strategy that is designed to identify their interests and skills and

assist them to find employment that matches those interests and skills. That also includes participation in voluntary work. The course improves participants' physical condition and provides information on drugs, alcohol and nutrition. It provides opportunities to open doors to a range of organisations and businesses in the community and to experience various organisational environments.

They currently deliver over a two-day period for 40 weeks per year. Western College, PCYC and AES want the ability to extend this wonderful program to four days per week for 45 weeks per year. This cannot be done if funding levels are not maintained to community colleges. Funding for community colleges needs to be increased, not decreased. For the past eight years the Western College has conducted a Links to Learning program. Predominately the participants have been involved in some form of crime prior to commencing the program. Over the past three years the program has not been able to cater for the number of referrals it receives—another valid reason why the Government should be increasing, not decreasing, funding to community colleges. I am aware that there are only sufficient resources for 10 young, willing adults to attend this course. However, when they arrive at the PCYC it is not unusual for them to have 10 mates with them as well and, unfortunately, they are turned away.

The majority of these youths have appeared before the courts and are voluntarily turning up seeking to regain their lost education. Surely any member of this House with a basic understanding of mathematics would agree that it costs much less to educate our youth and offer them a brighter future than to have them go through the ever-revolving door of the courts and juvenile centres. What a wonderful achievement it would be to have all youth graduate from an educational centre rather than from Juvenile Justice to a correctional centre. If time permitted I could speak at great length of this wonderful program and the committed staff of Western College who developed this outcome.

Unfortunately there are only meagre funds to offer the program to a maximum of 10 people. Our community can identify many more, and the communities of other honourable members would also be able to do so. Western College has been operational in the community for more than 50 years and currently enjoys over 4,000 enrolments each year. It receives funding from a range of departments, including the Department of Education and Training, the Department of Juvenile Justice and the Department of Employment and Workplace Training.

The main consistent source of funding is the New South Wales Board of Adult and Community Education, through its funding agreement with the Department of Education and Training. Funding requirement changes in 2005 mean that these funds can be used only for vocational training and not for the development of an interest in lifelong learning through engagement in non-vocational learning. This has resulted in the college undertaking a full review of its community program, and as a result it is now only offering a small proportion of non-vocational learning opportunities.

As previously indicated, funding for general vocational training has been reduced by approximately $50,000 to Western College, which represents a reduction of 14.9 per cent. This figure does not include anticipated loss of community access funding this year of approximately $34,000. The combined loss represents a reduction of 22.8 per cent. That is shameful. These drastic cuts apply to all 10 community colleges and cannot, in my mind and that of others, be justified to any community. The Government needs to sit down immediately with the community colleges in New South Wales and announce in the budget that the funds, as requested, have been approved and inform the colleges on further ways it can assist them.

Ms LINDA BURNEY (Canterbury—Parliamentary Secretary) [5.02 p.m.]: I acknowledge that Western College is an outstanding example of a community college, and the member for Dubbo is to be commended for her support. The New South Wales Government recognises that community colleges provide a valuable service to their local communities. In 2006 the New South Wales Government is providing more than $12 million in grants to the adult and community education sector. Providers have been notified of their 2006 funding allocations, all funding agreements have been sent to the colleges, and all first half-yearly payments have been processed.

However, the level of funding needs to be seen in the context of the savage Commonwealth cuts. Honourable members have heard this before, and the community understands what the cuts will mean to forthcoming budgets. The New South Wales Government had to enter into new funding agreements with community colleges in 2004 after the Commonwealth Government cut funding to New South Wales by $345 million. The GST rip-off has had a significant detrimental impact on the New South Wales budget. Indeed, this week the effects of the GST and various negotiations have been debated in this House at length.

It is unfathomable that New South Wales' taxpayers, who pay $13.5 billion in GST, only receive $11 billion to spend on essential services. In effect, this means that in the 2006-07 financial year New South Wales' taxpayers will cross-subsidise other States, particularly Queensland and Western Australia, to the tune of $2.5 billion. As a result, the New South Wales Government will direct funding towards education and training courses which relate to enhancing employability. Changes to funding in the adult community education sector mean we are no longer able to subsidise leisure or hobby courses—we acknowledge that the focus has changed.

Colleges can still run those courses but the priority for taxpayers' money will be courses that assist people to receive training to enable them to find a job. Vocationally based education is our priority, which, unfortunately, has been brought about by Commonwealth cuts and the Government's determination to address skills shortages. For that we make no apologies. There are skills shortages in the traditional trade areas of construction, manufacturing and electrotechnology, as well as in some service industries such as aged care and child care. Skills shortages are one of the key threats to the strength of the New South Wales economy and we are working hard to develop practical solutions to address that problem.

Vocational education and training programs and activities include training package qualifications, units of competency for training packages, vocational education and training flagged employment-related programs and activities, and general and prevocational programs that may be designed as prerequisites to other vocational programs. Government funding is also allocated to accredited literacy and numeracy courses. Accredited training provides national recognition of the substantive effort that adult students put into developing language and literacy skills. This maximises students' chances to obtain employment or undertake further training. Accredited training requires specialist trained language and literacy teachers. This ensures that the programs that the Government funds will be of high quality.

The Board of Adult and Community Education is taking a number of steps to ensure that the provision of adult and community education continues to develop in response to local demand. The proportion of funds that were granted previously to each adult and community college was not based on any systemic method. From this year onwards funding for literacy and numeracy programs will be on an application basis, which requires colleges to identify equity groups in the community and ensures that they do not duplicate other provisions available through Commonwealth-funded programs.

As part of the funding arrangements, in 2004 the Board of Adult and Community Education developed a transparent and accountable funding approval process based on data from the Australian Bureau of Statistics. This instrument is being further refined to ensure that funds reach equity groups that need assistance to enter the work force and that funds for adult education are spent in communities where they are most needed. To do this effectively the demographic profiles of the community that they service are taken into account.

The profiles may be the share of residents who left school before completing year 10 or year 12; unemployment levels, the median income level, the share of residents who have no vocational education qualifications, and the share of residents who do not speak English at home. The Board of Adult and Community Education engaged in extensive consultation with community colleges during the development of this new funding mechanism. The board is assisting community colleges in forward planning. Significant and rapid changes are occurring in post-school education and training, which will affect the adult and community education sector over the next two years. These changes include changing market expectations.

Following consultation with the sector, the Board of Adult and Community Education decided to focus its efforts on assisting community colleges to respond to these changes by realigning itself with fundamental changes in post-compulsory education and training policy and becoming self-reliant and responsive to market changes. A working party of the Board of Adult and Community Education, which includes representatives of the New South Wales community colleges, has been established to develop initiatives in this area. The working party has developed a plan to support community colleges to move to new business models and to ensure they maximise potential income from their local markets.

Consultation has been extensive with community colleges and providers on the future agenda for the sector. We are also providing funding for course delivery and support, and language and numeracy programs. We are providing community colleges in New South Wales with more than $400,000 in funding for projects to assist the sector to transition to the new environment. A further $700,000 has been allocated to assist small colleges to become registered training organisations or to partner with registered training organisations to deliver accredited training to their communities. A further $175,000 has been made available to assist support providers in rural areas to come together in a cluster arrangement for support and professional development.

Community colleges play a valuable role, as the honourable member for Dubbo has very articulately outlined. We are assisting them to develop an agenda for the future. It is important to remember that community colleges are independent businesses that are not administered or managed by the Department of Education and Training. They are free to develop a range of fee-for-service courses to meet the needs and expectations of their communities. Many colleges develop a business plan that maximises income from those who can pay for leisure courses to provide discounts to those who would have difficulty paying. The colleges are free to organise the courses but the priority for taxpayers' money, as I have already outlined, is to direct funds to vocational education and training courses that enhance people's employability skills. With the funding difficulties facing this State, the 2006 grants to community colleges are a fair result.

Mr DONALD PAGE (Ballina—Deputy Leader of The Nationals) [5.10 p.m.]: I welcome the opportunity to make a brief contribution to debate on this matter of public importance relating to community colleges. Both personally and as the shadow Minister for Skills Development and Training, I strongly support community colleges and the role they play in our community. Last year I had the pleasure of being the guest speaker at the annual conference of the community colleges in New South Wales. It was a pleasant experience, and I developed a high regard for those who are involved in community colleges in the State. I shall address my initial remarks to the honourable member for Canterbury, who basically sought to excuse the funding cuts by blaming the Federal Government's GST arrangements.

It is acknowledged that New South Wales does not get its fair share of the GST. However, under the current arrangements the State Government is getting more money than it ever received under the previous formula. So it is a bit rich for the honourable member for Canterbury to justify cuts that are small in the budgetary sense but large in terms of the impact on community colleges. The community colleges budget is a fraction of the total Department of Education and Training budget, and the budget was reduced by 30 per cent this year. That is disgraceful. Some $6.2 million was allocated in the previous year; $4.3 million was allocated this year. This is not the first time the Government has cut the funds available for community colleges. Indeed, it has done so for the past three years. In 2002-03, $9 million was allocated to community colleges in this State. As I indicated, the most recent allocation was $4.3 million. A reduction from $9 million to $4.3 million is a huge cut.

What do the cuts mean? As I predicted in this House last year, they mean cuts to courses—many courses have had to be cut—and fee increases. They have certainly resulted in some colleges amalgamating, and they have threatened the viability of other colleges. That means that some jobs involved in delivering community college education are also under threat. I remind the Government, while it is talking about numbers and money, that 10 per cent of our population is illiterate. That is a pretty sobering fact. One important benefit delivered by community colleges is literacy and numeracy courses, particularly in pre-vocational education. I was staggered to find that some literacy courses have been cut by large amounts as well. In a day and age when we are looking to ensure that the whole population is literate and numerate it is inexcusable that the Government is making significant cuts to community colleges, particularly in the delivery of literacy and numeracy courses in pre-vocational education.

The 63 community colleges in New South Wales play an important role in society. They are an important part of our State education and training network. Obviously they are important in terms of lifelong learning, particularly in the context of the baby boomer generation—the first lot of baby boomers turn 60 this year. There is an ongoing need to ensure that those people maximise their opportunities in life to live a rewarding and fulfilling life, and community colleges play a significant role in that. I said that pre-vocational courses help people get employment. There is simply no excuse for cutting such courses in this day and age. Community colleges also offer courses in a cost-effective manner. Indeed, they are very cheap to run, and they achieve a big dividend.

I concur with the observation by the honourable member for Dubbo that these funding cuts are short sighted and unwarranted. There are about 400,000 enrolments in community colleges. Some people are enrolled in more than one course, so roughly 250,000 people could be enrolled. In this day and age, when we need to ensure that people who need a leg up have an opportunity to benefit at such minimal cost—the State budget is $40 billion and we are talking about $4.3 million all up—the Labor Party's hypocrisy in cutting the funding for community colleges is inexcusable. The Government's objectives as set out by the honourable member for Dubbo and their hypocrisy is truly mind boggling, and I condemn the Government for that.

Mrs DAWN FARDELL (Dubbo) [5.15 p.m.], in reply: I thank the Minister for Education and Training and the honourable member for Ballina for contributing to the debate. They raised some issues to

which I will respond. Although funding for the first half of the year has been allocated, it is still insufficient to enable community colleges to continue offering some courses. The Minister referred to the amount of GST coming back to New South Wales. That matter has been fully debated in the House. However, many young people and older people who take advantage of community colleges are not aware of the GST funding arrangements. They are not concerned about the shortage in GST revenue being returned to New South Wales. For the small amount of money that community colleges need to provide courses, surely the State Government can find the money to continue that commitment.

The Minister said also that community colleges, which are an independent business, and not the Government should perhaps be responsible for providing leisure courses. I consider myself to be a baby boomer. Many baby boomers did not have the opportunity of higher education because of family circumstances or other reasons. They have worked hard all their lives and paid taxes, and now they have a bit of free time in which to undertake an education course, whether it be a degree or simply a woodworking or porcelain painting course. It does not matter what the course is. Should we say that one community college has more merit than another? Community colleges are for the welfare of people generally. Earlier I said that adult education should be available to all people, regardless of age. We should not discriminate against people; everyone should be treated equally.

Many seniors undertake leisure courses at community colleges. Western College in Dubbo and other community colleges in New South Wales do not simply offer courses for adults. Recently I referred to young boys from juvenile justice centres undertaking courses at the local community college. Many of them are being rehabilitated, and they bring their mates along to the courses. They are definitely not adults. These boys are aged 14 to 16 years. They have worked out that they want to get fit and they want to be educated. They know it is not going to be for a week, which we would like. We would like it to be four days a week, but at this stage it is only two, or three at the most because we only have the resources to employ one person and a part-timer to assist that person.

It is demoralising for the staff of the police and community youth club and Western Community College to have turn away these young men who are willing to learn, and the young girls as well, simply because there is not the necessary funding. We should provide the funding. We should find that money, just as we find the money to lock up young people in juvenile centres at a cost of, I believe, something like $150,000 or $200,000 a year. With adequate funding we could certainly employ a lot more people and educate many more through the Western Community College.

I extend my thanks to those who work at the colleges in difficult circumstances. They are independent businesses but the Government has an obligation to them because they work for the welfare of the community. The colleges are represented by a board, and in my area it consists of people from all walks of life—schoolteachers, barristers and people involved with young people. They believe that joining the committee of the college is just another way they can contribute. To my mind there is no reason why the entire amount of funding they have requested should not be provided to enable the program to continue. I implore the Government to again sit down with these people and give serious consideration this time to increasing the amount of funding. To me the goods and services tax distribution is not an excuse.

Discussion concluded.

LAW ENFORCEMENT (CONTROLLED OPERATIONS) AMENDMENT BILL

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

JURY AMENDMENT (VERDICTS) BILL

Bill introduced and read a first time.

Second Reading

Mr BOB DEBUS (Blue Mountains—Attorney General, Minister for the Environment, and Minister for the Arts) [5.21 p.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the Jury Amendment (Verdicts) Bill 2006. As I said in the House last year, the question of whether the unanimity requirement in criminal trials should be preserved or amended has occupied

the minds of the legal community and the general public for a long time. It is a debate in which both sides have compelling and reasonable arguments, and between the two sides there are people who are legitimately undecided. It is a difficult issue for many who have sought to comprehend its dimensions. The requirement that an accused person can only be convicted if 12 of his or her peers are each satisfied beyond reasonable doubt of his or her guilt is a longstanding principle of the law.

Majority verdicts are not new. Indeed, they are common to many Australian States, and have been for considerable time. Only the Commonwealth, Queensland, the Australian Capital Territory and New South Wales do not presently have them. Majority verdicts were first introduced in South Australia in 1927. They were introduced to Tasmania in 1936, Western Australia in 1960, the Northern Territory in 1963, and Victoria in 1994. That is four States and one Territory. Majority verdicts were also introduced in England and Wales in 1967. New South Wales Law Reform Commission Report 111 recommended the retention of the unanimity requirement, but it nonetheless canvassed in some detail the persuasive arguments for and against the introduction of a majority verdicts system.

The Government has been mindful of the Law Reform Commission's advice on this matter. Changing such a feature of our criminal justice system requires a high degree of thought and care. My reading of the Law Reform Commission's report is that its arguments were evenly balanced, although the commission favoured retaining the status quo. The Government's view is that the problems surrounding hung juries can no longer be ignored. A study conducted by the Bureau of Crime and Statistics and Research in 2002 suggested that the incidence of hung juries in New South Wales is double that in other jurisdictions. The Government has now been persuaded that, provided it is clear that a unanimous verdict is unlikely to be forthcoming, a majority verdict may be returned if the jury has had a reasonable time to consider its verdict.

Majority verdicts are not automatic. Eight hours of court time must elapse before a majority verdict can be considered, and still then a judge can advise the jury to further deliberate. This is an improvement on the six hours proposed by the honourable member for Epping and those before him. The practical effect of having an eight-hour threshold instead of six hours is that a jury will be compelled to deliberate for more than one court day before it or a judicial officer can entertain a majority verdict. Until eight hours has elapsed, it must strive to reach a unanimous verdict. The system of majority verdicts is supported, for instance, by the Director of Public Prosecutions, Mr Nicholas Cowdery, QC, the Senior Crown Prosecutor, Mark Tedeschi, QC, the Chief Judge of the District Court, Reg Blanch, and a number of retired Supreme Court justices.

I would be surprised indeed if anyone were to characterise these individuals' views as being the result of anything other than careful, reasoned thought. There has been a tendency in the five or six months of this debate—that is, since the Government announced its support for majority verdicts in November last year—for certain groups and individuals to assert that there is no credible basis for introducing majority verdicts. Some say the innocent will be convicted; some say the guilty will go free, as though an eleven to one jury verdict to acquit will cause a guilty person to go free. I would have thought that if eleven out of twelve citizens are satisfied that an individual should be acquitted, that is a sign of innocence, not guilt. I do not think such statements otherwise help the debate.

