

# LEGISLATIVE ASSEMBLY

Thursday 21 September 2006

---

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

**Mr Speaker** offered the Prayer.

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

## COMMUNITY PROTECTION (CLOSURE OF ILLEGAL BROTHELS) BILL

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

### Second Reading

**Ms PETA SEATON** (Southern Highlands) [10.00 a.m.]: I move:

That this bill be now read a second time.

Concerns have been raised in the House on many occasions about the operation of illegal brothels. No-one on this side of the Chamber is in any doubt about the effect that illegal brothels have on the communities they infect. Illegal brothels are a scourge on many of our communities: they breed criminal behaviour, and behaviour that is completely inconsistent with decent law-abiding families and businesses. Again I have introduced legislation for the consideration of the Chamber to protect the community from illegal brothels by giving councils the powers to act quickly to shut down such alleged premises, with the onus on the alleged illegal brothel owner to prove otherwise.

Everyone knows that the majority of illegal brothels peddle their trade by abusing and taking advantage of disadvantaged women, women in vulnerable situations, sex-trade workers and, in the most abominable of cases, using under-aged girls as prostitutes. The objects of the Community Protection (Closure of Illegal Brothels) Bill are to protect the community from the operation of illegal brothels, to encourage the restriction and regulation of brothels under instruments and policies made or adopted by local councils, and, perhaps most importantly, to facilitate prompt closure of illegal brothels by local councils. Those in the Chamber who think they might have heard this before are right. This is the third time in approximately five years that we have considered this type of legislation because the Australian Labor Party has consistently refused to consider sensible legislation to give councils the powers they want and need to close down these premises and protect their communities.

In 2001 the Leader of the Opposition recognised these problems and introduced the Community Protection (Closure of Illegal Brothels) Bill 2001. The bill was debated and in June 2002 was voted down by the Labor Government. We had hoped that the legislation the Government had in place or claimed it was proposing might solve the problems, but nothing changed. In December 2003 I introduced the Community Protection (Closure of Illegal Brothels) Bill, which was along similar lines to the bill introduced by the Leader of the Opposition in 2001, which aimed to deal with all the problems caused by illegal brothels highlighted in this place. Many people on this side of the Chamber debated the bill in the face of complete and utter insolent opposition from the Australian Labor Party. I then started to wonder why the ALP was apparently soft on illegal brothels.

The Australian Labor Party said that we did not need the bill, and that we had nothing to worry about because the community was well looked after by existing State Government legislation. The honourable member for Tweed was the first one out of the blocks to criticise the Opposition's attempts to fix the problem. Then we heard from the honourable member for Coogee that everything was well in his area and why nothing needed to be done. The Community Protection (Closure of Illegal Brothels) Bill 2006 aims to give councils the powers they need.

This is a chance for the Labor Party to say, "Sorry, we got it wrong. We will do the right thing and back sensible legislation to enable councils and communities to crack down on illegal brothels." The contributions of the honourable member for Tweed and the honourable member for Coogee in 2003 would lead one to believe that all was well. But all the evidence is to the contrary. Anyone who read the article by Neil Mercer in the *Sunday Telegraph* of 17 September entitled "Bogus massage parlours upset residents: High-school boys cue up for sex" would be in no doubt that illegal brothels continue to be a problem in communities, including Maroubra. Neil Mercer reported:

An illegal brothel has been allowed to operate in a suburban unit block despite residents' complaints that it caters to local schoolboys.

*The Sunday Telegraph* was told teenage boys in uniform had been seen entering a "remedial massage" centre in Anzac Parade, Maroubra.

Angry locals say the brothel, one of two in the unit block, is operating without Randwick Council approval.

Residents have made representations to the Premier and the Minister for Police pleading for councils to be given the powers to close down such places. Community representatives have said that they believe the State Government should amend the law to make it easier for councils to act against illegal brothels. This is the third time the Liberal-Nationals Coalition has introduced legislation to do exactly that: to give councils the powers they need to make it easier to act against illegal brothels. The best the State Labor Government could come up with, according to a reply from the Director General of the Cabinet Office, Roger Wilkins, was that the comments from the community would "receive close consideration". What an insult from the Government to the people who are living with the scourge of this activity on a daily basis!

If there was any doubt that such operations were in fact illegal brothels, rather than legally operating massage or other therapeutic organisations, the evidence from local people who are speaking out about this problem would certainly give any sensible person a reason to doubt that these operations are legitimate. Neil Mercer reported that when the *Sunday Telegraph* phoned the alleged premises the man who answered the phone made it clear that at least one sex service was available, along with a full body rub. The man said that two girls were working, including a 22-year-old woman who was "very sexy". Pressed on what else might be possible, he said, "If you want extra, talk to girl."

The Adult Business Association represents the operators of legal premises, who are also being disadvantaged. These people observe all the laws, do the right thing in terms of occupational health and safety, WorkCover, meeting all the proper licensing requirements and paying tax, whereas these fly-by-nighters and grubby illegal brothel operators are taking advantage of the women who work in these places and taking advantage of the communities on whom illegal brothels are foisted. The Adult Business Association said that there were close to 500 illegal operators around the city. We know because we have heard in this Chamber about many illegal operators. Yet the Labor Government is not prepared to act. The article by Neil Mercer further stated:

From *The Sunday Telegraph's* investigations, it appears more and more are offering unprotected sex.

I would be interested to hear what the honourable member for Maroubra has to say about this issue, because high school boys from his area are apparently making use of this facility. I do not know whether the honourable member would say that this is a legal massage parlour and that perhaps we are seeing a spate of sporting injuries, classroom injuries or something that requires some sort of therapeutic attention. Many people in the community are concerned about the situation. Indeed, I have received a lot of correspondence from people in the Maroubra area pleading with the Labor Government to do something about the problem and pleading with the Parliament to pass legislation to give councils the powers they need to close these illegal premises.

Since June 2006 the Owners Corporation of strata plan No. 4641 and others have been writing to people, including the Premier and the honourable member for Maroubra, saying, "Please give us the powers to fix these problems, particularly this alleged brothel in Anzac Parade in Maroubra." This correspondence outlines the community's concerns about criminal and illegal behaviour, as well as the impact on the amenity and the enjoyment of the area for families and businesses. Another point that people, including Mr Alex Alexandrou, JP, are making is that these illegal premises are robbing taxpayers, and therefore the people of New South Wales, of large amounts of money that should be available to the community for the delivery of services. Mr Alexandrou wrote a letter to the Premier stating:

Next time before you cry wolf on hospital funding think and remind yourself of what the Australian Tax office's investigators said, and I quote, "the amount of tax being avoided (by illegal brothels) is enough to build a new hospital each year—up to \$200 million".

Also, start acting like a Premier should, and come to grips that Sydney and New South Wales have an immense problem with illegal brothels—"the investigations revealed there are at least 500 illegal brothels operating across the Sydney metropolitan area, and each week suburban newspapers carry up to 1,800 advertisements for illegal sex services.

... why [the Premier] does not want to table legislation in Parliament to protect the community from illegal brothels and immediately shut illegal brothels down.

That is the question: Why is the Labor Government unprepared to deal with this problem? Why is it unprepared to support the legislation introduced by the Liberal-Nationals Coalition, legislation that would shut down illegal brothels by giving councils the powers they need to act quickly and decisively? Mr Alexandrou again wrote to the Premier stating:

*Start acting responsibly—ILLEGAL BROTHELS Premier is the subject, not legal brothels*

Legal brothels operate lawfully and properly under all relevant legislation. The issue here is illegal brothels. Mr Alexandrou further said:

I recommend that you seek legal advice on what a legal brothel is and what an illegal brothel is because based on your responses to date, including the one dated 18 July 2006, you do not know the difference.

Mr Alexandrou then asked why the Minister for Planning was not involved. He said:

... because this is a state wide problem and requires the urgent attention of the head of government, the Premier, and in turn requires urgent legislation to enable local authorities and the NSW police service to shut down illegal brothels.

The bill before the House is an opportunity for the Labor Government to respond to the issue and to give councils the necessary powers. Mr Alexandrou then wrote to the Leader of the Opposition stating:

If someone wants to open a brothel, let them do it legally and get the right licences and development consents from the local council and the owner's corporation of the building that they intend to trade from.

It is easier to open an illegal brothel in this state than to apply for a credit card.

I therefore plead with you to protect the community by raising the matter in Parliament and tabling legislation that will give authority to local councils and the police service to immediately shut down illegal brothels.

I am pleased to tell Mr Alexandrou that that is exactly what we are doing today. It is exactly what we are now doing for the third time. This bill gives the Government the opportunity to get it right, to support the legislation that will give councils the powers they need. Mr Alexandrou further said:

Only legislation can protect the Community from illegal brothels and only legislation can shut down illegal brothels within 48 hours and prosecute the operators.

The concerns of Mr Alexandrou and many others in the Maroubra area have not gone unheard by Councillor Robert Belleli. It is important to make the point that the honourable member for Maroubra is not in the Chamber to listen to these concerns. However, the people of Maroubra can be pleased that Councillor Belleli is standing up for them. He contacted me some months ago and raised these issues. He knows that it is important to have legislation in place. He told me that he wants legislation brought to the Parliament that will enable councils to shut down illegal brothels within 48 hours. He wants councils to be given the powers they need. I congratulate Councillor Robert Belleli because he is standing up for something that is extremely important to families and businesses in his area and to residents who want to enjoy their premises lawfully without illegal and criminal activity in their immediate surroundings.

Tragically, despite having had two opportunities to support this legislation, on both occasions the Australian Labor Party has demonstrated that it is soft on illegal brothels. I will examine the evidence that has already been given to this Parliament on the extent to which this scourge is affecting communities across the Sydney Basin and regional areas. We have heard of problems in Baulkham Hills, where an illegal brothel was set up in a medium density development, right next door to residences, right next door to gardens where children play, and right next door to family homes. Residents in the Council of the Shire of Baulkham Hills have been fighting a losing battle against shady operators who use false names and rented units and, as soon as they encounter difficulties, move somewhere else and set up again.

The council's only recourse is to enter into lengthy investigations under the current Act, which may involve the expenditure of ratepayers money in hiring private investigators who have to play the role of a client to obtain evidence. If the ratepayers knew the details about the action that has to be taken on their behalf to shut down illegal brothels they would be very concerned. If a prosecution is undertaken, it can be 18 months or more before the Land and Environment Court shuts down the premises. Councils need to be able to act sooner than that. Shady operators need to know that if they move from place to place to avoid detection councils will be able to chase them every step of the way and shut them down. At the moment the operators are hiding behind loopholes. They know that even if a matter is brought before a court it will be at least 18 months before a resolution is achieved. Even so, they will be able to set up again and the council faces another 18 months of legal action and all of the costs to ratepayers associated with that.

Similar problems have been mentioned in this House relating to Newtown, Marrickville and the North Shore. Willoughby City Council was forced to hire a private investigator to obtain evidence in relation to an illegal parlour. I note that the honourable member for Willoughby is present in the Chamber. She knows how important this issue is in her electorate, as does the honourable member for North Shore. Strata titled property owners have made representations. Often they are the victims of illegal brothel activity because, in a large block of units, it is very difficult to take action against one or two unit owners or people who rent the units for the purposes of illegal brothel activities. Yet those illegal activities can completely change the whole nature of the building and the neighbourhood, and that is exactly why the Opposition has been arguing for some years for legislation to address problems associated with, for example, premises such as 29 Newland Street, Bondi Junction, which was the site of illegal brothels. That building was also the address of the electorate office of the honourable member for Coogee. The premises were directly opposite a public park, a children's playground, a children's play centre and diagonally opposite a church.

I commend Councillor Kerry Sloane and Councillor Sally Betts, who have courageously taken up the cudgels time and time again in an attempt to have those premises closed down and who have supported this legislation on each occasion it has been introduced. Again and again the Labor Party has refused to heed the concerns of the local community and has refused to support legislation that would result in councils being able to shut down illegal brothels within 48 hours. The bill provides for orders for the cessation of the use of premises for the purposes of an illegal brothel in circumstances in which the use of the premises as a brothel is prohibited under environmental planning instruments, or where development consent is required but has not been obtained. The order may be given to the owner of the premises or the person by whom the premises are being used as a brothel. The bill defines the term brothel in the same manner as it is defined in the Restricted Premises Act 1943 to mean premises habitually used for the purposes of prostitution, or that have been used for that purpose and are likely to be used again for that purpose.

The bill excludes development for the purposes of a brothel from the operation of State Environmental Planning Policy No. 1—Development Standards, so SEPP 1 will no longer be a backdoor way of enabling illegal brothel activities to continue. If the bill is passed, it will no longer be necessary for a council to give advance notice of a proposed order or allow representations to be made concerning a proposed order. The bill provides that when a council gives a person an order to cease using premises as an illegal brothel the order must require compliance with its terms within 48 hours. By requiring compliance within 48 hours this bill will put an end to 18 months of legal debate and ratepayers' money being spent on lawyers. If a council is satisfied that an order is not being complied with it will be able to take action to prevent persons from entering the premises to which an order relates. The council will also be able to recover any reasonable costs incurred in taking action. Ratepayers will not have to pay for the costs involved in closing down sleazy premises.

A council also will be able to recover from the person who is required to comply with the order certain other costs incurred by the council in making the order. If the bill is passed, no longer will illegal brothel operators be burdening ratepayers who would otherwise have to pay for the costs of enforcing compliance—a burden that is simply not fair to ratepayers in any sense. This bill presents an opportunity for the honourable member for Maroubra to participate in the debate and stand up for his community. It is an opportunity for him to give the council in his area the powers it needs to shut down illegal brothels. I would like to hear what the honourable member for Maroubra has to say about an article by Neil Mercer in the *Sunday Telegraph*. If I were the local parliamentary representative of an area where illegal brothel activities occur I would not only be absolutely horrified but would be doing everything I could to shut down such a terrible trade. This bill presents an opportunity for all honourable members opposite, particularly the honourable member for Coogee, to reconsider their previous opposition to this bill.

This bill also presents an opportunity for the honourable member for Wollongong and the honourable member for Keira to stand up for people who live in the Illawarra region. They ought to know about the scourge of illegal brothels on the Illawarra area, particularly the infamous case involving under-aged girls whose vulnerability was exploited. They were victimised and manipulated by an unscrupulous illegal brothel operator who has since been convicted. This is an opportunity for the Labor Party to admit that it got it wrong in the past and to say it is sorry. Members of the Labor Party should vote with the Opposition to ensure that councils have the powers they need to act quickly against illegal brothel operators so that communities, families and businesses in their local areas are protected from the scourge of illegal brothels. I commend the bill to the House.

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

## **BUSINESS OF THE HOUSE**

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

**Mr DAVID CAMPBELL** (Keira—Minister for Water Utilities, Minister for Small Business, Minister for Regional Development, and Minister for the Illawarra) [10.28 a.m.]: I move:

That standing and sessional orders be suspended to postpone General Business until the conclusion of the following Government Business:

- (1) the introduction of the Health Legislation Amendment (Unregistered Health Practitioners) Bill, up to and including the Minister's second reading speech;
- (2) resumption of the adjourned debate and passage through all remaining stages of the Deer Bill and the Fair Trading Amendment (Motor Vehicle Insurance and Repair Industries) Bill.

I have moved this suspension of standing orders so that Government Business can be dealt with. We saw an appalling performance by the Opposition last night taking up the time for Government Business, and it is for that reason that we need to debate these bills this morning. I make this point for the honourable member for Southern Highlands: I have taken part in the debate on this appallingly useless bill she is shouting out about—the payroll tax amendment legislation. I am happy for small business people to look at the contribution I made to that debate some weeks ago. This suspension is so we can deal with Government Business that would have been dealt with last night if the Opposition had not abused the forms of the House.

**Mr BARRY O'FARRELL** (Ku-ring-gai—Deputy Leader of the Opposition) [10.30 a.m.]: What an absolute joke this is! The biggest joke is that suspension is moved by the Minister for Small Business, who is supposed to be the advocate for small business in Cabinet. He is using this motion to ensure that a bill designed to give payroll tax relief and reductions to small business owners is again put off. If ever there was an example that finally horses have become consuls it is that this person is a Minister in the New South Wales Government.

The second joke is the Deer Bill, which has been on the notice paper for three weeks. I remind the House that last night we put in the first decent night's work since Parliament resumed this session. The previous night we got up early and the previous week we never sat beyond 10 past 9 at night. If the Deer Bill were so dear to the heart of the Minister—and I suspect that is only in restaurants—it could have been debated during the last sitting week or the previous one. There is no urgency about the Deer Bill, as demonstrated by the fact that the Government has allowed it to sit on the notice paper, undebated, for the past three weeks. The idea that the Government would extinguish debate on a bill to reduce payroll tax to allow the Deer Bill to be debated is the flimsiest excuse used in this place since the Minister for Police spoke yesterday.

The real issue here is not just the payroll tax bill but the fact that the Government is trying to prevent debate on the motion of the honourable member for Ballina about the reopening of the Casino to Murwillumbah rail line. This is the greatest embarrassment the Government faces and it is the issue that will ensure the defeat of the honourable member for Tweed—an appropriate outcome, given what the Government has done. What has happened in relation to the Casino to Murwillumbah line is a disgrace. At a time when the North Coast and the

South Coast—the coastal areas of the State—are the fastest growing parts of the State, what does mad Michael Costa do, on his own? He closes the only rail line that serves the North Coast of New South Wales. Did mad Michael do that after consulting the Federal Government? Did he do that after consulting the community or the Parliament? No, mad Michael's closing down sale was done on his own volition, out of spite, because mad Michael does not like railways.

Now we have the spectacle of the honourable member for Tweed and the Minister for Transport running around the North Coast saying to people, "Give us another term. We might consult the Federal Government and, providing the Federal Government puts up the money, we might reopen the line." That is a joke that will not wash with people on the North Coast. They know that this Government closed the line unilaterally. The honourable member for Tweed supported the closure of the line unilaterally. Should this Government ever be re-elected, Treasurer Michael Costa would never reopen that line, and other lines across New South Wales would be under threat.

This is private members' day, but once again private members' business is to be pushed aside simply because the Government cannot manage the parliamentary program. It is evident to the hundreds sitting in the gallery that the Government cannot manage the State. It is obvious to the hundreds sitting in the gallery that it cannot manage its caucus, and this is the latest evidence that it cannot manage what is happening in this place. We will vigorously oppose this suspension. We expect the six crossbenchers to vigorously oppose it, because we expect on this occasion they will understand that if they do not they will be cutting off their noses. The Minister for Small Business is a joke. He should be supporting the honourable member for Southern Highlands' payroll tax bill. Members on the Government side who are embarrassed about the Casino to Murwillumbah line should allow the honourable member for Ballina—

**Mr Gerard Martin:** Point of order: The member is misrepresenting the facts.

**Mr SPEAKER:** Order! The honourable member for Bathurst knows that is not a point of order. He will resume his seat. The Deputy Leader of the Opposition has the call.

**Mr BARRY O'FARRELL:** The real pity is that this Government is prepared to get rid of the great member for Newcastle but allow the stupid member for Bathurst to continue in this place. How long will it be before the Government Whip understands the standing orders? How long does he have to be here before he takes a sensible point of order? The Opposition vigorously opposes this suspension. If Bundy Bear understood what it was about he would join us. The motion is nonsense. The two bills referred to in the motion could have been dealt with earlier this week or in the past three weeks. The Minister for Small Business should not be Leader of the House, as I said yesterday, because he is not even up to the standard of the Minister for Police.

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

**The House divided.**

**Ayes, 44**

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

**Noes, 33**

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

**Pair**

Ms D'Amore

Mr George

**Question resolved in the affirmative.****Motion agreed to.****HEALTH LEGISLATION AMENDMENT (UNREGISTERED HEALTH PRACTITIONERS) BILL****Bill introduced and read a first time.****Second Reading**

**Mr PAUL McLEAY** (Heathcote—Parliamentary Secretary) [10.44 a.m.], on behalf of Mr Frank Sartor: I move:

That this bill be now read a second time.

I have pleasure in introducing the Health Legislation Amendment (Unregistered Health Practitioners) Bill, an important bill that will improve the protection of the New South Wales community by addressing what may be seen as a gap in the regulation of health practitioners. New South Wales is the first jurisdiction in Australia to take this important step. As honourable members would be aware, a great many health services are provided by people who do not come within a statutory registration scheme, and the overwhelming majority of them are honest, caring and competent. However, a few health practitioners are anything but honest and competent and care for nothing more than their own financial advancement.

When patients seek health services they are entitled to be protected from the shonks and rip-off merchants who peddle false hope. People battling serious or terminal illnesses can be desperate, and will sometimes hand over large amounts of money for useless treatments. They may also be influenced to forgo proven medical treatments. The bill addresses community concerns about those charlatans. It provides for the making of a code of conduct for unregistered health practitioners under the Public Health Act 1991, which will set appropriate standards for such health practitioners.

The Health Care Complaints Commission already can investigate complaints about any health service provider. That ability will be expanded to specifically include the investigation of breaches of the code of conduct by unregistered health practitioners. Furthermore, if the complaint is proven the commission will be able to issue a prohibition order that places conditions on the way a person provides health services, or restricts the health services that the person can provide, or prohibits the person from providing health services altogether.

There are also concerns about practitioners who, due to serious misconduct or incompetence, have been deregistered from a health profession but who, nonetheless, continue to practise in unregistered fields. The most obvious examples of that are deregistered medical practitioners or psychologists who set themselves up to

practise under titles such as psychotherapist or counsellor. Deregistered physiotherapists, chiropractors and osteopaths may set up under the title of remedial masseur, and deregistered midwives may set up under the title of doula or birth attendant.

To address those concerns the bill provides that when a person is deregistered from a health profession the tribunal or board that deregisters the person may also impose a prohibition order on the person. A person who is the subject of a prohibition order, or who has been deregistered from a health profession, will be required to include information to that effect in any advertising or promotion of the health service they provide. They will be required to also inform each of their patients of the prohibition order or deregistration prior to commencing to provide a service. The rationale for those requirements is simply to ensure that patients can make informed choices about their health service provider when they seek or receive health services.

In preparing the bill, officers of the Department of Health consulted with professional associations representing unregistered health practitioners and discussed its provisions with them. The associations consulted include the Australian Traditional Medicine Society, the Psychotherapy and Counselling Federation of Australia, the National Herbalists Association, the Australian Acupuncture and Chinese Medicine Association and the Australian Register of Homeopaths. The representatives of those associations have been uniformly supportive of the proposed bill as they are as concerned as the Government to remove shonks from the industry. Consultation has been held also with the Medical Services Committee, the Australian Medical Association, and the professional associations representing unregistered health practitioners employed within the public health system, such as dieticians and orthoptists. All bodies consulted have indicated their support for the Government's policy.

I now turn to the specific provisions of the bill. Schedule 1 to the bill amends the Public Health Act 1991. Item [1] to the schedule replaces the current Part 2A of the Public Health Act with a new Part 2A. New section 10AB provides that the limitation period for instituting proceedings for an offence under Part 2A is two years rather than the current six months. The reason for seeking to extend the limitation period is that prosecuting relevant offences can be complicated and can require the use of a great deal of clinical, scientific, and expert evidence. The investigation and evaluation of that evidence cannot reasonably be undertaken in six months.

Proposed section 10AK of the Public Health Act creates an offence for a person to provide a health service in contravention of a prohibition order. The section also requires deregistered people and people subject to a prohibition order to advise their patients of those matters prior to providing health services. Proposed section 10AL requires deregistered practitioners and people subject to a prohibition order to include that information in any advertising for their health services. A person who has been deregistered in another Australian State or Territory will be subject to the same requirements if they provide health services in New South Wales. Proposed section 10AM provides for a code of conduct for unregistered health practitioners to be made by regulation. The code of conduct will be the subject of detailed consultation with all relevant professional groups before it is finalised. A number of the professional associations I have referred to have already assisted in this process by providing the Department of Health with copies of the codes of conduct that apply to their members.

Existing section 10AB of the Public Health Act prohibits the advertising or promotion of health services in a manner that is false, misleading or deceptive, or which creates an unjustified expectation of beneficial treatment. The new provision expands on this by also prohibiting advertising that is likely to mislead or deceive, or which is likely to create an unjustified expectation of beneficial treatment. This expansion is wholly appropriate in a provision that is concerned with consumer protection and it is in line with equivalent provisions in section 42 of the Fair Trading Act 1987 and section 52 of the Trade Practices Act 1974.

Schedule 2 to the bill amends the Health Care Complaints Act 1993. Proposed Division 6A of the Act will allow the Health Care Complaints Commission to take action against an unregistered health practitioner. Proposed section 41A provides that after an investigation the commission may issue a prohibition order against an unregistered person and/or issue a public warning about the practitioner if the commission is satisfied, first, that the practitioner has breached the code of conduct made under the Public Health Act or the person has been convicted of an offence under the Fair Trading Act or the Trade Practices Act that relates to the provision of health services, and, second, that the practitioner poses a serious risk to the health of members of the public.



There is to be an appeal to the Administrative Decisions Tribunal about the commission's determinations. In the same way that proposed section 41A permits the commission to provide a public warning about an individual and their services, proposed section 94A will provide the commission with a power to issue a public warning about particular unsafe treatments or services without linking that warning to a particular individual. The power to issue public warnings is similar to the power to issue public warnings in section 86A of the Fair Trading Act. Proposed section 94B provides for the Health Care Complaints Commission to make publicly available the name of any health practitioner who, on disciplinary grounds, has been deregistered. The commission is also to make publicly available any disciplinary decision of a tribunal or board where the complaint is proved.

Schedule 3 to the bill makes a range of amendments to the various health professional registration Acts. These amendments will permit a tribunal or board that deregisters a practitioner on disciplinary grounds to also issue a prohibition order against that person; and require each of the registration boards to make publicly available the names of practitioners who are deregistered on disciplinary grounds along with any disciplinary decision of the tribunal or board where the complaint is proved. The bill will help to further protect the public by establishing the standards of appropriate conduct expected of all health practitioners and by providing strong powers to deal with the dishonest and disreputable minority of practitioners. I commend the bill to the House.

**Debate adjourned on motion by Mr Russell Turner.**

## **DEER BILL**

### **Second Reading**

**Debate resumed from 5 September 2006.**

**Mr MALCOLM KERR** (Cronulla) [10.56 a.m.]: I rise with a heavy heart today, knowing that the rights of private members have once again been trampled by the Government. Many of us on this side of the House were looking forward to debating matters of great interest to our constituents, just as the people of New South Wales were looking forward to having those matters raised by their representatives.

**Mr Daryl Maguire:** They are doing to the Parliament what they have done to the State.

**Mr MALCOLM KERR:** Exactly. They do not believe in the Westminster system, they believe in the axe-minster system! I turn to the leave of the bill, which is quite important for residents of the Sutherland shire, and I draw the attention of the House to remarks made by the honourable member for Miranda when he spoke to the bill. He said:

The bill provides a clear mechanism for controlling problem deer populations.

That remains to be seen. He said further:

It will be a valuable tool in minimising impacts on the environment and on agricultural industries in New South Wales. In supporting the bill, I remind honourable members that deer are not only a problem for farmers and graziers. Feral deer are a very real problem in Sydney suburbs like Grays Point, a suburb in my electorate. Grays Point lies on the northern side of the Hacking River. On the southern side of the river and to the west of Grays Point lies the Royal National Park. Feral deer are making life a misery for residents in Grays Point, ruining gardens and damaging fences and other private property.

The honourable member for Miranda said that in April 2004 a woman driver was killed on the infamous F6 after swerving to avoid a deer. He did not say why the F6 is infamous. The cause of the accident was, in fact, the feral deer, and that shows how serious a problem they are. As the Parliamentary Secretary could tell the House, it is not only at Grays Point that feral deer are a problem; they are problem in a number of areas in the Sutherland shire.

Those who have read the speech of the honourable member for Miranda could be forgiven for thinking that Sutherland Shire Council had set up a deer farm in Grays Point and that the problems all result from activities in the Sutherland shire. In fact, deer are to be found in other parts of the Sutherland shire as a result of the failure of the Government to manage deer in the Royal National Park. Those deer came across from the Royal National Park into the suburbs of Sutherland shire and have caused a great deal of damage and, as the honourable member for Miranda rightly said, death on one occasion. He also referred to physical attacks by deer which may well have resulted in injury.

**Mr Paul McLeay:** What do you propose?

**Mr MALCOLM KERR:** I am proposing that this Government manage the Royal National Park and provide sufficient funds so that no deer escape from the park. I am glad that the Parliamentary Secretary asked me that question. I elaborate by stating that this Government should provide additional funding to ensure that deer do not trouble the Parliamentary Secretary's constituents, my constituents or the constituents of the honourable member for Miranda. The honourable member for Miranda went on to state:

The deer are actually living and breeding in the suburb ...

I do not know whether the honourable member for Miranda has been deer stalking, but if he has and he has information about the breeding habits of consenting deer, he should tell the House and council where those activities are taking place.

**Mr Paul Gibson:** He should name them.

**Mr MALCOLM KERR:** I might not go as far the honourable member for Blacktown in relation to that issue, as I am sure that Bambi is not indulging any of those activities. Nevertheless, it is a matter of concern. If the honourable member for Miranda knows where these deer breeding grounds are and he knows where these fugitive deer are living he should inform the House. The honourable member went on to say that Sutherland Shire Council should be spending a great deal more money on the eradication of deer. I said earlier that this really is a State Government responsibility. These deer escaped from the national park. There has been a regime change at Sutherland council.

**Mr Paul McLeay:** A breath of fresh air.

**Mr MALCOLM KERR:** The Parliamentary Secretary said that it is a breath of fresh air. I want to pay tribute, as did the honourable member for Miranda, to the former mayor for Sutherland shire for the work that he did.

**Mr Paul McLeay:** I do too.

**Mr MALCOLM KERR:** The Parliamentary Secretary just indicated that he wants to pay tribute to the former mayor.

**Mr Kevin Greene:** I do too.

**Mr MALCOLM KERR:** The honourable member for Georges River also wants to pay tribute. It seems that we have in the Chamber quite a little fan club for Sutherland shire. It is a pity that members in this Chamber could not vote for the former mayor as he would have had a resounding majority. Having regard to the speech made by the honourable member for Miranda, after the regime changes it will be interesting to see whether the new council pays out more money for the eradication of deer. However, that is matter for council. I draw attention to the damage that is being done at present and I urge the Government to provide more resources to ensure that deer do not escape from the national park.

**Ms KATRINA HODGKINSON** (Burrinjuck) [11.02 a.m.]: I endorse the comments made by all Opposition speakers who contributed to debate on the Deer Bill. Farmers across New South Wales are concerned by one aspect in this bill and I foreshadow that the Opposition will move an amendment in the upper House to correct an anomaly that effectively will strip farmers of their ownership of and property rights over deer immediately after the animals escape or, as sometimes is the case, they are purposely released into the wild.

Since its introduction this bill has caused significant angst for deer farmers, some of whom are in my electorate of Burrinjuck, and it is creating business risks and uncertainty in the industry—issues about which we are concerned. If a number of deer escape, if only one deer escapes, or if deer are purposely released from captivity, the farmer is no longer classified as the owner but the person who captures the deer becomes the owner. As deer are quite valuable they are seen as a significant asset for farmers. Even though they are classified as wild animals their value is so significant that those involved in the duffing industry want them released from captivity and returned to common lands so they can claim them for themselves.

