

LEGISLATIVE ASSEMBLY

Thursday 18 March 2004

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

Mr Speaker offered the Prayer.

PARLIAMENTARY ELECTORATES AND ELECTIONS AMENDMENT (PROHIBITION ON VOTING BY CRIMINALS) BILL

Second Reading

Debate resumed from 11 March.

Mr ANDREW HUMPHERSON (Davidson) [10.00 a.m.]: The Coalition has introduced this bill with the objective of denying criminals who are serving their sentences the right to vote. We do not believe that those who have shown disrespect for their fellow citizens and who have been given a just sentence by a court should have the right to vote whilst they are serving their sentence. The object of the bill is to disqualify anyone who has been convicted of an offence and who is serving a sentence from voting in a New South Wales election. The disqualification applies to any person who is serving a sentence by way of full-time detention, periodic detention, or home detention, or who is on remand pending sentencing, or who is subject to a parole order or community service order. At present a person in New South Wales is only disqualified from voting if the person has been sentenced to imprisonment for 12 months or more and is in prison serving that sentence.

The effect of this legislation will also be to deny those same people the right to vote in local government and local council elections. It was our original design and intention, as it would be with the concurrence of the Government, for this legislation to have effect at the local government elections in New South Wales on Saturday a week. A principle that applies at a State level ought to apply equally at a local government level, and ideally it should also apply at a Federal level.

The right to vote is a privilege for any citizen in this State. The right to influence the outcome of the democratic processes at a State parliamentary or local government level is a very significant privilege. That right to vote is provided and available to citizens over the age of 18 who respect the law and continue to respect the law. This bill will take away that right of privilege to vote from those who have not respected the law and from those who have not respected the rights and property of their fellow citizens. A number of people are serving a punishment imposed by the justice system because they have broken the law and have been convicted. This bill provides that while they are completing a sentence involving full-time, weekend, or home detention they are denied the right to participate in democratic processes.

New South Wales prisoners serving sentences of 12 months or more are not entitled to vote at State or council elections. That applies to about 5,000 offenders in the State's corrective services system. Yet another 13,000 or more offenders who are currently serving one form of punishment or another retain the right to vote and retain the right to influence democratic processes. So there are 13,000 offenders currently serving a punishment in this State who have the right to vote at a State election and who will have the right to vote and influence the outcomes of the council elections on Saturday a week. By virtue of that, they have a significant influence on government and local government policy decision-making and the composition of governments and councils. The Opposition does not believe that those serving a sentence, having not respected the rights of their fellow citizens, should retain the right to vote.

As I said, currently 5,000 people in the corrective services system in New South Wales do not retain the right to vote, and almost three times as many currently serving some other form of punishment do retain the right to vote. This legislation would apply to every one of them. A person serving a part-time incarceration, such as weekend detention or home detention, would not have the right to vote whilst that person still has an unexpired portion of their sentence to serve. A person in custody, whether on remand pending sentencing or serving a full-time prison sentence, no matter how short the sentence is, would not have the right to vote. A person completing a community service order, that is, an unexpired commitment to a punishment, would not have the right to vote. A person who has served the custodial part of a full-time sentence and is on parole will be deemed to be still serving part of the original punishment and will not have the right to vote.

So, 18,000 criminals under the State's penal system now should not, in our view, have the right to vote. Yet under the current legislation 13,000 of them do have that right. We exclude, logically, people who have been issued with a fine as a form of punishment or who have had a suspended sentence. In that case their punishment has been served. There are many people who get a more substantial punishment because they are repeat offenders, not just because of the magnitude of their crime. If the justice system dispenses an ongoing form of punishment, we do not believe that those serving that punishment should have the right to vote.

It is worthwhile contrasting this with other jurisdictions. At a Federal level, prisoners serving sentences of less than five years have the right to vote. The current Federal Government sought to amend that law back in 1997-98 and it was objected to predominantly by the Labor Party and also by the Greens in the Senate. As I understand it, that position prevails. For reasons they can justify, the Labor Party at its Federal level, and we can only presume at a State level, wish to preserve the right of criminals to vote and influence the outcomes of our democratic processes.

Tasmania does not allow any prisoner to vote, and that is tougher than the existing regime in New South Wales, where prisoners who are serving sentences of less than 12 months can vote. Recently the South Australian Labor Government changed its laws to allow all prisoners to vote. The United Kingdom and New Zealand uphold the principle that offenders who are serving their sentences, who have shown no respect for the law or their fellow citizens, lose the right to vote. Any offender serving a sentence in the United Kingdom is removed from the electoral roll.

Mr Alan Ashton: In some States in America they put them in gaol so they can't vote. Talk about that!

Mr ANDREW HUMPHERSON: The honourable member for East Hills invites me to comment on the American system, and I will. I am sure he will contribute to the debate and defend himself to his constituents who, I am sure, would be less than impressed that he wishes to preserve the right for criminals to vote.

Mr Alan Ashton: That's what they did in Florida. They put all these blacks in gaol for two days and removed them from the roll.

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

Mr ANDREW HUMPHERSON: There are exceptions, but in almost every State of the United States the law disqualifies inmates from voting while they are in prison or on parole. The extension to preclude parolees from voting recognises that the parole period is part of their punishment and, therefore, they continue to lose their rights. Honourable members will be interested to know that approximately one-quarter of the people in the United States who have criminal records lose the right to vote for life. The honourable member for East Hills stated that many people in the State of Florida have lost the right to vote for life. Under the Federal Constitution of the United States of America, the States are allowed to determine the punishment and the loss of voting rights for someone who has committed crime.

Some States of the United States have interpreted that principle to include not only the loss of the right to vote while serving a punishment but for the remainder of their lives. By contrast, Japan, France and Germany allow prisoners full voting rights. The Coalition believes that anyone who is serving a punishment should lose the right to vote, but not for the full term of his or her natural life. I look forward to the contribution from those opposite and hearing them explain why the Labor Party upholds the right of prisoners, those who have not respected the law and the rights of individuals, to vote.

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

Mr ANDREW HUMPHERSON: Prior to next year's State election in Western Australia, the State Labor Government has indicated that it will seek to amend the electoral laws to bring them in line with Federal legislation, which are more liberal than those in New South Wales, and will dilute its current laws to give more prisoners in Western Australia the right to vote. I do not subscribe to the Federal laws. They should reflect what I am advocating: no prisoner should vote. I know the Federal Government has sought to change the laws, but the Labor Party, supported by the Greens, has opposed those changes. It will be interesting to hear not only the Minister but also other members opposite justify and explain away why offenders should have a right to vote and, therefore, influence the outcome of elections. I put to the House—and I will provide statistics to back up this argument—that it is the Labor Party and the Independents that benefit the most from preserving the right of criminals to vote.

Mr Alan Ashton: We've been waiting for you to get to this.

Mr Gerard Martin: Prisoners in New South Wales gaols have .000 per cent of the vote.

Mr Alan Ashton: We want all those marginals in Sylvania Waters, Manly and all those places of Labor corrupters in gaols voting, do we?

Mr ANDREW HUMPHERSON: Obviously members opposite want to make a contribution, and I am keen to hear it at the right time. I will be more than happy to respond. Statistically it is clear that those who are serving punishments are far more likely to vote Labor.

Mr Alan Ashton: Where did he get that from—Alan Jones?

Mr Gerard Martin: Exit polls?

Mr Neville Newell: Is that the only reason you're bringing this bill in, is it?

Mr ANDREW HUMPHERSON: The contributions from the honourable members for East Hills, Bathurst and Tweed should be noted. I would like them to justify to their constituents why criminals should support them and back them, and assist in their re-election. The most recent prison census reveals where the prisoners came from, where they committed their crimes and their most recent arrests. The 10 areas of New South Wales that provide the State's prison system with the most inmates are Fairfield-Liverpool, inner Sydney, Blacktown, Newcastle, Canterbury-Bankstown, central western Sydney, outer western Sydney, outer south-western Sydney, St George-Sutherland, and Gosford-Wyong. The bulk of the 10 areas that contribute the most criminals to our prison system are Labor-voting areas. I challenge any number of members opposite to make clear their views on the right of prisoners to vote.

The Fairfield-Liverpool area provides about 704, almost 10 per cent, of the State's prison inmates. The honourable members for Liverpool, Fairfield and Cabramatta benefit from criminals who have the right to vote; they back them and support them. I would like to hear them justify to their constituents why those criminals should have the right to vote. The second most significant area, inner Sydney, is the electorate of the honourable member for Port Jackson. She is more than welcome to come into this Chamber and contribute to the debate and explain to her constituents why criminals should influence the political outcomes of State and local council elections in inner Sydney. The honourable members for Blacktown and Mount Druitt can do the same, similarly the honourable member for Newcastle. The honourable members for Canterbury and for Bankstown might wish to justify why criminals from the Canterbury-Bankstown area should retain the right to vote and influence the political outcome.

Mr SPEAKER: Order! The honourable member for East Hills and the honourable member for Bathurst will cease interjecting.

Mr ANDREW HUMPHERSON: It is self-evident that the proportion of criminals from any area of the State is statistically less than 1 per cent. Therefore 99 per cent of the people are clearly law-abiding citizens whose rights we should respect and uphold. In some areas criminals who have the right to vote are inappropriately influencing the democratic outcomes for the 99 per cent of law-abiding citizens. Two members in this place who represent the Canterbury-Bankstown area have the opportunity to stand up to say they do not believe that criminals should have the right to vote. The honourable member for Drummoyne and the honourable member for Strathfield both represent interesting political areas. Do they believe that they should benefit from vote of criminals? I invite the honourable member for Camden, who represents south-western Sydney, to contribute to the debate and justify why he should receive the votes of criminals that help him to get elected.

Mr SPEAKER: Order! The honourable member for Lismore should not respond to interjections across the Chamber.

Mr ANDREW HUMPHERSON: The honourable member for Kogarah, the honourable member for Georges River and the Minister for Energy and Utilities, who represent the St George-Sutherland area, should justify to this House and their constituents why they should benefit from the right of criminals to vote and whether they will preserve that right. Similarly, on the Central Coast the Minister for Gaming and Racing, the honourable member for Wyong and the honourable member for Peats have the opportunity to say whether they

believe criminals should have the right to vote or whether they will vote to preserve that right. The bulk of the 8,000 or so criminals in the full-time prison system statewide come from Labor seats and vote Labor, Independent or for other minor parties. A weighted statewide analysis would show that at least 70 per cent of criminals are likely to vote Labor, and that figure would be even higher if a direct survey was carried out. Although honourable members might seek to dispute it, it is one reason why I believe they wish to preserve the right of criminals to vote.

Mr Gerard Martin: You have just splattered south and south-west Sydney. That's typical of your side.

Mr ANDREW HUMPHERSON: Clearly, the honourable member for Bathurst wants to preserve the right of criminals to vote. It is not a difficult proposition: should people lose their right to vote if they assault someone or commit some crime?

Mr SPEAKER: Order! Members will have the opportunity to debate this at a later time.

Mr ANDREW HUMPHERSON: Why should people retain the right to vote when serving punishment? The most recent figures show that 5,130 criminals in the State's correctional system do not have the right to vote. Another 3,170 full-time prisoners do have the right to vote, many of them on remand, but they should not retain that right. Approximately 830 periodic detainees at this time have the right to vote in State and local council elections, but I believe that they should lose that right. There are 270 offenders on home detention in New South Wales at any one time and every one of those should lose the right to vote. Approximately, 4,200 offenders have been given community service orders and they, too, should lose the right to vote, along with the 4,400 offenders on parole or under supervision because they have been punished under the judicial system of New South Wales for failing to respect the rights, properties and liberties of their fellow citizens.

Realistically, it is now impossible, given the passing of time, for the bill to be effective in time for the local government elections. However, it is worth pointing out that offenders should not have the right to vote at either the local government or State level. It is ironic that with the manipulation of local government and the desire of the Carr Government to manipulate mergers, sack councils and merge councils for its own political purposes and, in some cases, preserve councils such as Rockdale City Council, which has a proven history of corruption, it allows other councils to continue. If there is anything more corrupt than preserving the rights of criminals to vote, I cannot think of it. There was no justification for not sacking Rockdale City Council; it should have been sacked long ago. One wonders at the delay in sacking Liverpool City Council when Warringah Council was sacked, even though it was in no way corrupt but was simply dysfunctional. I suggest that the outcomes of individual seats in a number of State and Federal elections have been influenced by criminals because of the magnitude of the margin.