The Government is of the view that majority verdicts negate the effect of the so-called "rogue juror" who may refuse to rationally engage in the jury deliberations. Judicial officers and those involved in the criminal law more generally will readily tell you of instances when a terribly long or complex trial hangs because one person is determined to be irrational. One such story is from a prosecutor who told me of a juror who simply refused to convict because he believed that police received a bounty for every successful conviction. It is accepted by judges who sit in criminal trials that from time to time one juror may be responsible for a jury failing to agree in circumstances where, having regard to the evidence, conviction would have been appropriate.

Indeed, where information surfaces that a jury was deadlocked 11 to 1 and was unable to reach a verdict because of the irrational views of one juror, or that juror's inability to scrutinise the evidence objectively, this can cause a high degree of distress for victims, their families, and other jurors who have sought to act in accordance with their oath and deliver a true verdict. Such revelations severely undermine public confidence in the jury system and the criminal justice system as a whole. One of the arguments against the introduction of majority verdicts is that they are they are contrary to the required standard of proof—that if a jury cannot come to a unanimous decision, reasonable doubt must be said to exist, and that majority verdicts therefore carry a greater risk of conviction of innocent people.

This argument is based on the premise that where a single juror's refusal to join the majority turns out to be correct, majority verdicts may lead to the conviction of an innocent person. The bill does not change the

standard of proof. A jury must still be convinced beyond a reasonable doubt of the guilt of an alleged offender. The underlying rationale of the bill is that a jury should still endeavour to reach a unanimous verdict. However, if after a reasonable period of deliberation has passed the court finds it is unlikely that a unanimous verdict will be forthcoming, a jury may return a majority verdict. Moreover, it cannot be said that miscarriages of justices have arisen in other jurisdictions that have had majority verdicts for many years. The advice the Government has received strongly indicates that the systems in those other States operate fairly and are regarded as an unexceptional part of the legal system in those places.

The central aim of this bill is to reduce the number of hung juries in order to give certainty and finality to criminal proceedings; it is not necessarily aimed at achieving a greater number of convictions by majority verdict. It is to ensure that jury deliberations are not thwarted by a single person who is unwilling to engage in a proper examination of the evidence. The proposed majority verdict amendments will also apply to offences carrying life imprisonment, such as murder. This is not the same in other States of Australia. In Australia, only the Northern Territory has implemented majority verdicts for murder offences. However, this development is not without precedent. In England, majority verdicts of 10 to 2 are allowed for the offence of murder. More importantly, if majority verdicts are to be implemented in New South Wales, clearly as a matter of principle and consistency they should apply to all offences. To exclude offences that carry life imprisonment from the scheme would create a tiered system of justice for New South Wales offences.

I turn now to the specifics of the bill. The bill inserts section 55F into the Jury Act 1977 to provide that a majority verdict may be returned in a criminal trial for offences under New South Wales law if a unanimous verdict cannot be reached after the jurors have deliberated for a reasonable time, having regard to the nature and complexity of the case, being not less than eight hours, and the court is satisfied, after examination on oath of one or more jurors, that it is unlikely the jury will reach a unanimous verdict. The bill confers an entitlement on the jury to return a majority verdict provided the conditions set out in proposed section 55F are met.

A majority verdict means a verdict agreed to by 11 jurors where the jury consists of 12 people at the time the verdict is returned or a verdict agreed to by 10 jurors where the jury consists of 11 people at the time the verdict is returned. Majority verdicts will not be permitted where a jury consists of only 10 people. Under the proposed legislation the jury will be required to strive for a unanimous verdict for a reasonable time. This means that for this period the jury will be engaged in a process of reasoning, debate and deliberation based on reaching a unanimous verdict. They will be required to take into account the views of all jurors and listen to their arguments just as they do now. In this way the introduction of majority verdicts will not have the effect that dissenters may be marginalised or ignored from the commencement of jury deliberations.

Judges' directions to juries will continue to tell the jury that they must reason towards a unanimous verdict. It is only after a reasonable time has passed and the court is satisfied that there is no likelihood that a unanimous verdict can be reached that a majority verdict may be returned. As I indicated earlier, the eight hours is not an automatic trigger that immediately allows the jury to return a majority verdict. The court must still be satisfied that the jury has had a reasonable time for deliberations depending on the nature and complexity of the case. This means that for long and complex trials, such as for murder or large drug matters, a court may give the jury three or four days to reach a unanimous verdict.

The bill provides that the court may satisfy itself that no such verdict will be forthcoming by asking one or more jurors on oath about the likelihood of reaching a unanimous verdict. It will therefore be clear to the court whether, if given further time, the jury may be able to reach a unanimous verdict or whether this course is hopeless. It will eliminate the guesswork by judges, and they will have a clear basis on which to proceed to the next stage. The bill amends section 56 of the Jury Act 1977 to provide that a judge may not discharge a jury unless he or she is satisfied, after examination on oath of one or more jurors, that the jury is unlikely to reach either a unanimous or a majority verdict. This makes it clear that the judge must proceed along this line of inquiry. There is no discretion to discharge a jury of 11 or 12 people simply because they have not agreed on a unanimous verdict. The bill places an obligation on the trial judge to first inquire as to whether a unanimous verdict is possible. If it is not, then the trial judge should give directions to the jury about majority verdicts. It is only once it becomes clear that a majority verdict cannot be reached that the jury can be discharged.

The bill inserts part 9 into schedule 8 to the Jury Act to provide that the majority verdict amendments do not apply where a person has previously been put on trial before a jury for an offence arising out of the same allegations and in the previous proceedings the jury were unable to agree on a verdict, there has been successful appeal against conviction from the previous proceedings and a retrial ordered, or the trial aborted before a verdict could be entered. It would be unacceptable for accused who have previously been entitled to, and have

received, a trial by jury for an offence where the verdict had to be unanimous to find they are no longer afforded that entitlement. The bill inserts section 80 into the Jury Act 1977 to provide for a statutory review of the amendments within five years of the commencement of the bill.

In creating the bill the Government has been able to learn from the experience of other jurisdictions that allow for majority verdicts. A clear body of case law has developed in other jurisdictions about acceptable directions to give to the jury about unanimous and majority verdicts. The directions set out what a judge should say to the jury from the outset about the possibility of majority verdicts. The precise form of the direction and procedure to be adopted in New South Wales is a matter I will refer to the Bench Book Committee, which is co-ordinated by the Judicial Commission. In order for the provisions of the bill to be implemented consistently across the State it is necessary that standard jury directions about majority verdicts be formulated prior to the commencement of the bill, and the bill will therefore commence on a date to be proclaimed. This bill has been the subject of extensive consultation with the judiciary and legal practitioners. Majority verdicts are not a panacea for all hung juries. However, they will reduce the instances in which juries cannot agree on an outcome and, of course, in consequence, they will reduce the level of anguish faced by some victims of serious crime and persons who fall one juror short of securing an acquittal. The system will fairly benefit victims and accused persons. I commend the bill to the House.

Debate adjourned on motion by Mr Thomas George.

BUSINESS OF THE HOUSE

Notices of Motions

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! Pursuant to the resolution, the House will now deal with General Business Notices of Motions (General Notices).

General Business Notices of Motions (General Notices) given.

PRIVATE MEMBERS' STATEMENTS

LANE COVE TUNNEL AND RESIDENTS VENTILATION UNITS INSTALLATION

Ms GLADYS BEREJIKLIAN (Willoughby) [5.40 p.m.]: I wish to raise an issue of immense concern to my constituents. Residents who live in the vicinity of the extension of the Gore Hill Freeway, which is part of the Lane Cove tunnel project, have been advised by the construction company that they will have to install wall ventilators to mitigate noise resulting from the extended freeway caused by the increase in traffic volume. The first constituent who raised this matter with me indicated that she was presented with a deed of agreement that she had only 21 days to sign. The deed related to having ventilation units installed in her home. She has a three-bedroom home and she was advised that each bedroom would require a unit. In addition, windows would need to be sealed because she would not be able to keep them open after the project had been completed.

I received information from the construction company about the product proposed to be installed. The information includes a description of the ventilation unit and states that it provides clean air through an active carbon filter. It also states that living in highly polluted regions can be a headache, but that help is at hand with AeroPack. The unit is designed not only to keep out noise but also to filter all kinds of pollutants, including kerosene and so on. I am concerned because in all my dealings with the construction company it has advised that the ventilators are being installed to mitigate noise. However, the unit also filters air. I formally request additional information about whether air quality is an issue. If it is, that certainly has not been conveyed to local residents.

I was appalled to learn that many residents have been advised at very short notice about this offer to install ventilation units. Many of them have asked a valid and legitimate question: Why are they being given only 21 days to sign a deed of agreement when they have been told that they will not be required to use the ventilators until after the construction phase? I understand that the project will not be completed until well into next year. Why are these people suddenly having this deed of agreement foisted on them?

Many constituents have also complained that they have not been given any other option. They have been offered one model of ventilator that I understand is obtrusive. This might sound trivial, but it is the cause

of enormous stress and angst for the people concerned. One constituent advised me that she would have to rearrange her bedroom furniture to accommodate these units, which will be required in each bedroom. She has been given only 21 days to agree to the offer. She is extremely concerned about why she is being rushed, why she is not being offered any alternative, and why she has not been advised before now about this noise mitigation and, potentially, air filtration measure.

Local real estate agents contacted me recently to express concern. They asked a valid question: Why would the construction company not deal with apartment corporate bodies? Why has it approached individuals, some of whom have been unavailable? Why has it not gone through the proper channels? Why has it not been more open and transparent in this process? It is very concerning that residents have been given only 21 days to sign the deed of agreement when it relates to a post-construction device. That means it will take effect once the project is completed. I have clarified that fact a number of times with the construction company. These are legitimate issues. I am appalled at the lack of information provided and the way in which it has been conveyed. I have written to the Minister for Roads, the Hon. Eric Roozendaal, and I would appreciate his response. I would also appreciate the construction company's coming clean with local residents.

WENTWORTHVILLE ELECTORATE SCHOOLS

Ms PAM ALLAN (Wentworthville) [5.45 p.m.]: This evening I wish to speak about the refurbishment of two schools in my electorate. Late last year Darcy Road Public School celebrated the fiftieth anniversary of its establishment in the electorate of Wentworthville. Many people in the community were involved in that celebration. The school has about 220 students. It has been an admirable little school and has produced outstanding students.

I have with me a petition that has been signed by nearly 75 per cent of the Darcy Road Public School families. They are requesting that the school's electrical system be upgraded urgently. Although it is a small school, the school community finds itself in the unenviable position of not being able to use all the ceiling fans or computers at any one time. If all the power points are switched on and the fans are operating because it is a warm day, the school is blacked out. The parents and citizens association has approached me about this. It has raised the funds required to install airconditioning, but it cannot proceed because the Department of Education and Training has not approved the electrical upgrade. It has been acknowledged that the upgrade will cost about $100,000 and the department has certainly recognised the need. It is vital that the upgrade happens now.

The petition was presented to me on Monday by the president of the parents and citizens association, Natalie Jones, and Erika Houssenloge, the secretary. Erika was accompanied by her two charming children, Max and Emma. I was delighted to receive the petition, and I am very happy to work with the school community and the principal to urge the department, as a matter of urgency, to upgrade the electrical system at the school. The P&C should be able to get on with its job, which is to ensure that the school is more comfortable by providing that much-needed airconditioning. I think its first project will be the library, which is vital given the number of students who use the library for their research.

Like Darcy Road Public School, Northmead Public School is currently collecting a petition. I am told that the school now has about 500 names on its petition. The community is very concerned about the state of the school's toilets and it is anxious that they be refurbished. Today I sent my representative to the school to inspect the toilets. Councillor Chris Worthington from Parramatta City Council was very generous with his time on my behalf. He thoroughly inspected the toilets, and agrees that the toilets desperately need to be refitted. It has also been suggested that a privacy wall that is currently part of the toilet block should be removed. That will probably cost about $100,000, which, I acknowledge, is a fair amount of money. I have received a letter from Geoff Stephenson on behalf of the parents and citizens association highlighting the unhygienic nature of the school's toilets and expressing his concern that they pose a health risk to students. It is therefore extremely important that the issue be addressed.

Over the past few years I have had very good service from the Department of Education and Training on these matters. My electorate has a number of established schools, many of which were built just after the Second World War and have a series of ageing facilities within them that need refit and refurbishment. The year before last Toongabbie Public School had a refit of its toilets, and the school was delighted with the prompt response from the Department of Education and Training. A number of electricity upgrades have been carried out at schools in my electorate, including Toongabbie West Public School and Metella Road Public School.

School communities have learnt that it is important that they articulate the community's concerns to people like their local members of Parliament, as well as directly to the Department of Education and Training,

to ensure they are not overlooked. We all acknowledge that spending on schools is a challenging task. We have new schools to build and many schools to continue to maintain. But it is extremely important that established schools, whether they have 200 or 500 students, or even more, receive the priority they deserve to ensure their facilities are well equipped so they maintain and extend their local student populations.

COUNTRY COMMUNITY FUNCTIONS REGULATIONS

Mr IAN ARMSTRONG (Lachlan) [5.50 p.m.]: I want to speak generically about the use of Crown facilities such as racecourses, showgrounds and grandstands during functions and events held in my electorate—notably shows, race meetings, wine shows and sporting meetings—and the community's responsibility to maintain those facilities. Most importantly, I want to acknowledge the volunteers who run the organisations that operate those facilities in country towns, particularly in the Lachlan electorate.

Over recent years Parliament has passed a swag of regulations with regard to the running of public functions and events. They include regulations relating to the responsible service of alcohol, responsible gambling in clubs, fire regulations, the safe handling of food, security, and so on. Given that almost all the organisations that operate these facilities in country areas are entirely dependent on volunteers, the regulations make it extremely difficult. I do not suggest that the regulations should be changed. However, I appeal to the Government to have more community members, under government service, working with these organisations and, in some cases, serving on their committees. For example, it has almost been traditional at country shows that one of the local bank managers be the treasurer of the relevant show society. Whether it be licensed race meetings or show societies, I suggest that the local licensing police might become temporary members of the local show society so they can provide advice and assistance, particularly in the lead-up to the annual show.

There is quite a difference of opinion between the zones and regions as to how many of these regulations are policed and applied. A simple example is the number of signs that have to be placed on a bar at a race meeting, country show or festival regarding the responsible service of alcohol. Some say that eight signs have to be displayed, whereas others say only one sign is required. Another example is the position of the register. Should the register be kept in the bar? Must it be kept open for public scrutiny, or can it be closed and kept under the bar? It would be very helpful if a greater degree of co-operation and assistance were made available for professional staff to work with these organisations.

Without the volunteers many of these organisations would close. Last year Young Show Society had five vice-presidents but could not get a president. One of the vice-presidents took on the position of president temporarily for the annual show. Temora Show Society had a committee of about five. Normally it would require a committee of about 40 to run the annual show. Junee Show Society is also running on light committee membership. It has only about 20 committee members, a few having joined just recently. West Wyalong Show Society would now be defunct if it were not for eight members of one family joining the committee four or five years ago. That is symptomatic of these organisations right across the State, including race clubs.

We need to respect the volunteers who run these organisations and acknowledge that, in the main, they are not professional people. We need to provide them with the support of professional people from within the Police Force when it comes to policing or from within TAFE colleges when it comes to civilian inspections. For example, the Greyhound Racing Authority requires the club committee to inspect the facilities each year and report on them. The committee has to inspect the electrical fittings, inspect the mechanical hare and understand the mechanics of it, inspect the seating for the public and inspect the gates and so on for safety. Therefore, committee members have to be able to demonstrate that they have qualifications to do that. It is a little unfair to expect those people to sign off on a legal document, unless they have professional advice from qualified people.

I appeal to the Government to acknowledge that there needs to be greater integration of trained government staff in volunteer organisations so they can give professional advice, rather than allowing the organisations to be prosecuted when something goes wrong. That is simply not on. We will lose the organisations, as well as the character of our country towns, unless we acknowledge the value of the volunteer organisations and give them professional support. They will do the work; all they are asking for is professional support.

JOHN EDMONDSON HIGH SCHOOL

Mr STEVEN CHAYTOR (Macquarie Fields) [5.55 p.m.]: This afternoon I speak about John Edmondson High School, the newest school in the Liverpool area servicing the students, families and

community that I represent in the New South Wales Parliament. I attended the official opening of the school on 14 December 2005. The New South Wales Minister for Education and Training, the Hon. Carmel Tebbutt, officially opened the school. It was a proud day for the school, the local community and the local members of Parliament who attended, that is, Chris Hayes, the Federal member for Werriwa, and me. Special guests attended the opening of John Edmondson High School, including the 176 year 7 students and their families that are fortunate to be the first students and families in this excellent school. Other special guests included Doug Foster and Jack Harris, who both served with John Edmondson, after whom the school is named, at Tobruk.