Some of the crazy and unworkable sections of this legislation could set a worrying precedent for the goat and pig industries. Opposition members were told that the legislation was written in this way because deer are classified as wild animals and therefore cannot be owned. As I am concerned about this piece of legislation I spoke to the shadow Minister for Primary Industries and Deputy Leader of the Opposition in another place. He has been working behind the scenes with staff from the office of the Minister for Primary Industries to try to improve this legislation and to obtain a sensible outcome.

The Deputy Leader of the Opposition in the other place was confident that the office of the Minister for Primary Industries would amend those sections of the bill relating to the ownership of deer. The Opposition shadow Minister put forward several possible solutions but, disappointingly, we have been informed that the Minister is unable to amend the bill. With the full support of the New South Wales branch of the Deer Industry Association of Australia and the New South Wales Farmers Association we are left with no option other than to amend the bill in the Legislative Council.

Our amendment, which is modelled on successful regulations in full operation in Tasmania, will give a deer farmer or an organisation 48 hours in which to recapture a tagged deer. A farmer also has the responsibility to notify neighbours, the NSW Police, the Game Council of New South Wales and the local Rural Lands Protection Board of the escape or release of deer in his or her possession. The Opposition will seek support for its amendments from other members in the Legislative Council. If the legislation is left in its current form it could have serious ramifications for the deer industry and for the pig and goat industries.

This bill clarifies the ownership of deer, sets up requirements for keeping captive deer, and provides a legal mechanism to control non-captive deer by way of deer control orders. Certain aspects of this bill are necessary, but the section I just described relating to the removal of farmers' property rights and their ownership of deer in the case of deer duffers are significant and warrant serious rectification. I would hate to think we enacted legislation that encouraged deer duffing to take place, leaving in the lurch farmers who have expended a significant amount of money on those animals. I hope that Government members and members on the crossbenches in the other place support the Opposition's proposed amendments.

**Ms CLOVER MOORE** (Bligh) [11.08 a.m.]: I oppose the Deer Bill, which, on the face of it, is about preventing the release of deer in the wild and controlling deer that have been released. On closer scrutiny, it is for the abhorrent purpose of providing deer for hunting. This bill would encourage farmers to breed deer in captivity for the sole purpose of releasing them for hunting. The Deer Industry Association of Australia states that this is already occurring and that this bill will increase this abhorrent, uncivilised and inhumane practice. Under the Deer Bill a deer belongs to a farmer whilst it is held in captivity. As soon as a deer escapes it ceases to belong to its owner. We are informed in the Minister's second reading speech that currently escaped deer continue to belong to the owners for a short period of time, during which they normally return to their herd. This makes it difficult to distinguish between owned deer and wild deer, and it makes it difficult to control and justify immediately taking ownership of escaped deer away from farmers. We are also told in the second reading speech that hunters are a great resource for controlling deer.

The Deer Industry Association of Australia states that when deer escape from farms they always try to return, and that deer farmers are often able to recover them simply by opening the gates. This supports maintaining a farmer's ownership of deer for the short period in which deer normally return to farms. Escaped deer often end up in the wild because hunters disturb them when they are trying to return to farms. Hunters cut farm fences to release deer into the wild to increase the numbers that are available for hunting.

This bill is not about controlling wild deer because escaped deer always try to get back to their herd. It is about giving hunters easier access to more deer. I am disappointed that under this Government hunting on public land has increased dramatically to the point where there is reduced activity in our forests because people fear being shot. It is a disgrace that the Government fails to move on the welfare of animals—from hunting to cruel animal farming practices such as battery hens and the continuing use of sow stalls. If wild deer pose a threat the Government should pursue humane methods for their control rather than surrendering them to hunters in increasing numbers. I do not support this bill and nor do animal welfare groups or the Deer Industry Association of Australia.

**Mr DARYL MAGUIRE** (Wagga Wagga) [11.10 a.m.]: The Deer Bill introduces new provisions to clarify the ownership of deer. In his second reading speech the Parliamentary Secretary, the honourable member for Campbelltown, referred to the fact that deer populations are flourishing. There are many reasons for this—for example, deer were released into the wild for sporting purposes. In 2004 an environmental report surveyed

the Tumbarumba area, which was in the Wagga Wagga electorate but will be in the electorate of Albury from 24 March next year. The survey identified eight pest species in the Tumbarumba shire during the reporting period, all of which had negative environmental and agricultural impacts in the area. Four major pest animals were reported to have decreased in the shire during the reporting period but wild deer populations had increased during that time.

The report identified six major pest animal species in Tumbarumba during the reporting period. These were: dingoes and wild dogs, otherwise known as *canis lupus familiaris*, *canis lupus dingo* and hybrids; feral goats, or *capra hircus*; feral pigs, or *sus scrofa*; foxes, or *vulpes vulpes*; rabbits, or *oryctolagus cuniculus*; and wild deer, or *cervus* spp, *dama dama* and *axis* spp. Foxes pose a threat to populations of endangered species such as the tiger quoll and the mountain pygmy possum. They also impact on agricultural production, especially during the lambing season. Wild dogs threaten stock, including sheep, deer and cattle, and pose threats to native species such as the tiger quoll. Feral pigs impact on the environment and agricultural production, especially during the lambing season, and risk spreading exotic diseases, such as foot-and-mouth disease. I suggest that deer might spread ovine Johne's disease.

Feral pigs also pose a threat to endangered native species, including the southern corroboree frog. Rabbits impact on the environment and agricultural production by contributing to land degradation and the modification of vegetation communities. Foxes, rabbits, dingoes and wild dogs were estimated to be the most widespread pest animals in the shire during the reporting period, occurring over 99 per cent to 100 per cent of the area. Foxes and dingoes or wild dogs occurred predominantly at medium to high densities and rabbits were mostly at low densities. Feral pig populations were estimated to cover 73 per cent of the shire, predominantly at low densities, and wild deer covered 43 per cent of the shire, mostly at low and medium densities. Feral goats occurred only as isolated populations. The report states that wild deer were found:

Predominantly in eastern half and north of shire within native forests and woodland and adjoining native and modified pastures. One high-density population in centre of shire predominantly within exotic pine plantation and surrounding native woodland and forests.

I cited those statistics because not only wild deer but feral animals generally are a problem throughout much of the region that I represent in this place as well as throughout the electorate of the honourable member for Burrinjuck. Deer that escape from captivity add to this problem. According to the bill, ownership ceases if deer escape. Clause 4 (2) of the bill states:

If a deer ceases to be held in captivity, all property in the deer is immediately extinguished.

Clause 5 says that regulations may specify how deer are to be held captive. It has been suggested that, unlike sheep, cattle, pigs and other farm animals, deer are considered to be wild animals under common law. However, deer are increasingly being farmed, and some major producers in my area have huge herds of deer. I assure the House that they do not go around releasing their valuable resource for the benefit of hunters. However, deer escape occasionally—as do cows and sheep—when fences are brought down in storms, for example. Despite the farmers' best efforts to confine their valuable product, no farm is escape proof. The bill was laid upon the table for several days following its second reading in this place. During that time New South Wales Farmers considered the bill and an article appeared in the *Land* entitled "Feral deer 'scapegoats'". It states:

Deer farmers fear a bill before NSW Parliament that will see producers lose ownership of any animals found outside their farm will unfairly punish legitimate operators and set worrying precedents for other livestock industries.

I picked up on that point when I read the bill initially. I suggested to the shadow Minister for Primary Industries that farmers should be allowed a reasonable period of time in which to recover their escaped deer. I do not often agree with the honourable member for Bligh, but I concur with her on that point. Deer are a valuable resource. If farmers discover that deer have escaped through a damaged or a cut fence—a dastardly act—they should have the opportunity to recover their property. Escaped deer may wander onto roads and cause vehicle accidents, resulting in injuries and even death. Farmers are responsible people and I believe they should have the right to recover their property. Laws to that effect are in place for escaped sheep and cattle.

I understand that deer are considered to be wild animals under the common law but perhaps that law should be reconsidered now that deer farming is such a large industry in New South Wales, Australia and throughout the world. I have not had time to examine the relevant common law provisions, but I suggest that they are outdated. For example, emus and crocodiles are farmed for profit but I would imagine that they are also regarded as wild under common law. A range of birds and animals that are now being farmed commercially would be classified as wild under common law. I believe we should go further and evaluate what is happening

on farms throughout regional and rural New South Wales and the different products that are being farmed to generate profit. Indeed, deer have been farmed on the outskirts of Sydney for many years. An article in *The Land* states:

... the Deer Industry Association of Australia is angry that deer farmers are being implicated in a problem that started when animals were deliberately released into the wild more than a century ago and have bred up to be a menace in many coastal and tablelands districts.

The association's NSW president, Ian Dowsett, said the most concerning aspect of the bill was that if a deer now escapes from a farm, ownership of the animal would be immediately extinguished.

"The moment they are out of captivity there is no ownership," he said.

"If a person captures a deer that is not held in captivity that person becomes the owner of the deer."

Mr Dowsett said the association accepted feral deer were a problem in parts of NSW, but disputed allegations escaped farm deer greatly contributed to the problem.

He said there was no evidence to support the assumption that placing stricter controls on the boundary security of deer farms and extinguishing ownership rights would reduce feral deer problems ...

"Deer are wild animals at common law and no right of absolute property exists in them."

I believe that should be looked at. The article continues:

The national deer industry is worth \$6 million a year in farm-gate returns ...

There would be many more deer running wild if farmers had not been trapping fallow deer and returning them to farms in the past 20 years ...

That applies not only in relation to deer but to feral goats, which have been regularly trapped, domesticated and farmed in the western districts. Those wild goats have been exported for many years throughout the world.

**Mr John Turner:** Camels, brumbies.

**Mr DARYL MAGUIRE:** Camels, brumbies—so many wild animals are being actively farmed. I suggest that the Minister consider re-evaluating the true common law implications for farming wild animals that provide a reliable source of income for farmers. The *Land* and the *Weekly Times* regularly report on great successes in crossing wild goats with different types of goats. They are being bred successfully and the product is regularly sold and exported by ship to the meat market in the Arab States. I foreshadow that the Opposition will move an amendment to the Deer Bill in the Legislative Council. I urge honourable members to look at the issues I have raised in relation to common law.

**Ms DIANE BEAMER** (Mulgoa—Minister for Western Sydney, Minister for Fair Trading, and Minister Assisting the Minister for Commerce) [11.23 a.m.], in reply: I thank all honourable members for their contributions to the debate. The Deer Bill is sensible legislation that is needed to manage what is a growing problem for farmers and regional communities. In the wild, deer can cause environmental and property damage. They are a threat to public safety. Deer in the wild are growing in number and deer control programs need to be put in place. This legislation will clarify a legally grey area about ownership of deer. Deer will be deemed to be "owned" when kept in accordance with the legislation. The legislation will provide for regulations to be made that set out how captive deer are to be kept. These will be developed in consultation with the deer industry. The legislation will also provide for the declaration of deer control orders, to manage problem deer populations.

I will respond to the issues raised by members of the Opposition and, in particular, concerns from the Deer Industry Association of Australia reflected by the honourable member for Orange. I advise that the issues addressed in this bill have been around for many years and have been the subject of discussions between the association and the department since at least the mid 1990s when there was an attempt to address these issues through a memorandum of understanding [MOU] between the association, NSW Agriculture and Gamecon Incorporated. Although an MOU was developed, it was not signed and subsequent attempts to use this model to deal with escaped farm deer near Coonabarabran met with little success. In the late 1990s NSW Agriculture discussed alternative legislative options with the association, Rural Lands Protection Boards and other stakeholders. These matters have also been considered by the New South Wales Pest Animal Council and the Non-indigenous Animals Advisory Committee on many occasions over many years.

The Deer Bill reflects the culmination of all those discussions, and I advise that consultation also continued during its development. For example, the Deer Industry Association was consulted about this bill on at least two occasions as the proposal was being developed back in 2004, and it provided a written submission on the proposal. This was followed by further consultation, including an opportunity to provide feedback on a consultation draft of the bill. There has been an extraordinary amount of effort undertaken to accommodate the needs of deer farmers, the concerns of the Deer Industry Association and the broader concerns of stakeholders and the community.

There was consultation with the New South Wales Farmers Association, deer farmers and stakeholders affected by wild deer impacts at Port Macquarie, the Game Council New South Wales, and the Department of Environment and Conservation. Moreover, consideration of these matters by the New South Wales Pest Animal Council and the Non-indigenous Animals Advisory Committee encompasses input from every significant community sector with an interest in management of farmed and wild deer. I also point out that the Deer Industry Association represents approximately only a quarter of deer farmers, and the concerns of the association are not shared by other deer farmers who were consulted. Deer farmers in the Port Macquarie area, for example, are quite happy with the bill.

In relation to appointment of inspectors, I advise that appointment will be based on appropriate training and skills. This is consistent with the appointment of inspectors under other legislation. I also point out that the bill ensures that an inspector can be authorised to undertake specific functions and precluded from undertaking others if that is considered appropriate. The concerns of the Deer Industry Association about ownership of deer once they are outside a deer farm are not new. Nor is the fact that there are different issues for deer farmers, those affected by wild deer, legitimate licensed deer hunters and others with responsibility for controlling deer. There are also different issues involved for deer that have inadvertently escaped versus deer that have been deliberately released by a deer farmer during hard times, or have been deliberately released by criminals intent on shooting the deer.

Those are not simple issues but the Deer Bill introduces a suite of balanced measures to address them. At common law all deer are considered wild, which is clearly not the case for deer contained and managed on deer farms. It needs to be recognised that genuine deer farmers own their deer. The uncertainty of ownership also impinges on people wishing to control wild deer on their property as they presently have no way of knowing if the deer are wild or owned. In addition, hunters acting in accordance with the Game and Feral Animal Control Act 2002 cannot be certain if deer in the wild are truly wild or if they are owned.

If ownership is not clarified, then deer control orders cannot be applied, because farmed deer will not be able to be differentiated from wild deer. Clarifying ownership through this bill excludes deer farmers from the requirements of a deer control order. Some deer owners may be concerned that clarifying ownership of deer could provoke some people to maliciously damage fences in order to wilfully release deer. This is not the case. At the moment there are no specific provisions that provide a direct deterrent to such an act. However, under the Deer Bill it will be an offence to release deer from captivity, thereby creating a legal deterrent.

The honourable member for Cronulla asserts that deer in the Royal National Park are not being properly managed. I can advise the House that considerable efforts have been made by the Government to manage these deer over a number of years. The concerns raised by the honourable member are, in fact, testament to the need for the bill, which will, of course, clarify the ownership of deer. The concerns raised by the honourable member for Burrinjuck about ownership of the deer are, unfortunately, misguided. These are the simplest changes that can be made to clarify the common law status of deer. There is absolutely no precedent for other domestic livestock.

The concerns raised by the honourable member for Bligh about hunting are just that. The bill provides, amongst other things, for measures to improve the control of wild deer. Hunting is one of the few recognised methods for successfully controlling deer, but the bill does not prescribe hunting as a control method to the exclusion of other methods, nor does it authorise the operation of game hunting parks. These remain illegal under the provisions of the Prevention of Cruelty to Animals Act. In summary, the bill will clarify the ownership of deer, regulate the keeping and management of captive deer and provide legislative support for the control of deer in the wild. It is necessary and sensible legislation that draws together the key interests and expertise in the management and control of deer. I commend the bill to the House.

**Motion agreed to.**

**Bill read a second time and passed through remaining stages.**

**FAIR TRADING AMENDMENT (MOTOR VEHICLE INSURANCE AND REPAIR INDUSTRIES)  
BILL**

**Second Reading**

**Debate resumed from 6 September 2006.**

**Mr JOHN TURNER** (Myall Lakes) [11.32 a.m.]: The Opposition will support the Fair Trading Amendment (Motor Vehicle Insurance and Repair Industries) Bill. The House would be aware of the considerable angst that existed within the smash repair industry leading up to the presentation of the bill, particularly regarding the issue of web-based quoting and the non-accreditation of a number of smash repairers by some leading insurers in Australia. The web-based quoting proposal led to a strong and vigorous campaign, particularly by the smash repair industry. It appeared to be a David and Goliath contest, with smash repairers broadly represented by small family organisations and small businesses taking on the might of the insurance companies. I must admit that I thought the repairers would have come out of the battle with a bloody nose, but they persisted. The resolution that resulted was a mandatory code of conduct, which is the centrepiece of the bill. I note that the Minister spent considerable time negotiating a position on that, which is to her credit, and those measures are before the House.

The Insurance Council of Australia has raised a few concerns with me, and I should put those on record. The Motor Traders Association also raised some concerns in an attempt to clarify matters. The main concern of the Insurance Council of Australia relates to issues of extraterritoriality, especially when read in conjunction with the legislation that has just been passed by the upper House, the Fair Trading Amendment Bill, particularly section 5A, which gives the Department of Fair Trading, in general terms, the ability to go outside the borders of New South Wales in certain instances and under certain conditions. The Insurance Council of Australia has stated that it believes that a company registered in New South Wales, or which has its principal place of business in New South Wales, may be held accountable outside New South Wales—the council has had legal advice to that extent—but that repairers may not be similarly accountable.

The council says there is a very real risk that the New South Wales code will apply extensively outside New South Wales to all repairs authorised by insurers who either have their head office in New South Wales or are registered in New South Wales as a corporate entity, even though there may be no New South Wales consumer or New South Wales registered motor vehicle connection. The council believes that the code would not similarly apply to the repairers who repair those vehicles unless they too have an appropriate connection with the State. The council noted that this raises serious policy issues—including the appropriateness of a government regulating outside its own borders, uncertainty, compliance costs—and critically creates a real disincentive for insurers to register and/or operate their business in New South Wales. The Insurance Council outlined a number of impacts that would arise from the extraterritoriality problems, including impacts on customers, and says on that issue:

Unless it is clear when the Code is to apply, consumers outside NSW will be uncertain about whether their repair will be conducted in accordance with the Code. For a NSW resident who has their vehicle repaired outside NSW, the attached legal advice—

which the council sent to me—

relies on a subsequent loss occurring in order to attract the NSW Code—making it unclear if the Bill would apply. A simple test such as registration of the vehicle seems, in the absence of specific provision in the Bill, unlikely to be enough.

The council noted that one of the impacts is on insurers, and stated:

The NSW Parliament would, in effect, be mandating extensive rules for many insurers outside of NSW, where the particular conduct does not affect either a NSW resident or a NSW repairer.

Not all insurers would be treated equally; those based in NSW would feel the impact the hardest. In the absence of some other connection to NSW, an insurer with its head office in, and that is registered in, Victoria is not likely to be affected in this way.

It notes that this could make business less attractive in New South Wales for insurers to operate in New South Wales. These are real concerns that the Insurance Council of Australia raised. It has proposed a number of solutions to settle the extraterritorial problems, saying that the objectives of the legislation would be better achieved by amending the bill by adopting one or both of the following options:

- (1) to bind only those repairers and insurers who enter into repair contracts with each other that are, or ought properly be, governed by the laws of NSW; or
- (2) limiting the application of proposed Part 5E [of the Fair Trading Amendment Bill] to motor vehicles that are registered in NSW. Since NSW residents are likely to have NSW-registered cars, this is a simple way that all of the customers, the insurers and the repairers are able to identify that the NSW Code applies.

I accept the advice received from the Minister's office that there are some problems with the second proposal in the sense that a small number of people will come into the State and there will be a hiatus between when they, for example, come in with a Queensland number plate and before they must register the vehicle in New South Wales—from memory, that is within three months. However, the second option seems to me to be a workable option, and I feel confident the problem with it could be resolved. I understand that the Minister's office intends to address this extraterritoriality problem in the regulations. I regret to say that we have not seen the regulations, so we do not know what will be in them. I suppose an element of trust will have to pertain in relation to this matter.

**Ms Diane Beamer:** Trust me.

**Mr JOHN TURNER:** The Minister says, "Trust me, I'm the Minister." We have seen many bills come through this House in recent times where the detail will be in the regulations to be made at some time further down the track. In that regard, at least there is provision that the bill and the code will be reviewed in 12 months time. As the putative Minister for Fair Trading, I give an undertaking that the Coalition would undertake that review when we are in government, and that we will look at the regulations as part of the review. I ask the Minister to deal with territorial matters in her reply because they are of concern to the ICA, which has taken advice from Senior Counsel.

The Motor Traders Association has concerns, and wants confirmation that the code will prevent insurers from flexing their muscles in the manner they have previously. The association particularly wants confirmation that there will be no bullying or badgering if a consumer indicates a choice of repairer and that the claim will be processed properly, efficiently and quickly. The Motor Traders Association wants an assurance that in a third party claim, when the driver is not at fault and relies on the at-fault party's insurers to settle the claim, consumers will be protected in the same way as if they were relying on settlement by their own insurers.

The association also wants an assurance that insurance companies will not inconvenience a consumer by cash settling the claim simply because the consumer exercised his or her right to choose the repairer. I am sure the Minister will deal with those matters in her reply. The matter has been resolved, but the proof of the pudding will be in the eating. Whether this scheme will work efficiently will depend on good faith between insurers and smash repairers. It appears that there has been significant consultation during the preparation of the bill, and again I give credit to the Minister for her involvement. I hope it will all come together. A review in 12 months will show whether it is working, but in the short term we will hear from one side or the other as to whether that is so.

**Mr PAUL GIBSON** (Blacktown) [11.41 a.m.]: I support the Fair Trading Amendment (Motor Vehicle Insurance and Repair Industries) Bill, which represents an important milestone for the lemma Government in reaching a positive outcome for the motor vehicle insurance industry, smash repairers and, most importantly, New South Wales consumers. The mandatory industry code of conduct for motor vehicle insurers and repairers is the outcome of a tough negotiation process between the Motor Traders Association and the motor vehicle insurance industry, facilitated by the Minister for Fair Trading. I congratulate the Minister on her great job in bringing the bill before the House.

The rift between insurers and smash repairers has been a long-running and, at times, hostile dispute. It has been a costly dispute, to say the least. The cost to the smash repair industry in New South Wales is estimated to be somewhere between \$25 million and \$30 million across the industry, with several dozen businesses going under and closing their doors. The cost to motor vehicle insurers is mixed, with winners and losers across the different insurers, but Insurance Australia Group [IAG] is thought to have lost in excess of \$100 million in repair or rectification of shoddy repairs to crashed cars and in premium income as policy holders moved to other insurers.

The New South Wales smash repair industry is characterised by an increasing degree of competition and growing pressure from a highly concentrated motor vehicle insurance industry to keep repair costs down. These market dynamics have given rise to preferred smash repairer schemes. Commonplace throughout most



States, these schemes serve as a way for insurers to control repair costs and the repair process through entering into a contractual relationship with a preferred network of smash repairers. The Australian Competition and Consumer Commission in 2003 and the Productivity Commission in 2005 closely examined issues and concerns relating to these schemes. Transparency of network repairer arrangements, the transfer of network repair status when the repair business is sold, repair methods, responsibility for repair warranties, payment terms and the fairness of on-line tendering systems were just some of the issues investigated.

The Staysafe committee inquiry into motor vehicle repairs under the IAG (NRMA Insurance) Preferred Repairers Scheme has made a further contribution to this important debate. For the first time anywhere in the world, preferred smash repairer schemes were investigated within a road safety context. The Staysafe committee put probably 10 months of work into this investigation, it had many hearing days, heard from many witnesses and looked at everything that was possible to look at during the process. It was a big workload on the committee, and I congratulate each and every member of the committee on the work. I make no secret of the fact that I think the Staysafe committee is the hardest-working and best committee in the Parliament. It has a long track record, be it in relation to random breath testing or seat belt legislation. I take my hat off to the committee.

The Staysafe committee inquiry was the first of its kind in the world. First and foremost, it was about protecting public safety. Although the terms of reference for this inquiry were specific to the practices of one insurance company, the committee's findings and recommendations had industry-wide ramifications. In December 2005 the Staysafe committee found that the Insurance Australia Group (NRMA Insurance) Preferred Repairer Scheme was an unsafe system in its form and operation. In particular, the use of a web-based repair management system and the imposition of financial penalties on smash repairers for making adjustments to quotes were called into question. Importantly, the inquiry shed new light on how advances in motor vehicle design technology and materials are having an impact on the safety of motor vehicle repairs. The reports of the Staysafe committee have established a new area of road safety activity.

Until now, it was blithely assumed that there were no roadworthiness and crashworthiness issues associated with the repair of crashed motor vehicles. Indeed, the Productivity Commission report into motor vehicle insurance simply took it as axiomatic that safety was not compromised through the repair process. The committee found out fairly quickly, and we all now know, that that is not the case. In a world-first last November a car repaired to an insurer's standards and instructions—not the manufacturer's standards and instructions—was crash tested and its crashworthiness performance compared with the Australian New Car Assessment Program crash test performance.

The results of this test, which will be released by the Staysafe committee in the near future, challenge the orthodox view that there are no road safety, roadworthiness and crashworthiness issues arising from the repair of crashed motor vehicles. The Staysafe committee has crash test results from Germany that show that if a crashed vehicle is repaired in accordance with the manufacturer's standards and instructions, road safety, roadworthiness and crashworthiness is not compromised. However, a number of motor vehicle insurers, depending on the make and model of the vehicle, require that the repair of crashed motor vehicles is to a lesser standard, using parts and components that are not the original equipment manufacturer's parts. That is the real issue in the repair of motor vehicles.

A complex series of events has transpired since the Staysafe committee reported its initial findings in December 2005. These events have involved all major parties. At the Insurance Australia Group there was the removal of the executive management group that developed the flawed web-based care and repair model under the preferred repairer scheme. The Insurance Australia Group has responded to consumer demand by making important changes to components of its care and repair system. The choice of repairer has been restored as a standard feature of comprehensive motor vehicle insurance policies. The financial penalties imposed on smash repairers if they did not provide an accurate quote for repairs have been discontinued, as they should be. In a crucial move from a road safety perspective, the Insurance Australia Group has made a commitment that web-based repair management systems are to be used only for motor vehicles with major damage or structural damage. There is no way in the world you can tell what structural damage has been done to these vehicles.

Equally, the Motor Traders Association has proven its ability to use this inquiry as an opportunity to engage in constructive dialogue with the Minister for Fair Trading and the Insurance Australia Group, as well as other relevant stakeholders, in an attempt to respond to the Staysafe committee's findings and recommendations affecting the smash repair industry. In particular, the Motor Traders Association continued to advocate anti-steering legislation to provide policyholders freedom of choice of a repairer. Ultimately, however, it was the

decision of the Iemma Labor Government to introduce a mandatory code of conduct that addressed the relationships between smash repairers and the motor vehicle insurance sector.

As I stated earlier, the costs of this dispute to smash repairers and motor vehicle insurers, particularly the Insurance Australia Group, have been significant. The Staysafe committee is hopeful that a mandatory code of conduct for motor vehicle insurers and smash repairers in New South Wales will provide an important framework for more constructive relationships between insurers and smash repairers and serve to better protect New South Wales consumers and New South Wales road users. I commend the bill to the House. I congratulate the Minister on introducing the bill. I congratulate the Staysafe committee on its great work.

**Mr RICHARD TORBAY** (Northern Tablelands) [11.50 a.m.]: I congratulate the Minister for Fair Trading on introducing the Fair Trading Amendment (Motor Vehicle Insurance and Repair Industries) Bill, which is a commendable effort to seek to remedy the very just grievances of the smash repair industry in New South Wales and, hopefully, bring an end to the long-running dispute between that industry and the insurance industry. The bill invokes legislative process to address two major problems confronting the community in this State: first, the safety and quality of motor vehicle repairs following accidents and, second, the uncompetitive practices of some mega corporations in endeavouring to reduce small businesses to a form of economic serfdom to satisfy the corporations' appetite for ever-increasing profits.

The Staysafe committee of this Parliament has conducted a very thorough and intensive inquiry into the operation and effects of certain practices of insurers. The committee's recommendations have pointed out very grave issues arising from practices adopted by a certain insurer in sourcing quotations for repairs. The right of consumers to select the repairers of their choice has also been highlighted. I commend the honourable member for Blacktown, who preceded me in this debate, on his work as the Chairman of the Staysafe committee and other members of that committee for their very fine work in relation to this issue. There is no room for compromise in the matter of vehicle safety. Vehicle repair and disrepair is a significant area where gains can be achieved in reducing serious injuries and deaths on our roads.

The vehicle repair industry has a long history of good service and high standards, offering excellent opportunities for tradesmen and apprentices. However, the introduction of the preferred repairer systems has been tightly controlled by insurance companies. This control had led to a culture of demanding that repairs to vehicles are carried out for a price, and not in accordance with a standard of quality and safety. That has been exacerbated by the introduction of web-based tendering and has created a situation whereby the industry and its standards were in turmoil. Smash repairers who were not prepared to undertake substandard work revolted against these systems and refused to carry out work for a certain insurer that pushed the preferred repairer systems beyond their limit. These smash repairers paid a heavy price and many have had to close their doors, while others will close in the coming months.

Preferred repairer systems are used by most insurance companies to exclude the bulk of repairers in this State from quoting on accident damaged vehicles. When an insurance company reviews the performance of its preferred repairers, its principal or major criterion is price—not safety or quality, but price. Consequently many repairers were forced to cut corners and sometimes do rough and shoddy work to retain their preferred repairer's badge with that company. The result was that many cars that were unsafe were put back on the road. This endangered the lives of motorists, their families and others who travelled in their vehicles. A consumer who purchases an insurance policy has a right to expect that, when an accident occurs, his or her vehicle will be returned to the state it was in prior to the accident. That is part of the code that is proposed to be mandated.

The Motor Traders Association of New South Wales has pointed out to the Minister many examples of repairs that have emanated from this preferred repairer system but have left vehicles in a grossly unsatisfactory condition. These matters have been investigated by the Motor Vehicle Repair Industry Authority. Unsatisfactory outcomes in the past have been the result of insurance companies adopting systems that are simply designed to drive down the costs of repair. Repairers who did not comply were punished by not being allocated any future work. As a result of negotiation mediated by the Minister for Fair Trading, these so-called tendering adjustment factors were suspended. The stage was reached at which repair costs were driven down to below the cost of completing a quality repair that rendered a vehicle safe. The insurance industry achieved this result through anti-competitive practices. One objective of the bill should be to reinstate competition in the repair industry and thus remedy this dreadful situation.

Repairers do not want to carry out low-standard work. Indeed, they are obliged to carry out repairs that meet a trade standard as provided in the Motor Vehicle Repair Act 1980. The bill proposes that the voluntary

code of practice agreed between the smash repair industry and the insurance industry will become a statutory code. That will compel every practitioner in the smash repair industry and the insurance industry in New South Wales to abide by the code. I have had extensive discussions with members of the smash repair industry and with their representative association, the Motor Traders Association of New South Wales. Everyone in the repair industry well knows from previous history that the insurance industry will agree to modify its systems while the attention of the Parliament, the media and the community is focused on these issues. They also know that unless some firm action is taken to regulate the behaviour of the insurance industry, as soon as the spotlight is off the issue, it will be back to business and normal form for them, with a reappearance of all their worst practices.