Mr Gerard Martin: Name one.

Mr ANDREW HUMPHERSON: The honourable member for Bathurst invites me to name one. How about Dobell, which has been a marginal seat for a number of elections? Back in 1996 Michael Lee, the Federal member, held on by a handful of votes and it is quite clear that the margin was so close that the preservation of Michael Lee's political career at the Federal level was achieved using the votes of crooks and criminals.

Mr Alan Ashton: Point of order: I know that the honourable member is introducing a bill, but his speech has now degenerated into an attack on Michael Lee. There is no correlation between what happens in the electorate of Dobell and Michael Lee. I ask that you bring him back to his point about criminals generally voting in elections.

Mr Andrew Humpherson: To the point of order: I was responding to an interjection. The honourable member for Bathurst invited me to give an example and I am in the process of giving an example.

Mr SPEAKER: Order! Before I rule on the point of order I remind members that a second reading speech has an important legal purpose: it gives definition to the bill. A second reading speech may be used subsequently to interpret the bill when it becomes law, and the second reading speech of the honourable member for Davidson should be specific in relation to its terms. In relation to the point of order, various matters that have been canvassed in relation to different personalities appear to be outside the leave of the bill. However, I remind the honourable member for Davidson that he should resist the temptation to respond to interjections.

Mr ANDREW HUMPHERSON: I will speak generally about close results in elections and not focus specifically on Michael Lee. In the Federal seat of Dobell, the Labor Party won by a very narrow margin and the

electorate obviously has a number of offenders who are either on parole in that area, serving short sentences or undertaking community service orders. Statistically it is clear that offenders serving their punishments had the capacity to influence the outcome and, therefore, preserve the current member's political career. There would be numerous similar examples statewide.

This is a challenge not just for individual members of the House but also for the Premier. I remember back in the period 1996-98 when One Nation came onto the political scene in Queensland and New South Wales, in particular. The Premier was strident in saying that he would not do deals with the devil and would not swap political preferences with One Nation or Pauline Hanson. Sensibly, he presumably has maintained that view. However, if he has an objection to receiving preferences or votes directed by way of preferences from those who voted for One Nation, what justification can there be for criminals having the right to vote and voting for the Labor Party? It is not justifiable. It is immoral to object to receiving preferences from people who vote for One Nation, yet retain the capacity to receive votes from those who have committed crimes and are serving punishment for those crimes.

I challenge the Premier to justify why criminals should not lose their right to vote whilst serving their punishments. The motivation by the Labor Party is quite clear, as I have already elaborated. There is only one argument, which is a very tenuous argument, why that right to vote should be preserved, that is, the argument mounted by the Greens and other prisoner advocates—not one I share—that it assists prisoners in their rehabilitation to be able to participate in community processes.

Mr Alan Ashton: What about a Prime Minister telling a police commissioner of Australia what he has to do and not do?

Mr ANDREW HUMPHERSON: Do you want me to go back to Michael Lee? I will go back to Michael Lee if you keep on interjecting.

Mr Paul Lynch: Point of order: The person who is purporting to be a member of Parliament has once again raised the name of Mr Lee in this debate. That seems to be contrary to your previous ruling. I would ask you to bring the member back to being vaguely within the leave of the standing orders.

Mr SPEAKER: Order! The honourable member for Liverpool has raised a relevant point. Not only are the comments outside the leave of the bill, but the honourable member for Davidson gave an undertaking earlier that he would not mention a specific name and would speak in generalities. I advise him to comply with his undertaking and proceed accordingly.

Mr ANDREW HUMPHERSON: I was only responding to interjections. Mr Speaker, you have always upheld that right of members.

Mr SPEAKER: Order! Interjections can be distracting, particularly when a member is delivering a second reading speech, and again I advise the honourable member for Davidson to ignore them

Mr ANDREW HUMPHERSON: I can only concur. The Greens have always argued rehabilitation as the basis of preserving prisoners' rights to vote. I discard and reject that argument. There are only very occasional opportunities when prisoners would have the right to vote and it would not be an exercise in participating in the wider society in a manner that provides any rehabilitative benefits. The principle that prisoners should not participate in a democratic process is a far stronger point.

Pursuant to sessional orders business interrupted.

BUSINESS OF THE HOUSE

Precedence of Business: Suspension of Standing and Sessional Orders

Mr CARL SCULLY (Smithfield—Minister for Roads, and Minister for Housing) [10.30 a.m.]: I move:

That standing and sessional orders be suspended to provide at this sitting that Government business take precedence over General Business Orders of the Day (for Bills).

The motion means that, for the next hour only, Government business will take precedence. The most important legislation before the House is the National Competition Policy Amendments (Commonwealth Financial Penalties) Bill, which addresses an extreme rip-off by the Federal Government. Many members wish to make a contribution to that debate, and I think it is important that for the next hour only they have that opportunity.

Ms Peta Seaton: What about the Princes Highway?

Mr ANDREW TINK (Epping) [10.30 a.m.]: The Coalition opposes the motion. This is private members' day and, as indicated earlier, there is far more private members' business on the business paper than there is Government business. Again the Opposition is placed in the position of a large numbers of its members not having the opportunity to raise issues that are important to them and to their constituents—issues that are consistently rejected and ignored by the Government, which is why we raise them. The honourable member for Southern Highlands has referred to the Princes Highway, which is an unmitigated disgrace. I note that, yet again, it is the Minister for Roads who does not want to debate the issue.

Mr Carl Scully: Point of order: I think it is important that the honourable member for Epping appreciate that the motion provides for precedence of Government bills for the next hour only. The private members' motions to which the honourable member refers are unaffected by this motion. Private members' motions will come on after 11.30 a.m. My motion relates to the second reading of bills, not to motions.

Mr SPEAKER: Order! The Leader of the House is quite correct in that the motion for the suspension of standing and sessional orders does not affect the matter referred to by the honourable member for Epping.

Mr ANDREW TINK: There are plainly a number of matters. By taking that point of order the Leader of the House has highlighted that it will not simply be one matter but a large number of matters that are affected. One only has to look at the business paper to see what will be affected. There is a conga line of private members' issues that will be affected. The motion will not affect only one matter at all; a whole lot of matters are affected. I have counted seven matters that will be affected, including the Government Schools Assets Register Bill, the Quarantine Station Preservation Trust Bill, the Duties Amendment (Stamp Duty Reduction) Bill, the Police Amendment (Crime Reduction and Reporting) Bill, and the Community Protection (Closure of Illegal Brothels) Bill. These are all matters of vital importance that will not be debated today.

I am not all surprised that the Leader of the House is attempting to shut down any possible debate on the bill introduced by the honourable member for Southern Highlands relating to illegal brothels because it is a huge issue for the local council elections that will be held in approximately 10 days. I imagine that every Labor councillor in this State is concerned about the honourable member for Southern Highlands and others raising issues concerning illegal brothels, which are very embarrassing in the context of the forthcoming council elections. We know the sensitivity of the Government in relation to these matters. It is an appalling situation. Today the *Daily Telegraph* reported on the shenanigans in Randwick City Council. There has been a comprehensive attempt by this Government to close down the debate on matters relating to embarrassing issues in the context of the local government elections that will be held on Saturday week.

Mr Gerard Martin: Point of order: I am sorry to interrupt the hysterical outburst of the honourable member for Epping, but I point out that the Community Protection (Closure of Illegal Brothels) Bill is listed at No. 10 on the business paper and has no chance of coming on for debate today, and therefore that has nothing to do with elections on 27 March. The House is not sitting next week, so the honourable member is whistling Dixie.

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

Mr ANDREW TINK: The Leader of the House is keen to debate the National Competition Policy Amendments (Commonwealth Financial Penalties) Bill, but the fact of the matter is that the big player in all this is Peter Beattie. Queensland Premier, Peter Beattie, South Australian Premier, Mike Rann, and all the Labor mates of the Leader of the House have done him over, not the Prime Minister, John Howard. If the Premier, Mr Carr, could get his act together and meet with the Commonwealth Grants Commission and all his Labor Premiers mates, the Commonwealth Grants Commission nonsense could be resolved tomorrow. Egan and Carr have been done over.

Mr Carl Scully: Point of order—

Mr SPEAKER: Order! The speaking time of the honourable member for Epping has expired. He will resume his seat.

Mr Carl Scully: I am always willing to give advice to the honourable member for Epping, and it is appropriate to do so now. He is confused. He is failing to distinguish between a Commonwealth Grants Commission problem and national competition policy. The two are very different.

Mr SPEAKER: Order! The speaking time of the honourable member for Epping has expired. Consequently, there would be no point in giving him any advice at this stage.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 44

Ms Allan	Mr Hickey	Mrs Paluzzano
Mr Amery	Mr Hunter	Mr Pearce
Ms Andrews	Mr Iemma	Mr Price
Mr Black	Ms Judge	Mr Sartor
Mr Brown	Ms Keneally	Mr Scully
Miss Burton	Mr Knowles	Mr Shearan
Mr Campbell	Mr Lynch	Mr Stewart
Mr Collier	Mr McLeay	Mr Tripodi
Mr Corrigan	Ms Meagher	Mr Watkins
Mr Crittenden	Ms Megarity	Mr West
Ms D'Amore	Mr Mills	Mr Whan
Ms Gadiel	Mr Morris	Mr Yeadon
Mr Gaudry	Mr Newell	<i>Tellers,</i>
Mr Gibson	Ms Nori	Mr Ashton
Ms Hay	Mr Orkopoulos	Mr Martin

Noes, 36

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

Pairs

Mr Bartlett	Mr Brogden
Ms Saliba	Mr Merton

Question resolved in the affirmative.

Motion agreed to.

NATIONAL COMPETITION POLICY AMENDMENTS (COMMONWEALTH FINANCIAL PENALTIES) BILL**Second Reading****Debate resumed from 17 March.**

Mr PAUL LYNCH (Liverpool) [10.45 p.m.]: I support the National Competition Policy Amendments (Commonwealth Financial Penalties) Bill. The need for this legislation stems from a decision of the National Competition Council that will effectively deny payment of moneys to New South Wales and thus to the families that reside here. The amount that is proposed not to be paid is some \$51 million. That is about 20 per cent of the payment of \$254.4 million that would otherwise have been made. That \$51 million is equivalent to 750 new nurses, and to twice the amount allocated for the class reduction program. Inevitably, that decision will have an impact on the capacity of the State Government to supply services in relation to schools, hospitals, and the plethora of other responsibilities of a State government.

The origin of the payment comes from the national competition policy, which some of us always suspected was more an act of ideological faith than anything grounded in real economics. The theory was that if significant sections of the economy were deregulated or made more competitive, financial benefits would flow to the country in general and to the Federal Government in particular; the financial benefits would largely flow to the Federal Government rather than to the States. In return for agreeing to these changes to competition policy, the States would receive payments from the Federal Government. That is the origin of these payments. As I said, it reflected more of a leap of ideological faith than any real sensible economics, but that is certainly the system that was instituted.

This legislation proposes a number of changes to regulatory regimes. The hope is that the proposed changes will comply with the dictates of the National Competition Council, and therefore that deductions will not be made. Probably the aspect of the legislation that has generated the greatest controversy and interest has been the amendments to the Liquor Act. In essence, to comply with the requirements of the national competition policy, this bill amends the Liquor Act by removing the needs test and replacing it with a social impact assessment process. The current legislation has a provision that allows objections to be lodged against someone seeking the granting of a liquor licence on the basis that the needs of the public are already well and truly met in a particular area. That is proposed to be removed and replaced with a social impact assessment.

Additionally, the legislation will prevent service stations from being granted a licence to sell alcohol in any circumstances. The bill will also provide that the existing restrictions on the granting of licences that apply to convenience stores will also apply to other general stores such as mixed business shops, corner shops, and milk bars. On the face of it, that seems to be an expansion of the regulatory regime currently in place. There are real issues in relation to the sale and provision of alcohol. There seems to be a cogent argument that the degree of alcohol-related harm is in some way related to the density of alcohol outlets. That is not an argument to support wowsersism, and it is not an argument to ban alcohol.