In the battle in which John Edmondson received his Victoria Cross, Jack Harris provided the covering fire and Doug Foster was involved in the direct assault. John Hedges, Lloyd Campbell, Lance O'Dea and Athol Roberts all served with distinction alongside John Edmondson at Tobruk. Tracy Cassar, President of John Edmondson High School parents and citizens association, also attended the opening and does a good job for the school and a good job with the St George Bank at Carnes Hill. The motto of the new school is "Virtus et Integritas"—courage and integrity—a motto that embodies the principles of the man after whom the school is named, and the values of the school and its future students.

At the opening ceremony the Casula Powerhouse Arts Centre, on behalf of Liverpool council, presented the new school with a portrait of John Edmondson. John Edmondson was the first Australian to be awarded a Victoria Cross in World War II. The citation in the *London Gazette* of 1 July 1941 gave the following details:

> On the night of 13th—14th April, 1941, a party of German infantry broke through the wire defences of Tobruk, and established themselves with numerous machine guns, mortars and field pieces. Led by an officer, Corporal Edmondson and five privates carried out a bayonet charge upon them under heavy fire. Although wounded in the neck and stomach Corporal Edmondson not only killed one of the enemy, but went to the assistance of his officer, who was attacked by a German from behind while bayoneting another who had seized him about the legs. Despite his wounds, from which he later died, Corporal Edmondson succeeded in killing these two Germans also, thus undoubtedly saving his officer's life. Throughout the operation he showed outstanding resolution and leadership, and conspicuous bravery.

John Edmondson died the next day from his wounds. His family home is about 400 metres from the school site and the local community proposed that the school be named John Edmondson High School. The suburb of Edmondson Park is in close proximity. Following the decision of the Minister for Planning last week, the suburb of Edmondson Park is to be home for many new residents. The Edmondson Park land release will ensure south-western Sydney is a place where young families can get a start and it will provide a boost for extra jobs and extra infrastructure in our area. The land release will increase housing choice and make a significant impact on housing affordability in the region.

John Edmondson High School is an excellent example of the high-quality schools built under a public-private partnership model for the supply and management of New South Wales Government schools in new urban release areas. A consortium of companies is contracted to build and maintain the schools for a period of 30 years. During that time schools will be leased by the Department of Education and Training and at the end of the 30-year lease ownership will return to the New South Wales Government. That is an innovative approach to supplying new schools to growing residential communities in New South Wales.

The quality of the building and maintenance is very high and the school is completely built from day one, not added to piece by piece. That is particularly important because in the years ahead John Edmondson High School will be one of the fastest growing schools in New South Wales. This innovative approach to privately financing new schools was recently reviewed by the New South Wales Audit Office and was found to deliver value for money for New South Wales taxpayers. The Audit Office found the process delivered schools faster and achieved cost savings, innovation and simplified services management.

I attended the inaugural presentation evening of John Edmondson High School, which was held on the same day the school was opened. The quality of the students and their achievements was remarkable. I clearly remember a local resident remarking to me in the car park after the presentation evening, "All schools should be like this one". Considering the quality of the buildings and facilities, the quality and manner of the students, and the professionalism and dedication of the staff, I have to agree. I congratulate the principal, Gary Joannides, on the work he has done in building the school from its early beginnings. I wish Gary and the Deputy Principal, Davern Lewis, well in their leadership in establishing the John Edmondson High School community. As the local member of Parliament I will always be available to assist.

A good example of the school community developing at John Edmondson High School is shown through the advocacy I have received from Anne Lilly of Prestons. Anne, who works at the school, has led a

community campaign for a footbridge across Cabramatta Creek for the residents of Homingsea Park and Prestons. I have strongly supported that campaign and I will continue to support it to ensure that the landowners either side of the creek, A. V. Jennings and Liverpool council, provide a safe footbridge across the creek to benefit the many residents and schoolchildren. John Edmondson High School provides new opportunities to our area that will benefit students, families and the community of south-western Sydney in the years ahead.

KU-RING-GAI ELECTORATE BUILDING DEVELOPMENTS

Mr BARRY O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [6.00 p.m.]: I have raised on numerous occasions my concerns about the State Government's planning policies and their impact upon the Ku-ring-gai community I represent. I have drawn attention to the serious flaws in Labor's approach to delivering medium-density housing to Ku-ring-gai: the failure to commit funds to match infrastructure and services to overcome existing problems with roads, water, electricity and the like, let alone ensuring these services are capable of meeting the demand of the new population densities being visited upon Ku-ring-gai by these centrally imposed planning policies; the refusal to understand that, without effective interface arrangements between the areas the State Government has rezoned for five or more storey developments and neighbouring residential housing, residents will be robbed of amenity, privacy and value from their housing; and the apparent inability of the Department of Planning to understand that Ku-ring-gai's residential character is what has attracted and continues to attract people to the area, and to accept that it makes little sense to destroy this amenity.

They are issues I have hammered in the past and will continue to press in the hope that finally the message will sink in with the State Labor Government: that Ku-ring-gai should take its share of this city's growth in a way that enhances, and does not annihilate all that residents appreciate about our area. But I now want to examine a broader issue that is of equal significance with these other matters. It is the failure of the current planning processes, foisted upon Ku-ring-gai, to take account of the wider public interest and use these rezonings to deliver improvements in public amenity and services to current and future residents. Let me cite an example of this close to my home. Lindfield Public School sits on the corner of the Pacific Highway and Grosvenor Road. It is a major intersection which students are required to traverse, and the school and its community work hard to try to ensure a high level of road safety. The other three corners of this intersection are development sites—part of the State Government's rezoning—with developments either under construction, awaiting approval or approved and waiting to be built.

These three development sites are considered individually by council. The current planning processes do not allow Ku-ring-gai council to take a broader view of development around this intersection. As a result, the opportunity to eliminate a road safety black spot for school students has been lost. For example, an overhead pedestrian bridge would end the need for students to cross the Pacific Highway on foot. Key to building such a footbridge is both cost and space. If all development at this site had been considered in a co-ordinated way or holistically, those issues could have been resolved, and the new multi-storey buildings could have been designed in a way to fit in with a footbridge. As it stands, the likelihood is that the opportunity for a pedestrian overbridge at this site has now been lost forever.

A similar issue exists at Turramurra where, at both the Kissing Point Road and Pacific Highway and Rohini Street and Pacific Highway intersections, pedestrians—many of them aged— battle daily to cross a busy road. I have endeavoured to follow the machinations of the debate over the Turramurra town centre, but I do not see any proposals to address these wider community issues. Instead, the debate is restricted to the strict confines of the development zone. My argument is that such a narrow, restrictive approach again underscores that what is going on in Ku-ring-gai, within the confines imposed by the current State Government, is not planning. Proper planning should involve a much broader approach. The best definition of planning I have seen describes it thus:

> The art and science of ordering the use of land and the character and siting of buildings and communication routes so as to secure the maximum practicable degree of economy, convenience and beauty.

That definition is taken from a book, *The Principles and Practice of Town and Country Planning* by the late Lewis Keeble, published in 1969. It is a definition that seems a long way from what is occurring in Ku-ring-gai generally and is absent from the type of wider perspective I am arguing for in relation to the two examples I have cited at Turramurra and Lindfield. There are other obvious points I could make in the same vein. For instance, given the existing traffic problems at places like Turramurra, Gordon and Lindfield, surely these issues should have been factored in by the State Government so that following the rezoning and subsequent redevelopment the community ends up with better outcomes.

In a similar vein, while I do not support airspace developments over railway stations, a number of local residents have approached me arguing that at places like Lindfield and Turramurra if the railway stations were included in the rezonings, the significant barriers they represent between shopping districts could be overcome. While I have actively encouraged CityRail at Turramurra to examine a plan for station access improvements that would connect the existing interchange and continue, via the platforms, to the William Street car park, I had not considered this wider issue. Why should the issues not have been on the table? Why should the residents not have been consulted and allowed to express an opinion, if proposals could have been identified that ultimately would improve the economy, convenience and beauty of the areas? No, the narrow approach adopted by successive Departments of Planning under the Labor State Government excludes any such consideration of the greater public good and any possibility of additional community benefits being leveraged off the current rezonings. And that omission means any potential benefits have been lost for at least a generation.

It is not yet too late. Swift acknowledgement of this issue by the Minister and his bureaucrats could ensure that these types of issues are considered and acted upon in relation to the town centre planning process currently being prepared by council at the State Government's direction. A new Minister, one with a local government background, one who seems less driven by ideology than his predecessors, could, if he took up this challenge, be thanked by current and future generations of not only Ku-ring-gai residents but all those who want the best planning outcomes for this great city. To refuse will condemn Ku-ring-gai to a repeat of the missed opportunities and planning mistakes made by the Labor Government across this city for more than a decade. I urge the Minister for Planning to consider these proposals.

CENTENNIAL COAL OPEN-CUT MINE

Mr JEFF HUNTER (Lake Macquarie) [6.05 p.m.]: Over the past few months I have been working closely with two community groups, No Open Cut Mine For Awaba [NOCMFA] and Southlake Communities Against the Mine [SCAM] in the fight to stop Centennial Coal proceeding with its proposed Awaba open cut mine. Today is the second occasion I have spoken on this issue in the House. The first occasion was on 1 March this year and, since then, over a number of sitting days, I have also presented petitions opposing the mine for tabling in the House. In fact, today I presented a petition with numerous pages. So far in excess of 3,000 people have signed the petition, indicating their opposition to this proposed open-cut mine.

The petition against Centennial Coal's open-cut plan has been widely distributed throughout Lake Macquarie by the anti-mine protest group SCAM and was presented to me last week at my electorate office by SCAM representatives Sally Birch and Dianne Sykes. The petition will be forwarded to the Minister for Planning by the Parliament. The petition states:

> The petition of residents and supporters of the Electorate of Lake Macquarie NSW brings to the attention of the House the community's vehement objection to the approval of Centennial Coal Company Limited's Newstan-Awaba Mines Extension proposal to extract remnant coal to the west of the existing Awaba Underground Mine by open cut mining methods. The undersigned petitioners therefore ask the Legislative Assembly to direct the Department of Planning not to grant approval to any proposal that allows open cut mining in the area.

This petition will make the Government further aware of the community's strong opposition to this proposed open cut mine and how the local residents want to see the Government reject the proposal. I take this opportunity to encourage anyone who has not already signed the petition to do so. Copies of the petition are available at my electorate office or on the SCAM web site at *www.scam.com.au.* When attending a local protest meeting at Morisset High School held by SCAM, I picked up one of their documents. It says:

> Stop the open-cut mine!!! It will happen if we don't stop it NOW
>
> The ONLY way we can win this fight is by community action - all 75,000 of us living within 10km of the mine working together!
>
> Fact: The mine will produce dust which can carry over 10km. Exposure to dust can cause and worsen respiratory problems.

NOCMFA produced a map of the area of the proposed open-cut coalmine with rings showing a 3.5-kilometre radius, a 5-kilometre radius and a 7-kilometre radius, plus a map with a 10-kilometre radius. Under the heading "Projected Dust Fallout Zones", the document states:

> Dust monitoring by the University of Newcastle* in the upper Hunter found that the larger dust particles (PM10) deposit up to 3.5 km radius from open cut coal mining operations and that the finer, more readily inhaled particles (PM2.5) travelled much further.
> *ACARP Research papers Nos. 12027 and 10035

In my previous speech I mentioned that some 28 to 29 primary and high schools were in the 10-kilometre radius. In fact, further research has shown that 31 schools are in the 10-kilometre radius of the proposed open-cut coalmine, as well as some 18 preschools, play groups, other community facilities and 75,000 people. I point out that Awaba Public School is only about 750 metres away from the proposed mine. Within the 3.5 kilometre zone are the following: Avondale High School, Avondale Primary School, Biraban Public School, Toronto Seventh Day Adventist School and Toronto West Winkie Tots.

In the 3.5 to 5 kilometre zones are the following: Avondale College, Avondale Community Preschool, Blackalls Park Playgroup, Blackalls Park Preschool, Blackalls Park Public School, Cooranbong Community Playgroup, Dora Creek Playgroup, Lake Macquarie Christian College, Dora Creek Public School, Eraring Public School, Fassifern Public School, Kilaben Bay St Josephs Primary School, Myuna Bay and Point Wollstonecraft sport and recreation facilities, St Paul Booragul, Toronto Baptist Playtime, Toronto Community Child Care Centre, Toronto Community Preschool, Toronto High School, Toronto Multipurpose Neighbourhood Centre and Toronto Public School. Of course, there is a larger group within the 5-kilometre to 10-kilometre zone. I am working with the local community. NOCMFA, SCAM and URGE [United Residents Group for the Environment of Lake Macquarie] in opposing the mine. I will further raise issues concerning the proposed mine in the House when it resumes in May.

MACLEAN FIRE

Mr STEVE CANSDELL (Clarence) [6.10 p.m.]: Three weeks ago I spoke reluctantly in the House about the devastating fire that had turned a beautiful heritage precinct in MacLean into ashes. I am happy today to say that out of the ashes has come some inspiration. The *Daily Examiner* said that ordinary people can make extraordinary things happen, and Tracey Marsden and Leticia Cashman, two mothers in the area, are extraordinary people. They felt real pain for the people who lost their homes and everything in them because of this savage fire. While their husbands, Paul and John, were at home minding the kids and doing the housework, these two women knocked on the doors of every business in MacLean and Yamba, seeking support for a major fundraiser which was held on 25 March at the Maclean RSL Club.

On the night of the fundraiser lawn mowers, holidays, model cars, cakes, photographs and paintings were up for auction. Approximately 180 people attended and $22,000 was raised. That was due in no small part to the efforts of the auctioneer, Mr John McConnell of L. J. Hooker in Maclean. It was an incredible outpouring of charity from the local people. Some of the major donors included Nick Clarke from Home Timber and Hardware of Maclean, who donated barbecues worth $1,200 and Peter Brossman from Maclean, who donated lawn mowers, whipper snippers and brush cutters. Various resorts donated holidays and Des Smith from the Parramatta Rugby League Football Club donated a signed Parramatta football jumper, which raised quite a number of dollars. Two chefs from Maclean RSL Club donated their time to go to the home of the successful bidder and cook a meal for six people, with the washing up thrown in after some bartering halfway through the auction.

Bob and Judy Little from Maclean Spar Supermarket donated groceries. They were also keen bidders and they bought the groceries donated by the local Four Square store out of goodwill. Even the local milko donated dairy packages. The local paper, the *Daily Examiner*, donated a $2,500 advertising package. One of the noted photographers in the area, Deborah Novac, donated a beautifully presented group of photographs of the fire. The victims were overwhelmed by the generosity of the local people and businesses. These are not wealthy people but workers and young families who realised that they could just have easily been the victims of the fire.

Hoss Payne from the local bakery made a cake with a photo of the Clarence Valley on the top accompanied by the words "United we stand". The cake was auctioned on the night, cut up by one of the buyers and a piece given to everyone who increased the bid. That initiative was well received by everybody present. Young Danny Perry, a chef who lived above the premises, lost everything. Chris James and his partner, Christina, who owned the Café Boulevarde, lived above one of the shops and they, too, lost everything, including their return air fares for the holiday they were taking to Hawaii the next day. Les, Anne and Nikki Gibson, who lived above the Little Blue Wren gift shop next door lost everything except their pet fish, and someone saved their cat. However, no lives were lost and they found true community spirit and support from the Maclean and Lower Clarence communities.

PGH BRICK FACTORY CLOSURE

Mr JOHN PRICE (Maitland) [6.15 p.m.]: I speak on a matter of great concern in the electorate of Maitland. We have just been advised that the PGH brick factory is to close. That will cost my electorate 40 jobs. The PGH brick factory is owned by CSR, which held a lease in perpetuity over property adjacent to the railway

line at Metford. To improve safety the community wanted to build an underpass and to close the dangerous rail gates. CSR duped the community and, because of the lease in perpetuity, the cost to government of buying back the land virtually doubled. That happened less than two years ago. Suddenly, as a result of the downturn in building, CSR has decided to close the factory and put off 40 hardworking people in my electorate. I find that appalling. If time permits I may refer later to an article in the *Maitland Mercury* of 27 March which provides further detail. A press release of the Housing Industry Association dated 30 March 2006, under the heading "New home sales bounce back in February", states:

> Following a sluggish five month period, new home sales bounced back in February.
>
> HIA's New Home Sales figures released today show that the sale of new homes and units among Australia's largest builders and developers increased by 7.6 per cent in February to 8,644 dwellings. Sales of new houses increased by 7.4 per cent. The sale of multi-unit dwellings increased by 9.8 per cent, the first rise since October last year.

CSR took the action through PGH on the basis of a downturn in the building industry. Honourable members may recall that the company got into all sorts of trouble financially when it supported the Federal Government in an election and backed the Federal Government through its organisation in a number of publications. I find it difficult to reconcile a press release that says that the building industry has bounced back with the sacking of 40 men in my electorate. The whole thing is totally unacceptable.