While there is considerable concern that the penalties provided in the bill are inadequate, the industry, nevertheless, is quite prepared to give the new system a fair go on the understanding that the Government will agree to review the legislation in 12 months and make adjustments where the code proves to be inadequate. The adjustments would include an undertaking to review, at that time, the adequacy of the penalty regime. The industry is also buoyed by undertakings given by the Premier during the course of his answer to a question in the House by the honourable member for Bankstown, who has been a strong advocate for reform. The Premier said:

Web-based repair management will be used only for superficial or non-structural damage.

He went on to say that the NRMA would base its criteria on quality, not just price. I ask the Minister to give an undertaking to this House that in the review in 12 months, those criteria will be carefully measured. It is essential for the Minister to give a clear statement to the House on other important issues in the code, particularly the operation of certain provisions of the code. The Minister referred to some of the issues in her second reading speech. If those remaining issues are clarified in a positive way, I believe the smash repair industry will focus its best endeavours on making the new system work effectively. One of the essential issues is a prohibition against any insurance company acting in any way that will unduly inconvenience or unfairly treat a consumer who has opted to exercise a right under an insurance policy to have a repairer of his or her choice repair the vehicle. Issues mentioned by the Minister were unreasonable delays in assessment and authorisation, or undue sales pressure by insurers or repairers.

I ask the Minister to confirm that the code will prevent insurers from adopting a common practice of bullying and badgering consumers into their preferred network after the consumer has indicated he or she wishes to use a repairer of their choice; that when a third party claim is made in circumstances in which the driver is not at fault and relies on the insurer of the party at fault to settle the claim, the consumer will be protected in the same way as though he or she was relying on settlement by their own insurer; and that insurance companies may not inconvenience a consumer by cash settling their claim simply because they chose to exercise their right to use a repairer of their choice.

I also ask the Minister to confirm that clause 6.1 should be interpreted as requiring insurers' quoting systems to ensure that adequate information is provided to enable the repairer to properly prepare a quotation. I am sure that the Minister will confirm that this will outlaw insurance companies requiring repairers to quote on a vehicle, based on being provided with nothing else but the opportunity to visually inspect the vehicle. The chief executive of the Motor Traders Association, James McCall, has assured me during our many discussions that if the matters I have mentioned are clarified, this legislative initiative will be sufficient to lay the groundwork for a productive relationship to develop between the smash repair industry and the insurance industry, and that that will be to the benefit of the people of New South Wales.

If the Minister is prepared to make firm statements in regard to the matters I have just raised, the House should not only support the bill but also acknowledge the enormous consultation and effort in getting the bill to the House today. The Minister and her officers have been exemplary in the consultation process. Many members of the House, including the honourable member for Blacktown, the honourable member for Bankstown, and the honourable member for Lane Cove, have been strong advocates for the bill. I thank all of them and the Minister for their work. My Independent colleagues have worked hard on this issue, particularly the honourable member for Manly, the honourable member for Pittwater, and the honourable member for Tamworth. They have been very strong in their advocacy and have liaised with their local smash repairers, as well as dealing with statewide issues. I commend the bill to the House.

**Mr TONY STEWART** (Bankstown) [12.00 noon]: I support the Fair Trading Amendment (Motor Vehicle Insurance and Repair Industries) Bill. In doing so I join other honourable members in thanking the Minister for Fair Trading, Diane Beamer, for her efforts in forging the opportunity for consultation. The end

result is co-operation, something the Minister should be very proud of. In the atmosphere that surrounded the dispute, the Minister and her brilliant support staff managed to find a way through the difficulties and complexities in a way we can all live with. The bill is a win-win for the industry, the customers, and the insurance giants.

I acknowledge the work of the honourable member for Northern Tablelands, Richard Torbay, who was very much at the forefront of fighting for the needs of the industry. The motor vehicle insurers and repairers are small business owners—the backbone of Australia. Small business is what holds Australia together, something we sometimes lose sight of when the big corporations attempt to submerge them. The industry workers are terrific, they care about local areas and local needs, and they deserve the opportunities provided by the bill. Importantly, the honourable member for Northern Tablelands was able to support their needs. The honourable member for Blacktown, Paul Gibson, the Chairman of the Staysafe committee, forged a perspective that needed to be brought to the attention of the public.

As the representative of the Bankstown electorate I was pleased to be able to raise the concerns of the smash repair industry with the parliamentary Labor Party caucus initially and in the House later. I moved a motion in the House that was unanimously endorsed, to have the Staysafe committee investigate the activities of NRMA Insurance and Insurance Australia Group [IAG], particularly in regard to the web-based repair system. Clearly it was a problem not only in the way it was thrust onto the industry through bullying tactics but also because safety issues could have resulted in death, if the matter was not tackled properly and in a fair dinkum way by Parliament and by those who supported the needs of the industry.

The Motor Traders Association [MTA] also has done a terrific job in a very constructive way and has liaised with insurance companies and members of Parliament to enable us to understand the issues. This bill has come about following those consultative processes and the result provides the industry, the insurers, and the customers with important protections. Many significant gains have been achieved through the negotiations, and the bill goes a long way to addressing the concerns I raised in the House last September. I will detail the benefits of the bill to repairers not only in my electorate but across the State.

I have spoken to repairers who are part of the insurance network and to independent repairers. The industry code of conduct provided by the bill benefits the insurance networks and the independent operators. For repairers in the industry network, the code brings transparency that did not exist previously. Insurers will now have to clearly disclose to repairers what is expected of them to become part of that network, a matter that previously was hazy and very opportunistic, as the insurance companies would monopolise and forge their own perspectives. Opportunities to join networks will be advertised and the retention of network affiliations will be passed on when a business is sold.

Regardless of whether a repairer is part of an insurance network, importantly all repairers can expect quoting systems to be fair and transparent. In that regard I thank the Minister for making sure that that provision was included. The transparency includes the controversial web-based repair management model used by NRMA Insurance and IAG that I have frequently highlighted in the House, supported by other members. Through negotiations, NRMA Insurance and IAG have agreed to use the web-based repair system for non-structural damage only. Parliament will hold them to that accountability, as will the smash repair industry and the MTA, which will be first and foremost to let us know if those problems arise.

Clause 6.1 of the code states that where "competitive estimates are sought, Insurers will ensure the estimation process is fair and transparent". Furthermore, clause 4.2 (b) states that insurers cannot refuse to consider an estimate on unreasonable or capricious grounds. Another matter raised by repairers in my electorate concerned the practice of network repairers demanding to see quotes provided by non-network repairers before providing their own. That was very unfair and was done in an intimidating framework. It was believed that that tactic was used to push down costs. That practice goes against what is provided for in the code and in some cases may already breach repairer agreements with insurers.

When I first brought this issue to the attention of the House I raised concerns about the standard of some loss assessors. I told the House that many loss assessors used by NRMA Insurance had no formal qualifications. They could have been anyone pulled off the street and there they were singing to the tune of NRMA Insurance to really screw the poor smash repairer. Clause 4.2 (d) of the code requires all assessors engaged by insurers to be appropriately trained and to have appropriate technical experience, to have

successfully completed an approved assessor's course, or to have not less than five years experience as an insurance motor assessor. That is an important gain for the industry. Breaches of that provision will be enforced under the Fair Trading Act.

Penalties available under the Fair Trading Act should not be taken lightly. In her second reading speech the Minister outlined the substantial penalty provisions of the Fair Trading Act in New South Wales. It seems that New South Wales is not alone in its struggle to ensure consumers get what is promised by insurers. I read with great interest an article published in New Zealand's *National Business Review* of 1 September 2006 that IAG had been fined \$127,000 for misleading New Zealand customers about their right to choose a windscreen repairer when making an insurance claim. The fine imposed by the Auckland District Court sends a clear message to insurance giants, one that we have sent resoundingly clearly through this House, that offers of choice must be genuine. There must be opportunity for choice, not something forced onto a customer or a smash repairer.

A matter that has been the subject of considerable debate among repairers and one that can be dealt with effectively through the code of conduct is warranties. Clause 7 of the code states that repairers will provide insurers with a three-year warranty on their repairs. If an insurer provides in writing the need for a particular method of repair, the insurer will pay the repairer costs incurred as a result of methods of repair that relate to quality, structural presentation or safety. That tackles another concern that arose during the dispute. Insurers will be responsible for costs if repairs carried out by an insurer-nominated sub-let repairer are not up to the required standard. Repairers are responsible for guaranteeing parts and paint for as long as the manufacturers do.

The Department of Fair Trading has received reports about insurers offering lifetime warranties on repairs carried out by network repairers. Insurers need to make sure they do not make misleading statements about the capability or quality of repairs carried out by non-network licence repairers. This great bill answers a lot of concerns raised over the past 18 months by honourable members and others. I emphasise that others assisted, including the Motor Traders Association through its Chief Executive Officer, James McCall. He was outstanding in working to arrive at solutions in a constructive way. I thank also the Motor Traders Association Senior Manager, Greg Coli, with whom I worked very closely during the dispute. Most members of Parliament who had input into this issue would know that Greg Coli is the most tenacious person one could ever come across, and he needed to be; he had to solve the dispute because his members were desperate.

I was pleased when I received telephone calls from Greg, even at 11.30 p.m. This morning, as I walked into Parliament House, I received a text message from him asking me whether the bill was being debated. I was pleased to be able to respond that the bill was being debated. That sort of tenacity has helped to solve this dispute. I pay tribute to my local smash repairers who stood by me and helped me to understand this issue. They include Keith Byrne, Hussain Hassan, Mohamad Rachidi, Ted Listkow, Sam Solano, Craig Hernsworth, Nandi Kiss, Sam Mansour, Sam Mafani and Alan and Warren Reno. Those smash repairers, who are located in Bankstown, worked hard to help me understand this issue and met with me on dozens of occasions.

My uncles, Michael and Nat Pisani, who have a smash repair business in Blacktown—I declare that pecuniary interest now—also kept me informed. Pisani Brothers is a great smash repairer in Blacktown if anyone has a vehicle that requires repair after it has been damaged in an accident. Others who kept me informed include Graham Campbell from Kogarah, Garry and Russell Rix from Moorebank, Steve Searle from east Maitland, Blair Whitfield from Hurstville, and Nick Rose from Artarmon. They were always on the phone to me and sent me letters to keep me informed, and they gave me moral support throughout this dispute.

On 9 September I was pleased to receive an award from the Motor Traders Association [MTA] at the association's annual award night. James McCall, chief executive officer of the MTA, presented me with the Presidential Award, the MTA's top award. I was proud and honoured to receive it. I said on the night—and I say it again in this House—that the award is for the Minister, who worked hard to make this happen; it is for the parliamentary Labor Party caucus that supported this issue from day one; and it is for other members in this House who stood by smash repairers who were concerned about being run over by the Mack truck—those big insurers trying to monopolise the industry and do it over. I commend the bill to the House and thank members for their support.

**Mr ALEX McTAGGART** (Pittwater) [12.13 p.m.]: The Government's Fair Trading Amendment (Motor Vehicle Insurance and Repair Industries) Bill is welcome and is a start, but unfortunately it does not go far enough. It is the Government's response to legislation proposed by the Independent member for Northern Tablelands. Whilst it offers limited protection for smash repairers and consumers, it ignores the main thrust of

the honourable member's bill, the anti-steering provisions. The insurance industry does not want anti-steering legislation. In formulating this legislation the Minister has taken the voluntary Federal code and drafted it into an Act, which makes that voluntary code mandatory in New South Wales.

While it has ignored the anti-steering issue it has addressed several issues that have been of major concern to the smash repair industry over the past few years. However, according to both the smash repairers and the Motor Traders Association, it is too broad and, because it lacks specifics, it is open to a variety of interpretations. I acknowledge that the Government has made an effort to try to tidy up this area. I have been meeting with smash repairer representatives in the northern beaches area ever since I was elected as a member of Parliament. Last week I had a final meeting with Graeme Moore of Mosman Smash Repairs, a northern beaches industry representative.

**Mr Anthony Roberts:** A great man.

**Mr ALEX McTAGGART:** He is a great man. He has been in the industry for over 20 years. I also met with Greg Coli of the Motor Traders Association. The honourable member for Bankstown said that Greg Coli was tenacious. He certainly is. After speaking to those two gentlemen I knew that a significant number of speakers on both sides of the House would want to contribute in debate on this bill. I asked those gentlemen to assist me by taking me through the smash repair process so I could identify what needed to be tightened up. After reading the bill they told me there were still massive gaps in the legislation. They highlighted two contentious issues: freedom of choice for consumers and how to accurately report and assess complaints and problems.

There is freedom of choice in the bill but there is nothing to prevent insurers making it as difficult as possible for consumers to exercise that choice. In effect, that is steering by default. Since there has been monitoring of this industry, albeit through regulation, it is imperative to follow a car through the smash repair process to establish what problems exist so the Minister, when drafting the regulations, is able to address the problems. In all this, the primary document is the insurance policy. If there is no clear statement on the front of that document, on the back of that document, or hidden in the fine print that gives an insurer the freedom of choice to take a car to a repairer of his or her choice, the fundamental document fails right from the start.

Let us work our way through these issues. The first relates to a car that cannot be driven after an accident and the second relates to a car that can be driven after a minor accident. Let us take as an example a car that is insured with the Insurance Australia Group—there are many other insurance companies but it is too difficult and too complex to go through all of them. The NRMA gives an insurer a card to keep in his or her glove box. It is pretty straightforward, as the initial steps are obvious: render assistance to the injured, call an ambulance if needed, call the police, and exchange details with the other party involved. After that it starts steering people into the direction of its preferred smash repairer. The card states:

Call NRMA Insurance on 131123 to lodge your claim and get the repair process started. We can arrange for your car to be towed if you can't drive it or, if the damage is minor you can drive the car. With only one call we can take care of everything.

That 1300 call is recorded, so there is no obvious steering at that point. It might be said that there is nothing wrong with any of that: the insurance company is looking after its customers and that is its job. But there is more to it. It is carefully crafted to persuade people to opt into the insurance company's system. No mention is made on the card that the consumer has the option of having the car towed to a repairer of his or her choice. So, unless the consumer specifically insists that the car be towed elsewhere, it will automatically be taken to one of the NRMA's preferred smash repairer [PSR] depots. It is captured; the insurance company has got you!

At this point any discussions between the owner or the owner's representative and the PSR representative is not recorded. So we do not know what is said; we do not know whether there is any coercion. The problem is that there is no mechanism for any coercion to be recorded. If the customer says that he or she wants a non-PSR repairer to do the job, as he or she is entitled to under the legislation, the insurer can then make the whole process as time consuming and as difficult as possible. Firstly, the vehicle has to be taken to an alternative repairer, as the alternative repairer is not permitted to assess the car in the PSR yard. So the car has to be loaded onto a tow truck and taken away, which makes it difficult.

The insurer can then delay assessment of the quote as long as possible. Once the job is done the insurer can also delay payment approval as long as possible. Prior to the introduction of this care and repair scheme, which on the northern beaches is known in the smash repair industry as the "care and despair" scheme, there was a 24-hour turnaround period for the assessment of the approval process. That is now gone. That applies only

when it involves a preferred smash repairer. Again, there is no monitoring process. When a smash repairer has not signed up to the scheme it takes anything up to 15 to 18 days which, of course, is a further incentive for the customer to stay with the system.

Again, there is no independent mechanism for recording and resolving disputes. Then there is the provision for a replacement car while repairs are being carried out. If the consumer is within the system he or she gets a replacement car. Consumers who go to the repairer of their choice do not, so it is a disincentive. Despite the fact that freedom of choice is enshrined in the legislation—we accept that that is the intention of the Government—the insurer can do everything possible to persuade the customer against exercising free choice. Whilst it is perfectly legal, it amounts to steering by default.

The second scenario is where the car is still driveable after an accident. I have had a couple of car accidents and so have my kids. When one is sitting in the gutter with one's head in one's hands the last thing one wants to think about is where the car should go. The scenario is different if the car is still driveable. A customer is told that he or she can drive it home, although the only person who assesses whether it is safe is the driver. When a customer makes an appointment to take it to an NRMA care and repair centre for assessment that is when the insurer captures the claim. Nothing that is said at the centre is recorded, unlike the initial 1300 number, so assessors can exercise their powers of persuasion to keep the consumer within their system—to capture the claim.

If the damage is assessed as non-structural and superficial, photographs are taken and posted on the Internet—this is the ubiquitous web site system. The web site is accessible only to the NRMA's preferred smash repairers and the job is always awarded on the basis of the cheapest quote. None of the repairers see or touch the vehicle and no-one assesses the quality of the quote—the computer is programmed to look for the lowest numbers. The quote is based on six or eight photographs: a global view of the accident damage, a speedometer reading, the identification tag, a photograph of the back of the car to indicate the model, three photographs taken from slightly closer angles, and one with the bonnet open. That is a grossly inadequate and superficial basis on which to offer a quote. It is simply not good enough.

One of the 44 recommendations of the Staysafe committee—the majority of which were ignored—called for the web-based system to be abandoned in its current form because it is not safe. The repairers believe it is impossible to quote a job properly without seeing and examining the vehicle. But the Government has not listened. Instead it has legislated to ensure that the web-based system is used only for superficial jobs. However, the repairers tell me that this process is being abused and that unsafe cars are being returned to the road. The problem is that there is no recording mechanism. How can we monitor the system and review it in 12 months if we do not have an accurate recording mechanism?

In the past quotes were made on the basis of up to 50 photographs and a full visual inspection by the repairer. Repairers consider the quote to be the road map for completing repairs, and the photographs are the landmarks on that map. But under the web-based system, quotes are based on a few inadequate photographs on the Internet and no visual inspection. The only beneficiary of that system is the insurer, because it is cheaper. It is not in the consumers' or the smash repairers' interests; it is only in the interests of the giant insurance companies, as it helps them to maximise their profits.

It is also interesting to note that the repairers who do the most cheap web-based jobs get the bigger, more lucrative jobs involving non-drivable vehicles. That is hearsay but it emanates from repairers who came to my office. They are in the business and they know what is going on. They told me that repairers who do lots of web-based work tend to get the more lucrative jobs. There is some sort of in-house process. If people decide that they do not want their job quoted on the web and want to take it instead to the smash repairer their family has known for years, that smash repairer is not allowed to take the car to the care and repair centre or even to come inside while the assessment is being carried out. The consumer must do that in their own time, at their own expense. That is another disincentive to going outside the system.

The Insurance Australia Group [IAG] insists that the car has to be taken to a care and repair centre because it needs to identify "safety concerns", but the real reason is to capture the claim. It gets consumers inside the centre, where assessors focus their energies on keeping them there and persuading them not to go to a repairer of their own choosing. Nothing that is said in the centres is recorded so, in effect, the insurer can steer by default. There is nothing in the bill to prevent that from occurring. The insurer can still provide as many incentives as it likes to consumers to stay within the system and put up as many obstacles and delays as it can for those who want to choose their own repairer. That is our concern. The Minister must be fully aware of the

process so that the regulations make provision for monitoring and avoiding any problems. The bill provides no protection for the consumer who wants to opt out of the IAG system, and it penalises repairers who have not joined up.

However, the bill does have some pluses. For instance, it sets up a transparent and independent external dispute resolution mechanism, it allows the retention of preferred smash repair status upon the sale of a business, and it sets out requirements for upfront disclosure of whether insurance policies provide for choice of repairer—although clarification is needed in that area. The Minister has also agreed that the bill will be reviewed after 12 months. That is what smash repairers want. However, the bill needs to go a lot further. The smash repairers believe there should be a declaration to assist with dispute resolution on policies because consumers have no knowledge of their rights and no knowledge of the complaints process. They would also like more stringent enforcement. They say that under the bill the only real policing will be done by members of the Motor Traders Association.

The penalties, too, are inadequate. Enforcement of the mandatory code will occur through a range of existing civil, rather than criminal, measures in the Fair Trading Act. The legislation also ignores other areas, one of which is the qualifications of the care and repair assessors. The smash repairers say that, because there is a grandfather clause stipulating that the only requirement is five years experience, most of the assessors are completely out of date with the technological advances of recent years and are not competent to make valid judgments about repairs and cost. The repairers believe there should be yearly competency tests for assessors, who should be required to write out a full quote. Remember that the quote is the road map for the repair. The smash repairers claim that assessors cannot assess damage if they cannot write out a full quote for repairs.

There is no doubt that there are significant deficiencies in this legislation but, as I said, it is a start in resolving this long-running, damaging dispute. It offers some protection to members of an industry that, in the words of Greg Coli from the Motor Traders Association, has been battered. The industry has been hurting financially, emotionally and psychologically. These small businesses need our support. The bill contains no definite anti-steering provisions and ignores the Staysafe committee's 44 recommendations. It is far too open to interpretation. Vehicles must be followed carefully through the repair process and we must have anti-steering provisions. We must give consumers freedom of choice and protect the motor vehicle repair industry.

**Mr ANTHONY ROBERTS** (Lane Cove) [12.26 p.m.]: The object of the Fair Trading Amendment (Motor Vehicle Insurance and Repair Industries) Bill is to amend the Fair Trading Act 1987 to require compliance with an industry code of conduct for motor vehicle insurers and repairers. Representatives of the insurance and smash repair industries have been developing a voluntary code of conduct, particularly in connection with network repairer schemes under which a number of repairers are promoted under a scheme operated by an insurer to carry out repairs on damaged motor vehicles insured by that insurer. The bill will enable the declaration by the regulations of such a code as the applicable industry code and provide for its enforcement. The bill is intended to provide for fair, timely and transparent conduct between insurers and repairers so that consumers with damaged motor vehicles are not unduly inconvenienced or unfairly treated as a result of the business practices in, or disputes between, the insurance and repair industries.

I take this opportunity to acknowledge the great work done by the Motor Traders Association in supporting its members on this issue. I thank James McCall, Greg Coli, Nicole Smith, Sophie Kearns, Bill Pickering, Graham Moore and Frank D'Ambros, who have been particularly helpful to me. I also pay tribute to that wonderful body of men and women who constitute the repair industry. I have stood shoulder to shoulder with them in this battle for the future of their families and their industry, for safe and professional repairs, and for the consumer. I reaffirm that I will continue that battle. As the honourable member for Northern Tablelands said, the battle is not yet over. We can rest assured that the insurance companies will be back.

I share the honourable member's concerns that the bill does not go far enough. I believe we cannot trust the insurance companies in this matter. Under this scheme a crashed vehicle is taken not to the most convenient smash repairer or to a claimant's chosen smash repairer but to a smash repairer chosen by the NRMA's computer system. Families that had traditionally taken their cars to the same smash repairer for years no longer have that choice unless their repairer lodges the lowest bid. Under the scheme the Sydney metropolitan area was divided into a series of zones in which eligible smash repairers could bid. A car involved in an accident near the border of a zone could be moved across the zone, many kilometres away, to the cheapest smash repairer. The scheme made no provision for trust, tradition, workmanship, family relationship, or work history—only cost. Cars were repaired to a price, not to a safety standard.



This is a time for celebration in the smash repair industry. The crippling dispute between smash repairers and the insurance giant Insurance Australia Group [IAG] lasted for more than a year, beginning when IAG introduced its controversial web-based repair management system. I take this opportunity to applaud the work done by the Minister and her staff in relation to this legislation. Honourable members on both sides of the House have worked collaboratively and it is to be hoped this reconciliation will last many years. I advise that the Motor Traders Association and smash repairers should prepare for the next battle to make sure that the insurance giants comply with this legislation. I pay tribute to all those people in the industry and to my colleagues on both sides of the House who have worked so hard. I commend the bill to the House.

**Mr PETER DRAPER** (Tamworth) [12.30 p.m.]: I support the Fair Trading Amendment (Motor Vehicle Insurance and Repair Industries) Bill, which is a positive step towards returning fairness and equity to the smash repair industry. Insurance companies have been allowed to dictate terms for far too long both to the industry itself and to motorists so this bill will help restore the balance and fairness and improve circumstances for everybody. I have received many calls from constituents concerned about the heavy handedness of insurance companies in the smash repair industry since my colleague, the honourable member for Northern Tablelands, introduced his anti-steering bill into the Parliament earlier this year.

The feedback has taken two forms: residents were very frustrated they were not able to choose who repaired their car after an accident, and repairers who were not accredited by the major insurers were literally struggling to keep their businesses afloat. This legislation is the result of a co-operative effort between many members of Parliament and, as other honourable members have done, I pay tribute to the Minister for Fair Trading for her very diligent, hard work and understanding of the complexities of the issue, because it was a very complex problem. I am aware of the many discussions and negotiations that have got us to this stage. I also recognise the contribution of the Staysafe committee. Ironically, the Chair of the Staysafe committee did seem to heap undue praise on the committee. However, it did do a very sterling job. The honourable member for Bankstown, the honourable member for Lane Cove and others have contributed. Credit goes to all sides of politics because this issue has been worked through co-operatively and, in my opinion, a sensible decision has been arrived at.

With more than 47,000 road accidents in New South Wales in 2004, the market for smash repairers is clearly large and lucrative, something that did not escape the attention of insurance companies who have used their market power to squeeze out small operators from the business and to coerce motorists into making decisions that they were not comfortable with. This has been very detrimental, in particular, for country repairers because the non-accredited outlets have not been able to continue running an effective or profitable business. They are facing an ongoing drought and very high fuel prices. Shutting the non-accredited repairers out of the market has cost jobs in the country and has forced quite a number to close. Those casualties have meant little to the insurance giants who have simply focussed on maintaining their profits but it means a great deal to country communities.

Due to the small size of many rural towns, smash repair business owners are typically among the most well known in the community. Virtually every resident in a rural town will know somebody associated with the industry, either through a friendship or a family connection, and that connection creates a very difficult circumstance for residents. For instance, I am aware of a local Tamworth resident who was waiting at the traffic lights in Bridge Street when someone ran into the back of his Ford. Luckily for him, his uncle owns a business in the smash repair industry. Unlucky for him, his insurance company said he could not use him. It is ridiculous that somebody in his family who would have done a sterling job and looked after his vehicle was unable to do the repairs. My constituent had no choice but to take his car to a stranger, and I have to say he was not particularly happy with the result.

During this debate we have heard that denying motorists their choice in repairer can lead to inadequate or inappropriate work—I will not go through that except to refer to another constituent who told me about his close relationship with a smash repairer. He had a very close encounter with a kangaroo, which happens all too frequently in the country, and was required by his insurance company to take his car to another repairer, not the one he knew who would have done a good job. The repairs were not appropriate, and the car had to go back. He was without the car for another week. There is no public transport in the country, and taxis are very expensive in comparison to what city people can access. If he had been able to choose someone he knew and trusted, this circumstance would not have arisen. Owning a vehicle is an essential part of living in the country where the risk of accident is much higher. We drive on unsatisfactory road surfaces, we have the risk of rocks breaking a

windscreen, and we have the risk of encountering the local wildlife at night going home, which I have experienced personally. Cars are the arteries of our country communities so it is vital to maintain a vehicle in the best condition.

I am pleased that the Government, having listened to the industry and consumers, has developed this mandatory code. As I said, this bill will bring fairness and equity to the industry. I pay particular credit to the efforts of the honourable member for Northern Tablelands, whose original bill brought the matter to everybody's attention, and I give credit to the Minister for getting us to where we are today. I also pay credit to James McCall and Greg Coli who have done a great job. I too have attended meetings with those passionate advocates for their industry. I commend the bill to the House.

**Mr STEVEN PRINGLE** (Hawkesbury) [12.35 p.m.]: I will speak briefly on the Fair Trading Amendment (Motor Vehicle Insurance and Repair Industries) Bill. I pay tribute to one of my constituents, Richard Nathan, who has been instrumental in achieving the outcome that we see here today. Richard is the owner of Nathan's Prestige Autobody Repairs at Rouse Hill and, more importantly, is the chairman of the Body Repair Council of the Motor Traders Association. In that capacity he has given hundreds of hours of his time to make sure that the whole industry benefits from this legislation. That task has involved him in many meetings with his members, and with government and insurance companies. He was also instrumental in lobbying all honourable members of this Chamber.

Mr Nathan, a somewhat older gentleman, has made that contribution despite trying to hand over his business to his sons and has worked hard for the outcome we have today. He has also been mindful of the need to have an industry solution that suits all auto body repairers, large and small, whether they have modern or technology. Mr Nathan's business employs 40 people, of whom seven are apprentices, and turns over some \$5.5 million per annum. Unfortunately, because of this recent major dispute, its turnover has dramatically dropped and he has had to let some of his employees go. It has also made it very difficult, as it has for many other auto body repairers, to invest in further modern technology. Mr Nathan's business is one of the most technologically advanced in the State. He repairs not only cars but helicopters and trucks.

In order to be able to invest in modern technology, businesses need to have a long-term solution that enables them to achieve a reasonable level of profit and provide the best possible service to consumers. This legislation goes a long way to achieving that, and to ensuring that we have safe cars on our roads. Under the previous bizarre system the lowest possible quote was taken into account even though often the outcome was an unsafe vehicle or one that had to be returned to the repairer or indeed sent to another repairer. I am sure all honourable members have heard stories about the lowest quote being accepted and when the owner got back the vehicle it was not up to scratch and did not meet the guidelines and had to be further repaired by someone else. This State needs to retain every job it can in New South Wales but under the previous proposals of IAG many jobs were lost to Victoria and Queensland, which caused a loss of income in New South Wales and a major disruption to local family life.

From the Hawkesbury perspective, with its poor public transport, a car that is off the road for a lengthy period of time causes serious inconvenience for families. This legislation is long overdue. It should bring improvement, but we need to ensure that quality repairs continue. If there are any unintended consequences of the bill, we need to be confident that the Government will act immediately to ensure that consumers and the auto body repairers get a fair go. That is in the best interests of the industry as well as the insurance companies. On behalf of the entire community, I thank Richard Nathan and his son Grant for their efforts and their major contribution to this measure.

**Mr DAVID BARR** (Manly) [12.40 p.m.]: I will support the bill, but I have some reservations about it, relating primarily to the issue of choice. This issue has not been nailed down to the extent that I would like it to be. Choice has always been one of the big issues in this matter. The system of preferred tenderers and web-based quoting were an example of the big end of town, the big insurance company, putting the squeeze on small businesses. There are 20 smash repairers in the Manly electorate, and about 50 across the northern beaches. The system paralleled what had been happening in the hospital industry some years ago. In December 2001 I spoke in the house about the Medical Benefit Fund's selective tendering in relation to some private hospitals and the impact that was having on those hospitals. I mentioned in particular the Mandalay hospital, which closed its doors. One of the reasons for that was the pressure being put upon it by insurance companies that were trying to squeeze down costs as much as they could.

It was a similar situation with NRMA Insurance and what it was doing to the smash repair industry. It was putting the squeeze on those small businesses when it has something like 60 per cent of the market, and was using its market control to squeeze its costs from those small businesses. In the process some smash repairers went out of business. In the Manly area, several have been affected: either they have gone out of business, or they have had to reduce the number of staff they had—because they had not played along with the NRMA.