While the arguments in this debate echo the sorts of political debates held in this State 90-100 years ago, and the debates of the 1920s, led by groups like the Protestant Labor party, I think the earlier debates were very different. This debate is targeted at specific bits of harm and trying to reduce particular pieces of harm, rather than some wowsersist, prohibitionist approach. It is in that sense that a social impact assessment process makes a great deal of sense and seems to be perfectly logical. Indeed, looking at some of the commentary about the legislation, one distinguished authority, Bruce Bulford, has been quoted a number of times in this debate by both the Premier and the Minister for Gaming and Racing. Bulford would argue that the regime that is instituted under this Act lifts the bar and makes it harder for people to get licences to sell alcohol.

It seems to me that that is probably right. The social impact assessment process seems to be a broader process than the needs basis that currently exists in the Act. The social impact assessment process would, I imagine, be geared towards working out whether there is any net detriment flowing to the community from the granting of a licence. That seems to be a stronger and better test than the needs test. These are real issues in local communities. Not so long ago there was very considerable opposition to a proposal to develop a hotel at the corner of Hoxton Park Road and Cartwright Avenue, in my electorate. A very significant community campaign was waged to prevent the approval of that application, and the council saw the wisdom of that objection—as, indeed, did the Land and Environment Court. That is a good indication of the depth of feeling that these issues spur in the community.

Recently an application was lodged to set up a bottle shop at that site, and that caused a certain degree of angst. In effect, it was a repeat of the previous application, and it has been subject to quite inadequate consultation by the local council. The council sent letters to local residents advising them of the time for lodging objections, but the letters were sent out in early January when many people were not at home. It seems to me that the council was not as careful as it ought to have been about the degree of public consultation entered into on this matter.

The prohibition on the sale of alcohol in service stations is in a different category; it is absolutely prohibited rather than being subject to a social impact assessment process. That is a sensible decision, because it seems utterly wrong to be able to buy alcohol at the same time as buying petrol, given the degree of alcohol-related harm that occurs on our roads. That decision had the added problem that people who would be authorised to sell alcohol at a service station would have far less training and would be less likely to be attuned to the difficulties and problems associated with the sale of alcohol than would be staff at dedicated alcohol outlets. I turn now to pharmacies. The Australian Friendly Societies Pharmacies Association Inc. has spoken to a number of honourable members, including me. Recently the association issued a document which states:

Friendly societies are not-for-profit mutual organisations. All the assets belong to members and profits are re-invested to provide benefits to members.

Friendly societies have been delivering community based pharmacy services in NSW since 1847.

Australia wide, friendly societies operate 127 pharmacies and have 400,000 family memberships that cover 800,000 people. The main benefit of a friendly society pharmacy is lower prices: typically 20% discounts for members ...

Schedule 6 of the *National Competition Policy Amendments (Commonwealth Financial Penalties) Bill 2004* gives effect to the recommendations of the Council of Australian governments recommendations and allows NSW to comply with the National Competition Policy obligations that the Carr Government entered into in 1995.

If the legislation is carried it will mean that not-for-profit mutual friendly societies will be able to freely operate pharmacies in NSW as they do in Victoria. The legislation does not permit supermarkets or other corporate interests to own or operate pharmacies.

The association of Friendly Society Pharmacies asks for your support.

There is, of course, a more general issue in relation to this. The concept of competition policy stems from an obsession about free market economics, from the ideological, not the factually established, proposition that the marketplace is an inherently more efficient and more effective way of distributing resources. Those of us who have traditionally been on the left of the political divide would argue that there is a very great need for intervention in the marketplace to prevent what would otherwise result in appalling consequences. The bottom line is that without intervention in marketplace economies, all we get is favour for the rich and powerful. Markets are great for the rich and powerful, because they get richer and more powerful, but markets can actually hurt those who are not rich and not powerful.

Another ideological aspect is the democratically elected Parliament surrendering, effectively, its power to decide what it should be doing. The sort of society that we want to have is no longer subject to decision making by the democratically elected representatives of constituencies that was previously the case. I am somewhat concerned about how our democracy operates. Are we to surrender our significant policy-making decisions to a bunch of bureaucrats or experts who base their decisions on ideologically held economic theories? There is interesting academic support for that approach. The latest book by Frank Stilwell, entitled *Political Economy: The Contest of Economic Ideas*, states at page 186:

In recent years, governments subscribing to neo-liberal principles have extended national competition policies to previously exempt areas such as public utilities. In effect, competition policy thereby becomes linked to the push for privatisation—either directly transferring public enterprises into the private sector through the sale of their assets, or requiring public enterprises to act more like private-sector enterprises. Insisting on "contestable markets" for the provision of all services is a recurrent theme. The declared aim is to enforce efficiency on the providers of public services. In practice, it usually results in services previously provided by public enterprises (such as electricity and gas suppliers) and local governments being "contracted out" to private-sector firms, and the relinquishment of community service obligations that previously guided the behaviour of the public enterprises.

Competition policy is a conspiracy against the ordinary people of New South Wales and really should just be ended. I turn now to some of the quite extraordinary arguments put forward by members of the Opposition. We heard this mantra that "Bob Carr signed the document, and therefore he now has to cop everything that flows from it." That is an extraordinarily dishonest proposition by the Opposition. Member after member from the other side has praised the principles of competition policy. Are they actually saying they would not have signed it in 1995? They certainly are not, unless they are prepared to lie now. Therefore, they have engaged in an exercise of gross hypocrisy—which is not something that surprises members on this side of this House.

The Opposition is in the extraordinary position of saying that the Premier signed the document, so he has to cop it. What would Opposition members have done? They are extraordinarily dishonest, and, we have the added dishonesty of members of the Opposition saying that we can sort it all out with the Labor Premiers, that we can go away and fix up the deal. The honourable member for Epping ranted and raved about this during debate on the suspension of standing orders, and that was really interesting. That argument reflects on the Opposition's intellectual incapacity to understand the law.

The position we are stuck with flows from Federal legislation, validly passed by the Federal Parliament, and constitutionally valid. There is no way of overturning it by talking to the Premiers. The legislation can be changed only by a decision of the Federal Parliament. The arguments put forward by the Opposition are nonsense and absurd: the Opposition simply does not understand the law. Another extraordinary argument was trotted out by the honourable member for Upper Hunter, who led for the Opposition. He ranted and raved and said that what was happening was really terrible. In relation to the Liquor Act, *Hansard* records him as saying:

This legislation abolishes the needs test and therefore deregulates the liquor store industry.

What he has been arguing, in fact, is that the ending of the needs test means automatic deregulation. Either he has not read the legislation or, if he has, he is consciously telling inaccuracies. The current legislation certainly can be changed from the needs test to another regulation, which is what the legislation does. But it is simply wrong and dishonest to suggest that this is deregulation, which is clearly what the honourable member for Upper Hunter said, as recorded in *Hansard*. It does no credit to him or to the debate. I commend the bill to the House.

Mr ANTHONY ROBERTS (Lane Cove) [11.00 a.m.]: To blame the Federal Government for this bill is an absolute disgrace. The National Competition Council [NCC] was established, as we know, by the Council of Australian Governments [COAG] in April 1995. The signatories, as mentioned previously, were not only the Prime Minister, Paul Keating, but all the Premiers, including Bob Carr. He is the sole remaining Premier of those who signed the document. The COAG agreed on a program of competition principles and provided for the Commonwealth to pay annual competition dividends to the States out of increased Federal taxation that would accrue from increased competition. This year the NCC advised the Commonwealth Treasury to withhold that \$51 million, \$12 million of which is attributable to the liquor industry.

That came about because New South Wales argued only a commercial case for the retention of the needs test, instead of the public good in relation to liquor licensing. That is the crux of the legislation: what is in the public interest? The legislation is not in the public interest and it is vehemently opposed by the New South Wales Opposition. When speaking in depth with the Independent Liquor Stores Association [ILSA], we considered the Premier's second reading speech. He made statements that I intend to challenge. The prime purpose amendment is essential. This is a glaring omission and my concerns have been confirmed by many members of the Independent Liquor Stores Association and by legal opinion.

The bill omits to make any amendment relating to the prime purpose of the business of licence applicant. This is a major issue and many people in the ILSA regard this as the biggest immediate threat to their businesses. In most cases these are small, family businesses. Many hundreds of supermarkets have not been able to get a liquor licence because of the needs test—not just Coles and Woolworths, but also independents and small chains, large and small supermarkets, metropolitan and rural. As far as the separate area for liquor not being a problem, there should have been an amendment along the lines of:

No application for an off-licence retail liquor licence may be taken unless the sale of liquor is the prime purpose of the business to be conducted on the applicant's premises.

This issue was recognised in the Government's discussion paper of June 2002 but, like the baby, it has been thrown out with the bathwater. The bill removes the needs test and replaces it with a social impact assessment process. A social impact assessment process will not work for packaged liquor simply because the new liquor store or bottle shop, or the existing supermarket introducing liquor into its product range, makes little if any social impact. Across the State there would be a proliferation of new licences with consequent lowering of standards of responsible service and increasing pressure on authorities for inspections and control. I will refer later to how the police view this issue. The Government is saying that liquor in service stations is no big deal. Of course, stronger measures to prevent certain inappropriate outlets are welcome. However, this aspect of reform legislation was never going to be a problem for the National Competition Council and this is hardly the brave stand the Premier would have us believe.

I have noted that the new definition of "general store" replaces convenience store and now includes milk bars. Are there still milk bars in New South Wales? There is not even a classification for milk bars in the Yellow Pages. The point I am trying to make is that the bill will not reduce the abuse or misuse of liquor by preventing milk bars from selling grog. I note that fees on grant fixed by the board will go and will be replaced by fees prescribed by the regulations or determined in accordance with the regulations, and there will be an annual fee. It is appropriate to question the quantum of such fees and what they are for, considering that the Government is always looking for new ways to tax the people of New South Wales. I now address the comments of the Premier. He referred several times to his letter to the Prime Minister dated 18 September 2003. However, he did not mention that the Prime Minister replied to that letter on 9 October. That letter said in part, "your intention to offer detailed comments is noted". In his second reading speech the Premier said:

We have made numerous submissions to the [National Competition] council expressing our deep displeasure, and we have provided detailed assessments, as required by the national competition principles agreement.

I am sure my colleagues will not be surprised that the National Competition Council denies receiving those assessments, at least in respect of liquor. Copies of these assessments have been requested on behalf of the members of the liquor industry consultative council, but they have not been provided. I hope I am wrong, but I doubt they existed in the first place. The needs test and national competition policy were not addressed by the Alcohol Summit. I thank Warren Bovis and Peter Balick for their insight into this matter. I refer to pharmacies. Not that long ago the Premier opened the Federation Internationale Pharmaceutique [FIP] conference in Sydney. The main auditorium was practically full when the Premier said, "No supermarket will be permitted to own or run in it a pharmacy while ever my Government is in power." More than 1,500 people were present. In his speech on that occasion the Premier said:

Let me say that I value this industry and I give this guarantee that we will defend its integrity and the integrity of the pharmaceutical profession against any dangerous or excessive pressures for commercialisation. That means, as we publicly stated, we're committed to the principle that pharmacies should be owned and managed by pharmacists not by supermarkets.

Talk about coming back like Chamberlain—peace for our time—his government was signing the death warrant for pharmacies. The Premier finished his speech by saying:

In welcoming you to Sydney I honour you as healers and carers. I pledge my support as the Leader of the Government, in working with you to build a society where young people are less tempted to smoke, to binge drink, to take drugs, to eat junk food, to be idle and shun the outdoors. Changing lifestyles is something where we can work effectively together.