The company forced the State's hand in terms of paying additional coin for State land to resolve a road safety issue, and now it is closing its factory. The cost of the underpass, for which we paid so much, also included relocating the company's office from one side of a road to the other, construction of a new access road and a number of other issues that were agreed to reluctantly in the deal. We attempted to save people's lives and we paid an exorbitant amount of money to buy back State property. The net result of that is closure of the factory and the sacrifice of 40 jobs in my electorate. That is not acceptable to me or to my community.

There is nothing that the Government or I can do about it at this stage. However, given the bounce back in the building industry to which I referred—it is there for all to see—we have a major problem of interpretation, telling the truth, and how one can accept the findings of boards of companies based on such almost frivolous research. The organisation representing builders said that the building industry has bounced back, CSR said that the industry has not bounced back, and 40 men must lose their jobs in brick building. I hope that similar examples are raised more frequently in this place to build up a case to demonstrate that even without the Federal Government's industrial relations legislation almost indiscriminate dismissals are occurring. Such dismissals on frivolous grounds have started in my electorate. I hope that honourable members bring forward further examples to enable us to make a case for the Federal Government to rethink the problem it has created in this country.

RICHMOND RAILWAY STATION LEVEL CROSSING FINES

Mr STEVEN PRINGLE (Hawkesbury) [6.20 p.m.]: I draw the attention of honourable members to yet another example of the Government failing commuters and, indeed, all train travellers in New South Wales. In this case I am talking about the Richmond railway line. It is not enough for the Government to slow the train timetable on this line, to provide mainly non-airconditioned carriages, to procrastinate with providing car parking, and to use six-car trains instead of eight-car trains—the list goes on. It now has to fine people for walking from the railway station to the car park. No wonder people are turning their backs on public transport. On Wednesday 29 March 2006 passengers caught the 4.09 p.m. train from Wynyard, which arrived at East Richmond station at 5.35 p.m.—a journey of nearly 1½ hours. People were tired and keen to get home.

East Richmond station is located on the southern side of the railway tracks heading west to Richmond Station, but the railway car park is on the northern side of the tracks, with Bourke Street running between both of them. At this point the Richmond line is a single-track line with only one train operating at any given time. East Richmond railway station has a level crossing across Bourke Street. Railcorp has provided for a pedestrian crossing on the station side, that is the east side, of Bourke Street. All passengers who use the car park must cross over to the west side of Bourke Street because that is where the car parking is provided. It can often be difficult to get across from one side to the other as there is afternoon peak-hour traffic, along with the additional build-up of traffic due to the boom gates on the level crossing closing to allow trains to pass.

There is no zebra crossing across the road to the car park, so passengers find it safer to cross the road while the boom gate stops traffic. They assemble close to the kerb on the inside of the boom gate whilst the cars stop behind the boom gate. They wait while the train passes and when the boom gate goes up they cross the

tracks safely to the left, travelling in the same direction as the traffic. Surely that seems safe enough. Unfortunately not. On 29 March this year plain clothes transit police approached passengers and advised, unbelievably, that they had committed an offence. No-one had any idea what the offence was that they were alleged to have committed. At this stage they were not told what the offence was and what fine would be imposed. It took a lot of questioning finally to find out what the terrible offence was that they had committed. They had their backs to the boom gate, and the fine would be $400. Surely that is overkill.

Passengers asked, "Where are the signs that say how to cross or to indicate where we are supposed to cross?" and "Where is the sign to say that we would incur a fine for crossing where we crossed?" On the other side of the road where the railway pedestrian crossing is, a yellow line painted on the ground shows where pedestrians are supposed to stand for safety. If one lined up on that line on the other side where the passengers were actually standing, one would be approximately one metre further back from the railway tracks than if they were on the safe side on the opposite side of the road. Clearly, this fine does not make any sense. To make matters worse, there is no adequate signage and there has been no education campaign. Passengers were not even advised of exactly what offence they were supposed to have committed.

Enterprising passengers—people in the Hawkesbury know what they are doing—contacted CityRail for advice. CityRail suggested that they visit the web site and then they drilled down to security, then to closed-circuit television at level crossings. At last some guidelines! Surely they would have some success. Unfortunately that was not quite the case as only a motherhood statement was posted, which stated:

> All motorists and pedestrians need to take care at level crossings.

Words of wisdom perhaps, but not exactly irrefutable evidence of a crime. Does the legislation web site help them? Rail crossings? No help. General crossings? No help. It looks like the only reference to crossing the tracks relates to trespassing and that does not apply in this case. This is a blatant revenue-raising exercise from this Government. Perhaps 100 people at $400 a pop—that is not a bad earner and one that has not improved safety one bit. This blitz has treated law-abiding citizens as criminals. A single mother of two advised how she cried. I call on the Minister for Transport to reverse the decision immediately and cancel those fines. We need a safe transport system, not a revenue rip-off.

GLENROCK STATE RECREATION AREA

Mr BRYCE GAUDRY (Newcastle—Parliamentary Secretary) [6.25 p.m.]: It is 21 years since the then Minister for the Environment, Bob Carr, arrived at Glenrock State Recreation Area, as it is now called, and announced that the 500-hectare area between Merewether Heights and Dudley would be preserved and protected as a State recreation area. Glenrock State Recreation Area is a wonderful asset for the people of Newcastle. At this time it is appropriate to reflect on that announcement and the impact it has had on ensuring the protection of a coastal area in perpetuity. Standing at the bluff at Merewether at the end of Hickson Street and looking across Burwood Beach, past Glenrock State Recreation Area, the land at Glenrock lagoon, and across Dudley Beach to the headland, one can see that this priceless piece of environmental protection recognises the Aboriginal and European heritage of the area, industry, the coalmining and copper smelting industries in the area and the wonderful vegetation of the gullies and bluffs that are protected for all time as a State recreation area.

At this time it is appropriate to recognise the input of community and environmental groups, and individuals who advocated at length for the area to be preserved. In particular, I recognise the work of the former member for Charlestown, Richard Face; Dorothy Chesters and Joyce Bond from local residents groups, including the Merewether Residents Group and the Hill group; and Ruth Long, Cath Stuckey and John Monteith from the Merewether Coastal Protection Society. I refer in particular to the work of the Northern Parks and Playgrounds Movement, Doug Lithgow being a pivotal part of that work; the Dudley Progress Association, with John Lee and all the workers there; the local branches of the Australian Labor Party, with which I am involved together with my wife, Barbara; Paul and Saska Scobie; Kevin McDonald of the Association of Environmental Education; the Bird Observers Club; and the Leggy Boardriders Club, and particularly Nobby. It was a whole-of-community initiative. Everyone recognised the importance of both the land and the sea in the campaign for the establishment of the State Recreation Area.

One can stand on the bluff and look north to the great section of the Stockton Bight, that 30 kilometres sweep of transgressive dunes and woodlands that will be part of the hand-over park. The Worimi people and the National Parks and Wildlife Service have worked towards completing the agreement to set up that part of the coastal park with linkages through the Kooragang wetlands. Fullerton Cove, the Hexham wetlands, the Blue Gums Regional Park, the Watagan Mountains National Park and the Lake Macquarie State Recreation Area,

with a great deal of work by the honourable member for Lake Macquarie, have been linked together with the help of the community groups.

The park extends through Lake Munmorah with the addition of the area between Redhead and the Belmont wetlands and back to the Glenrock State Recreation Area. An entire circle of land was preserved to create a green corridor as the Government worked with the community to preserve the absolute maximum amount of land in the Newcastle and lower Hunter area; to provide green space and breathing space but with environmental protection for both vegetation and animal life. As I said, it is an exciting time to reflect on the coming together of community and environmental groups. The State Labor Government not only has a platform and policy, but also environmental protection programs that have been put in place over time. The Fernleigh Trail links those areas for passive recreation. Congratulations to all of those involved in the establishment of these environmental protection areas.

REDFERN-WATERLOO AUTHORITY DRAFT BUILT ENVIRONMENT PLAN

Ms CLOVER MOORE (Bligh) [6.30 p.m.]: The Redfern-Waterloo Authority [RWA] plans massive changes in Redfern, Eveleigh, Darlington and Waterloo that will dramatically increase building heights and densities without guaranteeing improved infrastructure, open space, public domain, community facilities, or transport to support such increases. The draft built environment plan and State environmental planning policy [SEPP] promise "a strategic planning framework to facilitate the area's economic growth", but they are little different from the ill-conceived 2003 Redfern, Eveleigh and Darlington Strategy that was broadly condemned for promoting profit-driven development instead of public benefit and genuine area improvement. Planning controls will be much more generous for eight mainly publicly owned sites that have been designated as "State significant" and will be written into law via the SEPP.

A glossy artist's impression of images of Lawson Square without heavy traffic and with Redfern railway station redeveloped as a town centre are not backed up with detail about how the RWA will achieve its vision. The claims of 18,000 new jobs and 2,000 new residences are not matched by needed open space, community facilities, public transport or heritage protection. The former TNT towers, a 1960s aberration, have been seen as the probable benchmark for development, but the RWA's plans greatly exceed this scale. The draft plan proposes a new town centre based on the railway station, with buildings of up to 18 stories for Regent and Gibbons streets, creating wind canyons, destroying views and sun access, and removing open space in Marian Street, thereby alarming many residents.

New height limits of between three and five storeys imply the demolition of existing housing and warehouses around Eveleigh Street and The Block. It will be very difficult for the Aboriginal Housing Company to realise its planned Pemulwuy Project under the new controls, which allow for only about 30 homes instead of the 62 planned. An iconic building up to 16 storeys is proposed for Eveleigh North, with three storeys along Wilson Street and new height limits over heritage buildings implying demolition or major change. There is no information on protecting nearby residents from traffic and other impacts, and the Darlington Village local plans are likely to be overridden. New height limits of up to 12 storeys are proposed for South Eveleigh, with commercial use near existing residences and new heights over heritage buildings that imply they will be demolished. A nine-storey to 11-storey development is proposed on the Australian Technology Park site, massively exceeding the height of the current railway sheds.

The draft plan provides for residential development of the old Rachel Forster Hospital without public open space or community facilities, and it allows demolition of the old Redfern police station with a six-storey residential development to overshadow the heritage courthouse and nearby residents. Serviced apartments or a hotel will be allowed on the former Redfern Public School site, with four-storey height limits opposite the two-storey George Street terraces, and up to seven storeys elsewhere, but no guarantee of the existing open space. Department of Housing properties are listed for Stage 2 of the plan—after the March 2007 election. While the Minister for Redfern-Waterloo has said there will be no loss of public housing and current tenants will be secure, many social housing tenants remain concerned about their future.

The draft plan will result in reduced amenity for existing residents, particularly adjacent to tower developments. The increased building heights are out of scale and character for the area, and extend central business district-style office blocks into Redfern. Many more people will be without new infrastructure. The proposed SEPP guarantees new development controls, but not improved open space, public domain, transport or services to deal with growth. Public assets and heritage are at risk, with all sites designated for redevelopment. The Council of the City of Sydney, which is committed to improving human services and infrastructure for its

residents, worked with the RWA on the draft human services plan, and made substantial submissions on the draft employment and enterprise plan and the draft built environment plan.

The Redfern-Waterloo Authority should not proceed with the draft built environment plan and SEPP until it has completed affordable housing and development contributions plans; a transport strategy with funded plans for upgrading Redfern railway station; a public domain and open space strategy to ensure adequate, high-quality public space; an infrastructure plan including transport and open space; a heritage review to ensure heritage protection; a review of height limits to protect sun access, views and heritage; a consultation plan, which includes public housing tenants; and an implementation plan that co-ordinates the built environment plan with the employment and enterprise and human services plans.

What I am talking about here is responsible planning for this very important inner city area. The proposed development under the built environment plan is very extensive and cashes in community assets, with no guarantee of vital infrastructure and human service improvements. It should not proceed until this work has been carried out.

PACIFIC HIGHWAY UPGRADE

Mr ROBERT OAKESHOTT (Port Macquarie) [6.35 p.m.]: Tonight I want to provide an update to the House on important developments in the Pacific Highway upgrade program, which without doubt for the one million residents north of Newcastle and through to the Queensland border is the most important infrastructure project of our time. Following several significant bus crashes dating back to 1996 there have been commitments by both the State Government and the Federal Government, on both sides of politics, to a dual carriageway from Hexham to the Queensland border. Now, in 2006, about 50 per cent of work on that dual carriageway has been completed.

One section of road recently completed in the electorate of Port Macquarie was the Coopernook bypass, which the Minister to Roads opened about three weeks ago. It was a $69 million project, fully funded by the State. The 11-kilometre section of road takes out the Coopernook Bridge, which was one of the significant blackspots on the Pacific Highway. Those who know the area will appreciate that it was the site of several serious crashes and near misses. The upgrade at Coopernook is certainly broadly supported, not only by residents of the Port Macquarie electorate but by residents of the entire mid North Coast and the North Coast in general. That is good news.

This month the report on the Oxley Highway to Kempsey value management workshop was released. That section of road takes in the northern part of the Port Macquarie electorate and is important to residents of my area, as well as to people from out of the electorate. Anyone interested in getting a copy of the report can visit the project web site at www.rta.nsw.gov.au/pacific, contact the project information line on 1800 154724, or contact my office. That important stage in the development of the project is another hurdle that has been jumped. I encourage members of the community to be involved in the final stages before we get down to the pointy end of constructing that important section of road.

Finally, today several important meetings were held with the Pacific Highway Task Force. The task force has developed over the last 12 months as a united voice of the 18 councils north of Newcastle through which the Pacific Highway runs. It is unique for those councils to have agreed on the one subject. They have come together to speak with a united voice and to strongly argue the case for the completion of the dual carriageway works from Hexham to the Queensland border as quickly as possible. They do not buy into local route selection issues or how State and Federal governments come up with the money; essentially it is a combined lobby urging that the dual carriageway work be completed as quickly as possible so there is a safer and more efficient highway.

Several weeks ago I met with the new Minister for Roads to get him to agree to meet with the task force. Pleasingly, a meeting took place today with not only the State Minister for Roads but also the Federal Minister for Roads. So today was a milestone for the task force in that the State and Federal levels of government—of different political colours—recognised its legitimacy. I understand that both Ministers are more than willing to treat the Pacific Highway Task Force as the community voice of the North Coast and the mid North Coast in regard to Pacific Highway issues.

I hope this is the start of a bipartisan, apolitical and new era for Pacific Highway issues on the North Coast, with all the local government authorities representing the various community groups, along with all the

various local members of Parliament of different political persuasions, working with a common goal of getting a new dual carriageway from Hexham to the Queensland border as quickly as possible. I ask anyone who is not in agreement with that to fall in line as quickly as possible. I certainly urge both State and Federal Ministers to get on with the job. It is much needed. [*Time expired.*]

Mr BRYCE GAUDRY (Newcastle—Parliamentary Secretary) [6.40 p.m.]: As a person who travelled to school from Kendall to Taree to attend high school, I listened with interest to the remarks of the honourable member for Port Macquarie. The crossing at the Coopernook Bridge and the highway itself were inadequate for the traffic at that stage, let alone the massively increased traffic, particularly large semitrailers and B-doubles, that now travel up and down that section of the Pacific Highway.

It is great that the bypass has been completed and opened. It was not when I last travelled there. It is good that there is unanimity of view with the Pacific Highway Task Force and that the meetings have been held with the Ministers. Like most people who are originally from the area, I understand the importance of safe vehicle access on the whole route from Hexham to the Queensland border. I look forward, as the honourable member for Port Macquarie does, to the duplication being completed.

Private members' statements noted.

ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT (RESERVED LAND ACQUISITION) BILL

NATIONAL PARKS AND WILDLIFE (ADJUSTMENT OF AREAS) BILL

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

[*Madam Acting-Speaker (Ms Marianne Saliba) left the chair at 6.42 p.m. The House resumed at 7.30 p.m.*]

LEGAL PROFESSION AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr MATT BROWN (Kiama—Parliamentary Secretary) [7.30 p.m.], on behalf of Mr Bob Debus: I move:

That this bill be now read a second time.

The Government enacted the Legal Profession Act 2004 in December 2004 and the Act commenced operation on 1 October 2005. The Act is a major milestone in the regulation of the Australian legal profession, recognising and providing for a national profession. The national legal profession scheme and model legislation were developed by the Standing Committee of Attorneys General [SCAG]. The scheme removes many of the barriers to increased efficiency and competition in the legal profession, and harmonises clients' rights across jurisdictions. There continue to be a number of issues under debate in relation to the model legislation. A national forum is deliberating in relation to these issues, and will be bringing forward further amendments to the model for consideration by SCAG ministers.

Following the commencement of the legislation in New South Wales, ways of improving and finetuning the legislation have been identified in consultation with the legal profession and the legal profession regulators. The bill implements a number of those improvements. An undertaking of the scale of the national legal profession scheme is necessarily to be regarded as a work in progress. The bill amends the Legal Profession Act 2004 to maintain uniformity with the national model and to improve and streamline the operation of this new Act. Further amendments should be expected. I shall now consider some specific amendments in the bill.