The NRMA introduced the scheme early in 2005, and in March 2005 met with peninsular smash repairers to announce its plans for a web-based system. Not many of the smash repairers on the northern beaches were keen to sign up—and for good reasons. One was the issue of quality control. In the process, those who did not sign up suffered. One of the biggest victims was a Brookvale repairer called Vince Costa, who went out of business in November last year. In December last year the Staysafe committee met and held public hearings, and subsequently recommended suspension of the web-based system because of concerns about safety. Staysafe also expressed concerns about the issue of choice, and choice became a big issue. I received a letter dated 10 March 2006 from David Issa, Chief Executive Officer, NRMA Insurance, who was a new arrival on the scene. He said in his letter to me:

I am pleased to be able to inform you that NRMA Insurance will be allowing customers to choose their own repairer at no additional cost throughout New South Wales. We are hoping that, subject to our meeting our regulatory disclosure obligations, this benefit will be a formal part of our policies from around 1 May 2006.

At the second round of Staysafe hearings in March 2006 Mr Issa was present, along with Mr James Strong. There seemed to be some confusion on their part as to what choice meant. I put the question to Mr Issa: Can a person with a smashed car go straight to his or her repairer, and not the Care and Repair Centre? His response was that they could, but NRMA would prefer the customer to go to its centre. They were not quite sure of their position at that point. The Motor Traders Association considered what was said by Mr Issa that day to be a significant breakthrough.

But that stated position was to last only several hours, because a letter was sent from NRMA Insurance to James McCall, Chief Executive of the Motor Traders Association. It said that the NRMA evidence had been misconstrued, and insisted that customers would have to take cars to the Care and Repair Centre before exercising any choice of repair option. I believe that is the position that maintains today, and I do not think it is that clear. But, as far as the NRMA is concerned, insured customers of NRMA have to have their cars taken to the Care and Repair Centre before they can exercise choice. The threshold issue is the right of the customer to say: I want my car to be repaired by a particular smash repairer, and I want my car to go to that repairer from the scene of the incident.

The Federal code being mandated under this legislation includes a requirement for upfront disclosure as to whether insurance policies provide choice of repairer. Insurance companies can be upfront and say that they will not be providing choice. We could argue that people will shop around and go to an insurance company that does offer choice. However, with NRMA having 60 per cent of the market, if a couple of other big players say, "We are going to be upfront about it, and there is no choice," then there is no choice. I would like a stronger choice provision embedded in this legislation. I would like to see something along the lines of the Ontario bill, which contains a bill of rights for consumers. It is the Collision Repair Standards Act 2002 of Ontario. The Motorist's Bill of Rights contained within that bill must contain:

1. A statement advising the consumer of his or her right to select a certified collision repair shop for auto body damage.
2. A statement advising the consumer that an insurer may suggest that the work be done at a particular collision repair shop but may not require this work to be done at a particular collision repair shop.

Those are much stronger consumer rights to choice than are contained in the bill that is before the House today. The bill makes some significant improvements. I credit the work of the people involved in its preparation, and the pressure that has been brought on the insurance industry in the process by the Staysafe committee, the honourable member for Northern Tablelands, the honourable member for Bankstown and the honourable member for Lane Cove. The Minister's office has been very good in dealing with this issue. However, there is still a way to go. This is a work in progress.

There is a year to review, and the Government should be watching very carefully what happens with this issue of choice. It should be looking very carefully at what is happening with web-based quotes. It should be looking closely at whether the web-based system is being used merely for panel damage and superficial damage,

or whether the insurance companies are using the system for more serious, structural damage. Some issues have not been fully clarified. Choice is the main one, and I think there is a way to go on it. I do not think we can claim complete victory for the smash repairers at this stage. They are small businesses, and they are suffering; they are being squeezed by the big end of town, by the big insurers.

Our job is to make sure, given the importance of small business, that the Government ensures that insurance companies play fair on this one. The Northern Beaches has 50 smash repairers that are an integral part of the economy of the Northern Beaches, as are many other small businesses. We cannot allow the big end of town to squeeze these people out of business and to rationalise things according to the way it wants them rationalised. The insurance industry is talking about rationalising this industry, but it is rationalising it on its terms. Because the insurance industry has had the market power, it has been calling the shots. We need a legislative framework to ensure fairness so that small businesses have some statutory protection and so that consumers have the right to choose, which provides competition and viable small business. We need a legislative framework to ensure quality from repairers so that repairs are not done just to a price. There is a way to go yet. This is not the end of the matter. It is a work in progress. We will see what transpires in the next few months.

**Mr MALCOLM KERR** (Cronulla) [12.50 p.m.]: I attended a number of meetings with smash repairers in my electorate who were suffering hardship as a result of the scheme. I will not reiterate what has been said, but I thought smash repairers behaved reasonably and responsibly. It was not only their businesses that would have been affected had the scheme continued, but also public safety. Both the honourable member for Bankstown and I spoke at a meeting, and consequently we were both far better informed about the problem. I pay tribute to the work of the Staysafe committee. The bill is a work in progress, not a solution. However, it provides for improvements and that is to be welcomed.

I note that the object of the bill is to provide for fair, timely and transparent conduct between insurers and repairers so that consumers with damaged motor vehicles are not unduly inconvenienced or unfairly treated as a result of the business practices in, or disputes between, the insurers and repair industries. From the outset that was the object of small businesses in my area. I am pleased that these steps have been taken to improve things, but it must be kept under constant review. I congratulate all those who have taken part. Mention has been made of the honourable member for Bankstown, the honourable member for Lane Cove, the Motor Traders Association, James McCall and Michael Tynan, who assisted me on behalf of smash repairers to resolve the matter. The bill is a step forward. However, it is not the complete journey. We look forward to further improvements and further implementation of the objective I set out earlier.

**Mrs JUDY HOPWOOD** (Hornsby) [12.53 p.m.]: The Fair Trading Amendment (Motor Vehicle Insurance and Repair Industries) Bill 2006 will amend the Fair Trading Act 1987 with respect to an industry code of conduct for the motor vehicle insurance and repair industries, as well as other aims. The object of the bill is to amend the Fair Trading Act 1987 to require compliance with an industry code of conduct for motor vehicle insurers and repairers. The overview of the bill states:

Representatives of the insurers and smash repair industries have been developing a voluntary code of conduct, particularly in connection with network repairer schemes under which a number of repairers are promoted under a scheme operated by an insurer to carry out repairs on damaged motor vehicles insured by that insurer. The Bill will enable the declaration by the regulations of such a code as the applicable industry code, and provide for its enforcement.

This Bill is intended to provide for fair, timely and transparent conduct between insurers and repairers so that consumers with damaged motor vehicles are not unduly inconvenienced or unfairly treated as a result of the business practices in, or disputes between, the insurance and repair industries.

I have been involved at a local level with the fight by members of the smash repair industry for the bottom line, which is safety of vehicles undergoing repair after being damaged in a motor vehicle accident. Safety was at the forefront of their minds. The tenet of a fair go was part of their deliberations. It was a long and bitter battle for local smash repair businesses trying to hang on and trying not to let their workers and their apprentices go. The majority of smash repairers are small businesses. They are the backbone of our community. It is commendable that so many different stakeholders came together to work towards a solution to save these small businesses.

At the bottom of the tree, but most important, are the families of not only the owners of the businesses but also the people who worked in the businesses. Once the business had to downsize or close, their families would be severely affected. In my local area I know that a number of families were severely affected and others

had the potential to be severely affected. I commend their strong fight over many months to stand up for what they believed in, not only to improve the safety and standard of work but also to maintain choice, which was most important in their deliberations.

A voluntary code of conduct is a good outcome and one the Coalition cannot oppose. Both the insurance and smash repair industries have welcomed the introduction of a mandatory code as a step in the right direction to end the crippling dispute between smash repairers and the NRMA. In a recent press release the shadow Minister fully endorsed the need for a legislative code following months of protracted discussions that failed to reach any satisfactory agreement. He noted the contribution of many members on this side of the House in standing beside, and working hard to achieve the aims of, the local smash repair industry.

I had a number of meetings in my office, I attended a number elsewhere and I participated in a number of rallies that clearly delineated the aims of the Motor Traders Association [MTA] in support of the local smash repair industry. The Opposition sincerely hopes that the many smash repairers and employers who have been hurt by the dispute will be able to successfully resume their business activities or restart their careers. The shadow Minister for Fair Trading, the honourable member for Myall Lakes, stated in his press release that insurers and the repair industry should work together to heal the rift between them.

I conclude by stating that the Coalition does not oppose the legislation. As previously mentioned, it is a step in the right direction, but it is not the ultimate solution. Much more can be done. I commend Craig Willis, Jeremy from North Point Motor Body Repairs and many others in my electorate for updating me consistently in relation to this matter. I sent Craig a copy of the press release by the Federal Attorney General and member for Berowra, Philip Ruddock, announcing a new voluntary code. Craig's reply dated 5 June 2006 states:

This federal code has been in motion for some time and as the title suggests, it is voluntary and as such I am not sure what penalties if any would apply to breaches of this code. It is nonetheless a great step forward ... What the smash repair industry needs is something with teeth to stop the insurance companies from steering work away from specific shops with no valid reason. What we achieved with the IAG recently was great; however there is nothing to stop them from trying this again further down the track without some safeguards in place. The state mandatory code, in my opinion must address this issue. I would also welcome provisions for shop owners losing their licences in case of fraud or poor workmanship that endangers the safety of the motoring public.

He went on to make a number of other points. I thank Craig and his team in the Hornsby electorate very much for their participation. The Opposition looks forward to more progressive legislation in relation to motor vehicle smash repairs.

**Ms DIANE BEAMER** (Mulgoa—Minister for Western Sydney, Minister for Fair Trading, and Minister Assisting the Minister for Commerce) [1.01 p.m.], in reply: I thank honourable members for their contributions to this debate. Their support for this bill and the course adopted by the Government during this dispute has been appreciated greatly. I state for the record my personal thanks to my staff—Michael Meagher, Craig Munnings, Steve Adams and particularly Tina Lopperacher—as well as staff from the Office of Fair Trading—Domonic Wong and Rod Stowe—who have worked tirelessly to resolve the dispute while maintaining their priority of looking after the interests of consumers in New South Wales. Although the dispute primarily concerned smash repairers and insurers, the staff involved in the preparation of this legislation have kept their eyes firmly on protecting the interests of consumers.

The bill provides important protections for consumers, repairers and insurers. Consumers will benefit from an improved relationship between repairers and insurers, fair treatment, and a reasonable expectation of procedures that suit their convenience. Repairers will benefit from greater transparency and a fair go from insurers. The Government has always emphasised the importance of a negotiated outcome of the dispute between the two sectors, repairers and insurers. In that regard, I highlight the point that the national voluntary code was developed by national representatives of insurers and repairers and has been publicly supported by both sectors.

I turn now to address in detail some of the concerns expressed by the Opposition. In relation to extraterritoriality, I point out that recent amendments to the Fair Trading Act make it clear that a sufficient connection will still need to be proved. It is not intended that the mere fact of incorporation of a business entity in New South Wales will trigger remedies under the Fair Trading Act in relation to the mandatory code. In response to concerns that a mandatory code will place New South Wales at a disadvantage vis-à-vis other insurance policies, I make it clear that while the code is being mandated in New South Wales, it is a national code. Signatories to the national code represent the bulk of the national insurance market.

If they cannot meet the requirements of a national code, which consists merely of guidelines, the industry is revealing itself to be weak. That is why the Government has opted for a mandatory code that should not specifically put New South Wales at a disadvantage. The national code consists merely of guidelines. The Government wants to make sure that this State has a strong insurance industry. I am sure that the concerns expressed by the Insurance Council were made clear when it signed up to the national scheme.

I commend the honourable member for Blacktown, who is also the Chairman of the Staysafe committee, on all the hard work that he and his committee have undertaken in relation to this issue. He has been a strong advocate for road safety. I look forward in the near future to reading the crash test results to which he referred during his speech. The honourable member for Northern Tablelands also has worked tirelessly on this issue since it was brought to his attention by local smash repairers and members of his local community. I take this opportunity to congratulate him and the honourable member for Bankstown on receiving the president's award at the recent awards ceremony of the Motor Traders Association. The awards reflect recognition of their important work and achievements in assisting smash repairers in their local communities.

In relation to some of the points made by the honourable member for Northern Tablelands, I make it clear that the 12-month review will take into account the issues raised by him relating to freedom of choice. I assure him that steps will be taken to ensure that freedom of choice will be unfettered. I confirm that new section 60W, which is inserted by schedule 1 to the bill is intended to ensure that the code facilitates fair, timely and transparent conduct between insurers and repairers so that consumers who have damaged motor vehicles will not be unduly inconvenienced or unfairly treated as a result of business practices in, or disputes between, the insurance industry and the repair industry. The examples given by the honourable member for Northern Tablelands may be cited.

Much has happened since I joined the honourable member for Bankstown on the annual Polties for Small Business Day last year to meet smash repairers. His contribution to this debate and the contributions made by the honourable member for Lane Cove are appreciated greatly. The honourable member for Pittwater expressed some reservations about the bill. He was specifically concerned that the bill may become an anti-steering instrument. The formulation of anti-steering legislation was not ignored during the preparation of this bill. It was considered by the Government in response to the bill of the honourable member for Northern Tablelands. Because not all consumers are catered for in anti-steering legislation, at this time it is considered to be not appropriate and to be a heavy-handed approach.

When insurers offer freedom of choice, it must be a freedom that is unfettered. Certainly the choice offered by some insurers is unfettered, but during the 12-month review the Government will revisit the issues that have been highlighted. The honourable member for Northern Tablelands also expressed concern about the web-based repair management system. Similar concerns were mentioned to me by the honourable member for Blacktown in the early stages of preparation of the legislation. The Government has had the web-based repair management system reviewed since its inception in conjunction with the NRMA-IGA. Assurances have come to fruition in that the system is used only for cosmetic repairs, and that practice is expected to continue.

The honourable member for Pittwater also expressed concern about whether the freedom of choice offered under insurance contracts is unfettered freedom of choice. Under the Commonwealth Insurance Contracts Act 1984, all insurers must provide a product disclosure statement to a person who buys an insurance policy. The product disclosure statement essentially sets out the terms and conditions of the policy. Apart from remedies that may be available under Commonwealth legislation, a discrepancy between what is set out in the disclosure statement and the service that is provided could constitute grounds for action to be taken under the misleading conduct provisions of the Fair Trading Act, under which complaints may be duly examined. Even if an insurer convinces the consumer that the consumer has freedom of choice, the insurer must provide freedom of choice in compliance with State and Federal consumer protection legislation. Any complaints relating to qualified freedom of choice may be examined under the relevant legislative provisions.

In conclusion I thank the honourable member for Tamworth, the honourable member for Hawkesbury, the honourable member for Manly, the honourable member for Cronulla and the honourable member for Hornsby for their contributions to the debate. I also thank representatives of the Motor Traders' Association—James McCall and Greg Coli—who have been tenacious advocates on behalf of the industry. I also thank representatives of the Insurance Council of Australia as well as representatives of NRMA-IGA, which made perhaps one of the worst decisions that an insurer could ever make. However, NRMA-IGA quickly reinstated freedom of choice and one of the first major stumbling blocks—penalties—was removed almost immediately. Penalties should never be part of a contract between an insurer and smash repairers. Indeed, that was one of the

reasons why smash repairers were extremely reluctant to sign up with the NRMA at the very outset. I am sure that the experience of the past 12 months has provided the insurer with a salutary lesson as well as a steep learning curve, one that it will not forget for a long time. I commend the bill to the House.

**Motion agreed to.**

**Bill read a second time and passed through remaining stages.**

*[Madam Acting-Speaker (Ms Marie Andrews) left the chair at 1.11 p.m. The House resumed at 2.15 p.m.]*

### **DISTINGUISHED VISITORS**

**Mr SPEAKER:** I welcome to the public gallery the Hon. Michael Hodgman, QC, MP, Her Majesty's shadow Attorney-General for the State of Tasmania.

### **MINISTRY**

**Mr MORRIS IEMMA:** I inform the House that during the absence of the Minister for Tourism and Sport and Recreation, Minister for Women, and Minister Assisting the Minister for State Development, the Minister for Aboriginal Affairs, and Minister Assisting the Premier on Citizenship will answer questions on her behalf.

### **AMBULANCE SERVICE PARAMEDICS THIRTIETH ANNIVERSARY**

#### **Ministerial Statement**

**Mr MORRIS IEMMA** (Lakemba—Premier, Minister for State Development, and Minister for Citizenship) [2.21 p.m.]: The Ambulance Service of New South Wales this month celebrates the thirtieth anniversary of the introduction of paramedics into the service. Sixteen officers graduated from what we now know as Course 1 Paramedics, and in November 1976 they commenced duty at Circular Quay Ambulance Station. That class of '76 were pioneers in every sense of the word. New South Wales was the first jurisdiction in Australia to introduce paramedics into its Ambulance Service. Initially the concept of having ambulance officers being capable of treating cardiac arrest and other emergencies without the help of doctors and nurses met with much criticism from the medical fraternity. However, with the strength and determination of a select few the Advanced Life Support Course was born.

**Mr Brad Hazzard:** That is what your Government needs.

**Mr MORRIS IEMMA:** More paramedics? We are recruiting more paramedics. Since that first paramedic course in 1976, 56 further paramedic courses have been completed. Among the 2,900 ambulance officers employed by the Ambulance Service of New South Wales today, nearly one-third are fully trained intensive care paramedics. Paramedics treat everything from heart attacks to chemical accidents, childbirth, diving emergencies, and much more. They have literally hundreds of pieces of equipment at their fingertips, including facilities to give oxygen, put up drips, or resuscitate a patient. The Ambulance Service is a 24-hour-a-day seven-day-a-week operation. It responds to calls for assistance every 33 seconds—an average of 2,500 responses every day.

The Ambulance Service does a phenomenal job, often in very difficult circumstances. Thousands of people in the community owe their lives to the high level clinical care provided by staff of the Ambulance Service of New South Wales. Today the Minister for Health hosted a reception in Parliament House for the 1976 Course 1 Paramedics graduates and their partners. He thanked them for their years of service and recognised the magnificent legacy that they have created in patient care in New South Wales. I join him in congratulating those pioneers and everyone who has contributed, and continues to contribute, to the care provided by the Ambulance Service of New South Wales.

**Mrs JILLIAN SKINNER** (North Shore) [2.56 p.m.]: The Coalition joins the Government in congratulating the pioneers of paramedic services. The Coalition also congratulates current members of the New South Wales Ambulance Service. In fact, ambulance officers most frequently contact me to complain about the Iemma Government's cuts to resources provided for medical services in New South Wales. I am extremely

grateful for their courage in coming forward, particularly at a time when the Government is all about secrecy and hiding the level of problems in our system.

**Mr SPEAKER:** Order! The Minister for Aboriginal Affairs will come to order. Government members will come to order.

**Mrs JILLIAN SKINNER:** I draw attention in particular to the single-manned vehicles in the Maitland-Hunter area. A number of paramedics and ambulance officers have complained to me that they are unable to respond as they would like because they do not have a second ambulance officer in the vehicle.

**Mr SPEAKER:** Order! Ministers will cease interjecting.

**Mrs JILLIAN SKINNER:** The Premier can try to drown me out, as he does ambulance officers when they come forward to complain about the Iemma Government's lack of support for the Ambulance Service of New South Wales. My colleagues frequently tell me stories about patients in the back of ambulances waiting far too long for treatment, or patients stuck in emergency departments because ambulance officers cannot get them off their trolleys.

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

**Mrs JILLIAN SKINNER:** I am happy to inform the House that on 4 July this year I had personal experience of that problem. Those fabulous ambulance officers attended to me when I had an accident. They took me to Royal North Shore Hospital, rolled up their sleeves and waited for the long wait that they expected before they could offload me.

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

**Mrs JILLIAN SKINNER:** Unfortunately, ambulance officers cannot leave their patients in emergency departments because they are so blocked, and not enough beds are open in the wards to take them. I take my hat off to the men and women in our Ambulance Service, the paramedics of 30 years ago and the paramedics in our system now.

**Mr Frank Sartor:** No, you don't!

**Mrs JILLIAN SKINNER:** Minister Sartor likes to shout, but he knows that 30 years ago paramedics had it good compared with today.

## UNPROCLAIMED LEGISLATION

**Mr SPEAKER:** Pursuant to standing orders I table a list detailing all legislation unproclaimed 90 days after assent as at 21 September 2006.

## PETITIONS

### Artarmon Public School Bus Service

Petition requesting the provision of a school bus for the children within the southern precincts of the catchment area for Artarmon Public School, received from **Ms Gladys Berejiklian**.

### South Coast Rail Services

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

### South Coast Rail Line Facilities

Petition requesting that train carriages be fitted with toilet and luggage facilities on the South Coast rail line, received from **Mrs Shelley Hancock**.



**Pensioner Travel Voucher Booking Fee**

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

**Bus Services 326 and 327**

Petition asking that the Government urgently reinstate the former timetables of bus services 326 and 327, received from **Ms Clover Moore**.

**Bus Service 300**

Petition requesting improved bus services including expansion of the 300 series bus service to adequately serve the inner city, particularly during peak-hour travel, received from **Ms Clover Moore**.

**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 Local Area Command**

Petition requesting additional resources for the Shoalhaven Local Area Command, received from **Mrs Shelley Hancock**.

**National Art School**

Petition opposing proposed changes to the National Art School, received from **Ms Clover Moore**.

**Parkinson's Disease Funding**

Petitions requesting funding for Parkinson's-specific support services for people living with Parkinson's disease, received from **Mr Greg Aplin** and **Mr Steve Cansdell**.

**Cremorne Community Mental Health Centre**

Petition opposing the proposed relocation of health services provided by the Cremorne Community Mental Health Centre, received from **Ms Gladys Berejiklian**.

**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 to ensure access to breast screening services for women aged 40 to 79 years and to reverse falling participation rates, received from **Mr Steve Cansdell** and **Mrs Judy Hopwood**.

**Bega Valley Shire Hospital Facilities**

Petition requesting a new hospital for Bega Valley shire, received from **Mr Andrew Constance**.

**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**.

**Sunflower House, Wagga Wagga**

Petition requesting funding to facilitate the operation of Sunflower House, Wagga Wagga, received from **Mr Daryl Maguire**.

**Cammeray Open Space Rezoning**

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

**Manyana Residential Land Rezoning**

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

**HMAS *Canberra* Artificial Reef**

Petition requesting that HMAS *Canberra* be sunk in Jervis Bay for scuba diving purposes, received from **Mrs Shelley Hancock**.

**Private Native Forestry**

Petitions requesting a review of the draft code of practice for private native forestry, received from **Mr Steve Cansdell** and **Mr Adrian Piccoli**.

**Recreational Fishing**

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

**Currarong Sewerage Scheme**

Petition requesting the release of funding for the Currarong sewerage scheme, received from **Mrs Shelley Hancock**.

**Shoalhaven City Council Rate Structure**

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

**CSR Quarry, Hornsby**

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

**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**.

**PUBLIC BODIES REVIEW COMMITTEE****Report**

**Mr Matthew Morris**, as Chairman, tabled report No. 6/53, entitled "Report on Corporate Governance—Follow-Up Review of Performance Audit Report on Corporate Governance", dated September 2006.

**Ordered to be printed.**

**QUESTIONS WITHOUT NOTICE**

---

**MADDISON HALL PAROLE**

**Mr PETER DEBNAM:** My question is directed to the Premier. Given that the Premier has spent the past week playing politics while his Government has traumatised Marrion Saunders, whose son was killed by Maddison Hall, and given that the Parole Board decided today that Hall will be remanded only until after the State election, will he give a guarantee to Marrion Saunders and the community that Maddison Hall will serve a full sentence?

**Mr MORRIS IEMMA:** Let us put a number of facts on the table. The first is that the Government has fought the release of Maddison Hall all the way. We appealed to the court, and the decision went against us. We then made a submission to the Parole Board, and we welcome absolutely today's decision to keep Maddison Hall behind bars. The Leader of the Opposition cries crocodile tears but he has been caught up for quite some time in the war raging within his party. The extremists are firmly in control of the Liberal Party. The second fact that we must put on the table is that the sentence of this person was redetermined under the Liberals' legislation.

**Mr Chris Hartcher:** Under a Labor Government.

**Mr MORRIS IEMMA:** It was your legislation.

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

**Mr MORRIS IEMMA:** The truth in sentencing regime introduced by the Coalition Government, the sentencing Act of 1989, commenced on 12 January 1990. That is what caused the redetermination.

**Mr Peter Debnam:** Point of order: My point of order is on relevance. The Premier has been speaking for some time and he is not answering the question. The Iemma Government would let Maddison Hall out.

**Mr SPEAKER:** Order! The Premier is answering precisely the question he was asked by the Leader of the Opposition. The Premier has the call.

**Mr MORRIS IEMMA:** The Premier at the time was Nick Greiner and the Attorney General was John Dowd. I will quote a relevant passage from a speech made by Mr Dowd in introducing the legislation that saw Maddison Hall getting up for getting out. Mr Dowd said:

The proposed new section 13A—

which was Liberal legislation—

has been drafted carefully to ensure that these existing prisoners are not disadvantaged. It cannot be denied that these prisoners had certain expectations as to release, and these cannot and must not be ignored.

That is what Liberal Attorney General John Dowd said. It was Liberal legislation introduced under a Liberal Premier. The situation is the same with Lewthwaite.

**Mr Peter Debnam:** Point of order: The Premier has said that he or she will stay in gaol until after the State election.

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

**Mr Peter Debnam:** We want a guarantee that he or she will stay in gaol for the full term.

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

*[Interruption]*

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

*[Interruption]*

**Mr SPEAKER:** Order! There is no point of order. I call on the Leader of the Opposition to resume his seat. The Premier has the call.

**Mr MORRIS IEMMA:** The Parole Board determined today that the offender is simply not ready to be released into the community—a decision that the Government wholeheartedly supports. I am further advised that the Acting Commissioner of the Department of Corrective Services, Ian McLean, presented a powerful submission on behalf of the State opposing parole. It is this Government's legislation, which took effect in October 2005 that ensured that Hall could not be considered for release for a minimum of 12 months. We had to clean up the mess left by those opposite. The last time the Coalition had the chance to run Treasury in New South Wales and to review sentencing legislation and penalties people such as Lewthwaite and Hall had their sentences redetermined. That is why we had to deal with the situation. We had to pass legislation—in one case it was post 2003 and in another it was in October 2005—to address that issue. The Leader of the Opposition carries on with his usual nonsense while the war rages on in his party.

**Mr SPEAKER:** Order! The Premier has the call. The honourable member for Gosford will come to order.

**Mr MORRIS IEMMA:** The Leader of the Opposition has not the courage, the power or the authority to put the extremists in their place. So we will just get on with the job of protecting the people of New South Wales.

### COUNTER-TERRORISM MEASURES

**Ms KRISTINA KENEALLY:** My question is addressed to the Premier. What is the latest information on joint Commonwealth-State efforts to guard against acts of terrorism?

**Mr MORRIS IEMMA:** One of the most pressing law and order challenges facing New South Wales is terrorism. We must be prepared to counter any threat to the safety and security of the citizens of this State. The Government has ensured that counter-terrorism remains a priority in the wake of the events of 9/11 and in Bali.

**Mr SPEAKER:** Order! The honourable member for Gosford will cease calling out. I call the Deputy Leader of the Opposition to order.

**Mr MORRIS IEMMA:** We will await Opposition members' contribution to the consideration of urgent motions. We have significantly boosted our counter-terrorism capacity. This has involved close co-operation with our counterparts at both Commonwealth and State levels. We are constantly building our police tactical capacity—and our police force—and testing that capacity and our command systems through realistic exercises. We regularly take part in counter-terrorism activities with the Federal Government and other State governments.

The latest of these exercises is called Blue Luminary. This major exercise will run in three phases during September and October. Phase one has been running this week and concerns a siege-hostage scenario, with a jet containing passengers hijacked in midair and landed at Sydney Airport. It involves the recapture of the hijacked aircraft and the rescue of the hostages. Taking part in this exercise is the NSW Police Tactical Operations Unit and Australian Defence Force personnel who have stormed the aircraft. The final element of phase one will examine another important aspect of this kind of operation, the rescue of hostages. Following

lessons learned after the London bombings, our training programs also encompass how to look after dozens or even hundreds of hostages who must be treated, counselled, debriefed and reunited with their families.

**Mr Barry O'Farrell:** There is a program for you, Bryce, don't worry!

**Mr MORRIS IEMMA:** Watch how seriously he takes counter-terrorism preparations. The first phase is now concluding, and I thank local residents for their patience with any noise or other disturbance that occurred. The second and third phases of this exercise will occur during the next few weeks and will look at how to deal with a major airliner crashing into a populated part of Sydney and how to handle a threat to patrons at a major venue.

**Mr Andrew Stoner:** At police stations do they have machine guns?

**Mr MORRIS IEMMA:** No, the exercises are crashing into a populated part of Sydney and a major venue, for the benefit of the Leader of The Nationals. The Government's planning will be a very real concern in the lead-up to the forthcoming Asia Pacific Economic Co-operation meetings in Sydney in September 2007. Blue Luminary follows another joint exercise conducted on Sydney Harbour in May this year. Known as Neptune's Treasure it involved more than 250 NSW Police, other Emergency Services personnel, members of the Australian Defence Force and Sydney Ferries staff. It required our tactical operations personnel to board and to recapture multiple vessels simultaneously, rescuing more than 100 hostages. The House will also remember that the honourable member for Davidson ridiculed that operation until he found it was largely organised by the Commonwealth Government, a point that the Federal justice Minister rammed home at a press conference later that day.

The Government has boosted the budget of NSW Police by \$2 million to fund the Counter Terrorism Command Centre and, in addition, \$14 million on new equipment, including helicopter for counter-terrorist response, bomb containment vessel, and three bomb disposal robots. It is essential that we continue to fund and provide resources to police for that. Exercises like Neptune's Treasure and Blue Luminary are essential if we are to constantly refine our tactical capability and response capability to terrorism. The Government is fully committed to securing our community and critical infrastructure from criminals and terrorists. In one sense, the job of being prepared to deal with terrorism will never end. We have made good progress but there is always much more to do. The nature of terrorism changes rapidly, and that is why we must remain ever vigilant in the threat of terrorism. We will ensure that its police have the powers, resources and equipment—and will participate in joint ventures with our colleagues in the Commonwealth—to continue to test its preparedness and capability to secure the citizens of this State.

## STATE INFRASTRUCTURE

**Mr ANDREW STONER:** I direct my question to the Premier. Sunday's survey showed that 68 per cent of people believe the Premier is doing a poor job on fixing roads, 67 per cent think he is doing a poor job on running hospitals, and 58 per cent think he is doing a poor job of managing water. Given that survey result, when will the Premier stop his grubby attacks under parliamentary privilege in this place and get on with fixing New South Wales?

**Mr MORRIS IEMMA:** I would have thought the last person to ask a question in this House about polls would be either the Leader of The Nationals or the Leader of the Opposition. The last time the people had an opportunity to go to the polls and test the support of The Nationals, and the job of the Leader of The Nationals, was the Dubbo by-election—remember Dubbo? It was once a rock-solid seat of The Nationals, and now it has the ever-growing band of Country Labor and Independents who hold what were formerly seats of The Nationals.