On the one hand, he is saying that the pharmacists do a great job, which we all know. On the other hand, he is condemning pharmacies and those wonderful pharmacists to financial ruination. I refer to a letter sent to me by Phil Wade, a leading pharmacist and naturopath in my electorate, and a very learned individual. The letter stated:

Dear Sir,

To me it is the height of corporate greed that chain grocery stores want to include pharmaceutical drugs in their "stable" of operations. Their motivation is purely market-driven as their market share cannot expand any further unless they strive for even more monopoly of all specialist retailers at any cost. Already two corporate grocery giants have swallowed up around 70% of other retail operations in Australia ...

Where does this insane pitch for "more" come from and where will it stop?

Who knows under the Carr Government? The letter went on:

More importantly, what further damage will this particular pitch for "market share" do to the fabric of Australian Society?

Not only do they want ibuprofen, they want the entire pharmacy industry, according to their latest moves ...

It surprises me that—in the light of this—the green vote on the council buckled to allow—

the left vote in the ALP allowed this policy to go through—

Woolworths the nod as they would only be too aware of the devastation such a move could have on the their community.

All of the gains that community pharmacy in Australia has achieved may be in jeopardy wherever a Woolworths [or Coles] store exists. Australian Pharmacy—with its method of local neighbourhood shopfront access to highly trained and highly motivated Health Care Professionals—has seen many achievements and breakthroughs in health care including:

- 1) 30% lower death-rate amongst prescription users and
- 2) A 14-times (1,400%) lower hospital admission rate from ... (drug-induced) disease than in the USA (34% in the USA, 2.5% in Australia two years ago).
- 3) Independent elderly and
- 4) A corresponding comfort to their loved ones
- 5) A corresponding saving to the Australian taxpayers of untold billions of dollars ... all from our traditional at-home services—

services provided by pharmacists—

All of this amounts to 50% more of the gross domestic product spent on health in the USA than in this country—despite our highly developed PBS for all.

As other shops have slowly disappeared, thanks to the duopoly (a la Kempsey) it leaves pharmacy as one of the last "community posts" for neighbourhood support systems.

[Pharmacies] offer a labour-intensive system of medication blister-packs at the dispensary bench, a personalised home service unprecedented in the developed world—another service allowing for elderly independent living.

[Pharmacists] also treat people as individuals rather than "consumers".

Sir, not only that but also outgoing Health Minister Craig Knowles has identified community pharmacy as:

- Vital in the fight to close down dirty "ecstasy" manufacturing operations.
- Rejecting sales of pseudoephedrine tablets to "pushers" for the common good and at personal cost.

That is what the former health Minister said. I hope he stands by the pharmacists and joins the Opposition in opposing this bill. The letter from Phil Wade continued:

The bottom line is that the above benefits would be almost impossible to achieve with a hypothetical supermarket-dominated pharmacy because of the inevitable drive to curtail services and maximise sales and profits. The closure of at least some pharmacies would be likely following their usual six-month "softening-up" process of loss—leading to deliberately target smaller opposition.

I appeal to ... NSW law makers to keep pharmacy—and drugs like ibuprofen—out of supermarkets to keep your community healthy.

That is what Phil Wade, a leading pharmacist in our community, had to say. The establishment of pharmacies in supermarkets is more than just an attempt by a retail conglomerate to grab more market share under the guise of convenience. It is a concerted attempt to undermine ownership legislation in the States and Territories that currently stipulates that pharmacies must be owned and operated by registered pharmacists. As such, it constitutes a thinly disguised attack on professionalism and lumps health care in with all the other products sold in supermarkets. The big companies almost certainly seek to attract pharmacists to move into supermarkets by buying market share, offering cheap rents and other incentives. They could then use the success of any such moves to argue for changes to ownership so that the companies could then own the pharmacies already under their banner or control. Any ownership changes would have to be across the board, thus opening the ownership question right up.

Pharmacies will go the way of the local greengrocer, the local butcher and the local baker—swallowed up by impersonal supermarket anonymity. Not only does professional advice disappear but so does choice, as a supermarket is most unlikely to stock the 15,000 items that the average community pharmacist currently stocks. Woolworths, Coles-Myer and other giant retailers do not know health. It is not their core business. They are primarily grocers. We saw only last year in the botched reinstatement of recalled Pan products a classic example of what some may regard as its somewhat cavalier approach to important health matters.

We, as a community, should be concerned at the market dominance of corporate giants. There is real concern that a supermarket giant, such as Coles or Woolworths, will have immense power over manufacturers and wholesalers and be able to dictate pricing policies if it has a wide purchasing base. Is there any benefit for the public in allowing supermarkets to take over pharmacies? I doubt it very much. The main fear that has been highlighted in a range of studies is that the general public believes their health is too important for them to become a number. This comment alludes to their fear of having to take a number and wait their turn.

Pharmacists provide, often at no or token cost, additional professional services, such as home medicines reviews, nursing home reviews, servicing of nursing homes with dose administration aids, delivery of medicines, needle and syringe availability, methadone services and the hiring of medical equipment. Do we want to go down the American road of health care? I do not think so. But the destruction of the community pharmacy is a very big step down that road. Unless we act now and act decisively, that step will be taken and it will be too late. That is why it is so important to oppose this bill. The Government can afford to do so. It mismanages its money, wasting billions of dollars and increasing taxes by \$1.5 billion each year. If it managed its budget efficiently and effectively, it could well afford to oppose the reforms. There is community benefit involved.

Previous speakers have said that \$51 million would fund the services of many nurses, teachers and doctors. If the Government were true blue and got fair dinkum, it would stop wasting taxpayers' money, as it continually does. The Government could not have done a better job of wasting billions of dollars than if it had sat down and thought about how to do it. It seems to have a natural ability for it. It is worth forgoing the money. The Premier signed us onto the national competition policy agreement. He should go back to the Council of Australian Governments [COAG] and talk to his mates.

There are no Liberal Premiers, and I hear that the Premier does not have a good relationship with the Queensland Premier these days. The Premier should go back to COAG and change the agreement. He signed on to the policy with then Prime Minister Paul Keating. The Premier is the sole survivor of the signatories to the policy. The Government should be fair dinkum, go back to its Labor mates and forgo this money. The Government is not fair dinkum about small business. As a result of this legislation, community pharmacies and small liquor stores will be swallowed up and alcohol and drug problems will increase. I ask Government members to support our opposition to this bill.

Ms NOREEN HAY (Wollongong) [11.15 a.m.]: I will start by referring to some comments made by the honourable member for Lane Cove.

Mr Anthony Roberts: And what good comments they were too, and well received.

Ms NOREEN HAY: I hope John Howard listened. The honourable member for Lane Cove referred to Chamberlain and peace in our time. Honourable members might recall that Chamberlain was trying to avoid an impending war. We know what the attitude of the Howard Government and the Liberals is to any kind of war. It is to jump in first and try to justify their actions later. Then they try to defend the indefensible. Opposition members purport to represent pharmacies and other businesses. If they were serious they would get on the phone, ring their mate John Howard in Federal Parliament and say, "Don't take the \$51 million from New South Wales. We can't afford it." They make all sorts of excuses and talk about what the State Government should do. Squeezing the middle from both ends is not a new tactic.

On the one hand, the Federal Government penalises the State Government \$51 million for not complying with the national competition policy. The fine is not just for this year but until we do comply. It has forced the State Government's hand and we have attempted to comply by producing very satisfactory legislation. On the other hand, the State Liberals try to stop us from complying and purport to the community they are defending the pharmacies and other businesses, which the Government has been forced to take action against so that we can keep the money in New South Wales—the State we were all elected to represent. It is not good enough that Opposition members justify John Howard's action regardless of the effects on the people they represent.

The Federal Government said that unless the State Government implemented competition reforms in the liquor, pharmaceutical and farming industries, among many industries, New South Wales will be penalised in excess of \$50 million. It is not a one-off penalty. As I said, \$51 million in Commonwealth payments will be lost to New South Wales each year, with promises of more fines to come, if we do not comply. That will affect how much the Government has to invest in health and education. Herein lies another hypocrisy: The State Government gave my electorate of Wollongong \$2.8 million to purchase an MRI machine for Wollongong hospital to service the region. The Federal Liberal member, Joanna Gash, demanded that the hospital not be given a licence to operate the machine and that we should pay to operate the machine in a public hospital.

Once again, the State Government attempts to improve health services in this State, in particular, in my electorate, and up pops another member of the Federal Liberal Government to block our attempts by imposing added costs. I believe in her comments the Federal member said that if we provide an MRI machine we should pay the costs. Blind Freddy can see what is happening. The Federal Government wants to keep applying the pressure by saying, "Give more money to health. If you want the MRI machine, you pay the running costs", while at the same time in this place the Opposition seeks to have the Federal Government take money out of the State's purse, which we could use to fund those services.

We cannot cop these fines. The Government is committed to improving our schools with reduced class sizes and security fences. The Opposition keeps demanding that we do more for our schools, yet defends money being taken out of our purse. That money could be used for school improvements. We are continually hindered by the blind attitude of this mad, mad national competition policy. It has gone to absolute extremes. The national competition policy bill is reasonable. We have included a social impact assessment for liquor licences to prevent

the proliferation of liquor outlets. My constituents are horrified by the thought of increased access to and availability of alcohol. However, this bill will prohibit service stations, convenience stores and milk bars from holding a liquor licence. I congratulate the State Government and the Premier on this very sound piece of legislation.

The social impact assessment is about protecting the common interests. Everyone—believe it or not, even Liberal supporters—will be protected by this bill. As the Premier said in his contribution, the loss of this money will cost the people of this State 700 nurses, 560 police officers, 700 teachers, 90 intensive care beds, 500 new ambulances or eight new primary schools. Can honourable members imagine that? An honourable member opposite suggested that that is chicken feed. That indicates the thinking behind some people's attitudes. Honourable members opposite call 90 intensive care beds or eight new primary schools chicken feed. It is a very sorry situation. In my view, and certainly in the view of my colleagues, only one person is responsible for this situation: John Howard. He is also the only person who can stop it. If honourable members were true to their constituents they would call John Howard and tell him that they do not want—

Mr Thomas George: That suggestion must have been included in every Government member's speech.

Ms NOREEN HAY: It has been included because reasonably intelligent people cannot understand how those elected to represent them can defend this money being taken from the State. How can honourable members opposite justify that? They cannot. The honourable member for Ballina said that he remains unconvinced that the Government has proven its case. I remain unconvinced that he is representing his constituents. He should not need convincing, given that \$51 million will be taken out of the State's budget on an ongoing basis. He should be doing everything in his power to stop that happening. He ran for election to represent his constituents, but how does he do that? He does it by justifying at every opportunity the Federal Government's grab for money from New South Wales. Let him explain to his constituents why he does not have a problem with the fact that our State will lose \$51 million a year, that that money will not be spent on hospitals and schools in his electorate and other electorates around the State, and that the Grants Commission is cutting funding for New South Wales by \$376 million. We are talking about an astronomical amount of money.

What do we hear from honourable members opposite? Are they demanding that that money remain in the State for the benefit of their constituents? No! The loss of that money will affect the standard of living of every person in New South Wales. That is thanks to John Howard, the Federal Government and the support they get from honourable members opposite. The honourable member for Murrumbidgee referred to honourable members on this side of the House focusing on getting their Labor mates in Canberra elected. Unfortunately for us and the public, the Liberal mates of the honourable member for Murrumbidgee are in government in Canberra and they are taking this money. Honourable members opposite will not make a phone call. Why not? They are too busy trying to keep their mates in government using whatever means they can and that is hurting this State's finances. What is more, they continue to demand that we spend more money while they shove it out the backdoor to their mates in Canberra. That is a demonstration of this Opposition's poor and lethargic fiscal policies.

As the duly elected member for Wollongong, I will do my utmost to make my constituents aware that this is an outrageous attack on their rights. I will be fighting to the end to convince the Prime Minister, Honest John, to ensure that this State should not be forced to implement any changes or lose that money. People are no longer being fooled by Honest John Howard and his mate Peter Costello. Peter Costello has agreed not to run again Honest John, and they have done a deal about how long the Prime Minister will stay. Costello will simply step in and be the happy little vegemite he did not appear to be when asked whether he thought John Howard was the best person to lead this country.