The Legal Profession Act 2004 prohibits a person from engaging in legal practice for fee, gain or reward unless he or she is an Australian legal practitioner. The bill deletes the words "for fee, gain or reward" to ensure that clients who receive pro bono services from solicitors receive the same level of consumer protection as clients who pay for legal services. This amendment will create uniformity with the Victorian and Queensland legislation on this point.

If practitioners are not required to hold a practising certificate, they do not have to undertake continuing legal education, are unlikely to hold professional indemnity insurance, and are not covered by the professional rules. Accordingly, there is a risk that the public will not be protected from under-qualified persons undertaking legal work, however well intentioned they may be. While pro bono legal work must be encouraged, consumer protection is an overriding goal of legal profession regulation. The professional bodies are willing to offer lower practising certificate fees for practitioners who do only pro bono work.

The bill inserts a new section 689A in the Legal Profession Act 2004 to clarify that the Legal Services Commissioner can bring prosecutions for advertising offences under the Act and regulations. The Act already provides that the Law Society and the Bar Association can prosecute offences, and the amendment makes it clear that the Legal Services Commissioner can also do so in relation to advertising offences. This section also gives the Legal Services Commissioner powers to investigate possible advertising offences. These powers are the same as the Legal Services Commissioner's powers to investigate complaints made against lawyers, and will ensure that the commissioner can properly investigate any possible advertising breaches and obtain the material necessary for a prosecution.

Various provisions in the Legal Profession Act 1987, including restrictions on legal advertising, were carried into the Legal Profession Act 2004. However, the maximum penalty that could be imposed by regulation and the maximum penalty for breaching an Administrative Decisions Tribunal direction in relation to advertising were inadvertently specified as 100 penalty units, instead of 200 penalty units. The bill rectifies this, amending section 85 (2) and (8) of the Act, and the Legal Profession Regulation 2005, to make the penalties the same as they were under the Legal Profession Act 1987, and consistent with penalties for similar offences in the workers compensation legislation.

An uplift fee is an additional charge above the normal fees charged by a legal practice, and is conditional on a successful outcome. It is intended to compensate a practitioner for the inherent risk in running a matter. The national model legislation allows an uplift fee payable on the successful outcome of a matter, provided the amount of the uplift is reasonable and that, in litigious matters, the premium does not exceed 25 per cent of the fee that otherwise would be payable. In 2002 the New South Wales Government amended the Legal Profession Act 1987 to require practitioners to certify that their cases involving a claim for damages had reasonable prospects of success. A practitioner who runs a case without reasonable prospects of success can be subject to a personal costs order.

Section 324 (1) of the Legal Profession Act 2004 prohibits uplift fees in claims for damages to ensure that practitioners do not certify that their claims for damages have reasonable prospects of success and then charge their clients an extra 25 per cent for the inherent risk. The bill retains the section 324 (1) departure from the model legislation for claims for damages but restores the balance of the provisions to more closely reflect the model law provisions and the comparable provisions in the Victorian Legal Profession Act 2004. It removes the cap on uplift fees for matters that are not litigious and ensures that, if there is a breach of the uplift fee provisions, the law practice can still recover the base level fee, but not the premium.

An example of the type of non-litigious situations in which it might be appropriate for uplift fees to be charged is a competitive tender. A client in a competitive tender for a particular project—for example a large infrastructure project—will incur legal fees in the tender preparation and the client may not be successful in its tender. The client may therefore want the law firm to share some of the pain if the tender is not successful. To compensate for this, the client is prepared to pay a premium to the law firm if the tender is successful.

The bill implements a range of other minor amendments to the costs agreement and costs assessment provisions. It amends section 312 to expand the range of clients who do not need to be given the detailed costs disclosure required under the Act. Currently this applies to "sophisticated clients", such as public companies, government departments, and financial service licensees, who are in a position to seek any information they require. The bill expands the categories to include liquidators, administrators and receivers, large partnerships, and joint ventures or joint venture proprietary companies where one of the members or shareholders is a person to whom disclosure is not required.

The bill amends section 323 so that if the ordinary costs disclosure requirements do not apply because the client falls into one of the categories of sophisticated clients, some of the conditional costs agreement disclosure requirements do not apply either. It amends section 328 to permit the same rights of appeal on questions of law in applications to set aside a costs agreement as exist in relation to costs assessment applications generally. The bill further amends section 328 to ensure that the offending provisions of a costs

agreement can be set aside, and not just the whole costs agreement. It amends section 332A to allow a person to request an itemised bill after receiving a lump sum bill. The law practice will not be able to commence proceedings to recover unpaid legal costs until 30 days after the person has been given an itemised bill.

The bill amends section 333 so that clients who fall within any of the categories of sophisticated clients need not be given a written statement about avenues for disputing bills. It amends section 369 to permit a cost assessor to determine by whom and to what extent the parties' costs of an assessment are to be paid, and to include them in the assessment. The bill amends the Legal Profession Regulation 2005 to cap the rate of interest that lawyers may charge for unpaid legal costs by reference to the Reserve Bank cash rate target. The cash rate target is currently 5.5 per cent, so the maximum rate of interest will be 7.5 per cent.

Section 45 is amended to permit the Bar Association and the Law Society to grant practising certificates to Australian lawyers whose principal place of legal practice is in a foreign country. The bill amends section 102 to exempt interstate barristers who wish to practise in New South Wales from the requirement imposed on local solicitors to undertake two years of supervised practice, because there is no such requirement on local barristers. The bill amends section 540 to enable a complaint against a legal practitioner to be dealt with by imposing a condition on a practitioner's practising certificate. This will be in addition to the current powers to issue a caution, reprimand or compensation order. Part 4.9 of the Legal Profession Act 2004 is amended to ensure that where a person complains about a solicitor on behalf of a client, the client may receive compensation under Part 4.9 of the Act, even though they are not the official complainant.

The bill also amends sections 696 and 699 to ensure that the professional bodies have power to investigate and prosecute former practitioners or persons holding themselves out to be practitioners. Presently the provisions may be read as limiting the regulatory authorities to investigating only barristers or solicitors who hold a current practising certificate. New section 722A will ensure that the professional bodies are not required to divulge information they receive in connection with an application for pro bono legal services. People should be able to apply for legal assistance without the risk that the information they provide, which might otherwise be privileged, will be divulged.

Schedule 9 to the Legal Profession Act 2004 is also amended to provide for any existing solicitor corporations formed under the Legal Profession Act 1987. It largely re-enacts the savings and transitional provisions for solicitor corporations from the Legal Profession Act 1987. It also allows these corporations to become an incorporated legal practice under the Legal Profession Act 2004 by registering them as a company under the Corporations Act 2001. The bill makes a range of other minor or machinery amendments to enhance the operation of the legislation and achieve greater uniformity with other jurisdictions. The amendments in this bill will ensure that the Act will operate more smoothly. I commend the bill to the House.

Debate adjourned on motion by Mr Brad Hazzard.

WORKERS COMPENSATION LEGISLATION AMENDMENT BILL

Second Reading

Debate resumed from 28 March 2006.

Mr CHRIS HARTCHER (Gosford) [7.45 p.m.]: The Workers Compensation Legislation Amendment Bill makes yet another amendment to the most amended legislation in this Parliament. No Act of Parliament has had more amendments than the workers compensation legislation, and that trend continues with this bill. The repeated self-congratulation on the part of the Minister for Industrial Relations in the Legislative Council with regard to the administration of WorkCover, the authority established by the workers compensation legislation, especially when answering prearranged questions at question time, cannot be ignored. The Minister regularly tells the House about the success of WorkCover and that it is being administered in the interests of business and employees in this State. He has stated that premiums have come down by 5 per cent in respect of the proposed general insurance premiums order, to take effect from 30 June 2006, and that last week there was a further reduction of 10 per cent, also to take effect from 30 June 2006, a total reduction of 15 per cent.

But the Minister never tells the House, and the Government never tells the community, that workers compensation rates have gone up by some 45 per cent since 1995, when the Government took office. Workers compensation premiums have increased significantly over that time, to the point that New South Wales now has the second-highest workers compensation premiums in Australia. In addition, as is well known, business looks

to relocate interstate, especially to Queensland, where workers compensation rates are, on average, between half and two-thirds of the rates charged in New South Wales. If the Beattie Labor Government can achieve this in Queensland, why can the Iemma Labor Government not achieve the same result in New South Wales? One has to wonder about the standard of administration that WorkCover and the workers compensation legislation have under this Government.

The bill deals with the aggregation of companies. It refers to the example of payroll tax. Companies are aggregated together so the Government can maximise the amount of revenue it takes from companies that are forced into aggregation. Companies are forced into a grouping so the Government can maximise the amount of money it takes from them in the form of payroll tax. There is no other purpose to the legislation. It is a revenue-raising device for the Government to force organisations, even if they are operating through separate corporate structures, to be brought together as one legal entity for workers compensation purposes, just as they are brought together as one legal entity for payroll tax purposes. It is a revenue grab, and it will severely impact the cash flow of many companies. It is not publicised by the Government. The only publicity the Government ever gives is that which the Minister appropriates to himself, as I said, in his self-congratulatory statements in the Legislative Council.

The bill also repeals amendments that were passed in 2002 and have never been proclaimed. There is a story behind that. In 2002, as Parliament was about to rise for the 2003 election, the Government introduced yet another series of amendments to the workers compensation legislation, all of which were designed to increase the revenue flow of the WorkCover Authority and enable the Government to squeeze every last drop, by way of workers compensation premiums, out of companies operating in New South Wales. Among those provisions were a number of aggregation provisions. At that time the Coalition opposed the legislation and regarded it as completely unworkable.

Ms Katrina Hodgkinson: Absolutely unworkable.

Mr CHRIS HARTCHER: As the honourable member for Burrinjuck says—and she has had a long involvement with small business in New South Wales—it was absolutely unworkable. But the Government said, "No, it is workable". The Parliamentary Secretary, representing the Minister in debate that night, said, as Parliamentary Secretaries always do in reply—and I vividly remember it because I represented the Hon. Michael Gallacher, who was then shadow Minister for Industrial Relations in this House—"The member for Gosford has got his facts wrong. The member for Gosford does not know what he's talking about. The member for Gosford will find, when we proclaim this legislation, that it works and that it works well". At the end of the day the member for Gosford was proved right: the legislation was unworkable. The legislation, which the Government had lawyers, Parliamentary Counsel, public servants and everyone else prepare for it in yet another attempt to squeeze more money out of business in this State, was unworkable and was never proclaimed.

Hidden away in this bill is the fact that certain provisions passed in 2002, which have never been proclaimed, will now be repealed. What an admission of failure by this Government, which has so maladministered the WorkCover Authority that it grows and grows like Topsy, and is now one large authority. The WorkCover Authority's office is located across the street from my electorate office at Gosford. It has brought very little benefit to the people of Gosford other than to the coffee shops. All day there is an endless procession of people carrying coffee from the coffee shops into the WorkCover building. They walk along Mann Street and Donnison Street carrying those little cardboard holders with cups of coffee in them full to overflowing and you know they are headed for the WorkCover Authority.

Mr Matt Brown: What is your point?

Mr CHRIS HARTCHER: The coffee shops of Gosford are extremely grateful to the Government. I place that on the record for the honourable member for Kiama. The Government has maladministered the WorkCover Authority and it has squeezed every last dollar out of businesses so that businesses scream for mercy. Does the WorkCover Authority help businesses? Does the WorkCover Authority sit down with businesses and say, "This is how you can get a good result. This is how you can provide occupational health and safety for your employees. This is how you can pay the appropriate amount of money"? No. It runs an audit program, especially aimed at people who use independent contractors and subcontractors. It hits them hard and makes sure that virtually every person whom they can identify as being an independent contractor or subcontractor is drawn into the net and the employer or the principal contractor is made to pay workers compensation premiums for them. That is going on right across New South Wales. The honourable member for Burrinjuck and the honourable member for Wakehurst have received many complaints about this, as I am sure we all have, including Government members.

In this eternal desire to squeeze every last drop out of a lemon, we have yet another piece of legislation—unpublicised; nobody knows about it—pushed through the Parliament at 8 o'clock on a Wednesday night—which says, "Yes, we are going to aggregate you and we are going to make sure that we get more money out of you." Employers and businesses in this State can well wonder as to what the attitude of the Government is when the Premier on the one hand can say New South Wales is open for business but then, while nobody is watching, send legislation such as this through the Parliament of New South Wales. We are unimpressed with the way WorkCover runs. We are unimpressed with this workers compensation legislation and we are unimpressed with the whole approach of the Carr Government, and now the Iemma Government, towards compensation.

If ever there was an emotive sign as to the contempt held for all the workers in this State, it was that famous day in 2001 when the then Premier of this State stood on the veranda of Parliament and gave the two-fingered salute to the unionists gathered outside who were protesting about his workers compensation legislation. That was a very sorry day in the history of New South Wales. The Coalition takes a simple view of this legislation: The Coalition is determined to ensure that WorkCover premiums are reduced. We have asked the Government to reduce premiums by 20 per cent. The Government has followed our call and has now announced a reduction of 15 per cent in premiums. To that extent we acknowledge that the Government is at least heeding the voice of business and the voices of those who provide the economic growth in this State, as expressed to the Coalition parties and as expressed through our ongoing call, "Cut the premiums". We say to the Government, let business grow in this State and remove that ongoing range of taxes and charges, many of which are contained in the workers compensation system.

Premiums are coming down. Let us see what happens with the general insurance premiums order on 30 June. Premiums are not coming down fast enough and they are not coming down effectively. WorkCover is not working with employers to ensure occupational health and safety. It still has the mindset of a prosecutorial authority, which is anxious only to issue infringement notices and not anxious to educate and assist employers to provide for the safety of their employees. There is no-one of this side of the House who is not strongly committed to occupational health and safety. There is no-one in business who does not want to ensure that their employees are free from injury and danger at work. All human beings want accidents at work eliminated and fatalities at work abolished. But this Government treats every employer as a criminal. As soon as a business owner employs someone in this State they are a criminal and the WorkCover Authority acts as the secret police out to catch them. They are paying the wages for the WorkCover Authority so that it can come out—not to help them, but to prosecute them.

A prosecutorial approach and an adversarial approach underlie this legislation. There is no necessity for the adversarial approach in workers compensation and in WorkCover. That was acknowledged by this Government—to its credit—in the amendments the Government introduced in 2001 when it sought to eliminate a huge range of the adversarial legal activities within the workers compensation system and tried to work out with arbitrators what was appropriate and what was fair. But the attitude of WorkCover towards employers remains unchanged: employers are the enemy and WorkCover is out to get them—and they have the privilege of paying for WorkCover as it comes out to get them.

We reject that absolutely and we intend to restructure WorkCover. We have made no secret of that. We intend to focus WorkCover more on education. We intend to ensure that WorkCover works with employers and employees to achieve optimum health and safety so that workplaces are safe places, so that injuries are eliminated and so that New South Wales can hold its head high as not only the best economic performer in Australia but also the best industrial performer and the best occupational health and safety performer. That has to be the aim of every government. But that is achieved by education, encouragement and support, not by a punitive, adversarial and aggressive approach.

The legislation makes quite a number of amendments to the Act and the aggregation, of course, is the most significant of those. It also imposes a charge on employer companies who wish to opt out of the New South Wales system and go to Comcare, the Commonwealth system. It requires those companies to make a contribution to the tail, so that the vast tail that exists in New South Wales—estimated in the billions of dollars—is at least partially funded. But the Government is not addressing why companies who are eligible to opt out of the New South Wales workers compensation system make that decision. Why do they go to Comcare? Why does a company like Toll announce only last week that it is switching from the workers compensation system of New South Wales to Comcare? Why have Linfox and so many other large companies said that they are eligible under the Comcare criteria to get out of New South Wales?

The reason they are doing so is twofold: The premiums are too high and the attitude of the WorkCover Authority is too aggressive. That applies to all businesses, both large and small. But big business always has the advantage that it can make other choices. Small business does not have that opportunity. Small business is ground under the heel of the workers compensation system and the WorkCover Authority. The bill contains that amendment, along with a range of other amendments, but I can confidently predict that before this year is over, more workers compensation legislation will be introduced. This is the most amended Act in the New South Wales Parliament and we have not heard the end of it yet. The Government simply does not know how to run the scheme because it does not have an underlying philosophy of encouraging workers and employers to get together to achieve workplace safety and to ensure that if it cannot be achieved, there is a proper system of compensation and rehabilitation for injured workers. I believe every trade union in New South Wales is anxious to work with employers to ensure occupational health and safety and workplace safety.

Mr Brad Hazzard: Why?

Mr CHRIS HARTCHER: Because that is the way they look after their members, by making sure that their members are safe on the job. Every employee is anxious to work in a safe environment and every employer is anxious to ensure their workers work in a safe employment. Employers have rung me and complained bitterly that injured workers are not receiving adequate payments under the workers compensation scheme.