**Mr SPEAKER:** Order! The Deputy Leader of the Opposition will cease calling out.

**Mr MORRIS IEMMA:** I am glad the Leader of The Nationals included hospitals in his question because he might want to tell us what hospitals he plans to privatise in rural and regional New South Wales following yesterday's performance. Port Macquarie is on the top of the list to be reprivatified, given that the Leader of The Nationals thinks, first, it is a waste of money to buy it back and, second, it is a good old-fashioned socialist agenda to buy it back. I suppose it is modern day socialism to keep all these public hospitals in public ownership.

**Mr Andrew Stoner:** Point of order: On a point of relevance, the Premier wants to talk about his socialist ideals but the question was about fixing roads and hospitals and doing something to secure our water supply. When will the Premier address those issues?

**Mr SPEAKER:** Order! The Premier was directly answering the question.

**Mr MORRIS IEMMA:** In relation to Health, why does he not tell us how many nurses and doctors he is going to sack in that list of 29,000?

**Mr Peter Debnam:** Is that a question to me?

**Mr SPEAKER:** Order! The Leader of the Opposition is once again flouting the standing orders. The Leader of the Opposition will resume his seat. If he feels compelled to answer questions, he can do it in an appropriate way at another time. The Premier has the call.

**Mr MORRIS IEMMA:** Or even what the Prime Minister had to say about the Leader of the Opposition and the Opposition in New South Wales, after casting his eye over the performance of the Leader of the Opposition. He might want to tell us how many of the 29,000 jobs he will cut are going to be nurses, teachers and police. He might also tell us by how much State taxes are going to go up to fund the Opposition \$20 billion black hole. Those questions are for the Leader of the Opposition. I would have thought the Leader of The Nationals or the Leader of the Opposition would be the last person to ask a question about opinion polls of late.

#### **OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS AND POLITICAL INTERFERENCE ALLEGATIONS**

**Mr PAUL LYNCH:** I address my question to the Minister for Police. What is the latest information on the Government's response to concerns of political interference in criminal investigations?

**Mr CARL SCULLY:** The responsibility for administering justice is very important and it must be impartial. The Government has been very concerned about the actions of the Opposition in the past few weeks, particularly the Leader of the Opposition. Questions can now be raised over the conduct of the Leader of the Opposition in relation to these matters. The Leader of the Opposition does not apologise for his phone call to Mr Greg Smith in respect of the decision not to prosecute a particular individual for serious sexual offences. Mr Heffernan also made a phone call. This was at a time when Mr Smith was a candidate for Liberal Party preselection in Epping. Yesterday we heard the Crown Solicitor's advice:

It was, in my view, inappropriate for Mr Debnam and Senator Heffernan to have approached Mr Smith directly by telephone. I think it is inappropriate for a high public office holder to communicate directly with an independent decision maker.

The question is whether that might constitute corruption under the Independent Commission Against Corruption Act. The Crown Solicitor states:

An attempt by Mr Debnam to improperly influence [the] decision not to prosecute, had such [an attempt] occurred, could be corrupt conduct under the Independent Commission Against Corruption Act ...

Under section 8 of the Independent Commission Against Corruption Act "corrupt conduct" is defined as "any conduct of any person that could adversely affect the honest or impartial exercise of official functions". It also defines "corrupt conduct" as the "conduct of a public official that constitutes ... partial exercise of any of his or her ... functions". We need to know what discussions occurred between Mr Heffernan and Mr Smith, and between the Leader of the Opposition and Mr Smith. They have made it plain that they have had those discussions. The facts are simple, and everyone in this House should be quite concerned about the scenario. First, the Director of Public Prosecutions [DPP] made a decision not to prosecute an alleged offender charged for a huge number of sex crimes.

**Mr Donald Page:** Point of order: Standing Order 82 requires a member who wishes to launch an attack on another member to do so by way of substantive motion. The purpose of the standing order is to allow the accused, in this case, to have an opportunity to respond. So the attack has to be made by way of substantive motion. The Minister is clearly engaging in gutter tactics under the guise of a parliamentary question. I ask you to rule the answer out of order as it is contrary to Standing Order 82.

**Mr SPEAKER:** Order! The Minister for Police was quoting from a particular section of the Independent Commission Against Corruption legislation at the time the point of order was taken. I caution members against making a direct attack on any person in this place. Nonetheless, the Minister is perfectly at liberty to advise the House on the precise implications of the ICAC legislation and the consequences that may flow to any member of this place should the legislation be transgressed.

**Mr CARL SCULLY:** The facts are these. One, a decision was made by the DPP not to prosecute an individual for serious sex crimes. Two, there was very strong negative community and media reaction. Three, Mr Smith was then Acting Director of Public Prosecutions and was a candidate for Liberal Party preselection in Epping. Four, a phone call occurred between Mr Debnam and Mr Heffernan. Five, mysteriously, Mr Smith, acting as Director of Public Prosecutions, then decided to prosecute.

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

**Mr CARL SCULLY:** We need to know: How did Mr Smith form the view that a prosecution should occur? Did he only take into account questions like the sufficiency of evidence and the likelihood of conviction? If he did, fine. That is his job. But, if he took into account political considerations—such as: Will this affect the Liberal Party's standing in the community and the election? Will it affect his likelihood of winning preselection?—that constitutes corrupt conduct. Had the Leader of the Opposition and/or Mr Heffernan rung up and said, "What's the evidence like? What's the likelihood of prosecution succeeding"—if that had been the only conversation, that would have been—

**Mr Chris Hartcher:** Point of order: Yesterday the Minister tabled the Crown Solicitor's advice. The Crown Solicitor says in paragraph 4.14—

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

[Interruption]

**Mr SPEAKER:** Order! The honourable member for Gosford will resume his seat. He well knows that he is not complying with the standing orders.

[Interruption]

**Mr SPEAKER:** Order! The honourable member for Gosford will have ample opportunity to deal with the matter at another time.

[Interruption]

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

**Mr CARL SCULLY:** Had that been the only discussion—that is, "Hello, Greg. It's Peter here. Will we get a conviction? Is it likely the prosecution will succeed?"—had that been the only discussion, it would have been inappropriate, unethical and a conflict of interest, and should not have occurred, and would be deserving of a slap on the wrist, and that is all. It would not be corrupt. But it defies belief that, in the maelstrom that followed this person not being prosecuted, there would not have been some semblance of a discussion. It defies belief that there would have been no words exchanged like, "This ain't good for the Libs. It's not looking good for you in the preselection. What are you going to do to fix it up?" It defies belief, and we need to know the answers to these questions.

**Mr Ian Armstrong:** Point of order: I draw attention to chapter 10 of *Standing Rules and Orders*, regarding questions seeking information. Standing Order 139 clearly states:

In answering a Member shall not debate the matter to which the question relates.

**Mr SPEAKER:** Order! I draw the Minister's attention to that standing order. I ask the Minister to direct his remarks through the Chair and to be precise in his response.

**Mr CARL SCULLY:** We need answers to these questions, and ICAC will be asked to investigate those questions. The Leader of the Opposition needs to be interrogated—

*[Interruption]*

**Mr SPEAKER:** Order! The honourable member for Gosford will cease calling out. I call the him to order for the second time.

**Mr CARL SCULLY:** He needs to swear on oath, before counsel assisting ICAC, what did he say, and did he allude to any political outcome because, if he did, neither he nor Mr Smith is fit for public office. I have said enough about that tawdry part of these extended affairs about public administration. I think there is enough for the public to know that you should never trust these characters with the administration of justice in this State. The only place for them to properly answer the questions I have raised today is down at the Independent Commission Against Corruption. We have had Mr Smith give a daily diet of his defences—another one today, another one yesterday, and another one the day before. The first defence, as I told the House yesterday, was: Yes, I might not have told the police first, but my explanation for that is, "Who leaked it?" I was rather intrigued. Who leaked what? As I said yesterday, and I stand by it: Who cares? I want the explanation.

**Mr Peter Debnam:** Point of order—

**Mr CARL SCULLY:** Maybe we cruelly blamed the member for Gosford. He says he did do it. I accept that.

**Mr SPEAKER:** Order! The Leader of the Opposition has a point of order. The honourable member for Gosford will resume his seat. I call the honourable member for Gosford to order for the third time. The Leader of the Opposition has the call.

**Mr Peter Debnam:** Carl Scully is lying.

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

*[Interruption]*

**Mr SPEAKER:** Order! The Leader of the Opposition will resume his seat. I call him to order.

*[Interruption]*

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

*[Interruption]*

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

**Mr CARL SCULLY:** Shakespeare said, "Methinks thou doth protest too much." Shock, horror, I have seen the document—the document that has caused the demise of Greg Smith. And who leaked it? Is that going to explain it? It is unbelievable! That is the document that they are using as an explanation for him not telling police first about these most serious allegations. I am thinking, "What's in it?" Nothing much—except a presentation of the circumstances and what actions were taken. But it is interesting that the person's name at the end of the document, the person who is accountable for the document, who obviously would have read it but is responsible for producing the document, was Greg Smith. Unbelievable!

**Mr Ian Armstrong:** Point of order: Mr Speaker, again I draw your attention to the standing orders of this Parliament. Standing Order 139, in chapter 10, clearly states:

In answering a question a Member shall not debate the matter to which the question relates.

The Minister is flouting your ruling. Indeed, he is placing you in an embarrassing position. I would suggest that he abide by the rules of this Parliament, instead of playing out a penny-ante act.

**Mr SPEAKER:** Order! Again I draw the Minister's attention to Standing Order 139. I request that he provide an answer to the Chamber and that he do so not by asking rhetorical questions, which could be perceived as debating the question.



**Mr CARL SCULLY:** I have been asked to express information about the Government's response to concerns of political interference. The second explanation was: the police are to blame. I dealt with that yesterday. I think that was an appalling allegation: it is the fault of the police because he did not notify them! I do not get called dumb too often, but I still have not worked that one out. Then we had: it is the fault of Nick Cowdery. We dispensed with that yesterday. Now, the new one today: it is not his fault, because he consulted with the other deputy; he consulted with Mr Tedeschi. Therefore, divide and conquer, he is only 33 1/3 per cent responsible because he consulted with two other people. No, he cannot get away with that. He was the acting chief executive; he has to bear responsibility. He is again quoted in the *Sydney Morning Herald* today. I would suggest he just shut up and stop briefing the Herald, because he just creates a bigger hole for himself. The more he digs, the bigger the hole gets. Greg Smith said, "I told the police what steps we had taken." But I have checked again with the police and that is incorrect. He did not tell the police that he had informed Mr Power first.

**Mr Andrew Stoner:** Point of order: Clearly the Minister for Police is using the opportunity of a question and his answer to that question to launch into a number of personal attacks and allegations relating to the Leader of the Opposition and the Liberal candidate for Epping. If he wishes to do so, under Standing Order 82 he must do so by way of substantive motion. I ask you to uphold the standards of this House.

**Mr SPEAKER:** Order! At the time the Leader of The Nationals took his point of order the Minister was talking about the actions of a person who is not a member of this House. That person has been the subject of questions. The Minister is in order.

**Mr CARL SCULLY:** Again, Greg Smith was talking to the *Sydney Morning Herald*, which obviously is his paper of choice, putting his case most clumsily. He has endeavoured—

**Mr Andrew Stoner:** So you are allowed to slander a private citizen under parliamentary privilege with impunity. It is grubby.

**Mr CARL SCULLY:** No, but the people of Epping need to know that he has now joined the ranks of cop bashers. The Leader of the Opposition is a cop basher. All those opposite are cop bashers. Please go forth with the clarion call: They are all cop bashers. They are always bagging the cops. They should know better than that.

**Mr Ian Armstrong:** Point of order: I have some sympathy for you, Mr Speaker, because you have endeavoured to bring the Minister back to the rules of debate under Standing Order 139. I suggest you sit him down until he understands what Standing Order 139 says: In answering a question, a member shall not debate the matter to which the question relates. Clearly, he does not understand. I sympathise with you, Mr Speaker, for trying to control this man who holds a senior office, but he cannot understand.

**Mr SPEAKER:** Order! On the two previous occasions the honourable member for Lachlan took this point of order I acknowledged that it had some merit. However, I do not acknowledge that it has merit this time. The Minister is providing information. He is not asking rhetorical questions or debating the issue. The Minister has the call.

**Mr CARL SCULLY:** I do not apologise for being the Minister for Police. I am for them. I am going to back them. When I read in the newspaper that he had said, "I told everything to the police"—guess what?—early this morning I made a phone call and asked, "Is this right?" And I was told, "No, it ain't." They are becoming extremely disappointed. Are we going to have another story in the *Sydney Morning Herald* from Greg Smith saying that he did things when we know he did not? Why does he not, for once, put his hand up and say, "I got it wrong. I am sorry. I made a mistake. I panicked. I should have done this. If he were to do that I would get off his case, but if he keeps bagging the cops as a defence for what he did, I will stay on it. I expect two things: I want the Leader of the Opposition to be interrogated by ICAC, and I want Mr Smith to apologise.

#### COALITION ECONOMIC RESCUE PLAN

**Mr PETER DEBNAM:** My question is to the Premier. Given that he and his Ministers have spent this week in the House manufacturing filth, and given that the real concern to New South Wales families is, as his Treasurer says, the fact that the New South Wales economy will get worse, why will he not move beyond denial and adopt my rescue plan?

**Mr MORRIS IEMMA:** The Leader of the Opposition's economic rescue plan is that on day one he will bankrupt New South Wales. Let us adopt it! It was probably taken off the back of a Kellogg's box; voodoo economics; say yes to everyone who knocks on your door. He says yes to everyone who wants an increase in spending. He lacks the courage to say no. He says yes to everyone who knocks on the door for a tax cut. The spendometer is racing past \$20 billion. He denies himself every possible source of revenue and he says yes to every increase in spending, but his web site says "balanced budget". How? It does not add up.

The one policy he has to save money is to sack 29,000 nurses, teachers, police, ambulance officers and firefighters. If he were able to sack 29,000, and in the process destroy our hospitals, schools and police, it would give him approximately \$9 billion. But on a generous count, given that the Peter meter is pushing well past \$24 billion, he is still somewhere between \$11 billion and \$15 billion short. Yet he asks me why I will not adopt his policy. There is a very simple reason why I will not adopt his policy. On day one, if the Coalition is elected, it will bankrupt New South Wales.

**Mr SPEAKER:** Order! The Leader of The Nationals will resume his seat and stop calling out.

**Mr MORRIS IEMMA:** We are about protecting workers in the State, not handing them over to WorkChoices and seeing their pay packets reduced and their families ruined. A couple of months ago we passed special legislation to protect nurses, TAFE teachers, ambulance officers and all front-line State workers from WorkChoices.

**Mr SPEAKER:** Order! The Deputy Leader of the Opposition will stop calling out.

*[Interruption]*

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

**Mr MORRIS IEMMA:** We will not support the policies of the Leader of the Opposition because they are a recipe for the destruction of hospitals, education and police in New South Wales. They would put the State's triple-A credit rating at risk.

**Mr SPEAKER:** Order! I call the honourable member for Bega to order for the second time. The Premier has the call.

**Mr MORRIS IEMMA:** We will not adopt the policies of the Leader of the Opposition because they would bankrupt New South Wales. A couple of weeks ago on the Ray Hadley program the Leader of the Opposition was asked, "What's the Opposition's plans for State significant developments if they gain power in March?" to which the Leader of the Opposition gave this answer, "I think across the State, Ray, there are clearly a number of sites that are State significant". Here comes the policy, "and, Ray, we should keep an eye on them." When he was asked about the High Court challenge to WorkChoices and whether he would support the Government, the Leader of the Opposition said, "Industrial relations, no, that is a Commonwealth matter." When he was asked about WorkChoices he said, "We will get back to you on that later." Why would we not adopt his policies? Need I say any more!

## MAIL SCAMS

**Mr ALLAN SHEARAN:** My question without notice is to the Minister for Fair Trading. What is the latest information on mail scams targeting vulnerable groups in our community?

**Ms DIANE BEAMER:** Scams are one of the scourges of our community. Thousands of individuals and companies are scammed each year. Fair Trading investigators are constantly busting scams, prosecuting the operators, and seizing and destroying poisonous pen letters. Fair Trading scored a considerable win over the famous David Rhodes of Perth scam, a chain letter that encouraged people to send \$10 to a person named at the top of the list, then send 200 copies of the letter with their name on the list. Hey, presto! Eventually people supposedly would receive a flood of letters in reply, each containing \$10. The scheme promised up to \$76,000. Working with Australia Post, the Office of Fair Trading confiscated and destroyed more than 600,000 letters—600,000 letters that did not reach their target. Scams, especially mail scams, mostly target the vulnerable—those in need and the elderly. Scams come in all shapes and sizes. Just this week the Parliament passed legislation

outlawing false billing. Such scams target businesses and send invoices for goods and services that in most cases either do not exist or are not delivered. Perpetrators of these scams now face the prospect of fines of up to \$22,000 for an individual or \$110,000 for a company.

One of the best ways to fight scams is through education and information. The Office of Fair Trading has a year-long program visiting schools, community groups, retirement villages, and all manner of other places to present Scamsmart seminars. The Office of Fair Trading's web site devotes a whole section to scams, how to fight them, and how to identify them, naming no less than 70 individual scams—and the list keeps growing. Naming scams in the House today is also a way of informing the community.

Today I wish to bring to the attention of honourable members two new mail scams originating in North America and surfacing in letterboxes in New South Wales. One is a pyramid selling scheme dealing in diamonds and the other is a get-rich-quick contest emanating from Kansas. Both scams lure people with promises of large rewards from a small investment, but in the end they take people's money and return nothing. Canadian Diamond Traders promises huge cash profits and diamonds in return for an entry fee starting at \$US100. It is promoted as a legitimate multilevel gem-marketing scheme that is approved in the United States of America and Canada. It has no such approval. It relies on a huge number of people putting money into the scheme in an attempt to move to the top of the pyramid and collect the profits. Canadian Diamond Traders is an illegal pyramid scheme. Any person or company in New South Wales investing in the scheme or promoting it may be prosecuted and fined up to \$22,000 in the case of an individual or up to \$110,000 in the case of a company.

Contest America Publishers Inc., trading as Opportunities Unlimited Publications, is a Kansas-based company. The company's letters suggest that people can win a guaranteed prize of \$13,230 for answering a simple question and by paying a \$23 entry fee by credit card. But people are not told it is a game of skill and that they actually have to answer a series of increasingly difficult questions. People have to pay another fee each time they want to progress through the contest, before they are eventually eliminated. The process can take a year. The Office of Fair Trading inspectors have come across people who have paid a \$23 fee more than 100 times, convinced that they have the correct answer and will receive a windfall.

No amount of pleading will convince people that they are being scammed. With the Opportunities Unlimited scam there is also a risk of their credit card details being stolen. Perhaps Opportunities Unlimited should rename itself Scams Unlimited. My advice to people who receive letters from mail scammers is to throw the very first letter in the bin. One reply puts you on hundreds of mailing lists for hundreds of scams. The advice I give in relation to all mail scams is: Throw the first letter in the bin!

#### STATE PLAN

**Mr PETER DEBNAM:** My question is directed to the Premier. Given that he has wasted this week manufacturing filth while more than half the respondents to his own survey said he has done nothing to fix the State and have asked him to try doing what he was elected to do, when will he finally address the issues of concern to New South Wales families?

**Mr MORRIS IEMMA:** It appears that this question was written by the staff who did not receive the 4 per cent rise. The Leader of the Opposition looked after his top-end staff, but it looks as though the staff who did not receive the 4 per cent pay increase have been working to rule.

**Mr SPEAKER:** Order! I call the honourable member for Murray-Darling to order.

**Mr MORRIS IEMMA:** This is a bad question. In relation to the State Plan, I might ask: Where is the Leader of the Opposition's plan? Where is his vision? He has been the Leader of the Opposition for nearly 12 months. In 12 months, what have we heard from him? We have had a grab bag of policies that do not add up to any plan or vision for the State other than, on day one, bankrupting the State with \$20 billion in unfunded commitments and sacking 29,000 teachers, nurses and police officers—all from a person who believes that reckless rhetoric equals leadership, all from a person who believes that a lack of courage, power and authority equals leadership.

This is a man who spent nearly 12 months rolling over to everyone who knocked on his door for a spending increase or taxation cut. This is a man who spent 12 months allowing the extremists in his political party not just to win a couple of preselection battles but to take over his party. This is a man who allows himself

to be pushed around. In relation to the preselection battle in Epping, he spent a lot of time very carefully not declaring a position until the battle was over. One would not want him in the trenches during a war or a fight because not only would he be missing but he would be the type of guy who would race up after the war was over and say, "I was on your side. We won!"

Despite that being the type of leadership the Leader of the Opposition has provided over the past of months, he has asked such a question. Such is the character of his leadership that he forced out the honourable member for Southern Highlands in an electorate in which the extremists are yet not operating, even though they have been trying to establish a foothold, all because he did not have the courage, power or authority to tell the extremists in Epping, "I want Pru Goward."

Do honourable members know why? It is because the Leader of the Opposition is not only lacking in the qualities I have mentioned but also was reluctant to take a position on the preselection until he knew that the battle was over and who had won. It was only when the decision had been made that he put his arms around Mr Smith and embraced him. Does that not sound familiar? Is it not typical of so many of his policy positions? The Leader of the Opposition does not want to take a position on industrial relations.

**Mr Andrew Stoner:** What about the hospitals? What about the roads?

**Mr MORRIS IEMMA:** I am glad the Leader of The Nationals has asked me about hospitals, because when it comes to a lack of character and courage, the Leader of the Opposition demonstrates the type of approach he would adopt if he were the Premier—a "yes man" approach. He has neither the authority, the courage nor the power to stand up for New South Wales or to say to the Prime Minister, "No, you will not take our industrial relations system." He would say, "Yes, Prime Minister, here it is." This is a man who would say, "Yes, Prime Minister, you can privatise our hospitals; your Health Minister can." This is a man who would say, "Yes, Prime Minister, keep defrauding the people of New South Wales of their \$3 billion in GST revenue." This is a man who would say, "Yes, Prime Minister, not only can you have all those workers whom we cannot protect with legislation, but also we will amend our own legislation—the Labor Party legislation—and you can have our nurses, our teachers and ambulance officers as well." On so many fronts, the Leader of the Opposition adopts that type of approach.

In relation to families who are under pressure, would he stand up for them? He would not stand up for families in relation to interest rates. He would say, "Yes, Prime Minister, give all those hardworking families another interest rate rise." This is a man who would say to the Prime Minister, "Yes, Prime Minister, keep saying that there is nothing you can do about petrol prices, interest rates, the GST, industrial relations, workers' pay packets, their hard-fought-for working conditions, and our hospitals." On all those issues the Leader of the Opposition would say, "Yes, here they are. Have your way, Prime Minister." The Leader of the Opposition would never stand up for the people of New South Wales—just as he has been incapable of standing up to the extremists who are now firmly in control of his own party.

**Mr PETER DEBNAM:** I ask a supplementary question. Given that the Premier wants to talk about his plan for a plan and that he is spending millions of dollars of taxpayers' funds on market research to develop his campaign plan, will he provide the taxpayers of New South Wales with the detail that came out of that market research?

**Mr MORRIS IEMMA:** Like the four-year \$1 billion plan on mental health services, the \$1 billion plan on disability services, the Metropolitan Water Plan, the 10-year infrastructure plan and the budget papers, the State Plan will be available later this year as the latest step to keep working away and making progress for the people of New South Wales.

**Mr Peter Debnam:** Point of order: Under Standing Order 139 the Premier is not supposed to debate the issue. The question was very straightforward. The Government has spent taxpayers' dollars—

**Mr SPEAKER:** Order! The Premier was precisely answering the question. The Leader of the Opposition will resume his seat.

*[Interruption]*

**Mr SPEAKER:** Order! The Premier has answered the question. I call the honourable member for Tamworth.

*[Interruption]*

**Mr SPEAKER:** Order! The honourable member for Tamworth has the call. I call the honourable member for Gosford to order for the third time. I call the Deputy Leader of the Opposition to order for the second time.

**Mr Barry O'Farrell:** I move that the honourable member for Newcastle be heard.

**Mr SPEAKER:** Order! That interjection came from the member who purports to know something about the standing orders of this Chamber. The honourable member for Tamworth has the call.

### **GUNNEDAH HIGHWAY PATROL**

**Mr PETER DRAPER:** My question without notice is addressed to the Minister for Police. Will the Minister update the House on the initiative to establish a permanent highway patrol presence in Gunnedah?

**Mr CARL SCULLY:** The honourable member for Tamworth should tell his electorate that the Coalition does not want him to be heard in this House. The honourable member for Tamworth has made strong representations to me about increasing the number of highway patrol officers in Gunnedah.

**Mr Andrew Stoner:** Point of order: Under Standing Order 140 questions are to be without notice. The Minister is referring to representations made by the honourable member for Tamworth.

**Mr SPEAKER:** Order! Again the Leader of The Nationals is wasting time in this Chamber.

**Mr Andrew Stoner:** If he has made representations, the question is not without notice, it is a dorothy dix question.

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

**Mr CARL SCULLY:** The Leader of The Nationals made representations about Kempsey Police Station. I went up and had a look and said "Yes, there is a good case for it", and he is going to get one. Sometimes I wonder if the Opposition is on a parallel universe. The honourable member for Tamworth has made strong representations about extra highway patrol officers. I indicate to him that following our discussions I spoke to the local area commander, Tony Jefferson, and put the honourable member's case to him. I said that I supported it. The commander indicated that he would favourably consider the case for three extra highway patrol officers at Gunnedah and an extra vehicle, but that he would like to discuss it at greater length with the honourable member and his senior police. I invite the member to do that. I will discuss this matter further with the member and the commander next week.

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

**Mr CARL SCULLY:** I take this opportunity to say that the Leader of the Opposition was on, I think, 2DU this morning and got absolutely castigated. I call for good behaviour by the Opposition from now until the election. They have been very naughty boys and girls when it comes to misinterpreting Bureau of Crime Statistics and Research.

**Mrs Jillian Skinner:** Patronising.

**Mr CARL SCULLY:** No, the honourable member for North Shore has not been. However, a lot of her colleagues have. They are getting the Bureau of Crime Statistics and Research figures, tearing them apart, reconstituting them, and giving a story that they pretend is true.

**Mr Malcolm Kerr:** Point of order: The Minister is no longer answering the question. He may appear to be but he has introduced a new subject.

**Mr SPEAKER:** Order! I draw the Minister's attention to the precise wording of the question and the need to respond to it.

**Mr CARL SCULLY:** The precise wording of the question requires me to seriously consider policing in Gunnedah. We are doing that. The question also requires me to inform the House of the mischief the Opposition is getting up to on police numbers.

### HUNTER ELECTORATE PUBLIC TRANSPORT

**Mr BRYCE GAUDRY:** My question without notice is addressed to the Minister for Transport. What is the latest information on upgrades to public transport in the Hunter and related matters?

**Mr JOHN WATKINS:** Today I inform the House of the next step in securing rail services into the Newcastle central business district, and improving rail operations and their impact on vehicles and pedestrians. Work will begin next month on the \$18.5 million upgrade of the line between Newcastle and Hamilton stations, including a number of projects to reduce waiting times at the level crossings and to clean up the appearance of the lines. The first project is the upgrade of the Railway Street level crossing near Wickham Station by the Roads and Traffic Authority. We will improve the level crossing at Meriwether Street and we will modify the intersection of Stewart Avenue with King and Hunter streets to improve traffic flow and reduce car queuing.

We are extending the train platforms at Hamilton, Civic and Wickham to prevent trains queuing over level crossings. We are improving closed-circuit television at level crossings to assist in smoother operations, relocating signal works to improve safety, and putting new fencing and landscaping along the rail corridor. Under the current arrangements the lines' level crossings are in use up to six hours a day, and this interrupts traffic flow. The works announced today will reduce that time by about 20 per cent, or two hours, resulting in fewer delays to traffic. Those investments in the line demonstrate the Government's commitment to retaining rail services in Newcastle following a passionate community campaign. I am advised that work continues on preparing the development application for the Glendale—

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

**Mr JOHN WATKINS:** —and Broadmeadow Easy Access upgrades for submission to relevant councils by the end of this year. Those combined projects represent a massive multi-million dollar investment in the Hunter, and that is why I have asked the Transport Infrastructure Development Corporation—which has vast experience in large rail infrastructure projects—to take on those developments in the Hunter.

While on the subject of large-scale projects, the Minister for Fair Trading today raised the very concerning matter of mail scams that target the elderly and seek to exploit them for personal profit. That happens in the Hunter as indeed it happens in other parts of New South Wales. The Minister mentioned two scams, but they are not the only ones. Today the *Australian* stated that the New South Wales Liberals have sunk to their lowest point yet in their ongoing delivery of the party to the extremists, with the honourable member for Davidson openly targeting elderly members of branches by mail, getting them to quit the Liberal Party. That practice is called branch stripping, and it is happening in Davidson.

**Mr Chris Hartcher:** Point of order: While "related matters" may have a fairly wide interpretation in relation to transport, it has nothing to do with the member for Davidson or any other member on this side of the House. The Minister was asked a question about the Hunter and related matters. That was it. The question has nothing whatever to do with the area the Minister is now trespassing upon.

**Mr SPEAKER:** Order! I draw the Minister's attention to the point of order and ask him to relate his answer to the question asked.

**Mr JOHN WATKINS:** These senior members of the Liberal Party in Davidson often would have—

[Interruption]

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

[Interruption]

**Mr SPEAKER:** Order! The honourable member for Gosford will resume his seat. I remind him that he is on three calls to order. A repetition of that behaviour or any calling out or interjection will result in him leaving the Chamber before the end of question time.

**Mr JOHN WATKINS:** The branch stripping that is happening in Davidson—

**Mr Andrew Fraser:** Point of order: I refer to your ruling of not more than 30 seconds ago. The Minister is obviously flouting your ruling. I ask you to bring him back to answering the question.

**Mr SPEAKER:** Order! Again I request the Minister to return to the leave of the question and to answer the question he was asked.

**Mr JOHN WATKINS:** Just drawing to a conclusion—

[*Interruption*]

**Mr SPEAKER:** Order! The Minister said that he is drawing to a conclusion. The Chair will hear the Minister's reply.

**Mr JOHN WATKINS:** The more people he forces out, the fewer votes there will be against him—

**Mr SPEAKER:** Order! The Minister will resume his seat.

**Mr Barry O'Farrell:** Point of order: Mr Speaker, last night we moved dissent against your ruling. The Deputy Premier just flouted your ruling on three occasions. What are you going to do?

**Mr JOHN WATKINS:** I have finished, Mr Speaker.

**Mr SPEAKER:** Order! The Deputy Premier has indicated that he has concluded his remarks.

**Questions without notice concluded.**

### **SPECIAL ADJOURNMENT**

**Motion by Mr David Campbell agreed to:**

That the House at its rising this day do adjourn until Tuesday 26 September 2006 at 2.15 p.m.