I suggest that honourable members look at that tape because it is enlightening. The new Federal Leader of the Labor Party, Mark Latham, is talking to the people in a language they understand. He does not believe that to comply with national competition policy we have to go crazy and take it to the nth degree regardless of the impact. Some people might have missed the fact that a Federal election is imminent. Where does the Federal Government need to pull extra votes? Queensland. Which State is getting what we consider to be more than its fair share of the pie from the Federal Government? Once again, Queensland.

Mr Wayne Merton: Who is the Premier there? Comrade Beattie.

Ms NOREEN HAY: I can understand Premier Beattie being happy about the money he gets. Why? He is representing Queensland and the people who elected him. What about honourable members opposite? They should be saying, "No way!" Shame on you! [*Time expired.*]

Debate adjourned on motion by Mr Wayne Merton.

Pursuant to sessional orders business interrupted.

PRINCES HIGHWAY FUNDING

Mrs SHELLEY HANCOCK (South Coast) [11.30 a.m.]: I move:

That this House:

- (1) expresses its sympathy to the families of those tragically killed on the Princes Highway;
- (2) condemns the Premier and the Minister for Roads for failing to address the problems of the Princes Highway; and
- (3) calls on the Minister for Roads to meet with the Southern Group of Councils to implement a strategy for funding for the Princes Highway.

Yesterday I moved to reorder this motion from its position on the business paper because I felt that it could be two years or more before the House had the opportunity to debate it. I consider the issue so urgent that I called on members on both sides of the House to support the motion to reorder general business. I appreciate the opportunity to debate the motion today and to raise the important matter of funding for the Princes Highway. I thank the Minister for Roads, the Hon. Carl Scully, for agreeing to bring on this debate, and I trust that he will soon attend the Chamber to attempt to defend the indefensible regarding the Princes Highway.

The Minister has now spent far too much time ducking and weaving on this issue, blaming the Federal Government and bleating about its lack of funding assistance. I sometimes wonder whether the Federal Government ever calls on the State Government to provide assistance with defence or veterans affairs funding. I doubt it. Clearly, those issues are the responsibility of the Federal Government. According to the roads funding agreement signed in 1991, the Princes Highway is a State road, and the Minister has not sought to change that funding agreement.

The first paragraph of the motion refers to those who have been tragically killed on the Princes Highway. I do not think any member will interject when I am speaking about this; it is a serious matter. We all convey our sympathies, of course, to the families and loved ones of those who have been killed on the Princes Highway. Only two weeks ago when my colleague the honourable member for Bega and I were returning home from Parliament the highway was closed for seven hours. Two young Sydney men lost their lives in a tragic accident as they travelled along one of the most dangerous sections of the Princes Highway, an area that I and other Coalition members have focused on many times in the past.

An area to the north called Heggos Corner, which is the site of many fatalities, is literally littered with crosses commemorating the people, both young and old, who have died on that stretch of the highway. Further to the north, near Wandandian, is the site of a tragic school bus accident in which a 15-year-old student lost his life. A number of students who were trapped in the bus for many hours will be forever traumatised. Despite the best efforts of the Shoalhaven Area Command under the fine leadership of Inspector Wayne Dedden, who is in my estimation an extremely experienced local area commander, the number of accidents and fatalities on this section of the Princes Highway continues to increase.

A number of incidents prompted my action to move to reorder the motion. One of them was listening to the Minister for Roads, Carl Scully, on ABC radio in the Illawarra talking about how the Federal Government is currently splashing money around on all sorts of things. What stuck in my craw was that the Minister said that the Federal Government is splashing money around on war veterans. By implication, the Minister was suggesting that the Federal Government is wasting money on war veterans. I am sure all members believe that war veterans deserve every cent they receive from the Federal funding package. The Minister's remarks have been the subject of a number of calls to my office from war veterans who are deeply offended. Indeed, last week I called on the Minister to resign. I do not believe that a person who insinuates that money is wasted on war veterans should sit on the front bench.

Mr Steve Whan: What's this got to do with your motion?

Mrs SHELLEY HANCOCK: Clearly the honourable member for Monaro was not in the Chamber on that occasion last week and, therefore, he does not understand why these matters are closely related. The other catalyst behind my move to reorder the motion was comments made by the Federal Labor roads spokesman, Martin Ferguson. Last week Martin Ferguson said, "Clearly, the Princes Highway is a State road. If we are elected we will not put one extra red cent into the Princes Highway; it is a State road." By implication, therefore, the Minister does not have too many Federal allies. If, by some nightmarish miracle, Federal Labor is elected, who will the Minister blame then? Whom will he ask for assistance then? Of course, he will not get any assistance.

Let us turn to this wonderful State Government package that the honourable member for Kiama often goes on about—\$380 million over 12 years. Interestingly, a couple of months ago it was \$380 million over 10 years, but it has now been extended to 12 years. The Minister says, "That's all I can afford. It's a wonderful package; it is doing a lot." A breakdown of the Minister's package reveals a paltry amount of funding for the areas south of Nowra. Most of the funding will be spent on the Kiama bypass and upgrades in areas around Oak Flats. It will not be spent—

Mr Matt Brown: Point of order: I want to know what the honourable member for South Coast has against the Kiama bypass.

Mr ACTING-SPEAKER (Mr Paul Lynch): Order! That is not a point of order. The honourable member for Kiama will resume his seat.

Mrs SHELLEY HANCOCK: That is a ridiculous point of order. It clearly shows that the honourable member for Kiama has no understanding of the issue. Yesterday the Minister alluded to the Coalition's plan to commit \$200 million in funding. The Minister stupidly insinuated that the Coalition's funding package was less than the Government's package. He suggested that our funding commitment was for \$200 million, whereas the State Government's package is \$380 million. Clearly, the Coalition's commitment was for an additional \$200 million over the next five years. The Coalition made the commitment to that plan prior to the election. We worked on that plan over a number of months, costing it and looking at every black spot along the stretch of the Princes Highway south of Nowra. They are the sites the subject of the fatalities to which I have referred. A breakdown of the Minister's package reveals that the bulk of that funding will go to areas north of Nowra.

Why do we need to concentrate on the areas south of Nowra? Why have I moved this motion today? Statistics produced last week reveal that not only has the Shoalhaven region been the number one tourist destination in the State for some time but it is now one of the fastest-growing regions in the country. Obviously, that leads to increased traffic on the Pacific Highway. The traffic on the Princes Highway is at a standstill for many hours of the day during peak times, and for weeks during the Christmas holidays and other holiday periods. Frustrated drivers are often forced to wait in traffic for two or three hours to get through the township of Nowra.

That is a formula for disaster, and it has been occurring over and over again on the Princes Highway. But the Minister and the Government make only bandaid attempts to address the problems. I am aware of budgetary constraints because of my 16½ years on Shoalhaven City Council, and I know it is a tough one for the Minister. But the Minister seems to be shrugging off his responsibilities by simply turning away from the problems on the Pacific Highway. He refuses to meet with lobby groups and the Southern Group of Councils. The Minister is simply displaying breathtaking arrogance.

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

Mrs SHELLEY HANCOCK: The motion refers to the Southern Group of Councils, formerly the Illawarra Region of Councils. The group has now been extended further south to cover every local government area from Wollongong to the Victorian border. All those councils are now united. What is their focus? Their focus is the Princes Highway. Who is one of the main players in relation to the Princes Highway? It is the Minister for Roads, who has not even come into the Chamber to defend the indefensible. He is the councils' focus; they want him there. They do not want the bureaucrats spinning his line; they want him there. The Southern Group of Councils calls on the Minister to get off his easy chair and talk to them.

Mr ACTING-SPEAKER (Mr Paul Lynch): Order! The honourable member for Kiama will come to order. He will have an opportunity to take part in the debate at a later time.

Mrs SHELLEY HANCOCK: The Princes Highway needs more money. We need to rejig the budget. The three tiers of government need to discuss this issue seriously. We do not need an arrogant, lazy, stupid, out-of-touch Minister ignoring the Princes Highway and the families and loved ones of those who have been killed on it. The honourable member for Wollongong is now laughing about people who have lost their lives on the Princes Highway. Obviously, Government members do not care. The Government should be condemned—

Mr Steve Whan: Point of order—

[*Interruption*]

Mr ACTING-SPEAKER (Mr Paul Lynch): Order! The honourable member for South Coast will resume her seat.

[*Interruption*]

Mr ACTING-SPEAKER (Mr Paul Lynch): Order! I call the honourable member for South Coast to order.

Mr Steve Whan: The honourable member for South Coast has reflected on members on this side of the House, claiming they do not care about the deaths on the road. That is an appalling reflection on members.

Mr ACTING-SPEAKER (Mr Paul Lynch): Order! The member's speaking time has expired. Therefore, any point of order is academic.

Ms NOREEN HAY (Wollongong) [11.40 a.m.]: I move:

That the motion be amended by leaving out paragraphs (2) and (3) with a view to inserting instead:

- "(2) notes that the Princes Highway is the only part of Highway 1 in Australia that is neither a national highway nor a road of national importance;
- (3) notes that the State Government is spending \$380 million on upgrading the Princes Highway; and
- (4) calls on the Federal Government to match the State Government's commitment and jointly address this vital highway for the South Coast."

The Government recognises the importance of the Princes Highway as a major road transport corridor for New South Wales. The Princes Highway between Wollongong and the Victorian border is an important road transport link for the State, particularly as the South Coast railway line ceases at Bomaderry. The development of the Princes Highway is the highest road priority for the Government—

[*Interruption*]

It would be more in the honourable member for South Coast's line to call on the Feds to make the highway a road of national importance [RONI]. The development of the Princes Highway is the highest road priority for the Government in the Illawarra and the South Coast region. To improve road safety on the Princes Highway \$380 million of State funds has been committed for a range of major projects through to 2010, including a four-lane divided carriageway to Kiama. I am absolutely convinced that the people of Nowra will be delighted to have a four-lane divided carriageway going through Kiama.

Mr ACTING-SPEAKER (Mr Paul Lynch): Order! Members on both sides of the House will come to order.

Ms NOREEN HAY: Since the program began in 1998, on average more than \$22 million per year has been spent on highway improvements and an additional \$10 million has been spent annually on maintenance. In the 2002-03 financial year more than \$40 million was spent on the development and maintenance of the Princes Highway. By 2010 the New South Wales Government will build a four-lane divided carriageway to Kiama. If the Federal Government provides matching funding by making the Princes Highway a road of national importance, which everybody down there agrees it should be—

Mr Thomas George: Down where?

Ms NOREEN HAY: Wollongong and south of Wollongong to the Victorian border. If the Federal Government provides matching funding by making the Princes Highway a road of national importance, work to

extend the divided carriageway to the Jervis Bay turn-off could be accelerated. However, due to the Federal Government's refusal to commit funding to date, it could not now be completed by 2010. Funding of \$50 million was allocated in the 2003-04 State Budget to improve this vital link. Even though the Federal Government agreed to help fund the North Kiama bypass by deeming it a road of national importance, it did not commit any other RONI funding to the Princes Highway.

Why is it that the people on the North Coast are worthy of Federal funding for their major coast road but the people of the South Coast are not? Why is it that the people of the South Coast are treated by John Anderson and the Coalition as third-rate cousins? Why is it that the Coalition members of Parliament, State and Federal, on the North Coast can convince John Anderson to put \$600 million into the Pacific Highway, but the Coalition members of Parliament on the South Coast cannot convince him to put a brass razoo into the Princes Highway? The answer is quite simple. The Coalition members of Parliament on the North Coast are members of The Nationals and the Coalition members of Parliament on the South Coast are members of the Liberal Party. What does that tell us? If people want to see where the strength lies they should take a look at that example. John Anderson is happy to throw funding to his mates in The Nationals, coincidentally, but not to his Liberal Party opponents within the Coalition.

The debate about whether the Princes Highway should get Federal funding should not be a debate only between the Labor Party and the Coalition; it should be a debate between the Liberal Party and The Nationals. Here are some startling comparisons. The Great Western Highway from Penrith to Orange has similar traffic volumes and is a similar length to the Princes Highway, yet it has been declared a RONI and receives Federal funding. The Princes Highway F6 between Wollongong and the Victorian border is 479 kilometres in length. Typical daily traffic from Wollongong to Ulladulla varies from 60,000 vehicles per day to 15,000 per day. South of Ulladulla traffic is typically less than 10,000 vehicles per day. The Penrith to Orange route, which consists of sections of the Great Western Highway and Mitchell Highway, is 210 kilometres in length and within the Blue Mountains it carries between 15,000 and 35,000 vehicles per day. West of Mt Victoria volumes vary between 7,000 and 15,000 vehicles per day.