Mr Andrew Fraser: But the employers pay their premiums.

Mr CHRIS HARTCHER: The employers say they have paid their premiums and thought their workers were covered. Then they find their injured workers are getting far less than they were entitled to. Almost all employers want their employees properly looked after and they are bitterly disappointed that the scheme does not look after them and does not adequately provide for their rehabilitation. Injured workers want to get back to work. People do not see workers compensation as a pot of gold. Nobody regards injury as a state to which they look forward with anticipation. Everybody wants to be healthy and employees want the opportunity to work again. Employers who do not use rehabilitation as a tool and drive it forcefully to ensure that injured workers have the opportunity to return to the work force and the dignity of employment are not looking after their workers. I thank the House for its indulgence. I state, as I state so often, that we reserve our rights to move amendments in the Legislative Council or to oppose the bill if further evidence comes to light that we regard as cogent and compelling. We will, if appropriate, exercise that right. However, at the present time, we do not propose to seek to amend this legislation, nor do we seek to oppose it.

Mr ANDREW FRASER (Coffs Harbour) [8.03 p.m.]: I wish to place on the record some concerns, as has been so capably done by the honourable member for Gosford, about not only the proposed amendments but also the debilitating effect the scheme has had on business in New South Wales. I remember that the Minister for Small Business during estimates hearings said that he had not had any complaints about WorkCover when he visited various chambers of commerce. However, when I visited a large number of them throughout the State and when I spoke to the State Chamber of Commerce, Business Ltd and many other industry organisations, I was told about the way in which the scheme is bleeding their members.

When I asked the Minister whether he knew that Lindsay Bros, a large family-owned transport company in the electorate of Coffs Harbour, had left New South Wales, citing publicly in the *Daily Telegraph* and in the local press in Coffs Harbour that one of the reasons for relocating was that WorkCover was far too expensive and too onerous in New South Wales, the Minister said he did not have any knowledge of that, claiming he had not seen the newspaper reports. That was not just mischievous; it was totally misleading. I have raised in Parliament before, even as late as last week, that many businesses have told me they were going out of business because of their claims rated experience.

I gave examples in this House of small companies facing premium increases in the vicinity of $50,000 to $80,000. One example is the proprietor of a trucking company in my electorate who died tragically at Christmas time in a work-related incident. Legal action has been taken about how this fellow died, but his widow has been told that as it was a work-related incident, and although a payment was made to her on his death, the company will have to pay an extra premium, over a two-year period, of $175,000. If an incident similar to that happened with retail premises such as a dress shop or a menswear shop, the cost to the employer would be minuscule by comparison, yet this extra premium will put this trucking company out of business, and 15 or 20 employees will lose their jobs. This is all because of the WorkCover package.

I am the first to admit that the Government is now saying that the decks must be cleared, probably because an election is looming. It is finally listening to the employer groups, Australian Business Ltd, the State

Chamber of Commerce and other industry representative groups across New South Wales about the detrimental effect of WorkCover. Honourable members would agree that earlier changes were made in an effort to reduce the deficit of some $3 billion. About 12 months ago the honourable member for Gosford and I called for a 10 per cent reduction but the Government only gave 5 per cent. We called for another 10 per cent and this time the Government agreed, making the reduction 15 per cent.

Because the debt has been reduced by such a large amount and the Government has finally moved towards limiting some of the claims, employers who have paid premiums on their superannuation—the 17.5 per cent leave loading and directors' fees, which were never recoverable under a claim—to reduce a debt that was not necessarily their debt, deserve a far better deal than they are getting under this legislation. Under this bill companies that pay premiums of less than $10,000 or have a wage roll of less than $300,000 will no longer be claims rated, and I welcome that measure. However, I believe it should be across the board.

I am worried that for all the pious reasons the Minister gave in his second reading speech the Government will group companies for workers compensation in the same way as it groups them for payroll tax. This will mean those companies can be jointly and severally liable for the claims experience of one company. I do not agree with the suggestion that unscrupulous employers are separating companies for the sake of payroll tax and WorkCover. I will give a simple example of a truss-making company, which has three distinct entities. One is a construction company, one is a design section—a separate company—and one is a sales company.

The sales personnel usually just drive around and sell to builders or to people who may wish to buy through Internet sales, et cetera. The risk borne by WorkCover is slight, to say the least. The designers work out of an office, they work with computers and they liaise with potential home buyers or people who wish to buy their trusses. I suggest that the risk associated with that company is miniscule. However, if there is a risk, it is attached to a very safe plant, even though roof trusses and wall frames are fairly heavy and there may be a higher risk of accident. Because of the occupational health and safety laws in this country and because the employer in this instance is a very good employer, I suggest the risk is minimal.

If a serious accident were to occur at the plant and if the Government were to force that company to group its wages for the sake of WorkCover—as the Government has stated—I am advised by industry that three separate premiums could apply. Companies could be jointly and severally liable. If a truss company had a major claim—for example, a claim for an incident resulting in the death of a worker or a fairly serious injury—the other two companies could be liable for the debt incurred under WorkCover and the premium experience of the truss company. There may be three sets of partners or directors in those three businesses. That is grossly unfair. We need to go back to the old system where people were rated according to risk. What is being attempted under this legislation with the grouping is yet another situation in which the Government can say that 92 per cent of companies in New South Wales will not now be claims experienced. I do not think that figure of 92 per cent will stand up under the grouping. The high-risk industries that the honourable member for Burrinjuck and I represent in our electorates—farming, forestry and any of the primary industries—

Ms Katrina Hodgkinson: Abattoirs.

Mr ANDREW FRASER: Abattoirs, and any tertiary, primary and secondary industries are fairly highly rated. This bill will penalise companies. I spoke to a fellow from Wauchope who has received a 34 per cent increase in a premium because of an accident suffered by an employee. The Government should provide guarantees—in the lead-up to an election, that might eventuate—to cover situations of high compensation premiums. Without naming the people involved, I cite a case in which a fellow turned up for work on a Monday morning in winter. For the first time in his life, he arrived at work before the boss and opened up the premises for business. After about 20 minutes, he went to see the boss and said, "I think I have broken my ankle." The boss said, "Gee, that is no good. Call an ambulance and get him off to hospital." Over the course of the next two or three days workers compensation forms were filled out and sent in. The claim was accepted by the insurer. Later it was discovered that the fellow had broken his ankle in a football game on the weekend.

The insurance company accepted the claim on the basis of the information that was given to it. I suggest that the insurer accepted it for WorkCover because the insurer is paid to administer claims on behalf of WorkCover on a percentage basis of claims handled. There would be many cases in which claims are easily accepted because the insurer can make money out of the handling charges, not out of the profit from the claim or the policy or anything else. This Government has to outlaw those types of practices. We have to have legislation in New South Wales to cover workplaces where the boss says certain safety gear must be worn, such as protective helmets, eye goggles, safety boots and what have you. If employees wilfully disobey any instruction

from the employer, do not wear the safety gear given to them and are injured, under occupational health and safety laws—which I know are not necessarily related to this bill but are relevant on the basis of the full 4 per cent that will be charged to Comcare employers to administer occupational health and safety regulations—they will have to accept responsibility for any accident that occurs. The employer will not be held responsible through experience rated claims.

As a young person I worked at Tubemakers in the school holidays. The greatest thing that an employee could ever do, or was ever forced to do, was wear the old heavy safety glasses. However, young people tended to pop the glass out and wear the frame. If they did not want to wear the steel-capped work boots, they got a pair of desert boots that looked similar at a distance. Such practices still go on at work sites. Another example is if a workman is given a safety harness on a building site and decides not to put it on. A tragic death occurred not long ago when a young man fell from scaffolding. His father said, "I can understand why he didn't have his harness on." The employer should not be held liable for such errors. While the compensation is appropriate in such circumstances, I do not believe that an employer should be unfairly penalised under legislation. [*Extension of time agreed to.]*

Over a long period, WorkCover in New South Wales has done a pretty good job for employees. Over probably the past 10 years, employers have been unfairly penalised because in a lot of cases there has been a union push—I am not union bashing; it was a union push—for stress-related claims that were picked up under workers compensation. We have never had a situation in which an employee has proved a stress-related claim is work related. As I said earlier, the handling insurance company will accept the claim because it is paid a percentage on turnover to handle the claims. The liability is borne by the employer and the employer suffers. Many small businesses add the cost of premiums to quotations. For argument's sake, if a small business is paying 10 per cent of turnover in premiums, it will add 10 per cent to the cost of labour onto the job to cover the cost of WorkCover premiums as part of overheads. If at the end of that year a small business receives a fairly serious claim, it could find itself with a claims rated premium for the next two or three years. Even if this amending legislation becomes law, that would be the case, and it will cost a huge amount.

For the sake of argument, let us assume that in the case of the timber mill at Wauchope the cost of premiums adds 34 per cent to costs and that that margin is added to the quoted price for a job. It makes the business uncompetitive. Businesses that have to meet high WorkCover premiums are unable to be competitive in the market. Businesses that are forced to compete with unfavourably high prices will definitely lose jobs. The employer and the economy will be damaged. In those circumstances, the employer normally has to put his hand into his own pocket. The employer either has to go to the bank to get a loan or take no wages or any returns out of the business. At the same time, as I said earlier, the directors' fees and other payments that they may have received have been rated in their premiums over the year.

I have concerns about this bill, but the Opposition will not oppose it. I welcome the changes provided in the bill, but I think they do not go far enough. Claims histories remain for three years and are applicable to employers who have a payroll in excess of $300,000 or a premium in excess of $300,000. They will pay experience ratings of $50,000, which is a maximum of 1½ times the premium per annum over three years, or $50,000 to $150,000, which is a maximum of two times the premium over three years, and $100,000 to $300,000, which will be a maximum of 2½ times the premium over three years. I refer to a local sawmill in Bonville where the premiums are between $120,000 and $130,000 a year. If it has a claim and is experience rated, that will have a fairly major and dramatic effect on the business.

From time to time we have heard the Government say that the average cost of WorkCover's premium base in New South Wales is only 2.5 per cent. Tell that to a farmer or a motor mechanic who is paying 20 per cent or more for their premiums. They will not believe it. It sounds good for the media in Sydney, but it is a huge impost on a small family-owned company. As I said, I have problems with this grouping because an accident in one section of a company, which may be interrelated to two or more other companies, could have a devastating effect on any of those businesses returning a premium.

In conclusion, I appeal to the Government to review the occupational health and safety legislation. We have had a gutful. This legislation relates to the need to govern occupational health and safety. It is a stick, not a carrot and a stick. Some companies on the North Coast have experienced a WorkCover inspector coming in and threatening the employer, saying, "There are $750 worth of fines." When the employer complained the inspector said, "If you don't pay up we'll find another $1,000 and we'll be back in a fortnight to have a look." That is blackmail, and it goes on. I have raised this issue previously in the House. It is high time the jackboot tactics of occupational health and safety inspectors are looked at in depth. The occupational health and safety regulations,

which are absolutely onerous, must be relaxed. We must accept that all workplaces, whether it is Parliament House or a building site, are inherently dangerous.

We need to send a positive message to employers that will lead them to believe they can continue to conduct business in New South Wales with its occupational health and safety and WorkCover laws, that they do not need to move to Queensland or interstate, as Lindsay Bros Transport and many other businesses have done. I would like some assurances from the Government on that matter. I look forward to seeing what the Government does with occupational health and safety. As the Government has changed workers compensation premiums in the lead-up to the election, I hope that it will make changes to the occupational health and safety legislation.

Mr PAUL LYNCH (Liverpool) [8.21 p.m.]: I shall make a brief contribution to the debate on the Workers Compensation Legislation Amendment Bill. The provisions in this bill relate to two broad categories of proposed amendments. One category is to provide that an employer who is not obliged to obtain and keep a workers compensation insurance policy or be a self-insurer under State laws because they are licensed under the Commonwealth system must nonetheless pay a contribution to the New South Wales WorkCover Authority Fund, similar to that paid by those covered by New South Wales legislation. In short, this means that employers who become Comcare licensees pay their fair share of funds to the WorkCover Authority Fund. The bulk of the fund's expenditure is on the enforcement of the New South Wales occupational health and safety laws. These Comcare licensees are still subject to those laws and should be as responsible as non-Comcare licensees for funding the system. At the moment, because of the way the funding is collected, they do not pay their fair share. This legislation resolves that anomaly.

The second main category of change in this legislation is the introduction of a new scheme for grouping employers for premium assessment purposes. This provision has had something of a history. The core of the issue is that by splitting companies into separate and distinct entities employers are legally able to insulate themselves from claims experience. A report on this issue was delivered to the Government in September 2002. The Workers Compensation Legislation Amendment Act 2002 included a provision for the grouping of employers for workers compensation purposes. Those provisions did not proceed, and further discussions occurred. This bill now introduces a revised proposal for grouping employers. These issues are of great importance to many of my constituents who are injured workers. Over the years I have raised a number of cases in this place concerning the way the compensation system works or does not work in relation to particular constituents.

The issues have been well ventilated recently in a paper in the *Bar News* for summer 2005/2006 entitled "Restricting Access to Justice: Changes to Personal Injury Laws: The NSW Experience" by Anna Katzmann, SC. Ms Katzmann is a distinguished silk and certainly someone I knew professionally when I was still in practice. I largely agree with her arguments in that article. Certainly, her comments about the Workers Compensation Act 2001 are correct. The changes in the legislation have in fact reduced the amount of compensation paid to many injured workers. I have previously itemised cases of that sort in this place. A significant part of the current system stemmed from the inquiry chaired by Terry Sheehan. His inquiry well and truly recommended ways of reducing common law claims for injured workers. That, frankly, is simply a matter of record. In that context I was astonished recently to see an apology to Justice Sheehan in "Bar Brief", the monthly newsletter of the Bar Association, in relation to Ms Katzmann's article. If anyone is giving apologies, it should be Terry Sheehan to the injured workers of New South Wales. An appropriate item about that by Chris Merritt, entitled "Terry Towelling", was published in the *Australian* on 24 March 2006. I commend that article and this bill to the House.

Ms KATRINA HODGKINSON (Burrinjuck) [8.24 p.m.]: Terry Sheehan is a former member for Burrinjuck. The Workers Compensation Legislation Amendment Bill provides for the grouping of employers for premium assessment purposes in the same way as the grouping of employers is provided for in payroll tax legislation. The bill also provides that New South Wales employers who become Comcare licensees must contribute to the New South Wales WorkCover Authority Fund. That is similar to the provision relating to insurers and self-insurers who want to transfer to the Comcare system. The bill further provides that the excess amount that an employer must repay to a workers compensation insurer, after a weekly compensation claim is paid to an injured worker, is to be specified in the insurance premiums order.

The Opposition consulted with Australian Business Ltd, the New South Wales Chamber of Commerce and various workers compensation advisors on this legislation after it was introduced by the Government. This evening we heard a comprehensive contribution from the honourable member for Gosford, who has a passion for WorkCover and workers compensation. He said that the office of the WorkCover Authority is located just

across the road from the honourable member's electorate office in Gosford. That is a good way for him to keep an eye on WorkCover. It has been said that some New South Wales employers split their companies into a number of entities to avoid claims experienced by one section of the business impacting on another section of the business. Indeed, the honourable member for Gosford noted that the Government had forced legislation through on a number of occasions to prevent this.

This bill is another attempt at forcing businesses to rejoin separate entities within a company for taxation and workers compensation. The issues I have with this have already been outlined by the honourable member for Gosford and the honourable member for Coffs Harbour. It is a little unusual for all the separate divisions within an organisation to be subjected to the same level of workers compensation premiums. Perhaps the Parliamentary Secretary can provide some clarification if I am misinterpreting the legislation in respect of all divisions of one company being under one roof. For example, I am thinking back to 1987 when I was working for a property development company in Sydney. The company had several divisions: Supertex Industries Ltd, the Metropole Hotel, the Hills Hotel, a finance division and a superannuation trust company.

Under this bill, I wonder whether all those divisions would be subjected to the same level of premiums that, say, Supertex Industries paid. Supertex Industries was a major textile company and, naturally, would pay higher compensation premiums—indeed, it probably paid one of the highest levels of compensation premiums—and its employees worked with hazardous sewing machines in an older style building, that is, the old munitions sheds in Goulburn. Supertex Industries closed a couple of years ago. I would be interested to hear the response from the advisers through the Parliamentary Secretary. If that were the case—98 per cent of the people in the company were in white collar positions and only 2 per cent of the workers used the machines, with premiums of 16 per cent or 17 per cent—would the premiums for everyone employed in those five or six divisions be at the maximum level?

It reminds me of a conversation I had with an abattoir worker in my electorate about workers compensation premiums. I will not name the person; suffice it to say that he is very well known. He said, "Katrina, our premiums are so high but what really irks me is that I know I've got to pay high premiums for the boners and the people working on the machines, but why do I have to pay these high premiums for my secretarial staff?" He said that his secretarial staff were located in a building well away from the boning rooms and the abattoir. To get to his offices from the abattoir he had to walk down the street within the factory complex and enter another building.