### **OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS AND POLITICAL INTERFERENCE ALLEGATIONS**

#### **Privilege**

**Ms KATRINA HODGKINSON** (Burrinjuck) [3.32 p.m.]: On a matter of privilege: During question time today the Leader of the House impugned the reputation of many Opposition members, including me, when he called us all cop bashers. I have never been a cop basher. I respect the police and the wonderful job that they do in my electorate and across this State. I believe that the Leader of the House should apologise to every member on this side of the House.

**Mr SPEAKER:** Order! I have heard sufficient on the matter of privilege. In my view the Minister's remarks were made in a general sense. Those who have been members of the House for some time will recall far more heated remarks being made in the Chamber. However, I have listened to the claim of privilege made by the honourable member for Burrinjuck, which is recorded in *Hansard*. I will leave the matter at that.

### **CONSIDERATION OF URGENT MOTIONS**

#### **Counter-terrorism Measures**

**Mr PAUL McLEAY** (Heathcote—Parliamentary Secretary) [3.33 p.m.]: Terrorism is the most pressing global threat facing Australia and the international community. This matter deserves priority because the nature of terrorism is always changing. We will continue to resource our police and emergency services to ensure that they have the training and the capability to respond jointly with the Commonwealth. It is impossible to predict what type of terrorist attack could occur in Australia but an airport hostage situation is one possibility. To quote Mr Ruddock:

No exercise can directly replicate what we might experience but we have got to do the very best to replicate what we think we might have to face. It is very important that the exercises occur in the most realistic way possible.

This matter is urgent because we are currently in phase one of a counter-terrorist training program in response to terrorist activities. New South Wales will continue to work with the Federal Government in an ongoing series of counter-terrorism training activities. We know that the threat can change rapidly, so our challenge is to respond and to be prepared. This matter is urgent in light of the Coalition's policy to sack 29,000 public servants, which will certainly have an impact on front-line policing and on our capacity to respond to terrorism.

### State Management

**Mr PETER DEBNAM** (Vaucluse) [3.35 p.m.]: Nothing is more urgent than the real concerns of the people of New South Wales. The Parliamentary Secretary referred to counter-terrorism exercises, which is one of the critical issues confronting New South Wales, and it has been for some time. If Government members read the speeches that I made just after September 11 they will see a number of points that could be picked up and put in place as policy. I would congratulate them if they did that. However, if they do not, I will do it straight after the election. We should be debating more pressing matters—for example, Government members' continual production of filth this week, led by that vicious repeat offender, the Hon. Carl Scully.

Every Labor member in this House should be ashamed of what happened this week. Day after day they have simply dumped on a person because that person left the Labor Party. Government Ministers manufactured allegations and lied, not only in this House but publicly, about the circumstances. The Hon. Carl Scully and the Hon. John Watkins openly lied to the people of New South Wales about this issue. Members of the Labor Party ought to sit in this Chamber for a minute and then speak to their Ministers and tell them what they think of what they have done to this Parliament over a period of three sitting days.

While they are at it they might also talk to the Premier about Maddison Hall. This Government engineered a situation in which the Parole Board has been heavied to keep Maddison Hall behind bars just until after the election. The New South Wales community will not forgive the Government for that. The community will not forgive this Government for every other issue that is confronting it at the moment. When Government members are talking to the Premier about Maddison Hall they might like to obtain the detail that was revealed this afternoon in the other place.

In 1999-2000 Maddison Hall was in F wing for eight months when he or she attacked a number of women and one of them ended up pregnant. Government members might like to obtain the details about that. They might also like to ask about other male inmates who are put into the women's prison. They might also like to talk to the Premier about the survey and say, "The people of New South Wales expressed their opinion in a survey on Sunday." If they ask about the performance of the Hon. John Watkins in public transport they will find that 57 per cent of people in New South Wales think he and the Premier are doing a poor job. If they ask about water resources they will find that 58 per cent of the people of New South Wales think that the Hon. David Campbell and the Premier are doing a poor job.

If they ask about hospitals they will find that 67 per cent, or two-thirds, of the population of New South Wales think that the Hon. John Hatzistergos and the Premier are doing a poor job in hospitals. If they ask about State taxes they will find that 58 per cent of the people of New South Wales think that the Hon. Michael Costa and the Premier are doing a poor job on State taxes. If they ask about roads and tollways they will find that 68 per cent, or more than two-thirds of the State's population, believe that the Premier, the Hon. Eric Roozendaal and all former roads Ministers have done and are doing a poor job on roads and tollways.

Those are the issues that the people of New South Wales want debated in this Parliament. They do not want Labor members doing in this Parliament what they do in Labor Party conferences, in Labor caucus and behind closed doors, that is, backstabbing and pouring buckets of manure over one another. They do not want Government members to come into the Parliament of New South Wales and defile this institution. That is exactly what the New South Wales Right has done. It got rid of the honourable member for Granville, the honourable member for Newcastle and the honourable member for Wallsend, and it will get rid of the honourable member for Georges River. That is what the Hon. Michael Costa, the Hon. John Della Bosca, the Hon. Eric Roozendaal and the Hon. Frank Sartor—

**Mr Michael Daley:** Point of order: This is an extremely wide-ranging whinge by the Leader of the Opposition but he has not said why his motion should be given priority. That is supposed to be the purpose of



his speech yet he is doing everything but establishing urgency. Mr Speaker, I ask that you direct him to adhere to the standing orders.

**Mr SPEAKER:** Order! I will not have the opportunity to do so because the Leader of the Opposition's speaking time has expired.

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

**The House divided.**

**Ayes, 47**

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

**Noes, 35**

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

**Pair**

Ms D'Amore

Mr George

**Question resolved in the affirmative.**

**Motion agreed to.**

## COUNTER-TERRORISM MEASURES

### Urgent Motion

**Mr PAUL McLEAY** (Heathcote—Parliamentary Secretary) [3.49 p.m.]: I move:

That this House:

- (1) congratulates the New South Wales and Federal governments on their joint efforts to protect the community against acts of terrorism;
- (2) condemns the New South Wales Opposition for its reckless criticism of previous State and Federal counter-terrorism efforts;
- (3) calls on the New South Wales Opposition to stop playing politics and support the work of the New South Wales and Federal governments and law enforcement agencies in protecting the community.

This week New South Wales is hosting the first phase of a major three-phase counter-terrorism exercise called Blue Luminary. Phase one is a siege-hostage exercise: a jet carrying dignitaries is hijacked on the tarmac at Sydney (Kingsford Smith) Airport. The exercise involves Commonwealth and State agencies working together to contain the situation and rescue the hostages. At the sharp end NSW Police, tactical operations unit officers and Australian Defence Force personnel will practise storming the aircraft, while in the back rooms the intelligence personnel, emergency services planners and logistics co-ordinators—from both Commonwealth and State jurisdictions—will practise their skills on working out what the terrorists are doing and how we should best respond. They have also been making sure that important measures such as medical and HAZMAT teams are ready to swing into action to deal with casualties or radiological and biological situations.

The second and third phases of Blue Luminary will occur over the next few weeks and will consider how to deal with a major airliner crashing in a populated part of Sydney. It is essential that New South Wales law enforcement agencies maintain strong working relationships with their State and Federal counterparts. If we are to effectively counter the threat of terror attack we must be able to work together. Federal Attorney General Philip Ruddock made that very point this morning after being given a briefing on last night's operation. We have established a close working relationship in this regard despite being on opposite sides of the political divide. This approach is a basic, obvious thing to do. In fact it is enshrined in Australia's National Counter Terrorism Plan, which states:

The nature of terrorism means that its implications may cross jurisdictional boundaries. This, and the range of preventive measures and capabilities that may be required, necessitates that Australia maintain a national, cooperative approach to counter terrorism.

Co-ordination and consultation between jurisdictions is formalised by the Inter-governmental Agreement on Australia's National Counter-Terrorism Arrangements of 24 October 2002.

That makes it pretty clear that as a nation we are all in this together. The New South Wales Government certainly endorses this view—that is why we are at Blue Luminary and that is why it embarked on a counter-terrorism exercise with its Federal counterparts on Sydney Harbour in May. The Commonwealth, who wrote the plan, obviously endorses it. They are at Blue Luminary too. It is disturbing that the need for Commonwealth-State co-operation on counter-terrorism is not apparently crystal clear to the Opposition. The Opposition seems to think that exercises such as Blue Luminary are just a stunt and that New South Wales should have nothing to do with them. Earlier this year the Opposition, in particular the shadow Minister for Emergency Services, said exactly this about our national exercise, Neptune's Treasure, held on Sydney Harbour.

Neptune's Treasure was principally a tactical exercise practising front-line operational resources and the command and control of them. The exercise scenario was ambitious in that the terrorists had multiple strongholds. The strongholds were moving since they were on vessels, and there were a lot of hostages. And as with Blue Luminary, Neptune's Treasure involved units from both the State police and the Australian Defence Force [ADF]. The honourable member for Davidson described the exercise as a stunt. That is ridiculous. The shadow spokesman and the Leader of the Opposition have shown their ignorance and unfitness to govern. They cannot even get a grasp on what their role would be in government in this most vital of areas. He said that the New South Wales Government should get out of these exercises because they were not its "primary responsibility".

Let me turn again to the National Counter-Terrorism Plan and what it says about the "primary responsibilities" of the States. For those in the gallery who are interested, it can be found on [www.nationalsecurity.gov.au](http://www.nationalsecurity.gov.au). At paragraph 9 the National Counter-Terrorism Plan states, "The State and Territory governments have ... primary operational responsibility to respond to terrorist incidents within their jurisdiction." That includes police tactical assault exercises, like Neptune's Treasure and Blue Luminary. It includes emergency services support. It includes all the things that the Opposition thinks are a stunt that New South Wales should walk away from. Not surprisingly, the Commonwealth did not agree. The Senator Ellison from the Commonwealth attended Neptune's Treasure and personally defended the importance of the exercise. He is quoted as saying that realistic exercises act as a deterrent to real terrorists.

**Mr Matthew Morris:** He is the only one with half a brain.

**Mr PAUL McLEAY:** That is right. That sounds like a benefit to me. I am sure it will sound like a "primary responsibility" of the New South Wales Government in relation to its people. Let me just spell out precisely why New South Wales absolutely has to be involved in these exercises. It is not just because the Commonwealth says so. It is because New South Wales, like the other States, has assets relevant to counter-terrorism that the Commonwealth does not have. Take the scenario in Neptune's Treasure. As I said before, the exercise scenario was ambitious with two separate vessels hi-jacked and mobile, and it involved many hostages.

When planning the rescue mission to save these hostages, certain resources are required. Lots of tactical assault personnel are needed. The ADF brought its personnel, and with multiple terrorist strongholds more assault forces are needed, so NSW Police supplied those. Fast boats are needed to get assault troops up to the hi-jacked vessels as quickly as possible, so the terrorists do not have time to react. Thanks to this Government the NSW Police have two tactical boarding craft, which can travel at 50 knots and carry a six-man assault team and a tactical patrol boat, which travels at 45 knots, carries a 20-man tactical team and is armoured to resist military rifle and machine gun bullets. The Australian Defence Force prefers to keep their precise capabilities under wraps, which is fine.

If a scenario requires hostages to be rescued from two ships at once, then NSW Police Tactical Operations and Marine Area Command resources are needed. But it is not just about assault forces. This is why it is so bizarre that the shadow Minister with responsibilities for emergency services would make the comments he does. Supposing it does not all go perfectly. Supposing hostages are injured. The Commonwealth does not have ambulances. The Commonwealth does not have hospitals, fire brigades and HAZMAT teams. They are State responsibilities. That is why the Commonwealth wants the States there. Quite apart from the pure principle of jointly standing up to terrorists, the fact is there are resources that the States have which the Commonwealth does not. And that is why we need to practise the use of these assets in realistic exercises.

Would the Opposition seriously want to mount a hostage rescue against multiple terrorist strongholds simultaneously, or storm an aeroplane full of aviation fuel and hostages, and then try to have an efficient medical response afterwards, without training, without preparing for the scenario? That is why we have training and that is why we participate. I will quote another Commonwealth Minister, Attorney General Phillip Ruddock. This is what he had to say following another one of what the Opposition refers to as "stunts" that was held in conjunction with Western Australia in June 2006. He said:

We have learned from the London terror attacks last July that it is crucial to have a comprehensive exercise program in place.

The Council of Australian Governments has also agreed Australia should focus more closely on methodical, drill-style exercises to reinforce specific skills and arrangements to respond to terrorist attacks.

I make one final point about why New South Wales has to be involved in these exercises. It is not just about the pure principle of standing up as a nation against terrorists. It is not just because the States, and certainly New South Wales, have assets the Commonwealth simply does not have. It is about the consequences of a terrorist attack. The most important part of exercises like this is that mistakes that are made in the chain of command and mistakes that are made in the field occur in a scenario. Once they are identified they can be improved upon. Where skills and training are found to be lacking, they can be worked on so that in the event that we are required to deal with a real situation, the likelihood of officers or members of the public being killed or injured is substantially reduced.

It would be safe to say one of the reasons the Commonwealth thinks protecting Sydney from terrorists is important is that in 2007 Sydney will be hosting the Asia Pacific Economic Co-operation [APEC] forum. I direct the Opposition to Commonwealth Attorney General Philip Ruddock's media release of 9 May 2006 in

which he notes the economic benefit to Australia of APEC, and that a safe and secure APEC will help improve this benefit to Australia. The Iemma Government is committed to improving the lives of the citizens of New South Wales and building on New South Wales's economic success. That is why it supports major events such as APEC, World Trade Organisation meetings and Olympic Games being held in this State. They put New South Wales on the map and bring lots of commercial opportunities for New South Wales businesses and residents. They also raise security challenges. And the way to meet those challenges is by full participation in national counter-terrorism exercises like Blue Luminary.

The Opposition's bull in a china shop approach is ignorant of the 9/11 Commission and has no understanding of the relationship which needs to be developed and maintained between Federal and State law enforcement agencies and indeed the Federal and State governments. This Government has established a close working relationship in this regard despite being on opposite sides of the political divide. Instead of bagging us, the Opposition should be supporting the Government of New South Wales in managing one of the most important things which we have to deal with, that is, the threat of terror, and the need to be prepared to counter any threat to the safety and security of the people of New South Wales.

**Mr CHRIS HARTCHER** (Gosford) [3.59 p.m.]: I move:

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

"this House

- (1) congratulates the Federal Government for its effort to protect the community against acts of terrorism, and
- (2) condemns the Iemma Labor Government for its lack of preparedness."

There is a litany of failures by the Iemma Labor Government to prepare New South Wales for a terrorist attack. It is clear that the Labor Government is keen only to win the public relations war and not the real war against terrorism. This is symbolic of Bob Carr, when he was the Premier. Immediately after 11 September 2001 he had unarmed guards posted on the harbour bridge. They could wander up and down, without any radios or guns, but they were there in their little jackets at Bob Carr's instance to show motorists coming across the bridge that he was actually trying to do something to prevent terrorism. That has been typical of the entire approach of the Carr and Iemma Labor governments: all spin, no substance; leave everything up to the Federal Government to protect Australia while the Iemma Government sits back and piggybacks on its achievements.

It is not surprising then that the motion moved by the honourable member for Heathcote contained nothing of substance on what New South Wales is doing. There was a great deal of congratulations to the Federal Government, which the Opposition acknowledges. John Howard is a great leader, doing a great job. We are glad that the honourable member for Heathcote has acknowledged that here today. I would hope, when he gives his annual, monthly or weekly report to his branches, he begins it by saying, "I stood up in Parliament and I congratulated the Feds on what a great job they're doing. I congratulated John Howard. I am proud to stand with John Howard." Well done, Mr McLeay. It is that bipartisan spirit that we admire; it so typifies his role!

Let us look at the record. The honourable member for Bega will deal with the lack of police. After all, how does one handle criminals and terrorists? One has a body of people ready to respond to them. In New South Wales, what is that? It is the New South Wales police force—a wonderful organisation of fine men and women, but under-resourced and understaffed. The honourable member for Bega will outline to the House the extent of understaffing and under-resourcing of New South Wales Police. At present, they would be expected to fire popguns against terrorists, and there would be one police officer against every dozen terrorists. But I will leave that matter to the honourable member for Bega.

This is a Government that would lock people in trains and tunnels in the event of a terrorist attack. That was exposed by my colleague who was then the shadow Minister for Transport, Mike Gallacher, and it has been strongly argued by the present shadow Minister for Transport, Barry O'Farrell. This is the counter-terrorism plan of the Iemma Labor Government: If people are caught by a terrorist attack on a train in a tunnel, as commuters so tragically were in London, the Government proposes to lock them in their carriage so that they cannot move—subjecting them to fire, subjecting them to gas, and subjecting them to explosion. They will have to cower there in terror, unable to even get out of their train. This is counter-terrorism under the New South Wales Labor Party. What a well thought out policy—especially at a time when the Government had before it the example of exactly what had happened in the United Kingdom. That is the state of preparedness of the New South Wales Labor Government.

The next point about Labor's state of preparedness is the monitoring of closed-circuit television cameras. Again and again it has been pointed out that there is simply no-one to monitor them. We can have all the cameras we like on every railway station and in every public place throughout metropolitan Sydney but, unless there are people watching them and unless there are police who are ready to respond to any detected incidents, those cameras are worthless. Of course, all that the Labor Government wants is to be seen to be doing something. All it wants to be able to do is tell people, yes, there are closed-circuit television cameras here. But, for heaven's sake, do not expect anything to happen if an incident is detected on closed-circuit television because there will be no-one to monitor them and no-one to take any action. I challenge Labor members to dispute that. The record is clear: there is no-one in the State Rail CCTV control centre. What an extraordinary story! It demonstrates again that the Government is all spin and no substance.

Let us look at the next program—or lack of program—of the Government. It is very clear, as even Mr Carr acknowledged on many occasions, that one of the most important weapons in fighting terrorism is encouraging moderate elements in the Islamic community to both assimilate effectively into Australian society and to ensure that there is no home-grown terrorism among the Islamic youth of our society. Home-grown terrorism is becoming a serious concern. What happened in the United Kingdom? It was home-grown terrorism. What has happened in Germany in recent times? It was home-grown terrorism among alienated Islamic youth. What is the Labor Government doing as part of its program to encourage moderate Islamic leadership? What is it doing to discourage fiery or extremist preachers from seeking to involve Islamic youth in terrorism? Nothing. What is the Government doing to encourage the good and responsible elements in the Islamic community? Nothing at all. We have heard nothing. There are no plans, and there are no programs. It is just all too hard for the Government.

But we do get stupid remarks, as we have heard from the honourable member for Charlestown, such as the comment that anybody who raises the issue is racist. That is interesting, because when we are talking about a religious faith that is multiracial we are talking about a multiracial religious faith. We are not talking about any race; nor are we talking in criticism of the faith. We are talking in criticism of certain extremist elements within the faith. Those elementary lessons on what constitutes race, what constitutes religion and what constitutes religious extremism would be lost upon the honourable member for Charlestown. He will be lost after 24 March 2007.

The next point is the financial investment of the New South Wales Labor Government in counter-terrorism. What is it? Where is the report that comes out every year and details what money is being spent and what action is being taken on counter-terrorism? One would think that the Government would wish to advise the community exactly what it is doing, rather than engage from time to time in well-publicised counter-terrorist operations with the Federal Government. The Federal Government has to organise and undertake those operations. All the New South Wales Government wants to do is be part of the spin.

The Federal Government does its part, but the New South Wales Government wants to piggyback the Federal Government. The New South Wales Government should bring down an annual report devoted to what it has done each year to combat terrorism through the various government agencies. The report should tell us how it has enhanced the struggle against terrorism, and how much it has expended to encourage the moderate and responsible sections of the Islamic community. It should tell us what action it is carrying forward to ensure that this State is safe from a terrorist attack. Let us look at what that extraordinary union, that extraordinary body of ex-Stalinists known as the Maritime Union of Australia, has to say. I refer to a newspaper item from last week:

Newcastle could be the springboard for a terrorist attack on Australian soil, says the Maritime Union of Australia.

The Maritime Union of Australia goes on to say that nothing is being done about it. We are talking about Newcastle, the second biggest port in New South Wales. The Maritime Union of Australia is a union affiliated to the Australian Labor Party. That union, that collection of ex-Stalinists, is saying that the Government is not doing enough. These are Government members' own left-wing bedfellows. The honourable member for Heathcote, the honourable member for Bathurst and the honourable member for Maroubra may not be left-wing bedfellows—nobody would accuse them of that. But the honourable member for Charlestown, of course, loves to play footsies with the Left. Interestingly, he had nothing to say about Bryce Gaudry.

The Minister for Aboriginal Affairs was prepared to try to do something. He was prepared to allow his staff to write letters to the Newcastle *Herald*. But the honourable member for Charlestown said nothing. He did not write to the Newcastle *Herald*; he is not quoted in that paper. When the knives were out for one of his left-

wing colleagues, he stood by and washed his hands like Pontius Pilate. We know where the honourable member for Charlestown stood, because he wants Mr Watkins' job eventually. He is a member of one of the great dynastic families of Newcastle—the aristocracy of Labor, with seats being handed down from father to son for generations. He is one of those who have benefited from the system, and he will never violate it. He will play by the Labor Party rules. [*Time expired.*]

**Mr MICHAEL DALEY** (Maroubra) [4.09 a.m.]: If ever the people of Australia needed an example of the absolutely yawning chasm between the State and Federal Liberal Party we have just heard it. The Coalition sent in its two heavy hitters, the honourable member for Gosford and the honourable member for Bega. Talk about send in the clowns! As usual there was plenty of criticism, but no solutions and no policies. In question time the Premier outlined the importance of New South Wales participating fully in the National Counter-terrorism Exercise Program, which will provide vital opportunities to test and build our capabilities in realistic field exercises.

[*Quorum formed.*]

Anyone needing an example of how seriously the State Coalition regards counter-terrorism, has just had it. It sent in the boofhead from Bega to call a quorum—and he is the only member of the Coalition in the Chamber. I will deal briefly with the scope of the expansion the Iemma Government has made to the New South Wales counter-terrorism capacity. The New South Wales Police Counter-terrorism Co-ordination Command was created in the wake of the Bali bombing to reflect the expertise of police in preventing and investigating terrorism. This highly specialised command has a staff of almost 500, including a permanent presence at Sydney International Airport. The Government boosted the New South Wales police budget by \$2.1 million per annum to fund the Counter-terrorism Co-ordination Command.

In addition, since 2002 the Government has spent more than \$14 million on new equipment for NSW Police in the event of a terrorist attack, including \$4.4 million for Polair 5, \$300,000 each for two bomb disposal units, and \$600,000 for a larger bomb disposal robot, a bomb containment vessel, blast guards for bombs or chemical biological weapons, a bearcat armoured rescue vehicle for the tactical operations police, and scientific equipment for detecting and assessing chemical and biological weapons. With our harbour a potential terrorist target, the Government is also investing in major improvements to the NSW Police Marine Area Command Fleet. In 2004 the Premier announced the allocation of \$27 million to fund 27 vessels for the NSW Police Marine Area Command. Many of these vessels— [*Time expired.*]

**Mr ANDREW CONSTANCE** (Bega) [4.14 p.m.]: I support the amendment moved by the honourable member for Gosford. This is a serious debate, and it is outrageous that more Government members were not in the Chamber to listen to it. That is why I drew the attention of the Deputy-Speaker to the state of the House. Terrorism is a serious issue, and we want to know—

**Mr DEPUTY-SPEAKER:** Order! It being 4.15 p.m., pursuant to sessional orders business is interrupted. The House will now deal with General Business Notices of Motions (General Notices).

**Mr Daryl Maguire:** I draw your attention to the official time clock. It is not 4.15 p.m. There are four minutes left.

**Mr DEPUTY-SPEAKER:** Order! The Liberal Party Whip is referring to the remaining speaking time of the honourable member for Bega, not to the time on the clock.

**Motion lapsed.**

## **BUSINESS OF THE HOUSE**

### **Notices of Motions**

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

## DISTINGUISHED VISITORS

**Madam ACTING-SPEAKER (Ms Marianne Saliba):** I acknowledge the presence in the gallery today of Mr Joseph Wong, Secretary for Commerce, Industry and Technology, from the Government of the Hong Kong Special Administrative Region of the People's Republic of China.

## PRIVATE MEMBERS' STATEMENTS

---

### ASYLUM SEEKERS AND REFUGEES

**Ms CLOVER MOORE (Bligh) [4.21 p.m.]:** I speak in support of many constituents who are deeply concerned about the Commonwealth Government's treatment of refugees and who call upon the Commonwealth Government to respect human rights, ensure fair treatment of asylum seekers and refugees, and comply with our international obligations as global citizens. My inner-city electorate includes people who have come to Australia from many countries—people who were forced to flee persecution and repression, or who were looking for a better life. The cultural and ethnic diversity of the Bligh electorate strengthens and enriches our community. The city of Sydney is home to 200 different nationalities, and this diversity comes home to me each month when I hold citizenship ceremonies as the Lord Mayor of Sydney.

I share the distress of constituents who regularly write, email and telephone me to express their opposition to the Commonwealth Government's treatment of people who have been forced to leave their homes and who are urgently seeking a better, safer and secure future for themselves and their families. I note that Australia is committed to supporting that principle under Article 14 of the Universal Declaration of Human Rights. Despite that commitment, many Australians feel disgraced and disillusioned by the shock of hearing and seeing the stories of mistreatment of refugees and the maladministration of process. It is beyond belief that such misconduct could happen in our rich and civilised country. These concerns were made vividly real with the Edmund Rice Centre's evidence that an Afghani family, including two children who were deported from Australia, were murdered on their return to Afghanistan.

Australia's immigration policies conflict with international standards, and undermine our basic values. In 2004 the United Nations High Commission for Refugees recognised 9.2 million refugees worldwide. In the same year, Australia accepted only 5,511 people who were classified as refugees, even though Australia has a greater capacity than most to accept and support refugees. Immigration policy and our treatment of refugees and asylum seekers must be reshaped. I believe that most Australians are compassionate. We all know that refugees do not choose to leave their homes. Many flee in fear of their lives, and in those circumstances it is understandable that they cannot get passports or visas, and that they seek and need our help.

Like many Australians, I was relieved that the Commonwealth Government withdrew its Migration Amendment (Designated Unauthorised Arrivals) Bill 2006, which would have further disgraced and ashamed Australians by setting more false borders in place. Australians want a safe and secure country. We want a fair and efficient assessment of those who are seeking asylum. However, a system that punishes 90 per cent of people to detain 10 per cent whose claims are contested is wrong. Nine out of 10 so-called illegal refugees have a legitimate reason for applying for asylum, based on the Commonwealth Government's own assessment. As Lord Mayor, I recently held a reception to help raise funds for the group Bridge for Asylum Seekers Foundation. Their asylum seekers project, which the Council of the City of Sydney has funded, helps refugees who are released into the community on bridging visas.

A bridging visa allows someone to stay in Australia while their refugee claim is being processed, but with no access to health care, work, or government assistance. The foundation provides weekly support to such refugees, without which they would be destitute. I believe that the donations of time and money from ordinary people, such as those who are involved with the Bridge for Asylum Seekers Foundation, demonstrates that Australians want to help. Over 100,000 people supported GetUp's "No Child in Detention" campaign, again demonstrating that many Australians do not support current policies. I also commend the efforts of A Just Australia, the national body that provides advocacy for refugees and asylum seekers in the hope of engendering policies and programs that "reflect respect, decency and traditional Australian generosity", and I urge the Commonwealth Government to listen and learn from these groups.

I call on the Commonwealth Government to reverse unjust policies. I share the goals of Amnesty International Australia, which seeks an independent review to assess the necessity of detention for all asylum seekers held in immigration detention centres in Australia and on Nauru. Asylum seekers should be detained only in exceptional circumstances, consistent with international human rights standards. The Commonwealth Government should grant bridging visas to those whose detention does not meet international standards, and should immediately release all stateless people. The Government should also introduce complementary protection to allow stateless people and others who need Australia's protection to join the community and get on with their lives. I congratulate Federal parliamentarians who have taken a personal stance against these shameful policies. I encourage members of this Parliament to also push for compassion and justice.

### **HAWKESBURY ELECTORATE TOURISM**

**Mr STEVEN PRINGLE** (Hawkesbury) [4.26 p.m.]: Honourable members would be aware that the latest tourism statistics for New South Wales indicate that this State is in decline while other States forge ahead. But, fortunately, the Hawkesbury region is playing its part to arrest the decline. For many years businesses along the Hawkesbury escarpment, which is surrounded by Wisemans Ferry, St Albans, McDonald Valley and Lower Portland, have struggled to find an identity as a tourist destination. Despite being surrounded by about 80 per cent of land that is national park or reserves, the mighty Hawkesbury River and the Great North Road, unfortunately at times tourists have been few and far between. That can be attributed to four key issues.

The area is bordered by four different councils—the Council of the Shire of Baulkham Hills, Hornsby Shire Council, Hawkesbury City Council and Gosford City Council. Consequently, a certain amount of ambiguity is always involved in deciding which council is responsible for infrastructure or, indeed, which council will promote each different area. In relation to transport, the area is not supported by any rail or bus infrastructure, which makes the area inaccessible to tourists who are without a vehicle. In relation to communication, mobile phone reception is very patchy in the area. The landline service at St Albans is also poor. Those factors have significant implications for small business operators who depend on a reliable Internet connection, and make the destination unappealing to certain markets that are mobile phone and Internet dependent.

The lack of support for, and recognition of, the Hawkesbury area as a tourist region by Tourism New South Wales has meant that any marketing initiatives by Tourism New South Wales have been outside the affordability parameters and the leagues of smaller operators. A way forward has been the formation of a consortium of business owners and interested persons from within and around the area. They recently gathered together to form Hawkesbury River Heartland Inc. The group identified the untapped potential of the area as a tourist destination and forged ahead to form an incorporated association. The association held its first formally constituted meeting on 9 March 2006. The formation and planning by this new Hawkesbury group is not only great for the soul and morale of individual operators but is also great for our region and for packaging the area as a whole.

The Hawkesbury region is the ideal short break destination, with so many hidden treasures and places of natural beauty—and it is only an hour or so from Sydney. The Council of the Shire of Baulkham Hills places considerable emphasis on promoting tourism in the area, and supports local tourism operators in their efforts to provide a diverse range of products that achieve a standard of excellence. I commend the work of Hawkesbury River Heartland Inc. for using its skills and resources to raise the profile of the Hawkesbury region as a tourism destination. Visitors to the Wisemans Ferry and St Albans area can take in both the beauty and history of that part of the Hawkesbury region. By planning a short break to the area, visitors can enjoy a range of experiences.

Accommodation in the Wisemans Ferry and St Albans area has everything, from basic camping facilities at places including riverside tourist parks and the Mill Creek Reserve, which I and my family and I have enjoyed, through to luxury bed and breakfast destinations and four-and-a-half star resorts that provide great facilities, such as state-of-the-art conference rooms, golf and tennis facilities, and swimming pools, as well as some of the most sumptuous restaurants and cafés with styles to suit everyone. It is easy to access the river. A cruise boat operator offers booked and walk-on cruises every weekend. The largest houseboat operator in New South Wales is based at Wisemans Ferry and has more than 20 houseboats. The waterskiing and wakeboarding schools are world class and the vehicular ferries continually provide transport across the river, as they have since 1827.