Since 1998-99 Federal expenditure on the Princes Highway has totalled \$700,000 and is related primarily to the black spots program. By contrast, Federal expenditure on the Penrith to Orange route has totalled \$93.4 million, the bulk of which has been development expenditure. As a result, tremendous improvements continue to be made to this route, resulting in significant road safety benefits for motorists and local communities, whilst the South Coast continues to be neglected by the Federal Government. The New South Wales Government, on the other hand, spent \$209.3 million on the Princes Highway between 1998 and 2004, compared with only \$700,000 by the Federal Government. Perhaps the honourable member for South Coast, the honourable member for Bega and the Federal member for Gilmore would have had better luck in lobbying for funds from the Federal Government if they were members of The Nationals—perhaps their electorates should consider that—as the Deputy Prime Minister is not averse to throwing money around with gay abandon in marginal Nationals seats. That would guarantee they would get some income.

In another affront to the South Coast region, on 3 June 2002 the Federal Minister advised that there were no funds available to consider RONI support for the Pambula River bridge on the Princes Highway. On the other hand, Minister Scully has committed \$5 million towards a new \$10 million bridge, provided the Federal Government matches that amount. The New South Wales Government has stood by its offer, but the Federal Government is yet to come to the party. The completed Oak Flats Interchange, the \$141 million North Kiama bypass, which is currently under construction, and the proposed dual carriageways from Oak Flats to Dunmore are part of a wider plan to provide a four-lane divided highway from Oak Flats to Kiama and then to the Jervis Bay Road turn-off south of Nowra.

Mr ACTING-SPEAKER (Mr Paul Lynch): Order! Members on both sides of the House will come to order.

Ms NOREEN HAY: A current study is investigating options for the length of the Princes Highway between Gerringong and Bomaderry to satisfy future demands on the road. South of Jervis Bay, where traffic volumes indicate they are needed, overtaking lanes to provide safe passing opportunities will be provided, on average, every five kilometres for each direction of travel. Safety improvement projects, such as intersection improvements and curve realignment, will be undertaken where needed. The New South Wales Government is getting on with the job. Upon closer consideration of the funding allocations by the Federal Government it is plain to see that when it comes to lobbying honest John Howard, Peter Costello and John Anderson for funding, The Nationals are much more successful than the Liberal Party. Go The Nationals!

The Federal member for Gilmore, Joanna Gash, has let her constituency down. She has failed to secure much-needed Commonwealth funding—as have some of her colleagues here—from her superiors for the Princes Highway and simply seeks to shift the blame onto the State Government. Why does the Prime Minister not listen to her? She has failed her constituency. It is clear that the Federal Government is not interested in providing resources to a safe seat, but is more than willing to do so for marginal seats held by their Nationals counterparts. The honourable member for South Coast has swallowed her colleagues' excuses hook, line and sinker and is trying to blame the New South Wales Government rather than placing pressure on her Federal counterparts.

[*Interruption*]

The honourable member for South Coast should join The Nationals. She should do her job and represent the best interests of her constituents rather than pandering to her Federal colleagues. The honourable member for Bega cannot even get the Prime Minister to commit the needed funds for the preferred model of a new bridge at Pambula. Where is Gary Nairn on this issue?

[*Interruption*]

The only black hole is the one that exists in the Prime Minister's concerns for the South Coast. He simply does not care about the people of the region, and it is disgraceful that their local elected representatives do not take the fight to him. [*Time expired.*]

Mr ANDREW CONSTANCE (Bega) [11.50 a.m.]: I suggest that the honourable member for Kiama and the honourable member for Monaro get the Minister for Roads because he might want to be in the Chamber to answer what I am about to say. The people of the South Coast are entitled to know what I am about to raise. The Minister needs to deny or confirm that a meeting took place and the contents of the meeting. I have been told by two sources, one of whom was at the meeting, that this meeting took place. It is allegedly a secret meeting that has been talked about in local government circles throughout the South Coast. There are some questions that the Minister for Roads should come into the Chamber to answer.

Is it true that during the week leading up to the 22 March election the Minister for Roads, Carl Scully, travelled to Batemans Bay to meet with the mayors of Eurobodalla and Bega Valley to discuss the Princes Highway? Is it true that he confirmed that he had the funds for the Princes Highway? Is it true that he told the mayors that if they were to come out publicly in support of the Labor candidate and she won, they would get the upgrades to the Princes Highway? That question needs to be put to be Minister. If that is the case, does it amount to political bribery? The question needs to be put: If this is true, does it amount to a corruption of the State road funding process? We know that the Minister for Roads is capable of anything.

Mr Steve Whan: Point of order—

Mr ANDREW CONSTANCE: We know that he has told blatant untruths to the people of the South Coast about the Princes Highway.

Mr ACTING-SPEAKER (Mr Paul Lynch): Order! The honourable member for Bega will resume his seat.

Mr Steve Whan: My point of order is that the member opposite has raised a very serious reflection on the Minister, which he should do only by way of substantive motion. I suggest that the honourable member for Bega is more upset about the fact that a local mayor ran against him because he was such a bad candidate.

Mr ACTING-SPEAKER (Mr Paul Lynch): Order! In relation to the point of order, I ask the Clerk to hand me a copy of the motion.

Mr ANDREW CONSTANCE: We know that the Minister—

Mr ACTING-SPEAKER (Mr Paul Lynch): Order! The honourable member for Bega will remain silent while the Clerk hands me a copy of the motion. The honourable member for Bega has the call.

Mr ANDREW CONSTANCE: We know that the Minister is capable of anything. He has told blatant untruths to the people of the South Coast about the Princes Highway for years. He has been politically

duplicitous, mischievous and deceitful. He has been the most small-minded, least capable and weakest Minister in the Carr Labor Government. The fact is that if the honourable member for Kiama and the honourable member for Monaro keep this up, they will be like the former member for South Coast: here one minute and gone the next. The fact is that the Princes Highway is so poorly funded by this Carr Labor Government it is a joke.

The percentage of the total State roads budget spent on the highway south of Kiama amounts to 0.0019 per cent of a total budget of \$2.684 billion. The Government is \$5 million a year on 400 kilometres south of Kiama on the Princes Highway—0.0019 per cent. The road statistics speak for themselves. There have been 17 fatalities south of Kiama on the Princes Highway in the past 15 months and 13 fatalities north of Kiama in the past 15 months. That amounts to 30 fatalities on the road, two per month. And all we get is bickering from the Minister: "Blame the Feds". Martin Ferguson said it all on ABC radio. He said:

The Princes Highway is the on-going responsibility of the New South Wales Government. It is the view of the Federal Opposition. The last thing we need is people playing games, politics, with respect to their responsibilities.

That is exactly what the Labor Party in this State is doing. It is ripping off the people of the South Coast. It is ripping them apart, and fatalities are occurring week in, week out. And the best we get from the State Labor Minister in New South Wales is to start blaming the Feds, when he is putting \$5 million into the highway south of Kiama. I repeat: 0.0019 per cent of the total State roads budget in New South Wales goes into the Princes Highway.

Mr Steve Whan: What a lie!

Mr ANDREW CONSTANCE: It is not a lie; it is fact. The honourable member for Monaro would not even know that the Princes Highway is in his electorate because he has not even ventured down to Eden recently. He would not know that the Pambula bridge is in such disarray that the Federal Government has had to extend the Roads Recovery Program to ensure that the bridge can be properly funded. I look forward to seeing the \$5 million in the State's budget this year to ensure the funding for the Pambula bridge. It is terrific that the Minister for Roads is now in the Chamber to answer the questions that I put to him.

Mr Carl Scully: Point of explanation: I understand the honourable member for Bega has made some fairly disgraceful comments. I have been at a meeting, which I have had to leave and interrupt dealings with some important people—on a roads matter, by the way.

Mr Andrew Constance: This is important.

Mr Carl Scully: They are all important. The honourable member for Bega is a new member and I do not think he appreciates the forms this House follows. He has made some disgraceful comments about me. He has done it only for one purpose: to try to get a headline in his local paper. The only purpose for which he has made these comments is to get a headline down the coast. These are outrageous comments. I normally ignore everything he says—they are almost laughable—but before he rings up his editor and says, "Oh gee, I made a big man of myself today, I poured all this defamatory abuse on the Minister, please hold the front page—"

Mr Donald Page: Point of order—

Mr Carl Scully: I am on a point of order. I do not want *Hansard* to leave uncorrected these disgraceful allegations and lies. They are disgraceful and the honourable member for Bega should be treated with the contempt he deserves. He is a laughable character.

Mr ACTING-SPEAKER (Mr Paul Lynch): Order! The Minister will resume his seat.

Mr Carl Scully: He comes in here and peddles all his lies. He should be ashamed of himself.

Mr Donald Page: Point of order: The Minister clearly has no point of order. If he wishes to engage in the debate, then he should speak in the debate. He has come into the Chamber and tried to engage in the debate—and he did not even ask to take a point of order. He just stood up and engaged in the debate. There is no room in the standing orders to allow a Minister to do that. If he wishes to defend himself, he should enter the debate or have other members defend him. That is the situation. What just happened is outrageous.

Mr ACTING-SPEAKER (Mr Paul Lynch): Order! That has now been completed, because the honourable member for Kiama has sought the call.

Mr MATT BROWN (Kiama) [11.57 a.m.]: I support the amendment moved by my colleague the member for Wollongong. I am pleased to speak after the honourable member for Bega. I must say that the closest the member for Bega ever came to Bega was in the supermarket fridge at his local supermarket. Then he finally ventured down to the town called Bega, but mainly to stay in the chalet when he wanted a ski trip. I am pleased the honourable member for Bega has finally understood that the Princes Highway is a road that needs a lot of work. I am pleased that members have brought this issue before the House for debate. However, their logic is not sustainable. Their logic is that because it is a State road, the State should fund it.

They should wake up to themselves and realise that every major road is a State road. The Pacific Highway, which is an example that both the Minister and I have used, is getting \$600 million of Federal funding. The State builds the roads and the Pacific Highway is a State road with significant Federal funding—so is the New England Highway and the Hume Highway. Why is the Princes Highway being left out? The honourable member for South Coast and the honourable member for Bega might consider those examples and ask themselves why they do not work co-operatively with the State Government to try to get some Federal funding for those roads, rather than trying to score cheap political points.

To tell the truth, I do not care who funds the roads: I just want the roads fixed up and lives saved. I certainly do not want to start using the deaths of people on the Princes Highway in this sort of emotive debate. It degrades both the Chamber and us as members of Parliament representing our communities. I have not met one member of Parliament from any party or side of politics who tries to use those deaths in that way. It is disgraceful. Everyone wants to work hard to reduce deaths on our roads. There should not be a slur on any member of this Chamber. I have yet to meet one member of Parliament who thinks that anyone's lack of work has resulted in deaths on our roads. I think that is degrading this debate to a significant degree.

A substantial amount of money has been spent on the Princes Highway. Indeed, the Carr Labor Government has allocated \$380 million—and that is not just a promise, the money will be delivered. One example is the north Kiama bypass. In about 2000 the Federal member for Gilmore declared about seven kilometres of the Princes Highway as a road of national importance. If the Federal Government declares a section of the Princes Highway that has yet to be improved as a road of national importance, I do not understand why members opposite are arguing that it should not receive Federal funding. The Federal Government has already declared it a road of national importance and provided funding. It is bizarre that the Federal Government stopped there. Why did it declare only one section of the road, which has yet to be improved, as a road of national importance? Either the whole road is a road of national importance or it is not. I have never heard of bypasses of national importance, but that is what the Federal Government has come up with.

Mr Thomas George: Who made it a State road?

Mr MATT BROWN: The honourable member for Lismore says that it is a State road. We acknowledge that the Princes Highway is a State road but we want it fixed. We want the Federal Government to provide more funding.