Why does he have to pay those excessive premiums for his secretarial staff, who never have to go into the abattoir? That disparity has been there for a long time and returns again and again. Talking about high rates of premiums reminds me of several visits to my electorate office in Yass by a shearing contractor, Thomas Johnson. He is a well-known shearing contractor in the district and works from Queensland throughout the whole of New South Wales. He has often complained to me about the level of premiums and the increased premiums on payouts. He believes that is not fair or reasonable. He pays extraordinary amounts in premiums and when someone has a payout he faces an increase in premiums, despite the fact that he has been paying workers compensation ad infinitum since the worker started with him.

For many years there have been ongoing issues related to workers compensation and I am taking this opportunity to put those matters on the record. The honourable member for Gosford said that the Coalition thoroughly supports occupational health and safety, and I confirm that. I am a former occupational health and safety instructor at TAFE colleges. It is extremely important and fundamental that at the beginning of one's working career one is instructed in occupational health and safety matters. Nothing could be more vital than keeping oneself fit and healthy. As someone who spends a lot of time in Parliament House as his workplace, the Parliamentary Secretary for roads should learn to sit correctly in his chair. We should all learn to work in a safe and proper manner.

I am all for the use of hard hats, safety chains and so on. I have received third-hand reports about some of the penalties imposed by WorkCover. Fines of thousands of dollars have been imposed on painters for failing to wear their safety harnesses when working three steps up a ladder while painting a building. I cannot believe that there is such a big-stick approach to relatively new legislation. If I were in government I would use a carrot or incentive approach. If the worker is doing the right thing, that is great, but we should give businesses the chance to learn what the right thing is. When farm safety legislation passes through this place, it is difficult to get the message out to everyone. People do not necessarily know what is going on in Parliament at any time.

The message filters through slowly and I know that some farmers have been pinged by WorkCover for not maintaining or safely storing chemicals. They are learning through error rather than through incentive. The

Government could show greater leniency with penalties rather than taking the big-stick approach and imposing heavy penalties. Although I realise the great importance of making sure that workplaces are safe, we need to use the carrot approach rather than the big-stick approach currently being taken by the Government.

As I mentioned earlier, the premium rates have been excessive. People in my electorate of Burrinjuck believe the premiums are excessive. The honourable member for Coffs Harbour mentioned timber workers. In my electorate there are several mills, including Carter Holt Harvey, Weyerhaeuser and Visy as well as Adjungbilly Timbers. In fact a good third of my electorate, the Tumut and Gundagai district, is totally reliant on the timber industry for employment. Premiums for timber industry workers are very high. The Goulburn abattoir is the largest employer in Goulburn and it faces excessive premiums. My electorate supports a large shearing industry as well as a lot of rural work. Any farming activity is inherently dangerous and, therefore, premiums related to that activity are high.

Any blue-collar industry—and that covers most of rural New South Wales—will have premiums higher than those of a city industry. Most rural industries are small to medium-size enterprises, including Adjungbilly Timbers, which has about half a dozen employees. Adjungbilly is about 30 miles from Coolac towards Wee Jasper. It is in the middle of a beautiful forest, but there is not much civilisation around; it is very remote. Obviously, it is a great contributor to the Adjungbilly community. It is noteworthy that it faces high premiums, and further penalties when a worker makes a claim. Members on this side of the House have comprehensively covered the major issues. I am particularly concerned about the proposal to force all divisions of a company under the one roof to have the same level of workers compensation. I ask the Parliamentary Secretary to address that concern in his reply.

Mr BRAD HAZZARD (Wakehurst) [8.36 p.m.]: As indicated by honourable members who have spoken on behalf of the Coalition, we will not oppose the Workers Compensation Legislation Amendment Bill. However, I do have some concerns. The problem with the Government's approach to workers compensation is that it is born of fundamental inequity. On the one hand, we have workers who, as the honourable member for Liverpool correctly observed, have been dudded in relation to workers compensation rights under the Government. Who could forget the image a few years ago of the former Premier standing on the steps of Parliament House holding up a two-fingered salute to the workers standing in Macquarie Street who were expressing their frustration at the removal of workers rights in this State?

The Government diminished the entitlement of workers who were genuinely hurt in the course of their employment to compensation. Instead of approaching the issues of inequity in an equitable way, instead of looking at the failings in the system, the Government became heavy-handed and decided to simply take away a great many rights from workers. It was one of the most interesting and concerning days I have experienced in this place when the Construction, Forestry, Mining and Energy Union effectively put a moat around Parliament House and would not allow Labor members through their picket line. We saw the rather terrible spectre of the New South Wales Premier being spirited through an underground entrance from the State Library of New South Wales into Parliament House.

The Premier took away the rights of many workers of the State without a real understanding of what he was doing to them, and he did not come to grips with the core problems with workers compensation. When we look at it from the employers' point of view, what did the employers get? Not much. The workers were forced to give up their rights, but the employers did not see a marked reduction in workers compensation premiums. The fundamental inequity in that system struck at the very core of the operations of small business and big business alike. As someone who has worked with a lot of small businesses in my former role as a solicitor, I have seen the enormous impact that unfair, unreasonable, over-the-top workers premiums have on small businesses.

The honourable member for Burrinjuck referred to the inequity created by differences in the way premiums can be applied to businesses. Businesses, which may be at-risk businesses, will have all their employees grouped into the riskiest category, and the premiums will be determined on the basis of that riskiest of categories, even if the number of employees for that particular aspect of the business is relatively small. The inequity for employers is marked, and there has been a total failure on the part of the Government to address that inequity. Whether it is inequity for the workers or inequity for the employers, workers compensation under the New South Wales State Labor regime has been a disaster in the past and continues to be a disaster.

As late as today I saw another example of how workers compensation can be a disaster. A teacher employed by the New South Wales Department of Education and Training brought a workers compensation claim against her employer, went through the stress associated with that claim and was awarded a compensation

payment. She has told the Coalition that the amount of the award was paid by the insurer into the bank account of the Department of Education and Training in November last year, four and a half months ago, but has remained in that account and has not been paid to the claimant. In other words, the award has not been honoured.

There is so much inequity in the workers compensation system that it is time for a major review. The current legislation seeks to make further amendments to the workers compensation scheme, but it is really an attempt to try to grab more money from employers, particularly as a result of the grouping aspects to which I referred. The legislation is another attempt by the Government to attack those businesses that try to organise their affairs in such a way as to minimise their exposure to the regime of workers compensation premiums in this State. There is no question that this effort will fail, as previous efforts have failed, because business is entitled to go about its daily activities and to try to make a profit while providing a safe working environment for its employees.

When you have a government that has failed to establish a system that is fair and equitable, an environment will, of course, be created in which businesses will continue to be stressed and will continue to minimise their exposure to these premiums. The system needs a complete review. The bill will not address those fundamental, systemic problems of inequity in the system. Workers and employers in New South Wales will continue to be disadvantaged under the State Labor Government's workers compensation scheme. It is fundamentally flawed and it will be up to the New South Wales Coalition, when it comes to office, to ensure that both workers and employers in this State get a fair and equitable system.

Mr GREG APLIN (Albury) [8.44 p.m.]: It is somewhat ironic that, following the trumpeted reduction in workers compensation premiums, the Workers Compensation Legislation Amendment Bill is an attempt to claw back some of the money from the unsuspecting employers. The Coalition wholeheartedly supports the reduction in workers compensation premiums. In fact, it was the policy of the Coalition to lower the premiums and we can only commend the Government for having followed that lead. However, we did not propose that the premiums that were lowered somewhat should then be clawed back by a system which is called the "grouping of employers for assessment purposes."

I find it difficult, as did the honourable member for Burrinjuck, to accept that under the bill completely separate branches of businesses, with their own entities and with completely different premiums applying to the type of work undertaken, will be grouped together and, no doubt, charged at the highest rate. That is inequitable and, we would point out to the Government, totally unfair and obviously designed to extract the maximum dollar from the employer. Employers will eventually find ways to reduce their premiums and, effectively, that will increase the unemployment rate in New South Wales. I ask whether the Government has that as its true aim, because no-one would believe that that is the intention of this bill. However, it might be the indirect outcome. To that end I quote from a letter I received from a business in the Albury electorate. The writer, the director of small company, states:

> I am writing this letter to make you aware of the impossible situation my business has been placed in by [a workers compensation insurance company].

This letter is an example of the situation that could apply when organisations that have their own business entities and differing aims within their own industry are grouped together. In this instance the organisation is a small business with 20 employees. The director had one claim that he said he believed was fraudulent and his premiums had risen from a manageable $60,000 to an exorbitant $130,000 for the year 2005-06, with a retrospective payment of $53,973. That had resulted in premiums for the two years cover of a whopping $247,347.35, an enormous amount for a small business employing only 20 people. As the director said, the premiums are, in fact, unsustainable and could well result in his business having to close down with the loss—and this is the important part— of jobs for 20 families in the area.

The writer of the letter said that at present the premiums have had to be financed from outside, adding to the burden on that particular business. The premiums are based on wages, superannuation, long service leave, directors' fees, sick leave and holiday pay and are, therefore, as the director concluded, an impediment to business growth. The business in question is labour intensive, and cutting back staff to reduce premiums clearly is not a viable option. The director's comments in general—and this can be applied to the bill—were that the system is not geared to support the employer. Surely that is one of the objects of this bill. No-one would disagree that protecting employees and providing workers compensation is important, but even more important is providing the means whereby people are employed. That is not at the heart of this bill and that is not necessarily at the heart of the Government's attitude when it comes to administering workers compensation. The writer said of the system:

> It is punitive and encourages workers to malinger, exaggerate and manufacture symptoms. The employer has no control over the process, with claims accepted automatically, no attempt to check work relatedness or the doctors diagnosis … or to properly manage return to work.

The director of the company in question sent a letter of complaint to his insurance company concerning the particular case but found it took several months to reply, let alone give him any satisfactory outcome. In fact, he was not satisfied with the final outcome. His final statement is:

> This insurance is destroying our business and the system needs urgent reform.

I do not think he had this bill in mind when he wrote me that letter. He concludes by saying that he would appreciate attention to this matter as his company's survival is at stake. I ask the Government to remember that employers are important to this State. We hear that the Government is open for business, which is a change from the past 11 years. In being open for business let us ensure that employers have an opportunity to employ people and that they are not penalised, as they appear to be, under the Workers Compensation Legislation Amendment Bill, which groups them together and claws back maximum amounts instead of giving them incentives to employ more people.

Mr ADRIAN PICCOLI (Murrumbidgee) [8.50 p.m.]: I will speak briefly to the Workers Compensation Legislation Amendment Bill to put on the record the views of a number of constituents in the Murrumbidgee electorate on workers compensation. The Coalition does not oppose the bill but for a long time it has raised concerns about workers compensation premiums, their impact on businesses, and their flow-on effects to employment. I am concerned about workers compensation particularly from the perspective of regional employment. Over the past six or eight months the owners and the accountant from the Golden Apple Supermarket in Leeton came to see me a couple of times and told me about their huge increases in workers compensation premiums.

I wrote to the Minister about this issue on a number of occasions but I do not think it has been satisfactorily addressed. The Golden Apple Supermarket had one claim against it, which was not particularly significant. The employee returned to work on light duties but the company's premiums doubled or even tripled over the past three years. Earlier the honourable member for Wakehurst said the Government must address systemic problems in the workers compensation system in New South Wales. Over the past 11 years the Government has failed to do that, and that has led to premiums going through the roof for businesses like the Golden Apple Supermarket in Leeton.

Last week the Premier announced in Parliament that workers compensation premiums would be reduced by 10 per cent. But, given that there has been a huge increase in premiums, it is dishonest for the Government to say, "We are fantastic because we reduced premiums by 10 per cent," when premiums have increased dramatically over the past few years. The Government also undertook to ensure that employers would pay higher premiums by including superannuation contributions and deeming people to be employees of companies when they were not. At every opportunity the Government has attempted to take as much as possible from employers by way of workers compensation premiums. So it is laughable that the Government said, "We are great because we are reducing workers compensation premiums."

Businesses in the Murrumbidgee electorate know it is laughable that the Government claimed it had reduced workers compensation premiums. They do not have to go too far to establish just what their premiums are. Over the past few years they have seen how their premiums have gone up. The Government has had 10 years to do something about workers compensation premiums. It reduced the amount to which injured workers were entitled—coming from the Labor Party I thought that was quite extraordinary, and so did a lot of workers—and a few years ago thousands of workers protested outside Parliament House.

As the honourable member for Wakehurst said, we all remember the former Premier's response to their protests. One of the reforms of this Government has been to reduce the entitlements of injured workers, which certainly knocked lawyers around. As a former lawyer I do not necessarily have a great deal of sympathy for them. One group that did not receive any attention was insurers. The Government failed in the way in which it manages claims through the workers compensation system. It has not been able to make hard decisions to reduce workers compensation premiums. As a result we are seeing a reduction in the ability of employers, particularly in regional areas, to employ more people.

I sympathise with businesses like the Golden Apple Supermarket and other large employers like Bartters that have to pay millions of dollars in workers compensation premiums. Because there have been no

reforms in this area over the past 10 years, every dollar they spend on workers compensation premiums is a dollar that does not go towards employing another worker. This Government has only 12 months left in office. I am sure employers in New South Wales are looking forward to reforms that will ensure permanent and well-deserved reductions in their workers compensation premiums.

Mr GRANT McBRIDE (The Entrance—Minister for Gaming and Racing, and Minister for the Central Coast) [8.57 p.m.], in reply: I thank all honourable members for their contributions to the debate. The proposal for grouping larger related entity employers for workers compensation purposes is a result of a great deal of consultation with unions and employer groups. As a result of this consultation the existing legislative provisions are repealed by this bill and replaced with a workable system that is linked more closely with groupings for payroll tax purposes.

In relation to the point raised by the honourable member for Gosford, the Government intends that the grouping changes will be revenue neutral; that is, they are not intended to change the level of premium collected for the workers compensation scheme. It is expected that there may be an increase in premium for some individual groups of employers if those employers have an adverse claims experience. However, other groups of employers that have good safety records may well see a decline in their premiums.

Should a particular group of companies experience an increase in premiums arising from the grouping, the insurance premiums order will limit that increase to 25 per cent in the first year, 50 per cent in the second year, and 75 per cent in the third year. This cap does not apply to increases that result from increased wages or increased claims experience. As a result of the Government's 2001 reform legislation—which was opposed by the Opposition—and its ongoing efforts to improve value for employers and injured workers, times have changed. The WorkCover balance sheet is at its strongest in over a decade.

Cost delays and disputes have been significantly reduced, injured workers are getting medical and financial support much faster, and the scheme is recovering its costs. As a result of the Government's hard work the Premier announced a 10 per cent reduction in workers compensation premium rates to commence from 30 June 2006. The reduction applies to all WorkCover industry classification rates and is on top of the 5 per cent reduction announced by the Premier in November 2005, that is, 10 per cent as at 30 June 2006 on top of a 5 per cent reduction in November 2005—some 15 per cent over the past eight months.

This is great news for employers and it is a welcome help to keep the New South Wales economy moving. These premium reductions—the first that have been possible since 1996—have been achieved in conjunction with the increased benefits for injured workers announced by the Premier in November. This latest cut represents a return of a further $290 million to the employers of New South Wales on top of the $140 million being returned as a result of the 5 per cent reduction from 31 December 2005. These cuts are possible because of improvements in occupational health and safety, injury management, and return to work outcomes in the State. In addition, the strong financial position of the scheme means that these changes are both responsible and affordable.

The scheme deficit today is $1.162 billion—a substantial $836 million less than it was six months ago and $2.068 billion less than in December 2002. Since 1996 the scheme has had a target premium rate equivalent to 2.57 per cent of wages. The rate cut in December reduced the target rate to 2.44 per cent. This further 10 per cent reduction in premium rates and the continued improvement in the scheme's finances will drop the target rate to 2.17 per cent. The Government has also reduced the interest rate applicable to workers compensation premiums that are paid late.

Further, we have introduced a broad range of improvements to the premium assessment system to more fairly distribute scheme costs among employers and provide incentives to improve safety and injury management. WorkCover has also recently commenced the transition of the workers compensation scheme from a licensed insurer model to one with agents on commercial contracts to get better results for employers and injured workers. The Government will continue to consider future reductions in premiums in a fiscally responsible manner.

The effect of the point made by the honourable member for Gosford about WorkCover employees in Gosford is that he does not want those jobs in Gosford. Some 500 WorkCover employees have moved to Gosford and the Central Coast—part of the Government's policy of locating jobs to regional centres, a policy that I think would be generally supported by the Opposition. But it is apparently not supported by the honourable member for Gosford, who also has responsibility of representing the Central Coast region on behalf

of the Coalition. But his comments in this House go against that role. From the comments he has made about government jobs going to the Central Coast and in particular to Gosford, the seat that he represents, one could even make the point that he is actually anti-Gosford or anti-Central Coast. I do not think it gets any lower than that, when someone attacks jobs being located in their own seat.