The Wisemans Ferry-St Albans area is also known for its art and music. A co-operative of local artists runs a gallery at Wisemans Ferry, which hosts regular workshops, and a commercial gallery in St Albans, which also hosts regular exhibitions. An annual event called the River Artists Tour is held in September each year to showcase many local artists working in their studios. This year it was held on Saturday 9 September and Sunday 10 September. Music festivals also run every year, including the well-known St Albans Folk Festival and Jazz by the River at Wisemans Ferry, which is held several times a year.

The future of the region is indeed promising, but without support from key stakeholders such as the State Government, local councils, local businesses, the Roads and Traffic Authority and Tourism New South Wales the area will remain stagnant, and unfortunately forgotten. Hawkesbury River Heartland Inc. has so far gained funding from the Department of State and Regional Development to commission a consultant to produce a strategic plan. With the support of the major stakeholders previously mentioned, the plan will provide a blueprint for the tourism operators of the Wisemans Ferry and St Albans district to be able to move ahead with a sustainable and highly recognisable brand to position their product as the number one short-break destination in the Sydney region. I commend Hugh and Kathy Morris and their team from Leisure Lass River Cruises. I urge the Minister to take this region seriously and support the Hawkesbury River heartland.

### **SUTHERLAND TITANS FOOTBALL CLUB AND SHIRE SOCCER**

**Mr BARRY COLLIER** (Miranda) [4.31 p.m.]: I draw the attention of honourable members to the newest soccer club in the Shire, Sutherland Titans Football Club [FC]. The club was officially launched in July this year and has six teams playing soccer on Saturday afternoons at Sylvania Heights in a rooball format: no offside, unlimited interchange, and a smaller field. I have been to Sylvania Heights and watched the games with the Sutherland Shire Junior Soccer Association President, Craig McCallum, together with parents, volunteers and supporters.

I was, and remain, so impressed with what I saw. Sutherland Titans FC is about access. It is about inclusiveness for kids with special needs, both male and female, who might otherwise only watch soccer on television or only stand on the sidelines watching their brothers and sisters play. It is about giving them access to the great world game of soccer. It is giving them a chance to get out on the field every week in an organised competition, to run and kick a ball, to participate in the world game like others around them.

Those kids really look forward to regularly getting out there on Saturday afternoons. The kids I have watched were really keen and were really getting into it. I vividly recall watching a young girl, Natalie Evans, chase and dribble and pass and shoot for goal, again and again. Rarely have I seen so gutsy and so determined a player at any level. I said to Craig McCallum, "Gee, she's good, isn't she?" I was stunned when Craig said that Natalie has only 5 to 10 per cent vision. Craig told me that at one time another soccer association would not let her play because of her limited sight. But there she was out there on that field on a sunny Saturday afternoon, giving it her all.

That would not have been possible but for Sutherland Titans FC, its volunteers, supporters, parents, and everyone involved. I congratulate and thank each and everyone involved in getting Sutherland Titans FC up and running, including Sylvania Heights Youth Club for its generosity. I acknowledge the Sutherland Titans co-ordinator, Bree Teal. Bree is the quiet achiever; she co-ordinates the teams, the draws, the games, and the volunteers, both on and off the field. She is the administrator, the fundraiser, and the secretary of the Titans, and does all of that while working full-time at a long-day-care centre, studying at TAFE and playing soccer herself.

Last Friday at the Sutherland Shire Junior Soccer Association Annual Dinner you could have heard a pin drop as guests watched a short film on the Sutherland Titans. The film showed the kids on and off the field, their enthusiasm, and their special relationships with all involved, including their team mates, the supporters, and their coaches. One could not but have been moved by that film. I had the honour of presenting Bree with a Sports Minister's appreciation award. As I did, the 400 guests gave Bree a spontaneous, standing ovation, something I shall never forget. I congratulate Bree and thank her for her commitment, dedication, and truly inspirational work for the Sutherland Titans Football Club.

Soccer truly is a key part of the sporting fabric and a key part of family life for many in the Shire. In fact, I am told that we in the Shire have the largest junior soccer association in the Southern Hemisphere, with 1,239 teams, 16,547 players of all ages, male and female, catering for representative teams, and now catering for special needs children. Player numbers continue to grow, with the most rapid increase being in female

participants. The oldest male soccer player in the competition is 66 and the oldest female soccer player is 61. There is now an over-45s competition, reflecting the growing demand and enthusiasm for soccer in the Shire and the eagerness of participants to continue playing as long as they possibly can.

The continuing growth and success of soccer in the Sutherland Shire is made possible only by the commitment and dedication of so many. I congratulate and thank the Sutherland Shire Junior Soccer Association President, Craig McCallum, and his management team. I thank the clubs, their coaches, managers and supporters, the players, the dads and mums, the volunteers, the referees and the lines people, who make it happen week in, week out, on and off the field, in season and out of season. I thank them all for bringing the world game to the Shire so successfully and so effectively in 2006.

I thank them also in this year of the World Cup for helping make the dreams of so many young players a reality. When I looked at the World Cup in Germany and at the magnificent players on the field, I could not help but think those players started somewhere, in some little team. Someone had encouraged them to kick a ball, someone got them up on cold Saturday mornings and took them to soccer, someone coached them, someone taught them their skills, someone in some association taught them the rules, and someone refereed them. All those efforts go to make soccer the wonderful world game that it is, and all those people contributed to the players, to their skills, and to helping them participate in the fantastic game of football. I thank everyone involved in the Sutherland Shire Junior Soccer Association for promoting healthy, active participation in the fantastic game of football for Sutherland shire families.

### CENTRAL COAST REGIONAL STRATEGY

**Mr PAUL CRITTENDEN** (Wyang) [4.37 p.m.]: It is great to have two other Central Coast members with me in the House tonight: the Minister for the Central Coast and the honourable member for Peats. It is with pleasure that I draw to the attention of the House the draft regional strategy that was released by the Minister for Planning last Monday at Iguana Joe's at Gosford. It is fair to say that the honourable member for Peats, who aspires to be Labor's candidate for Gosford, has certainly put a strong case to the Government to ensure that the growth projection over the next 25 years on the Central Coast will be on a lower band, at 64,000.

It is not surprising for those familiar with the Central Coast that the two local councils, who claim to represent the people, are hell-bent on pro-development at any cost. In fact, at last Monday's function, the Mayor of Gosford, Laurie Maher said, starkly, that the strategy was too conservative and not appropriate because more than 100,000 people were needed. It is silly to talk in terms of conservatism on an issue such as that. We should be talking about rational planning rather than irrational planning, which is what the councils want. The Government's draft strategy is very rational; it is logical, it is sensible. It is important that the community should get behind this proposal. After having attended so many functions over so many years and hearing people asking why more people are going to the Central Coast when it cannot handle the ones there already, I am sure they will.

On Tuesday Laurie Maher spoke on radio about water being a short-term problem on the Central Coast. That is not the case. Water is a long-term problem. The water supply on the Central Coast comes under the auspices of two councils: Gosford and Wyong. Shortly after the Carr Government was elected it sought to commission an engineering and financial review of water supply. Councils said, "We know what we are doing; we do not need any help. Just let us get on with it." Councils spent tens of thousands of dollars of water ratepayers' money on a pretty disgraceful media campaign, especially in light of events that have now transpired.

Even more surprising is an article in the *Sun Weekly* of today's date in which the honourable member for Gosford said that the Central Coast is running out of water. He might well cry crocodile tears now but he is one of the people who worked with those councils to avoid a review that should have been undertaken back in 1995-96. The question we should ask former Councillor Holstein, now the Liberal candidate for Gosford, and other people who have been associated with those councils is: Why are they so pro-development? Why do they want development at any cost? Why have councils that are responsible for the supply of water not dealt with that issue so we can move forward in a meaningful way? That crucial issue must be addressed before we can make any progress in this area.

I am sure that over the next two months Labor members of Parliament will be letting constituents know by way of newsletters exactly how important it is for them to have their say on the future of the Central Coast. Many people on the Central Coast have come from other areas. They have come to the Central Coast because of

its environment and unique lifestyle. We desperately need to avoid destroying the very reason people went to the Central Coast in the first place. We must ensure that we cater for people who are there now—young people from the Central Coast in schools who want to live on the Central Coast because it is great place.

We must ensure that growth in that area is not excessive and that we meet people's expectations. After all, politics is about people, and we need a sensible way forward. The challenge for the Liberal Party—and not just at a State level but also for Jim Lloyd-, Federal member for Robertson, and Ken Ticehurst, Federal member for Dobell—is to come clean and start moving away from their big pro-development mates. Members of the Liberal Party must tell the people of the Central Coast where they stand on population growth issues over the longer term. We must ensure that everyone in the Liberal Party works with us to give people on the Central Coast a fair go. People on the Central Coast do not want members of the Liberal Party to play stupid little political games.

**Mr GRANT McBRIDE** (The Entrance—Minister for Gaming and Racing, and Minister for the Central Coast) [4.42 p.m.]: The honourable member for Wyong referred to an important issue relating to the Central Coast: the release of the strategic plan this week by the Minister for Planning, the Hon. Frank Sartor. There has been much speculation on the Central Coast about the reason for the delay in issuing the plan. That reason was revealed the other day, but I think it is well understood by everyone on the Central Coast. The delay related to the sustainability of our water supply. If we have difficulty supplying water to the existing population of 300,000, and if more people are settling on the Central Coast, we have to deal with water sustainability.

The Minister for Water Utilities, the Hon. David Campbell, has been working with both councils to increase governance in regard to the management of water through the joint authority. Some 18 months ago the Minister for Planning took the same approach. Unfortunately, at that time councils were not prepared to co-operate with the Government. I understand that Minister Campbell wrote to councils seeking their support for the introduction of proposed legislation this parliamentary session. It is time for both councils to get on board with the Government on this issue. It is time for them to reorganise and restructure and turn the joint water authority into a well-governed organisation that delivers water on the Central Coast not just for today but into the future. This is a major concern for residents on the Central Coast. It is time that both councils made a decision to support the Government by increasing the governance of the joint water supply on the Central Coast.

#### **MID NORTH COAST AREA HEALTH SERVICE AND MRS PINKERTON**

**Mr ANDREW FRASER** (Coffs Harbour) [4.44 p.m.]: Stan and Richard Pinkerton from Woolgoolga came to see me recently about their mother, Olive Pinkerton, who is aged 95. Over the years Olive Pinkerton, who is a pensioner, has been a great worker for the community. Until 15 July Olive lived in her own home and looked after herself. Olive has worked tirelessly for the Red Cross and other community organisations for many years. She is from the old school: she believes in rolling up her sleeves, getting the job done, and putting back into the community far more than she ever got out of it.

Prior to 15 July Olive had a minor fall in her home. Her sons, both retired paramedics or ambulance men, arranged for an ambulance to take Olive to hospital. After examining her, hospital staff said she was fine and sent her home. Olive's sons were somewhat upset that the hospital had sent their mother home so early because at age 95 she is somewhat frail. The next morning a neighbour visited Olive and found that she had again fallen and had a nasty gash to her shin. One of her sons said it was the worst kind of skin injury he had seen for a long while. He dressed the wound, called for an ambulance, and Olive was admitted to Coffs Harbour hospital.

Olive's wound was sutured and she was placed under care. Because of her age and the delicate nature of her skin she was kept in hospital from 15 July until 19 August. Without reference to Olive's two sons the hospital then transferred her to Bellingen hospital, on the basis that it needed to free up beds in Coffs Harbour. Olive's sons were not happy that they were not consulted, but they visited Olive daily and organised for someone to do her washing in Bellingen. They then asked the aged care assessment team to look at Olive with a view to admitting her to an aged care facility at Ozanam Villa after she left hospital. Olive remained in Bellingen hospital for a period of 10 days as her wounds still needed to be dressed daily and she was then discharged on 29 August. Her sons then arranged for her to be placed in Ozanam Villa, a self-care facility. On 31 August Mr Pinkerton was disgusted when he received a letter from the Mid North Coast Area Health Service in the following terms:

As from ... 19/8/06 your mother, Olive Pinkerton was re-classified as a non-acute care patient and from that date will have to pay a charge of \$35.80 ... per day. This charge cannot be claimed on Medicare or Private Health Fund.

No-one advised Olive's sons that this would happen. When she was receiving medical care and attention in Bellingen hospital no-one advised her sons that she was a non-acute care patient. As I said earlier, the hospital transferred her to Bellingen hospital without reference to her sons. If her sons had known, they probably would have arranged for her to be transferred to her own unit at Ozanam Villa. I call on the Government and the Minister for Gaming and Racing, and Minister for the Central Coast to forgo this \$358 bill.

It is appalling that a pensioner who has given so much service to the community over a number of years, who was transferred from one hospital to another, and who was reclassified as a non-acute care patient is now facing a bill of \$358. Olive's sons had her classified while she was in Bellingen but at no time were Olive or her sons advised that she was no longer an acute care patient. Olive's sons could have taken her home or had her placed at Ozanam Villa, which I hope is her new home for many years to come. It is only fair that the Mid North Coast Area Health Service and this Government wipe this ridiculous debt.

**Mr GRANT McBRIDE** (The Entrance—Minister for Gaming and Racing, and Minister for the Central Coast) [4.49 p.m.]: I note the comments by the honourable member for Coffs Harbour. I will make sure the matter is brought to the attention of the Minister for Community Services.

### WOY WOY CABINET MEETING

**Ms MARIE ANDREWS** (Peats) [4.49 p.m.]: On Tuesday 12 September I took much pleasure in welcoming the Premier and his Ministers to a regional Cabinet meeting held at the Everglades Country Club at Woy Woy. I am pleased that the Minister for the Central Coast and the honourable member for Wyong, who also represent Central Coast electorates, are in the Chamber. This meeting marked the second occasion on which Cabinet has met on the Central Coast since Morris Iemma took the reins of Government in August 2005.

This was not only an important day for the Central Coast region but a huge day for the Woy Woy peninsula. The Everglades Country Club did a remarkably good job hosting the event. No request was too big or too small for the club and on the day Everglades came up trumps. I extend to Secretary-Manager Wayne Dean, President Brian Crawley, all members of the board of directors, and the obliging and friendly staff of Everglades Country Club my sincere thanks and appreciation for a job well done. I also compliment the club's caterers, Simon and Rebecca Liew, who catered so well to everyone's needs. No stone was left unturned to ensure that the Cabinet meeting went off smoothly and was a great success.

Regional Cabinet meetings have become an important feature of the New South Wales Labor Government. Since Labor assumed control of the Government benches in 1995 the New South Wales Government has met on the Central Coast on four occasions—twice in the north and twice in the south. In recent times the New South Wales Cabinet has also met in the Illawarra, the Hunter, the Tweed and Bathurst. The Premier is to be applauded for taking the New South Wales Government out of Sydney and into regional areas. I believe it is most advantageous for local residents to meet the Premier and Ministers. This gives those charged with the responsibility of running our State a golden opportunity to gain firsthand knowledge of residents' concerns. In addition, a large number of individuals and community organisations are afforded the opportunity of meeting face-to-face with relevant Ministers to discuss a variety of issues.

A number of Central Coast schools were involved in events held during the day. Students from Woy Woy South Public School, Kincumber Public School and Woongarra Public School welcomed the Premier to Everglades Country Club. At the civic reception hosted by the Premier, guests were entertained by a fine selection of music performed by students of the Central Coast Conservatorium of Music. Students from Umina Public School choir gave brilliant renditions of *Pizza* and *Common People*. There was also a beautiful rendition of the Australian national anthem by Central Coast high school student Eleanor Sharpe. Well done to all those students.

I also pay tribute to the excellent manner in which Anne Sullivan handled the task of master of ceremonies on this auspicious occasion. Thanks go also to Jodi Cameron, a representative of the Darkinjung people, who gave the welcome to country. During the civic reception the Premier acknowledged the outstanding community work of Cecily Prentice, Roma Stonestreet and young person Kathleen Morison by presenting each of them with the New South Wales Government Community Service Award. Cecily, Roma and Kathleen are worthy recipients of this special award, and I extend my heartiest congratulations to each of them.

At the commencement of the Cabinet meeting I was invited to present the Premier with a list of issues relating to my electorate of Peats. This list includes concerns about water, overdevelopment on the Woy Woy

peninsula—the honourable member for Wyong has mentioned the recent release by the Minister for Planning of the Central Coast draft strategy—Kariong high school, Woy Woy Hospital, roads, and sandmining proposals at Somersby. Gosford Hospital was the location for the first announcement by the Premier on the day. Additional funding of \$945,000 has been allocated to expand the hospital's capacity to treat an additional 20 dialysis patients. This funding will provide five additional dialysis machines and chairs, bringing the total number of dialysis beds on the Central Coast to 27.

The State Government's attention to improving health services on the Central Coast stands in stark contrast with the approach of the Federal Government. A good example of the Federal Government's poor attention to residents of the Central Coast is the fact that two years after the installation in Gosford Hospital of an MRI machine an operative date for the Medicare licence has still not been issued. According to recent media reports in the local press, it could be nine months before the licence will be in operation. That is outrageous. I thank the Premier and Ministers for a very successful Cabinet meeting at Woy Woy.

**Mr GRANT McBRIDE** (The Entrance—Minister for Gaming and Racing, and Minister for the Central Coast) [4.54 p.m.]: I acknowledge the comments of the honourable member for Peats regarding local participation in the recent Cabinet meeting held in her electorate. The students' performances were outstanding and we enjoyed the goodwill and hospitality extended by Everglades County Club. I can honestly say it was one of the better Cabinet meetings that I have attended in terms of both atmosphere and engagement with the community. There was extensive consultation and all Ministers had many meetings. As a result, people who have an interest in the future of the Central Coast had the opportunity to talk directly to Ministers. When we take Cabinet out of Sydney, to the suburbs and to regions like the Central Coast, it helps Ministers to become familiar with the details of their portfolio responsibilities in those areas, with community needs, and with what further action they may need to take to improve local service provision.

#### **DRUGS AND ALCOHOL IN PREGNANCY AND PARENTING SERVICE**

**Mrs SHELLEY HANCOCK** (South Coast) [4.56 p.m.]: I support the efforts of the Drugs and Alcohol in Pregnancy and Parenting Service [DAPPS] currently operating in Nowra and call on the Government to continue its funding for this program beyond December 2006, when funding for its important services will cease. The program provides early intervention funding for a drugs and alcohol in pregnancy and parenting project auspiced by the Nowra Family Support Service located in East Nowra.

The program first received funding through the Nowra Family Support Service in 2004 for a period of two years. In June 2006 the service was informed that it would receive a further six months funding but that the funding would cease in December this year. When DOCS released some early intervention funding throughout the State last year the service was advised that funding for DAPPS was renewable and that the Nowra Family Support Service did not need to re-apply under the tendering process. Feeling reassured that its vital service would continue, the service was surprised—as was the Warrawong Substance Use in Pregnancy and Parenting Service [SUPPS]—to be informed by DOCS three weeks before the close of submissions that it would need to prepare a submission. Barnados, which ran the Warrawong service, and Nowra DAPPS applied for funding but both were unsuccessful.

While SUPPS will apparently continue under the new lead agency, DAPPS in Nowra has been informed that Mission Employment, the lead agency in Nowra, did not include the clients of DAPPS in its submission and was not in a position to include the project at all at that late stage. This funding debacle and the failure by DOCS to recognise the important work of DAPPS in Nowra has left the service with an uncertain future. Services could be withdrawn from a group of young pregnant women in Nowra for whom early intervention with respect to their drug and alcohol issues is necessary for their wellbeing and that of their children, both in the womb and when they are born.

DAPPS workers have informed me of the important work they do. I believe this service is essential in Nowra, in particular, as the Shoalhaven does not have appropriate services to meet the needs of young pregnant women with drug and alcohol abuse problems. The Shoalhaven does not have an antenatal clinic, and DAPPS fills a void in counselling, referral and assistance—all for the very small amount of about \$80,000 per year. The program clearly meets the early intervention criteria because the intervention occurs even before the baby is born.

The demise of the program due to the attitude of DOCS will result in serious problems for a group of young women who have nowhere else to go. The majority of these women have been the victims of childhood

abuse—both domestic and sexual—and often have experienced no effective role modelling from their parents. DAPPS offers an intensive case management service to ensure that clients receive appropriate assistance from other services, including Health, Housing, DOCS and other non-government organisations that these young women often find difficult to access effectively. DAPPS workers are enthusiastic and passionate about the service they provide and are understandably frustrated by the poor application process for early intervention funding. As a result, current clients will be without a service when DAPPS terminates in December this year.

I have read with interest the report of services offered to young mothers in Nowra and note the exceptional level of professionalism detailed in the report, which outlines services provided to 60 clients throughout their pregnancy and plans for the three years period after the birth of their children. I also note in the report the overwhelming endorsements from the Shoalhaven Women's Health Centre, the YWCA, the Shoalhaven Division of General Practice, and the Deputy Director of Nursing at the Shoalhaven Hospital, to name just a few. They also spoke about the effective playgroup organised by this service.

I therefore call on the Minister to provide ongoing funding for DAPPS in Nowra to ensure the outstanding efforts by all involved in this important service are recognised and continue. The model of an early intervention service should be examined for other areas as it is achieving the desired outcome and filling an obvious void in the Shoalhaven area. It is fairly clear to me that DAPPS really fell through the funding cracks regarding early intervention funding that was rolled out throughout the State last year. DAPPS is deserving of support. It fills a void in the Nowra area, which has few services of that kind, and perhaps in the Illawarra region as a whole. I urge the Minister to take an interest in DAPPS, look at its results and intervene to ensure that the funding program proceeds.

#### **BANKSTOWN WEST PUBLIC SCHOOL SEVENTY-FIFTH ANNIVERSARY**

#### **WATTAWA HEIGHTS PUBLIC SCHOOL FIFTIETH ANNIVERSARY**

**Mr ALAN ASHTON** (East Hills) [5.01 p.m.]: Last week I had the pleasure of attending two very important school functions in my electorate. Bankstown West Public School celebrated its seventy-fifth anniversary and Wattawa Heights Public School celebrated its fiftieth anniversary. I had the privilege of opening new facilities at Bankstown West Public School provided by the State Government which include; a power upgrade, an upgrade to the playground area and the construction of a new covered outdoor learning area. A new demountable hall with food service unit was established in September 2006. Bankstown West Public School is small and occupies a large site. It has tremendous staff, led by Mrs Audrey McCallum, principal, Nicole Benson and Joyce Hone, assistant principals. I am fanatic about all sports and I thought the school had a great motto: "Play the Game".

I opened the new school facilities on this great day because the Minister for Education and Training, together with the Minister for Gaming and Racing, was attending a Cabinet meeting on the Central Coast. So my name is on the plaque, Minister. Also in attendance was Mr Tom Urry, director of South Western Sydney region, and Mr Rod Leonarder, the school education director. I pay tribute to Ms Elke Rotziokos, President, and Ms Lisa McKay, Secretary of the Parents and Citizens Association. Mrs Pat Overmeyer, a parent of former students, gave a very interesting talk about what the school was like. It was a special effort to invite Mr Ron Minnett, an original pupil in 1931 in the middle of the Depression, to return to the school.

In the past few years this small school has struggled without a hall and canteen facility but as a result of my representations and those of the school Parents and Citizens Association and others it is great that the facilities have been provided. Audrey McCallum has established a very effective school representative council and a parents and citizens association, which was not at the school previously. Students take part in a gifted and talented program and are involved in the Mathematics Olympiad and others events. I pay tribute to all those involved at Bankstown West for their great work on behalf of students in their area for public education.

Unfortunately I could only stay for a couple of hours at that function because on the same day I attended the fiftieth anniversary of Wattawa Heights Public School, where Mrs Judy Smith is the principal. In that week the weather was hot one minute and then raining heavily the next. Wattawa school organised a concert and Mr Laycock, a former student from 1956, spoke about what the school meant to him at that time. As part of the celebrations all the classes performed songs and dances from across the decades, for example, Dean Martin's

*That's Amore*, the rock and roll era, the Beatles, through to the 1950s and 1960s and *The Huckle Buck*, which would make the honourable member for Mount Druitt smile, and Cliff Richard's *Bachelor Boy* and his other music. It was great to see these young students perform on what was virtually a make-shift stage because of the inclement weather.

Those two schools are situated on the boundary of my electorate. I will lose them in the redistribution and the honourable member for Bankstown will represent them. I know that he will look after them as well as if not better than I have in the past eight years. I also thank students from Condell Park High School who catered for the lunch at Wattawa Heights. The group who cooked up all the food did a tremendous job. The Wattawa Heights group has made a DVD of the day's performances. I congratulate them all on their efforts.

**Mr GRANT McBRIDE** (The Entrance—Minister for Gaming and Racing, and Minister for the Central Coast) [5.06 p.m.]: I commend the honourable member for East Hills for his acknowledgment of the seventy-fifth anniversary of Bankstown West Public School and the fiftieth anniversary of Wattawa Heights Public School. The Australian Labor Party's commitment to public education for more than a century is part of the commitment it has to bring real educational opportunities to young people in our community. The public education system is one that this Government will continue to defend, finance and champion on behalf of the people of New South Wales.

Like many honourable members in this House, I am disappointed with the Federal Government's attitude to public education. Bankstown West Public School is seventy-five years old and Wattawa Public School is fifty years old—a combined 125 years of public education in the Bankstown area provided by the New South Wales Government. The Labor Party champions public education, is committed to it, and will always continue to fund and expand it. The Federal Government needs to make a bigger commitment to public education in New South Wales. It could spend some of that \$3 billion it has knocked off from the people of New South Wales and return it to education in New South Wales. If it did it would make a major contribution to the community and, more importantly, to young people in this State.

### ORANGE PUBLIC HOUSING

**Mr RUSSELL TURNER** (Orange) [5.08 p.m.]: The Minister just referred to public education and I want to refer to public housing. Mrs Margie Totman of 10 Richard Laffan Place, Orange, wrote a letter which was signed by a number of other local residents. She stated:

Dear Russell,

14 years ago my husband and I built our home in Richard Laffan Place, Orange. Many of the original owners have since sold up with the exception of 3 out of the 9 homes in our little culdesac. We do not live in what they class as a Crime Hot Spot but I do see it as a thoroughfare between the Glenroi/Kirium and Spring Street areas. Although we are not a registered Neighbourhood Watch we have always watched out for one another and their properties. Up until 4 years ago there was never a need to sleep with one eye open, that was until October 2002 when a house in our street owned by the Aboriginal Housing Association but managed by the Department of Housing acquired new tenants. It had been a Department of Housing house for about 7 years prior to that and we have seen tenants come and go with no problems arising or any interruptions to the neighbourhood. Only this time the calm in our street was about to change dramatically. Our peaceful culdesac was now a haven for unacceptable behaviour. On many occasions there was nothing else to do but ring the police. We have experienced loud arguments and sometimes brutal arguments, not only did they contain them to the inside of the house but would often end up in the street with them fighting amongst themselves while we all barricaded ourselves in our homes.

Everyday there were and are still, new people and different cars visiting there. It got to the stage where we didn't actually know who or how many were residing within that house.

I feel that as a taxpayer and ratepayer no one should have to ring the police at 1 or 4 in the morning due to unsociable behaviour, but we all were. With our peaceful life disrupted from this unsociable behaviour and after about 3 months we contacted the Department of Housing and were issued with complaint forms which we all filled out and sent back.

We felt that although the uniformed police had done their best in trying to restore some calm back into a street and surrounding area and with no resolution in sight, I felt it was time to take our matters to the detectives. I was advised to write down everything we had heard and seen referring to 6 Richard Laffan Place, even down to the registration numbers of vehicles that had visited there on a daily basis. With all this information documented I took it to the detectives and with some of the information gathered this was enough to warrant the support of the Target Action Group.

That was over 3 years ago and in the period leading up to now, we have had the misfortune of witnessing some very unusual activity. We believe that just about everything that occurs criminally in our area relates back to the misconduct within that Department of Housing house.

In January of this year, a neighbour and I had a meeting at the Department of Housing office in Orange and just like previous conversations with them we were told that there are procedures to follow in order to have these tenants moved which we do understand, but for the last 4 years we feel that we have constantly been put back into the "Too Hard Basket". We had reminded him that we were informed way back that the tenants were given the First and Final Notice in February, 2003. I asked, "When do they act on a final notice?" The reply was, "Final Notice is just a red rubber stamp on a bit a paper." With that I responded, "Great, so when I get a Final Notice on my Country Energy bill they won't cut off my power?" But apparently that's a different kettle of fish and that my dictionary reads differently to theirs.

We all now feel that for the last 4 years we have been doing all the reporting and lodgement of complaints to the appropriate government agencies and nothing is getting done. All that we have achieved is a total waste of our time and effort in trying to keep our once happy "Crime Free" area happy and "Crime Free". With nearly every complaint to the Department of Housing we were given excuses which I regard as "Bureaucratic Jargon". At the January meeting my neighbour and I were told that "If you're not happy with the current situation then why don't you move?" That discriminative comment was not appreciated on any level considering we own our homes.

We do know that only 2 females are listed as being the tenants but on any given night of the week there could be 10 - 20 people in that house. I agree that they have the right like anyone else on this planet to have visitors but I also believe that if the shoe was on the other foot and I was renting a home either through the Department of Housing or a real estate agency and my family and my associates gave my neighbourhood so much grief over the years that my tenancy would have been terminated a long time ago. After all we are all held accountable for the conduct and behaviour of our guests.

There is more in the letter. I call on the Minister to support public housing tenants and private home owners, and to keep the Minister's promise to evict bad Department of Housing tenants.

### **NEWCASTLE AND LOWER HUNTER TRANSPORT SERVICES**

**Mr MATTHEW MORRIS** (Charlestown) [5.13 p.m.]: This afternoon I want to speak about transport services, not only in the Newcastle electorate but more generally across the lower Hunter. I put on record my congratulations to the Premier and to the Minister for Transport on not only the previous decision to retain rail services into Newcastle but today's announcement about putting out for the information of the public the \$18.5 million worth of upgrade works along the Newcastle rail corridor. These works are vitally important. While history shows that there has been movement amongst the forces of evil within Newcastle to have the rail line removed, commonsense has prevailed and the Premier has committed to the retention of our rail services.

Historically, even our Treasurer had a view that the Newcastle rail corridor should be removed for no reason other than to open up that area for business interests. That would have been in total opposition to the broader community's needs and interests in the retention of rail services into Newcastle. The works include level crossing upgrades, modifications to intersections, platform extensions and signal relocations. However, it is more about improving the community amenity adjacent to this essential service, the rail corridor, and ensuring that it fits better within that inner city Newcastle environment.

Not only has this program been put on the table, but in more recent times we have seen the Government commit to the lodging of a development application for the Glendale interchange, also a key piece of infrastructure for transport services in the lower Hunter. I welcome these measures as positive steps forward in improving the delivery and operation of our rail services for constituents right across the lower Hunter region and into the electorate of Maitland. This is good news, but more work is to be done. As a member of this Government, I am very much committed to ensuring we continue to move forward in the delivery of improved rail services. The Glendale interchange, whilst it is still on track with the development application being lodged with the local council by December of this year, will certainly need a commitment of future funding to deliver the infrastructure around that facility.