Mrs Shelley Hancock: Do something!

Mr MATT BROWN: I am happy to do something. I am working within my party and I am lobbying the Federal Government to provide its fair share of funding. The Federal Government is cutting funding through the Commonwealth Grants Commission and the national competition policy. Those funds are not coming to New South Wales.

Mrs Shelley Hancock: Have you visited Berry lately?

Mr MATT BROWN: The Government has allocated an extra \$300,000 to construct a bypass road at Berry with new alignment. I suggest that members opposite do some work on this matter instead of raising silly political points.

Ms PETA SEATON (Southern Highlands) [12.02 p.m.]: Today we have seen a continuation of the pattern whereby the Carr Labor Government refuses to take responsibility for the things it is responsible for and, more than that, for the things it has signed up to be responsible for. Members opposite simply said, "Don't ask me. I only work here." They did not take responsibility for health, schools, or rail services. The Minister for Roads should take responsibility for the Princes Highway, which is a State road. The State Government accepted responsibility for the Princes Highway when responsibility for a number of roads throughout New

South Wales was allocated to different levels of government. The State Government signed up and said it would be responsible for the Princes Highway.

I congratulate the honourable member for South Coast and the honourable member for Bega on bringing this important issue to the attention of Parliament. Upgrading the Princes Highway is most important for residents from Wollongong to the Victorian border. Indeed, it is so important that it has been the focus of Lord Mayor Alex Darling's advocacy on the Southern Region Group of Councils, which has made the Princes Highway one of its most important agenda items. Why have the Premier and the Minister for Roads failed to respond to the genuine invitation from Lord Mayor Alex Darling to attend a roundtable to discuss the Princes Highway? Where is the Minister for Roads? Earlier he gave a spurious response to the serious allegation raised by the honourable member for Bega.

The honourable member for Bega asked genuine questions. He wants to know whether a meeting was held before the 2003 State election at which a deal may have been made between certain local government leaders and the State Government about future support for Labor candidates. The Minister for Roads did not say anything other than that it was a disgraceful suggestion. He did not deny the allegation. He did not say whether he had attended such a meeting. The Minister refused to answer questions about who attended the meeting. He refused to answer the details of the question put to him by the honourable member for Bega.

Having listened to what the Minister for Roads said, I assume that the honourable member for Bega's question today has some truth to it. If it is not true the Minister for Roads did not take the opportunity to deny it outright. We heard no such denial, so I can only assume that it must be true. What did the Federal shadow Minister for Roads say about the Princes Highway? He said it is a State road. He visited the area and travelled down the Princes Highway and he said, "This is a State road. It is the State's responsibility." Let us compare what the Coalition took to the 2003 State election, as announced in a media release issued by the Leader of the Opposition on 4 March 2003, with the paltry amount of money being spent by the State Government.

During the election campaign the Coalition made a commitment of \$200 million for upgrades to the Princes Highway between Nowra and Eden, to be completed within five years. That would see work on some of the major trouble spots, including the Pambula Bridge, the Bega bypass, strengthening the Brogo River bridge, route realignment south of Narooma at Victoria Creek, and the realignment of the northern approaches to Wagonga inlet bridge at Narooma, completed within five years. Compare that with the funding that the State Government is pretending to put into this road, which will see only \$5 million a year spent on the Princes Highway south of Kiama. That is a disgrace. Compare that with the money this Government has wasted in single incidents, such as \$60 million for Sydney Water's failed billing system—that \$60 million would go a long way to fixing some of the problems on the Princes Highway—and the \$10 million squandered on the failed Austeel deal. That \$10 million is double the amount allocated by the Government in one year for the Princes Highway south of Kiama. It is a disgrace. The Government should take responsibility.

Mr STEVE WHAN (Monaro) [12.07 p.m.]: The Federal Government needs to recognise that the Princes Highway is a critical link between Sydney, Wollongong, and communities on the South Coast. They are not my words, they are the words of the NRMA in 2002. In a 2002 media release the NRMA said:

... some sections of the Princes Highway need immediate attention by the Federal government ...

In September 2003 Mr Ross Turnbull of the NRMA said:

Both the State and Federal governments have to take responsibility and work together to fix the Princes Highway.

More recently, on 12 March 2004, in a media release the NRMA said the Federal Government must be involved in relation to the highway. The NRMA pointed out:

While we recognise that many sections of the Pacific Highway require urgent attention, both the State and Federal governments must work together to find a solution to the major problems facing the Princes Highway.

Only one group of members in the House today, and only one group in the South Coast community, believes that the Federal Government should not be involved in matters relating to the Princes Highway, and that is the New South Wales Opposition. Members opposite are copping-out when it comes to funding for the Princes Highway and their refusal to stand up to their Federal colleagues. What did we hear from the honourable member for South Coast? She gloated because Martin Ferguson, the Federal shadow Minister, does not agree with what we say. Unlike members opposite, we are not governed by our Federal colleagues. We are willing to stand up for our constituents. Yet day after day members opposite—John Howard's sycophants—spout John Howard's lines and agree with everything he does: "Take more money from New South Wales, no worries, we will cop it."

The NRMA's clients, along with the South Coast community, make it clear who they believe should help out with this. By its comments the NRMA recognises that the State Government has put a lot of money into the Princes Highway but that more needs to be done. I have been driving along the Princes Highway south of Batemans Bay during campaigns for many years and I have seen the improvements the State Government has funded. They include overtaking lanes at Yowaka Creek south of Pambula; widening of the road between Mogo and Moruya in 1999; overtaking lanes near Central Tilba; new approaches on the bridge near Government Road near Eden; \$1 million for a new bridge and approaches at Harts Gully south of Pambula; a new bridge at Trunketabella Creek and widening of the road; realignment of the highway between Yellowpinch and Millingandi south of Bega; and, under way when I was last there, a \$3.4 million widening and realignment of the highway between Mogo and Moruya. Over the past few years a lot of work has taken place there.

It is no surprise to me that the honourable member for Bega says nothing has happened. Let us face it, before he was plucked out of the Young Liberals in Sydney and put up for preselection he probably had not driven any further than mum and dad's holiday house at Bawley Point, let alone driven to Bega. It is appalling that members opposite have no idea of what is happening on this road, no idea of the work that has been done over the past two years. Coalition members have failed to stand up for a fair share of funding. The honourable members for South Coast and Bega have today said to the residents of the South Coast that they do not deserve part of John Howard's \$7.5 million surplus. They are saying to the people of the South Coast that the people who live near the honourable member for Lismore deserve funding, but they do not. There is a \$7.5 million budget surplus and our Federal Labor candidates will push for a slice of it. Kel Watt, the Labor candidate for Eden-Monaro, and Megan Pikett, the candidate for Gilmore, will not be bashful about taking forward the concerns of the region unlike their Federal opponents, Gary Nairn and Joanna Gash, who, along with these two members opposite—

Mr Andrew Constance: Point of order: I have one question to ask: Were you at the meeting as well?

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

Mr STEVE WHAN: What a typical interjection from the honourable member for Bega. As the people of Bega are seeing, the honourable member for Bega is only interested in chasing headlines. He smiles in this place when a tragedy occurs. This is an effort to grab headlines. There is no effort to stand up to their Federal colleagues to gain a fair share of Federal roads funding for the people of the South Coast, because under the Liberals they are not getting it. [*Time expired.*]

Mrs SHELLEY HANCOCK (South Coast) [12.12 p.m.], in reply: I am terribly amused by the honourable member for Monaro's comments. He should take some acting lessons. Trying to emulate the Premier does him no good whatsoever. For him to throw his arms around and suggest in this place that we are not standing up for our constituents is a joke. That is exactly what the honourable member for Bega and I are doing today. That is why we reordered business yesterday to bring on this motion today. That is standing up for one's constituents. The honourable member for Monaro is sitting there quietly doing nothing for his constituents, but we are doing something about it. The honourable member for Kiama has escaped in advance what I am about to say. The last newspaper article I recall about the honourable member was that he was opening a bridge in Boorowa, which is in the Central West somewhere. That is how much he cares about his constituents. That is how much he cares about the people living along the Princes Highway in his electorate.

Mr Steve Whan: Point of order: The motion and the amendment are about the Princes Highway. I fail to see the relevance to this debate of a bridge across the other side of the Great Dividing Range. According to the standing orders, a member is not allowed to introduce other arguments in reply. I ask you to draw the honourable member's attention to that.

Mr DEPUTY-SPEAKER: Order! I uphold the point of order. The honourable member for South Coast will return to the leave of the motion.

Mrs SHELLEY HANCOCK: We should all learn the rules of debate. This is my reply, and I am entitled to respond to the comments made by the honourable member for Kiama. The honourable member interjected and said that his constituents were extremely happy with what was being done in his area. Clearly they are not. Residents of Berry—if the honourable member remembers that Berry rather than Boorowa is in his constituency—are extremely upset that the Berry bypass has been on the backburner for many years, and with projected funding it is never going to happen. He should talk to his constituents. He should stand up for his constituents and do something about it. I have not seen the honourable member at a public meeting in Berry for

some time. I have been answering letters from his constituents regarding dangerous intersections in his electorate because he will not answer them. He does not stand up for people in his electorate. He will not even answer their letters. I answer the letters for him.

I congratulate members on the Government side for their prepared speeches. The honourable member for Wollongong went on and on about the Federal Government. Why can honourable members not see that the agreement that was signed in 1991, and which has not been changed and to which the Minister has done nothing to try to change it, makes this a State road. Whether we can apply for Federal Government funding is a side issue. Until we know exactly what the planned expenditure is for the Princes Highway we can do nothing. The Southern Group of Councils and groups like Residents and Users for a Safer Highway [RUSH] have been asking for some time for plans for the Princes Highway.

Mr Steve Whan: Point of order: The honourable member has misled the House. As evidenced by the NRMA's press release, the Southern Group of Councils has called on the Federal Government to fund this highway.

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

Mrs SHELLEY HANCOCK: That is not a point of order and it is also a misleading statement. I have never seen the honourable member for Monaro at a Southern Group of Councils meeting. If he relies only on press releases he obviously has a very limited understanding of what goes on. The Southern Group of Councils wants a plan of expenditure from the Minister. The clear message that has come out of the Southern Group of Councils is that its members want to meet the Minister. We all want the Minister to talk turkey about the highway, not avoid it. He should not duck and weave and escape the reality that it is a State highway.

If there is any hope of attracting any level of Federal funding, such that could remedy some of the black spots, we need to know exactly what the Minister intends to do. Shoalhaven City Council has had meetings with the bureaucrats sent by the Minister and all they have said is that they will contact the Minister and get back with a reply from him. This simply has not happened. We need to be sensible and responsible. We need the Minister to show some leadership and talk to every tier of government to try to come up with a solution. It does not make me happy to have to take this kind of action today but I have to do it. I am standing up for my constituents, the honourable member for Bega is standing up for his constituents and the honourable member for Southern Highlands is standing up for her constituents—unlike honourable members on the Government side. [*Time expired.*]

Question—That the amendment be agreed to—put.

The House divided.

Ayes, 45

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

Noes, 33

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

Pairs

Mr Bartlett	Mr Brogden
Ms Saliba	Mr Hazzard

Question resolved in the affirmative.

Amendment agreed to.

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

The House divided.

Ayes, 45

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

Noes, 33

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

Pairs

Mr Bartlett
Ms Saliba

Mr Brogden
Mr Hazzard

Question resolved in the affirmative.

Motion as amended agreed to.

CESSNOCK DISTRICT HOSPITAL MATERNITY SERVICES

Debate resumed from 11 March.

Mrs JILLIAN SKINNER (North Shore) [12.30 p.m.]: I was speaking in favour of this motion when the debate was adjourned last Thursday. I reiterate: this motion is about the Carr Government's deceit in promising before the election that the people of Cessnock would be able to have babies at the Cessnock District Hospital. On 13 June 2001, in a media release entitled "Better care for Cessnock mums", the then Minister for Health, the Hon. Craig Knowles, stated:

Maternity services will continue to be provided at Cessnock Hospital.