Mr Brad Hazzard: Point of order: The honourable member is now speaking outside the leave of the bill. He knows very well that the honourable member for Gosford was totally supportive of jobs; he was concerned about how workers compensation was managed.

Mr ACTING-SPEAKER (Mr John Mills): Order! There is no point of order. The Minister will continue in reply.

Mr Brad Hazzard: A personal attack on a member of Parliament?

Mr ACTING-SPEAKER (Mr John Mills): That was not a personal attack; that was criticism.

Mr GRANT McBRIDE: He made those comments in this House.

Mr Brad Hazzard: He has to represent the truth and he is not representing the truth. And if he is going to make any attacks it should be by way of a substantive motion.

Mr ACTING-SPEAKER (Mr John Mills): Order! The Minister will continue in reply.

Mr Brad Hazzard: Stick to the script. You are better at it.

Mr GRANT McBRIDE: The honourable member for Gosford made those comments in the House.

Mr Brad Hazzard: Do you want another point of order? We will be here all night. Do you want me to move that the member be no longer heard or to call a quorum? Just get on with it.

Mr GRANT McBRIDE: This is fair comment. The guy got up and made those comments.

Mr Brad Hazzard: I will give you a quorum, okay? I will drag all your members down. Just get on with it.

Mr GRANT McBRIDE: How do I interpret that?

Mr Brad Hazzard: That I am about to call a quorum.

Mr ACTING-SPEAKER (Mr John Mills): Order! The Minister will continue his reply.

Mr Brad Hazzard: Stick to your script; then you will not have a quorum and your members will be happy. Now get on with it.

Mr GRANT McBRIDE: In conclusion in regard to my comments about the honourable member for Gosford, I just make this one last point.

Mr Brad Hazzard: Mr Acting-Speaker—

Mr GRANT McBRIDE: I am concluding my comments about the honourable member for Gosford.

Mr Brad Hazzard: You sit down fast or you will have a quorum.

Mr ACTING-SPEAKER (Mr John Mills): Order! The Minister will continue.

Mr GRANT McBRIDE: In conclusion in regard to my comments about the honourable member for Gosford, my point is this: If he has a problem with the location of WorkCover in Gosford, I say he is unrepresentative of the Central Coast. [*Quorum formed*.]

The honourable member for Burrinjuck asked whether a company has to have the same workers compensation rate as others in the group. The bill does not change the current situation: businesses can have

multi-tariff premiums for different parts of their business. In addition to the proposals for grouping contained in this bill, I urge the support of honourable members for the other proposals in the bill. The Comcare levy provisions of the bill are a sensible measure that ensures that these employers bear a fair share of the costs of the regulator.

A bill currently before the Commonwealth Parliament would make all Comcare licensees subject to the Commonwealth Occupational Health and Safety (Commonwealth Employment) Act 1991. The Commonwealth bill has been referred to the Senate Employment, Workplace Relations and Education Committee, which is to provide a report by 9 May 2006. Where Comcare licenses an employer for both occupational health and safety and workers compensation, the rationale for requiring the contribution no longer applies.

Therefore, the bill contains a provision that clarifies that if a Comcare licensee becomes subject to Commonwealth occupational health and safety legislation, the Comcare licensee will no longer be liable to pay contributions to WorkCover. The proposal in the bill to enable the excess payable by employers to be set in future in the Insurance Premiums Order rather than in regulations, is also a practical measure for which I urge support. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

FISHERIES MANAGEMENT AMENDMENT BILL

Second Reading

Debate resumed from 28 February 2006.

Mr ADRIAN PICCOLI (Murrumbidgee) [9.09 p.m.]: I speak on behalf of the Coalition. The Coalition will not oppose the Fisheries Management Amendment Bill. However, the Liberal and National parties have some concerns about the bill, and the opposition spokesman on Primary Industries will provide a detailed response on behalf of the Coalition in the Legislative Council. The Government has done a lot of damage to both commercial and recreational fishers throughout New South Wales in recent times. In the 12 months leading up to the next State election it will have to work hard to help those fishermen, whom it has disadvantaged severely.

Mr MATTHEW MORRIS (Charlestown) [9.10 p.m.]: I support the Fisheries Management Amendment Bill, which makes a number of minor but important changes to the Fisheries Management Act. The bill provides for the disclosure of records to certain third parties and will assist the owners of fishing businesses. The Privacy and Personal Information Protection Act 1998 is a very important piece of legislation that guarantees the protection of personal information and the privacy of individuals. While the Act works well in this regard, it can complicate the release to business owners or charter boat owners of records held by the Department of Primary Industries that have been prepared by nominated fishers or employed charter boat masters.

This presents a concern because business owners have a legitimate interest in knowing how much interest their catch has generated, particularly if they are planning on selling the asset. It is particularly problematic when older records are involved and the person who compiled the records cannot be located. The bill allows fishing business owners and charter boat owners to access records in relation to their business or charter boat. These include historical records connected to a fishing business prior to its being the property of the current owner.

Another minor change in the bill involves the description of the ocean trawl fishery. The fishery description should include all fishing methods used by participants in that fishery. During the development of the fishery management strategy it was found that a very small number of fishers in the fishery might be using a net called the Danish seine trawl net. It was thought that fishers had stopped using this net in the 1960s and 1970s in favour of the more conventional otter board trawl nets. The use of this net is a legitimate fishing method—it works in a similar way to a purse seine net and has a minimal impact on fish habitat. The bill amends the ocean trawl fishery description to include this net. Under normal circumstances, if a fishery description is amended all the shares issued for the fishery must be cancelled and re-issued. This would be impractical and serve no purpose in these circumstances. Therefore, the bill stipulates that in this case shares

will not be cancelled as a consequence of changing the fishery description. While these changes are minor they are nonetheless important and in line with the objects of the Fisheries Management Act.

The bill is particularly relevant to the Hunter region. Many professional fishers who operate out of Newcastle harbour and charter boat businesses that operate on Lake Macquarie will also derive some benefit from the bill. The changes will enhance day-to-day operations and provide more information about the businesses. Many businesses in Lake Macquarie and Newcastle, which employ a significant number of people, rely on the fishing industry. Peak organisations were consulted about the bill and they responded favourably to the amendments. This bill is a positive step towards improving the fisheries sector, and I commend it to the House.

Mr BRAD HAZZARD (Wakehurst) [9.14 p.m.]: As the honourable member for Murrumbidgee said, the Opposition will not oppose the Fisheries Management Amendment Bill. However, we will examine its detail closely and the shadow Minister for Primary Industries, the Hon. Duncan Gay, will discuss the specifics of the bill in another place. The bill appears to be an administrative measure and addresses several issues to do with the endorsement of commercial fishing licences. It will make further provision for endorsement conditions, make it an offence to contravene a condition of an endorsement, and allow the management plan for a share management fishery to permit or restrict the issue of multiple endorsements to one person. The overview of the bill also indicates that it will allow an endorsement that authorises a person to take fish in a fishery to be given in the form of a document separate from the commercial fishing licence of the person authorised to take the fish.

This bill is timely as so many commercial fishers are feeling very aggrieved with the Government. The bill addresses some administrative issues to do with endorsements on licences but many commercial fishers in and around Sydney Harbour are most disturbed about the Government's approach to them and the vital role they play in providing seafood to the people of Sydney every day. At the moment at least some fishers consider the Hon. Ian Macdonald, the Minister for Primary Industries who has responsibility for fisheries, to be not all that honourable. The not-so-honourable aspects of the Minister's behaviour were apparent when he presented to fishers a formula for the payment of compensation that it now appears the department will not honour.

The Minister said during television interviews and in other public forums that fishers would receive a compensation payment based on an average of the best years of their take. But there is a mighty chasm between the Minister's promise and what the department has offered to fishers. Apart from being unfair, that is not what the Minister said would happen for those fishers. Let us not forget that, while complying with the licence endorsements—which is the subject of the bill before the House—fishers were operating in and around an area that the Government knew for more than a decade was polluted with dangerous chemicals. It is now unsafe to consume fish from Sydney Harbour.

The dioxins at the bottom of the harbour are the result of failed government policies in and around the Homebush area and failed promises on the part of the Labor Government to clean up the area. I say to members in this Chamber and to the Minister in another place that Labor's policy failure, its failure to manage the pollutants in Sydney Harbour and its failure to manage the dioxin threat in and around Homebush have exposed our fishers to unnecessary dangers. Fishers should not be exposed to the broken promises of a Government that failed to clean up the harbour in accordance with the undertakings made by the then Minister for Public Works and Services, the current Minister for Police, who said in this place that the Government would eliminate the dioxins around Homebush. It did not do that. The fishers who have kept Sydney and New South Wales residents in seafood supplies should not now have to suffer because of this Government's lies. I ask the Minister, and any other honourable members—and I stress the word "honourable"—

[*Interruption*]

There are a few, although I accept that it is difficult to find them. They should ask the Minister whether it is true that the Government has dudded the fishers of Sydney Harbour again. Is the Government not now honouring the Minister's promise that they would get the average of the three best years of take? If that is the case, it is not being fair to the fishers and, yet again, it is not being an honourable Government. When this bill is dealt with in the upper House by the shadow Minister, the Hon. Duncan Gay, it will be considered on the basis that the Opposition and the fishers of New South Wales do not trust this Government.

Mr ALEX McTAGGART (Pittwater) [9.21 p.m.]: I support the Fisheries Management Amendment Bill. I am pleased to see some amendments to the Fisheries Management Act 1994, noting that they are primarily administrative. In particular, I am pleased to see a provision to impose further endorsement conditions on licences and provisions to make it an offence to contravene the conditions of a licence.

My concerns about the bill relate to the taking of fish at Pittwater, what appears to be a movement of licence holders from Sydney Harbour to Pittwater, and the overfishing of Pittwater. I understand that there are 67 estuary general fishing licences allocated to the area from The Entrance in the north to Wollongong in the south, comprising net hauling, fish trapping, lobster gathering and hand lining, all allowing fishers to fish in estuaries. The problem is that between The Entrance and Wollongong, Brisbane Waters has been partially closed to commercial fishing and Sydney Harbour, Botany Bay and Georges River are completely closed to commercial fishing. That leaves only Pittwater and the Hawkesbury. Since the recent closure of Sydney Harbour, there has been an influx of southern fishermen to Pittwater.

I understand that the Minister is attempting to buy back approximately 40 of the 67 licences, using fishing licence fees as a source of funds. That still leaves 27 licences of some type or another that allow fishing in Pittwater and on the Hawkesbury River. While these amendments will make it clearer who has a particular endorsement on their licence, there are still too many commercial operators fishing in Pittwater. It would be far better if the Government were to reduce the number of fishing licences and increase the number of endorsements on each licence. That would value add to the licences. In other words, there would be one family, one boat and one series of nets or traps for lobster activities. That would allow families to reduce their costs and ensure their viability. While these amendments make it clearer who has a particular endorsement on their licence, I believe that too many commercial fishermen are still able to fish legally in Pittwater.

Although the amendments appear to be primarily administrative, they do not go far enough to reduce the impost on fishing stocks. However, they are a positive step forward. I look forward to a total ban on hauling in Pittwater because there has been a significant depletion of fish stocks. Honourable members should remember that Pittwater is a significant recreational fishing area and the significant increase in the transfer of caluerpa taxifolia—that is, the invasive noxious seaweed which has been located in the bay and which came from Botany Bay some years ago—is now having a devastating effect on our seagrasses. A reduction in seagrasses causes a reduction in the feeding stock for small fish and, therefore, nurseries. It is important that we stop hauling at Pittwater to maintain fish stocks and nurseries and to prevent the spread of this noxious seaweed.

Mr ANDREW CONSTANCE (Bega) [9.26 p.m.]: As has been pointed out previously by the honourable member for Murrumbidgee, the Opposition will not oppose this bill, on the basis that it is administrative in nature and that it is designed to help both fishers and NSW Fisheries. That said, the shadow Minister for Fisheries, the Hon. Duncan Gay, will deal with the legislation in more detail in the upper House.

Concerns have been raised by the commercial fishing industry about full cost recovery within the share-managed fisheries. Many commercial fishermen, particularly those on the far South Coast, have complained that the administrative tasks they must perform on a daily basis are somewhat painful. The industry up and down the eastern seaboard recognises the need for structural adjustment through appropriate buy-outs. The New South Wales Opposition has a clear policy with regard to commercial buy-outs in this State. It has proposed a $36-million buy-out to restructure the industry to the betterment of the sector. I make that point because over recent months NSW Fisheries has compiled a report about the state of play within the agency and its relationship with the commercial sector.

Mr DEPUTY-SPEAKER: Order! The Minister will cease interjecting. The honourable member for Bega is the only member with the call.

Mr ANDREW CONSTANCE: It was highlighted in the report that the relationship between the commercial sector and NSW Fisheries is at rock bottom. The language in the report is incredible. Undoubtedly there has been a breakdown in the relationship between NSW Fisheries managers and the commercial sector and the Government its yet to improve that situation. Given the introduction of legislation such as this, one wonders how that relationship will develop and whether it will be to the ultimate betterment of fisheries up and down the coast. The fishing industry on the far South Coast is also confronting the pressures imposed by the establishment of a marine park. That will also affect the commercial fishers' efforts. Against the backdrop of these administrative changes, I highlight the point that the Government has a lot of work to do to improve its relationship with the sector. I hope that it achieves that very quickly because we are reliant on a successful outcome.

Mr GRANT McBRIDE (The Entrance—Minister for Gaming and Racing, and Minister for the Central Coast) [9.28 p.m.], in reply: I thank honourable members for their contributions, particularly the honourable member for Charlestown and the honourable member for Pittwater. This bill is about efficiency and streamlining the licensing process for share management in our commercial fisheries. It provides the

mechanisms for better managing the commercial fishing industry and appropriately assigns responsibility for major commercial fisher and charter boat operator obligations such as catch reporting and payment of fishing contributions. The bill defers much of the detail to the associated regulations and to the fishery management plans, which are prepared with the input of commercial fishers and charter boat operators. Fishers are closely involved in developing the management plans and will continue to have a say on any changes to the management of their fisheries. The bill paves the way for the final stages of share management and a greater certainty for commercial fishers in New South Wales.

In relation to the honourable member for Wakehurst's comments, a total ban has been placed on commercial fishing in Port Jackson as a precautionary measure after test results revealed elevated levels of dioxin in prawns and bream across the harbour. The Government has indefinitely closed Sydney Harbour to all commercial fishing to protect public health. The Government has also announced a $5.8 million package to respond immediately to this issue. It includes a $5 million buy-out of commercial fishing entitlements affected by the closure, a $250,000 public education program to inform recreational fishers about dietary limits and further sampling of other fish species. Warning signs have been erected around the harbour to advise recreational fishers that no more than 150 grams of fish and no more than 300 grams of prawns should be eaten by each person per month, and only one of these amounts should be eaten in any one month.

A multilingual brochure has been developed to warn recreational fishers of the dangers of consuming fish, prawns and crustacean and molluscs taken from Port Jackson. Advice has been sent to all one-year and three-year fishing licence holders, fishing clubs and charter boat operators who are known to operate in Port Jackson. Information is also being disseminated through Fishcare volunteers, Waterways officers, Water Police, the print media and the Department of Primary Industries, NSW Health, the Department of Environment and Conservation and the NSW Food Authority web site.

The Government is spending $5 million buying out commercial fishers from Port Jackson. The buy-out package is based on the marine parks buy-out model whereby a fair offer is made on fishing business based on the catch history. The minimum amount for a fishing business is $20,000 and the maximum is $350,000. Fishers will also be offered up to $10,000 for training and relocation and up to $20,000 for accelerated depreciation of their fishing equipment. Fishers are free to sell their boat and other fishing equipment if they wish.

Recognising the hardships currently being faced by fishers affected by the closure of Sydney Harbour, the buy-out has been made a priority. Affected fishers have been sent the buy-out offers. A $10,000 advance payment will be made to fishers who return a signed deed of agreement in recognition of the financial hardships Port Jackson fishers have faced during the past few months. The 2005-06 fisheries management invoice charges, commercial fishing licence, boat licence fees and fish receiver fees may be waived for all Port Jackson estuary prawn trawl operators and estuary general region 5 operators who have reported doing commercial fishing in Port Jackson during 2004-05.

The Government will continue to work closely with fishers throughout the buy-out process. Honourable members should remember that this is a legacy of 100 years of industrial pollution. The Government is doing everything it can to help fishers. I advise the honourable member for Pittwater that the Government is taking measures to ensure that there is not a large expansion of fishing effort in the Hawkesbury River. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

The House adjourned at 9.34 p.m. until Thursday 6 April 2006 at 10.00 a.m.