In relation to transport services, we saw commencement of the bus reforms in and around Lake Macquarie in particular, including government buses, to make them more accountable for the delivery of bus services right across Lake Macquarie. Our bus services also need some enhancement in relation to infrastructure. I have continually raised the need for a bus interchange in central Charlestown. We find ourselves behind the eight ball in terms of current bus facilities for passengers. We are very much committed to growing patronage of both rail and bus services. Providing appropriate infrastructure is essential to encouraging more people to use bus services.

A good news item on the agenda for the Hunter region are the new rail carriages to run between Newcastle, Scone and Dungog—another positive step, and another demonstration of this Government's commitment to improving our transport services. We are expecting an announcement on the 600 new rail carriages. We are aware that the field has been narrowed to two tenderers. The announcement will be significant for the economy of the Hunter region as well as for employment. I am very pleased that the Minister for



Transport has been pushing to ensure an appropriate level of employment for apprenticeships as part of the contracts. That is very important. Though more work is to be done, I am pleased that these steps have been taken. They are a clear demonstration of our commitment.

### HENTY MACHINERY FIELD DAYS

**Mr GREG APLIN** (Albury) [5.18 p.m.]: The annual Henty Machinery Field Days, the leading event of its type in Australia and by far the biggest agricultural event in the Albury electorate, is being held this week. I have been involved with the event in some way for 19 years and was pleased to be able to visit on the opening day this year. The field days are one of rural Australia's great success stories. Henty was known for the header harvester invented in 1914 by local farmer Headlie Taylor. This harvester revolutionised the grain industry worldwide when it became commercially available in 1916. It was from a humble one-day combine harvester demonstration at Henty Showgrounds in 1963 that this farmer-run event grew into a one-stop agricultural supermarket catering for the cropping, livestock, horticulture and forestry industries.

Henty Machinery Field Days has developed into the most successful mixed farming expo in the Southern Hemisphere and one of the best in the world. Each year, over three days in September, around 800 exhibitors present a showcase of more than \$350 million worth of agricultural machinery, equipment and technology for an audience of over 50,000 farmers, contractors and interested visitors. The co-operative that hosts this major annual event is made up of the same farming families that originally came together in the roadside paddock on that historic day in 1963. The Executive Director of the Henty Machinery Field Days is Doug Meyer, who has been involved in the Field Days for thirty-four years, first as the co-operative secretary and now as Executive Director. It is a job which occupies him seven days a week for ten months of the year, but for this year's event, to his great frustration, he is in hospital and I join his team in wishing him a speedy recovery.

Colin Wood has been chairman of the Henty Field Days committee for 33 years and he is amazed at the rapid advancement of technology in agriculture in the last five years, saying that you could almost wear a suit in a tractor cabin these days. A remarkable display at this year's event features 100 years of International Harvester Company tractors from early last century to a 2006 model. The display has been organised by the Henty District Antique Farm Machinery Club, and the highlight is a 1910 friction drive model from Lockington near Echuca—the oldest tractor on display. The Tractor and Machinery Association of Australia, the peak industry body in the agricultural machinery business, describes the Henty Machinery Field Days as New South Wales' most industry effective and one of Australia's most professional field days.

The focus on innovation and excellence in farm machinery culminated in several major awards. On day one the coveted Machine of the Year award was presented to HARDI Australia for its new Commander series boom spray. HARDI's southern region manager, Graham Wilkinson, received the award from the honourable member for Farrer and Parliamentary Secretary for Agriculture, Fisheries and Forestry, Sussan Ley. On the second day the Farm Inventor of the Year award went to Richard Hazelton from Cudal for his fertiliser spreader, while Gerogery harvest contractor Neil Phillips was runner-up with his self-propelled grain bagging machine.

Something new this year was the introduction of a guest nation exhibit. Enterprise Ireland organised a trade mission comprising eight agricultural machinery companies. The Field Days were officially opened by the Irish Minister for Trade and Commerce, Mr Michael Ahern. In his address Mr Ahern referred to historical links, the unusual experience of a drought in Ireland and the sharing of a common sense of humour, enjoyment of a good yarn, and a love of beer, sport and all kinds of social pursuits. The Field Days provide a wonderful opportunity for networking and gathering information. Farmers get the chance to inspect and purchase the latest equipment, but they also get to exchange views and discuss methods of overcoming problems like the drought.

The social side of the event is one of the major benefits and in turn this flows through to the region in the form of a huge commercial and tourism boost. The Henty and surrounding community benefit financially from the Field Days through the provision of accommodation, catering and services such as manning the gates and providing a delivery and pick-up service and security. The Henty Catering Association operates three food outlets and through volunteers, like Elizabeth Ellis, raises tens of thousands of dollars for the Henty Public School and projects such as the town's swimming pool.

It is an opportunity for all the local sport and service clubs to become totally involved. Their huge contribution not only ensures that cars and aircraft are parked, people are fed, purchases are collected and delivered but also that the funds raised are ploughed back into their own community. Then there are the many

volunteers involved in setting up and manning displays, joining the Government and business stands, the educational institutions and the entertaining programs presented in the Country Lifestyle pavilion, and at the Working Dog sheep and yard dog trials. Many of the district schools encourage their students to visit the site. Some of the Billabong High School students' modelled winning entries from the Australian Wool Fashion Award and garments entered in the Henty Natural Fibre Fashion and Accessories awards. Congratulations to everyone involved in the Henty Machinery Field Days. As the jingle reminds us, there are a lot of good people there.

### AUBURN ELECTORATE ANNUAL YOUNG CITIZENSHIP AWARDS

**Mrs BARBARA PERRY** (Auburn) [5.23 p.m.]: I draw the attention of honourable members to a number of young people from the Auburn Electorate for their outstanding contribution to the community. These young people were acknowledged at the twentieth-seventh Auburn *Review Pictorial* Annual Young Citizenship awards evening on Monday 18 September. I am privileged to have shared in these annual celebrations for some years. I commend the Review and Steve Bushell in particular for providing an opportunity to acknowledge the efforts and positive impacts of young people in our community. Over the past 27 years these awards have grown from strength to strength. Once again, I have been enthused by the hard work, talent and passion of the young people honoured this year.

The Auburn students are Ai Chim Lim, Lidcombe Public School; Aysenue Eyvaz, Auburn West Public School; Carven Lee, Birrong Girls High School; Christian Anthony Lu, St Peter Chanel School; Darlia Lee, Newington Public School; David Ha, Regents Park Public School; Edin Vejzovic, Auburn Public School; Elif Buggdayli, Sule College Auburn Campus; Hiba Al Naji, Auburn Girls High School; Jennifer Cinque, St John's Primary Auburn; Jodi Pereira, Auburn Adventists Public School; Jonathan Dang, Berala Public School; Lauren Onato, Trinity Catholic College; Rishabh Satsangi, Birrong Boys High School; Sara Ghafar, Auburn North Public School; Stephanie Schenk, St Joseph the Worker, Auburn South; Tracey Hoang, St Joachim's Primary School; Tristan Kirk, Christian Community High School, Regents Park; and Vinh Nguyen, Trinity Catholic College.

Schools in the neighbouring electorate of Granville were also represented by Ammar Jamal-Eddine, Danyah Sumrain, Edbert Chung, Jenny Balech, Nadia Hage-Aii, Rachel Cox and Samir Naizmand. There is not enough time to acknowledge the individual contribution of each of these students, but they have passionately involved themselves in various sports, local parishes, community and church volunteer youth initiatives, school student representative councils as well as school and colour house captains, education, music, art, public speaking and debating, and general school and community life. I am immensely proud of the example that these students have set in Auburn, not only to other students at their respective schools but to the entire community. They have set a standard of excellence that others strive to emulate.

However, achieving first place in an exam, or a gold medal in a particular sport does not make a good citizen. Good citizenship transcends records and statistics, and it is what sets these students apart from many. They have displayed an intrinsic ethic of support and concern for others. They have shown their commitment to building a stronger community. What makes this award significant is that each student displays honourable characteristics of respect and responsibility, two important qualities because of the positive influence they have on their peers and the wider community. They instil in others a sense of pride in the community and encourage an active involvement in Auburn life. Citizen award winner Aysenur Eyvaz of Auburn West Public School put it best when she said good citizenship is about:

Working and striving to the best of your ability and displaying respect, tolerance and mateship. It's also accepting the people around you, no matter what culture and joining with others to display a shared love for your country.

They are extremely wise words from a person of such a tender age. It is a strong reminder to us all that young people of all ages are not only perceptive but they have much to offer our community. These students inspire others to contribute to the best of their ability on issues and pursuits that they are passionate about. In doing so, they show others the importance of playing a part in the future and direction of our community. These students have shown that being a model citizen is not about the accolades, it is about a desire to build relationships and a community to be proud of, and to live in safety, harmony and acceptance.

Many thanks must go to the parents, teachers and schools who have provided a nurturing environment and who have sculpted these students into people of great honour. They have provided vital guidance in their dedication to form leaders not only of the future but also of today. These awards highlight the engaging and

dynamic environments that teachers and principals in Auburn schools are creating. They have adopted a holistic approach to learning and to the development of our young people, with great success. I congratulate the Auburn *Review Pictorial* on 27 years of recognition and involvement in youth through these citizenship awards, as well as sponsors Shell Clyde Refinery, Alpha Omega Education and Auburn Council for their support for this annual event. I congratulate the students, and I am sure we will hear many great things from these fine citizens and their future contribution to the Auburn community.

### CLIMATE CHANGE

**Mr ANDREW CONSTANCE** (Bega) [5.28 p.m.]: I bring to the attention of the House my concerns on climate change, and in doing so recognise a movement that has been formed in the Bega electorate by local orthopaedic surgeon Matthew Knott and the Clean Energy for Eternity Committee who are driving awareness and seeking change in our community about climate change. Three thousand local residents from all walks of life and political leanings met on Tathra beach with a human sign "Clean energy for Eternity" back in May. Last month 400 people attended a public meeting in the Bega RSL calling for a big move to renewable energy. In fact it called on the Bega Valley shire to commit to a target of 50 per cent renewable energy by 2020. When I spoke at that meeting I made the point that Government leaders need to focus on a possible way forward that seeks to achieve the necessary environmental goals whilst being economically and socially viable for the community. We must work in partnership with industry and the community. The broader policy questions about the environment mean surely it is time to dare government, industry and the community to consider every option—alternative energy, recycling of water, charging market price for the resources we use, and many other ideas.

I think everyone would agree that we do not face a catastrophe today. However, we are creating one for tomorrow. All of us will be judged harshly if our children look back at this moment and say: They understood well enough, and yet failed to act. The degradation of our environment through climate change and the abuse of underpriced and precious resources is a national disgrace. Yet one of the greatest challenges for the twenty-first century is our response to a changing climate. Whilst people will debate the cause and the degree to which climate change is affecting our planet, we must seek to address and protect our environment with a greater emphasis on the renewable energy sector and on developing the technologies that will ultimately minimise greenhouse gas emissions. It is sad that some business and government leaders around the world come to this debate interested in it only if votes and dollars are attached.

According to the CSIRO, the likely impact of climate change by 2030 is a 70 per cent increase in drought frequency, an increased risk to infrastructure, decreased water availability for agriculture and increased insurance premiums. Survey results indicate that 80 per cent of people are concerned about climate change, its impact on the environment, and the best approach to managing it. Yet I believe that in the order of the same number of people do not believe they can effect change as an individual.

The fact is that there is no silver bullet to address our energy needs. In the future we must look to a combination of natural gas, renewable energies and demand management, particularly at peak times. With the introduction of more electronic appliances in people's homes we must be doing more to conserve electricity by encouraging people to turn off these appliances at the wall. Tonight I also call on my parliamentary colleagues to debate and give consideration to a State-based renewable energy target similar to the one proposed for the Bega Valley and the implementation of an ethanol and biodiesel scheme which, if required, should be mandated through legislation. We must seek to progress New South Wales towards a less greenhouse-intensive economy by providing impetus for development of renewable technologies and the provision of incentives to reduce motor vehicle emissions through ethanol and biodiesel use.

While emissions trading schemes are being implemented around the world, it is of key significance to provide greater encouragement for the renewable energy sector. As a nation we must seek to develop the renewable energy technologies that will drive the development of major power projects to create substantial employment opportunities and investment in the economy while achieving our environmental goals. Coupled with this is the need to place greater emphasis upon improving energy efficiency and savings incentives. Bioenergy as well as solar, wind, natural gas, hydro, demand management and other energy sources, such as geothermal resources, must receive greater attention. It is not wise to put all our research dollars into developing one single initiative to satisfy our energy needs.

In Victoria electricity retailers will be required to purchase a minimum 10 per cent renewable energy by the year 2016. The Victorian State Government is hoping that that will have a minimal effect on the average

power bill. The scheme is operating through a competitive market in supplying renewable energy to meet this target demand. This market-based approach means that the projects that are likely to go ahead will be those that can supply this market at the cheapest possible price, and will include a mixture of hydro, wind and biomass power sources. In addition, the scheme will provide a small incentive to encourage the installation of solar panels on a number of households.

As renewable power is currently more expensive than coal-fired generation, electricity retailers will pass on the additional cost to their customers, and in Victoria that will be a cost that consumers will have to pay for renewable energies. A flipside to that is that the direct investment in Australian-based renewable energy manufacturers will be more than \$1 billion, with an expected flow-on stimulus throughout the Victorian economy of more than \$2 billion. More than 3,300 jobs will be created in the construction of these projects with flow-on jobs for 7,500 people. As a community, we need to make efficient and sustainable use of our energy resources and infrastructure a priority, particularly in New South Wales. We need to attract, encourage and engage those industries and bring them to our State. Low emission technologies, such as renewable technologies and natural gas, have the flexibility to contribute to a greenhouse emission constrained future. This is why I hope consideration will be given by the Government to immediately implementing alternative energy policies. The sooner that happens, the better will be the outcome for New South Wales.

### **EARLWOOD PUBLIC SCHOOL NINETIETH ANNIVERSARY**

**Ms LINDA BURNEY** (Canterbury—Parliamentary Secretary) [5.33 p.m.]: Tonight I wish the Earlwood Public School a happy ninetieth birthday. The school's ninetieth anniversary was celebrated on Wednesday 13 September. When the school opened in 1916 it was a wooden building on Homer Street consisting of five classrooms. The building is still standing. The celebration was well-attended, with all the students, their parents and members of the parents and citizens association joining in. It was fantastic for me to meet Mrs Shaw, who is 90 years of age, has lived all her life in Earlwood and commenced her school life in 1920. Mr and Mrs Sowden, who are also still residents of Earlwood, also attended. I think it was Mrs Sowden who first attended the school in 1930. One of the school's most famous former residents was Prime Minister John Howard. I do not know why I said that, but he was a student there.

The celebrations were led by the school's principal, Kevin Weeks. The school prides itself in providing a safe and nurturing learning environment that develops respect, understanding and responsibility. More than 600 children attend the school. The day of the celebration was marked appropriately but surprisingly by perfect weather, given the drenching rain that fell during the previous week. A multicultural food fare was part of the celebrations, and it was simply fantastic. Organising the day would not have been an easy job. I congratulate Angelina Sheinwald on a job well done. While meeting mainstream educational requirements, the school's programs accommodate disabled students. The school is a base for the Vision Unit for teachers who work with students with visual disabilities. Two English as a second language [ESL] teachers are also available for students who are newly arrived in Australia and who need intensive English language tuition.

Overall, in 2006 Earlwood Public School has 23 mainstream classes and a computer laboratory housing 31 computers to enhance student learning opportunities. The school is a great advertisement for the fantastic work that the New South Wales Government has carried out in introducing computer education in schools. A new before-and-after-school centre is located on the school grounds, and the school's playground is undergoing major renovations. The school counts its achievements as academic ability as well as sporting accomplishments. Students have the opportunity to participate in debating and Primary School Sports Association sporting competitions. The school's dance troupe and choir perform regularly, as they did on the day of the school's ninetieth birthday.

Importantly, the school has a vibrant parents association, which works tirelessly to raise funds to enhance existing resources. The support of the wider community and families of students who attend schools in our State cannot be underestimated because community involvement also educates our students about the outside world. As I mentioned earlier, the Earlwood Public School is a large public school with 600 students. The teaching staff and the parents and citizens association work hand-in-hand to achieve remarkable outcomes. There were numerous parents in attendance to celebrate the school's ninetieth anniversary. To my mind, that is an unmistakable indication of how well embraced the school is in the Canterbury electorate, particularly in Earlwood. As I also indicated earlier, the school has ESL teachers for the reason that many children at the school speak a language other than English. For example, the school has one of the highest Greek populations in Sydney. That cultural influence was very evident on the day of the celebrations.

I made a very short birthday speech. I told the students that when I was a primary school student there were only two teachers at the school I attended. The students were absolutely amazed that there could be a school with so few students and teachers. The principal and the staff of the school deserve wholehearted congratulations not only on a ninetieth anniversary celebration but also on the annual food fare that is held at the school. Stalls sold food from many different countries, particularly Lebanon, Greece and India. It is important to celebrate this State's achievements in public education. I am pleased to note the presence in the Chamber of the Minister for Education and Training, who must be congratulated on the fine work that the Government undertakes in supporting and promoting public education in this State. Happy ninetieth birthday to the Earlwood Public School. I look forward to attending the school's centenary celebrations. I thank the school's community for inviting me to the celebrations on 13 September, and thank everyone for a wonderful display on that day. The students were an absolute credit to this State's public education system.

### WAGGA WAGGA JOBS AND INVESTMENT

**Mr DARYL MAGUIRE** (Wagga Wagga) [5.38 p.m.]: Because recent media articles in major tabloid newspapers have suggested that Westpac will relocate approximately 485 jobs overseas, I state on the record that Wagga Wagga has everything that Westpac could need or want. Today I wrote to the Chief Executive Officer of Westpac, David Morgan, to urge him to give up the notion of relocating jobs to India and instead relocate them to Wagga Wagga, just as Salmat has done. For years, Salmat has been operating very successfully a 250-seat call centre in Wagga Wagga.

The costs of operating a business in regional centres such as Wagga Wagga are much lower than they are in areas along the eastern seaboard. Wagga Wagga has a reliable work force, affordable housing, communications infrastructure—broadband, Austar wireless, Telstra wireless and ADSL—and transport, including Rex Airlines and Qantas, which operate as a gateway to the world. I stated in my letter to David Morgan, "Wagga Wagga can meet your needs." The city of Wagga Wagga and its surrounding villages and towns offer affordable living with housing capital growth since 2001 recorded at 18.6 per cent. Wagga Wagga is New South Wales' largest inland city with a population of 60,000. The city has theatre, entertainment, a choice of schools, a university, a TAFE college, adult learning, public and private health facilities, a world-class cancer care centre and a range of clinical services, including cardiologists and radiologists as well as ancillary medical services.

Wagga Wagga is situated midway between Sydney and Melbourne. It is showing positive growth, as evidenced by development proposals and approvals worth \$1.2 billion. The city is evolving rapidly to become a most favoured place in which to live, work and invest. When businesses crunch the numbers and compare costs of conducting businesses in New South Wales or anywhere else in Australia, they should consider places such as Wagga Wagga as an alternative to locating their work force offshore. I suggest that Westpac should not just take my word for all that I have said, but should come and see for itself. I have extended an invitation to David Morgan, his executives and members of the Westpac board to visit the city and see for themselves what Wagga Wagga has to offer.

The Commercial Response Unit, under the management of Gary Wells, is ready to present a proposal to Westpac, either in Sydney or in Wagga Wagga. Australia needs jobs, and Wagga Wagga would welcome a decision by Westpac to relocate in regional New South Wales. Wagga Wagga has proof that it has got what it takes. Just ask Buckman's Laboratories, which relocated to the city approximately 20 years ago; Hine Timbers, which has the largest timber mill in the Southern Hemisphere; Southern Oil; BOC Gases, which will soon complete its major relocation; Cargills, which has recently increased its work force by 120 with an investment of \$35 million; Vinidex, which intends to construct a pipeline plant valued at approximately \$35 million; Visy in Tumut, which is about to engage in stage two of its establishment costing \$400 million and creating 2,000 construction jobs and 50 permanent full-time jobs, the first stage having cost \$400 million; and Renewed Metal Technologies, which created 60 jobs and has \$30 million invested.

Many more opportunities are being embraced in the Wagga Wagga region. I am sure that if David Morgan or his executives were to contact any of the companies to which I have referred, or any company in the yellow pages, they would testify to the benefits of regional cities. The message for the Premier is that businesses leave New South Wales because of the competitive environment. Clearly the New South Wales Government needs to look at payroll tax and workers compensation in other States, because they are important in retaining businesses here and attracting businesses to this State. That comment is firmly aimed at the Premier. He really needs to look at those costs, because they have an impact in helping us attract business to regional New South Wales. [*Time expired.*]

### F3 EXTENSION

**Mr JOHN PRICE** (Maitland) [5.43 p.m.]: The proposed extension of the F3 national highway will pass through Kurri Kurri to Branxton. The last financing proposal was put forward about six years away. However, the absence of that extension creates a major problem. Currently, the New England Highway, which runs through my electorate, carries all the northbound traffic from Beresfield to Greta and beyond, and includes all the heavy transport using the New England Highway through Kyogle to the Queensland border. The establishment and construction of the F3 extension, which would join the highway at Branxton, would reduce the heavy traffic in the built-up areas of my electorate by some 18 per cent. To some degree it would also reduce the number of domestic vehicles that use the highway.

We will never be rid of cars. As development follows the creation of various subdivisions along the highway and with sewerage system upgrades, traffic will build up. However, we have a chance of getting rid of a great deal of heavy traffic and the consequential difficulties of accidents, speeding vehicles, inadequate widths in certain sections of the road, and the danger created by heavy traffic passing schools, both public and private, as they travel through the city boundaries. It is proposed that the F3 will run from Branxton to Kurri Kurri and, hopefully, it will then cross the mountains to the village of Seahampton and join the existing highway. That would be the best route, but it is also the most expensive. I have heard estimates of up to \$700 million for that extension.

If the extension does not go to Seahampton, it will come from Branxton to Kurri Kurri, along an upgraded section of John Renshaw Drive to Beresfield, join the end of the existing F3, and then go to Seahampton via Wallsend and on to Sydney. Significant problems have occurred with the New England Highway. Currently, the highway from Beresfield to Branxton is the temporary F3, but it was never built as a four-lane or six-lane highway. Some sections are four lanes, but the pressure is on and the Roads and Traffic Authority, sometimes jointly with the Federal Department of Transport and Regional Services, has progressively upgraded the road for safety reasons. Recently a set of traffic lights was installed at the intersection of the New England Highway and South Seas Drive.

There have been some intersection improvements at Chisholm Road and Chelmsford Drive, near East Maitland and Metford. I have been advised that the Roads and Traffic Authority will undertake further work on the west side of Maitland city as it proceeds through the suburbs of Rutherford and Telarah on the way to Greta. The extension of the F3 is a major problem that has caused considerable grief to a number of residents, particularly those who have houses near the highway in the Lochinvar area, where the road is narrow and where there have been significant and fatal accidents. The Federal Government is responsible for funding and under a recently signed agreement the State will be responsible for contributing about 27 per cent. However, it is important that the Federal Government be encouraged to get on with the project. Six years is far too long to wait. On behalf of my constituents I urge both governments to get together, talk about the program and at least start resuming property and have the design arrangements completed so that when funding is available tenders can be called and construction can commence.

### PITTWATER ELECTORATE SURF LIFE SAVERS

**Mr ALEX McTAGGART** (Pittwater) [5.48 p.m.]: The weekend of 9 and 10 September 2006 was the official start of the 2006-07 swimming and surfing season and it is fitting that this evening I pay tribute to the exceptional courage of five Pittwater residents, members of local surf life saving clubs. Craig and Daniel Poppleton and Mitchell Goodchild are members of the Bilgola Surf Life Saving Club, and Neil Dyer and Scott York are members of the Warriewood Surf Life Saving Club. All five risked their own lives to save the lives of others in two amazing surf rescues during the 2005-06 surfing season.

Craig Poppleton is Bilgola's Captain of Patrol 11 and a Gold Medallion holder. His son, Daniel, is 14, as is his friend Mitchell Goodchild. Both Daniel and Mitchell hold their Surf Rescue Certificates and are members of Patrol 11. Just after 6 o'clock on the evening of 17 December 2005 Daniel Poppleton noticed a group of people in difficulties at the southern end of Bilgola Beach. Two were in waist-deep water, attempting to reach five others who were struggling in the surf, having been caught in the notorious rip known as the Newport Express. Craig, Daniel and Mitchell took surf rescue boards to the area, where Craig instructed the two boys to await his signal to enter the water. He then sent the two waders back to shore and, in difficult conditions, set about rescuing all five of the swimmers.

Craig paddled out through the break, reaching the first two swimmers whom he secured to his rescue board. With them hanging on, he paddled further out and rescued two others, one of whom, a young woman, was barely conscious. Craig could not reach another swimmer about 15 metres further out because of the weight of the others dragging on his board. By that stage he was out beyond the break and he decided it was safe for him to leave the barely conscious girl and the three others who were clinging to the board and to swim out to the other swimmer. It was not an easy decision, but the remaining swimmer was in serious trouble and Craig knew that he just could not leave him there. When he finally reached the desperate man he was at least 30 centimetres below the surface. Craig reached down, grabbed him by the hair and pulled him back to the surface. With that action the swimmer partially regained consciousness and he was aware enough to join the others hanging onto the board while Craig towed them back.

Craig then signalled to Daniel and Mitchell to paddle out to assist him. They calmed and supported the swimmers while Craig ferried the three most affected swimmers back to shore. When he reached the beach he realised that the woman was unconscious. He carried her up the beach to the surf club, where two club members who were assisting at a function were able to put her and the other patients on oxygen. He then signalled to the two boys, who were still out at sea with the last two swimmers, and the two 14-year-olds brought them ashore on their own. Later they discovered that the family group they saved had only recently arrived in Australia from Afghanistan and had virtually no experience in the surf.

Their rescue was not the only amazing rescue to occur on our beaches during the last surfing season. At about 5.30 p.m. on 25 February this year Neil Dyer and Scott York responded to an emergency call and launched an inflatable rescue boat [IRB] and headed for the Warriewood blowhole, a notoriously treacherous spot on the northern beaches. On arrival at the blowhole they found three swimmers in serious difficulties in a very heavy swell. One swimmer was already unconscious and the other two were struggling to stay afloat. Neil and Scott pulled the swimmers into the IRB. Neil immediately commenced expired air resuscitation and cardio-pulmonary resuscitation on the unconscious swimmer, while Scott negotiated the huge swell, simultaneously communicating with the State Emergency Service on the two-way radio and attending to the distressed swimmers.

Upon arrival at the beach the Ambulance Service took charge. Fortunately, this occurred close to Mona Vale hospital, which has not yet been closed. Sadly, one of the swimmers was pronounced dead on arrival at the hospital, having suffered a cardio-pulmonary arrest secondary to drowning, but the courageous actions of Neil Dyer and Scott York saved the lives of the other two swimmers. These five people showed bravery and professionalism in the worst possible circumstances, and by their actions saved the lives of nine people. In June this year, as Pittwater Mayor, I had the honour of presenting all five with medals in the 2006 Mayor of Pittwater's Awards for Courage in Lifesaving. Craig, Scott and Neil received senior awards, while Daniel and Mitchell received junior awards. They were most deserving recipients of the bravery awards and deserve the thanks and appreciation of the entire community.

### **MUM'S KICK MOUNTAIN CLIMBERS CHARITY FUNDRAISING**

**Mr DAVID BARR** (Manly) [5.53 p.m.]: Tonight I would like to speak about Mum's Kick, a group of mothers on the northern beaches in my electorate with a sense of adventure. They work together as a team to pursue their goal to climb the seven highest mountains on the seven continents, while at the same time raising money for charity. The group was formed 4½ years go by Diane Westaway, a 46-year-old mother of three who lives in Balgowlah. She decided to form the group at about the time that her third child was born. She wanted to work with other like-minded, highly motivated mothers to achieve their goals together. Diane's main priority was to pursue her goals as part of a team, as she strongly believes that groups of women working together can achieve extraordinary things. Currently there are 25 members of the group and they are all mothers.

Mum's Kick members have so far climbed three of the seven summits—Mount Kilimanjaro in Tanzania, Mount Kosciuszko in Australia and, 10 days ago, four members of the group, including Diane Westaway, made it to the summit of Mount Elbrus, which is the tallest mountain in the Caucasus range of mountains in Europe on the border of Russia and Georgia. Despite Mont Blanc's fame, Mount Elbrus is the highest mountain in Europe. Amanda Jones, the eldest in the expedition at the age of 50 had previously made it to the summit of Mount Everest. Mirrie Barkle, another woman in the group, is a mother of 10 children. Brigitte Muir, a highly experienced climber who has previously reached the summit of Mount Everest, accompanied

them for most of the climb. Brigitte commented on how impressed she was with the group's training, preparation and fitness. She had never climbed with a team consisting only of women and she noted how successfully an all-female team operates in such a challenging environment. The late Sue Fear had intended to go on this expedition but, tragically, she died in a climbing accident earlier in the year.

Through this expedition Mum's Kick raised \$30,000 for the Fred Hollows Foundation. It held a fund-raising dinner at St Patrick's College on 29 July this year to help cover costs. I was privileged to attend that dinner and to contribute to such a worthy cause. When 15 members of the team made it to the summit of Mount Kilimanjaro in Tanzania last year, they raised nearly \$70,000 for the Fistula Hospital in Ethiopia. In addition, over the past four years the Mum's Kick group has been doing the Oxfam trail walk, which involves covering a 100-kilometre walk within 48 hours. The group always tries to do the walk in 24 hours because, as Diane explained, "Mothers do not have enough time." Mothers need to get back to their families. The group raised about \$15,000 for Oxfam through this walk.

Next year Mum's Kick plans to lead a mother-daughter group to Borneo. It also has plans to conquer Mount Denali in Alaska and Mount Aconcagua in Chile. Diane explained that, in essence, the group's activities are real team events with the women motivating each other and working together as a team to make it to the summit. Diane's husband, Simon, said that it is about ordinary women achieving extraordinary things and that the women return from their adventures exhilarated, which has a positive impact on their families and on their working lives. This is a fantastic example of people who believe that life is there for the living. They are seizing the moment, they are doing exciting things and they have family support to do it.

At the moment Simon is at home as a househusband looking after three children because Diane, having climbed Mount Elbrus not so long ago, is now climbing Mount Fansipan, the highest mountain in Vietnam. I jokingly said to Simon that when Diane wants to climb Mount Everest I would be happy to go along for the trip, but he said that he does not want her climbing Mount Everest because she has a young family and there is too much risk involved, which is fair enough. These women are doing exciting and dangerous things. They are doing it because they love life and they are doing it for worthy causes such as the Fred Hollows Foundation, Oxfam, the hospital in Ethiopia and various other worthy causes. I think the members of the group are terrific, and I cannot speak highly enough of them.

**Private members' statements noted.**

**The House adjourned at 5.58 p.m. until Tuesday 26 September 2006 at 2.15 p.m.**

---