On 1 May 2003 the Government stopped delivery of babies at Cessnock—one month after the State election. This is about the Government's deceit and the local member's failure to speak on behalf of his constituents. There is no doubt that local mums want this service maintained at their hospital. The Parliamentary Secretary pointed out that there were only 39 deliveries between 30 June 2002 and March 2003. If the Government knew that, why did it wait until one month after the election to shut down the service? If it was so important, why did it not alert the community so that voters were fully informed about the Government's intentions before the election? Were only 39 babies delivered because the Government deliberately ran down maternity services at Cessnock District Hospital? Was it actively encouraging mums to leave the area to have babies?

The Parliamentary Secretary stated that people have argued for years that a certain number of babies must be delivered to maintain a service in a small hospital. As I said previously, that is now disputed. Research undertaken in many countries demonstrates that the outcomes for and safety of mums and babies in smaller hospitals is better because general practitioners in country towns recognise likely risks and refer patients to specialist services. Cessnock has a population of 47,000 people. I point out, as has the honourable member for Myall Lakes, that Singleton, Scone and Muswellbrook all have smaller populations than Cessnock but still have maternity services at their hospitals. Are we to assume that the Government's next move will be to close those services? Why is the honourable member for Cessnock, the Minister for Mineral Resources, not speaking up for the mums of his electorate?

Mr ANDREW STONER (Oxley—Leader of The Nationals) [12.34 p.m.], in reply: I thank the honourable member for North Shore, the honourable member for Myall Lakes, the honourable member for East Hills and the Parliamentary Secretary Assisting the Minister for Health for their contributions to this debate.

Mr Andrew Fraser: Where was the honourable member for Cessnock?

Mr ANDREW STONER: Sadly, the honourable member did not make a contribution, and yet again he is not in the Chamber during the debate on this important issue. The Parliamentary Secretary provided a number of excuses for the closure of maternity services at Cessnock District Hospital. In her view, fewer mothers are presenting to the hospital. However, the maternity service had been run down for some time as a deliberate Government strategy. It harks back to the former Minister for Health's press release of June 2001 in which he actively encouraged Cessnock mothers to go to Maitland. The Parliamentary Secretary failed to address the issue of safety for mothers and babies. She also failed to address my point about the possibility of a medical emergency arising during the 40 minutes to one-hour trip to Maitland or Newcastle. She confirmed that the maternity service was effectively closed on 17 April last year—just after the election—and that the last baby was born at Cessnock on 1 May 2003. That was immediately after the election. A staggering number of Government lies and cover-ups have been revealed since the election. It proves that we cannot trust this Government. She also referred to insufficient medical staff.

Mr Gerard Martin: Who is "she"?

Mr ANDREW STONER: The Parliamentary Secretary! The Government allowed the service to run down. To say that specialists are not available is not good enough. Cessnock is a city of nearly 50,000 people, not including the population in the surrounding district. The Parliamentary Secretary also said that the Government is committed to the people of Cessnock and referred to a community renewal plan. The Labor Government has been in office for nine years and the Cessnock district is still one of the most disadvantaged areas in New South Wales. Professor Vinson's recent report proves that the Labor Party has neglected Cessnock and that it has taken the good, hard-working people of the district for granted.

The honourable member for East Hills encouraged people to travel long distances to access basic medical services. He should get out into country New South Wales to see how difficult it is and how far people must travel from family, friends and support groups to access sometimes even the most basic medical services. This is the tale of a safe seat being treated with contempt by the Labor Party. It is also the tale of a local member who has failed to stand up for his community and who is, at best, impotent, or, at worst, a willing accomplice in the betrayal of his constituents. The honourable member for Cessnock could not be bothered to fight for his constituents' right to have their babies delivered locally. Indeed, he could not even be bothered to attend Parliament last week when the motion was first debated, or today, when the debate will be finalised.

Mr Andrew Fraser: That is deplorable.

Mr ANDREW STONER: Yes, it is deplorable.

Mr Andrew Fraser: I wonder where he will be during the division.

Mr ANDREW STONER: Was he here for the last division? I think he was. He has absented himself from the Chamber for this debate. It is a disgrace. Perhaps he cannot defend the indefensible. Perhaps because he now has a big ministerial pay packet, car and driver and he is—

Mr Bryce Gaudry: Point of order: Within the rules of this House, if an honourable member intends to launch an attack upon another honourable member, he or she should do so by substantive motion. This is not part of a reply. I ask you to call upon the member to desist from what is a substantive attack on an honourable member.

[Time expired.]

Question—That the motion be agreed to—put.

The House divided.

Ayes, 32

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

Noes, 44

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

Pairs

Mr Brogden
Mr Hazzard

Mr Bartlett
Ms Saliba

Question resolved in the negative.

Motion negatived.

DEPARTMENT OF EDUCATION AND TRAINING HOT SPOTS POLICY

Mr TONY McGRANE (Dubbo) [12.47 p.m.]: I move:

That this House calls on the Minister for Education and Training:

- (1) to recognise that the Department of Education and Training hot spots policy is failing the students of Parkes High School;
- (2) to recognise that the students of Parkes High School are taught in poorly ventilated classrooms, enduring mean maximum temperatures of 35.2 degrees, despite the department quoting a figure of 30 degrees as being appropriate for well-ventilated classrooms; and
- (3) to remedy this failure by immediately making funds available to Parkes High School for the installation of airconditioning in all classrooms.

I gave notice of this motion almost 12 months ago on 1 May 2003. However, despite the passage of time the Government has taken no action to provide funding for airconditioning for Parkes High School. At the same time every year, as we approach winter, the issue of airconditioning for Parkes High School is swept aside. Students are forced to suffer through the most severe, sweltering conditions in classrooms during December, late January and February. Yet, when temperatures begin to moderate in March, the State Government forgets about the issue. There are still peak hot days through March that exceed the Government's hot spots temperature limit. However, because the issue relating to heat in schools is not a hot media topic, the pressure on the Government is relieved and no further action is taken.

There is a perception in Parkes that the issue is being managed by the Department of Education and Training through the hot summer months but it is promptly ignored once the hot period ends. The cycle starts again in late November and December, when the temperatures again rise and the conditions become appalling. This cycle must stop, and the only way that can be done is for the Government to provide funding for airconditioning facilities for Parkes High School. The majority of other public schools in New South Wales have these services, so why should Parkes High School miss out? Other schools in the central west region that endure similar temperature ranges are fully airconditioned. The majority of Parkes High School buildings are of 1960s red brick construction that draw and retain heat, yet the buildings have little cooling. The majority of rooms are equipped with ceiling fans of the same vintage, and many of them do not work.

The Parkes High School community of students, staff and parents is beginning to despair. Who can blame them, after almost a decade of false promises? Nine years ago the school parents and citizens association began lobbying for airconditioning facilities. Almost a decade later the situation has changed little, and it is feared that in another 10 years it will be no different. The issue is raised every summer when the situation literally boils over. Last month the classrooms were so hot that on one day 15 teachers went home suffering from heat-related conditions. The entire student population staged a walkout in protest about the primitive conditions. There have been many heat-related health problems in regard to staff and students, including headaches, nausea, nose bleeds and heat stress. The situation has been made even worse with only one working bubbler at the school.

The Department of Education and Training's hot spots policy is failing the students of Parkes High School. There has been a piecemeal approach to the installation of airconditioning units at the school for far too long. When the issue is raised each year the education department is quick to point out how much money has been spent on Parkes High School airconditioning over the past six years—some \$260,000; \$90,000 as part of the 2003-2004 Air Cooling Program. However, the department does not point out that the money has been provided for cooling only a small part of the school and very few busy classrooms or administrative workplaces. At the start of this summer only nine of the school's 60 class and administration rooms were airconditioned. Six more rooms were in the process of being airconditioned last month, leaving the bulk of the school sweltering through one of the town's hottest summers, if not the hottest on record.

The school staff and the principal have gone to great lengths to try to maintain a productive learning environment by rotating classes through the cool rooms, and by having increased class numbers in the airconditioned library, hall and computer rooms. Their efforts have had only moderate success. The fact is 800 students cannot be squeezed into a handful of airconditioned rooms. At one stage last month staff at Parkes High School attempted to teach six classes in the airconditioned hall. That is not an appropriate learning or teaching environment, especially for year 12 students taking the important steps towards their vital Higher School Certificate results. It does not matter when it is during the year, year 12 students cannot afford to miss school. However, sometimes it cannot be avoided when their health is being compromised or teachers are unavailable. Mr Raymond Price, a Parkes father of two, was forced to keep his children at home last month because of the oppressive conditions. Mr Price wrote:

I am opposed to children missing school for anything but genuine circumstances, but on this occasion, I was given little choice. Not only was their health being affected, but with few teachers available it was better to keep them at home.

This school needs to be brought in line with the majority of public schools throughout New South Wales, with full airconditioning in all classrooms and administrative offices. Students, staff and parents have been pushing to have this work done for more than a decade. They are sick of being told that this is not a priority. If this summer's conditions do not constitute a priority or an urgent matter, I would hate to see what does. The Department of Education and Training's Air Cooling Program is designed to ensure that hot spots within schools with an average maximum temperature above 30 degrees are provided with air cooling. This policy is a dismal failure at Parkes High School. The mean maximum temperature in Parkes for January was almost 35 degrees, with teachers recording temperatures in some classrooms closer to 50 degrees. In January and February Parkes endured a record seven days straight of temperatures in excess of 40 degrees.

How are children meant to learn in these conditions? How can teachers expect to do their jobs effectively? There is no quick fix or easy way out in this case. Parkes High School needs to be fully airconditioned. I have received hundreds of letters and emails regarding the issue from students, parents, staff and concerned community members, and not just in the town of Parkes. Mrs Kristine Nock of Bogan Gate represents the concerns of many parents who live in small towns or rural properties outside Parkes and whose children travel to Parkes by bus each day. She wrote:

The fact is many children at Parkes High suffer in atrocious and inhumane conditions on a daily basis. Many children have to travel for over an hour to school each day, then spend six and a half hours in un-air conditioned classrooms of 42 degrees plus heat, then travel home again. That's no respite from the searing heat for nearly nine hours each day ...

The people of Parkes have come out in force in support of their high school's concerns. Almost 2,000 people have signed a petition calling for full airconditioning to be provided for the school. School groups—including the parents and citizens association, and student and teacher representatives—have requested a meeting with the Minister for Education and Training to explain the issue first-hand and to describe the conditions they have had to endure. I urge the Minister to take on board their concerns. The Parkes community has worked tirelessly to raise money to provide cooling for the school. The parents and citizens association is constantly running fetes, market days and other fundraisers to contribute towards an airconditioning fund, but what good are raffles when the school is trying to fund a million dollar project? These are proud gestures but they are, in a sense, ineffective because money is needed from the Government. It is time to end the piecemeal approach to Parkes High School. It is time for the Government to implement the hot spots program immediately for the school so that the children receive education in the conditions they so richly deserve. I commend the motion to the House.

Debate adjourned on motion by Mr Bryce Gaudry.

[Mr Deputy-Speaker left the chair at 12.57 p.m. The House resumed at 2.15 p.m.]

DYNASTY—BEHIND THE SCENES AND WOOLLAHRA MUNICIPAL COUNCIL

Ministerial Statement

Mr DAVID CAMPBELL (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [2.18 p.m.]: I speak as Minister for Small Business. On 9 March I reported to this Chamber on an exciting film production taking place in Sydney. The \$4 million United States of America telemovie *Dynasty—Behind the Scenes* is being shot on locations including Point Piper and Vacluse. When I visited the set at Vacluse House on Monday 15 March, I was impressed by the number of local jobs it is creating: a total of 600. The real story is what is going on behind the scenes—behind the scenes of the making of *Dynasty—Behind the Scenes*—and it is all due to Woollahra Municipal Council, which has a starring role.

Village Roadshow's location manager, Robin Clifton, has described its dealings with Woollahra council as "our unfortunate encounter with Woollahra council ... an expensive and unpleasant experience". In one incident the crew was given permission to film and told where to park their vehicles. Then Woollahra council rangers booked the film unit's trucks. This is not the first time Woollahra council has done its best to discourage the film industry. In February a United States baby product commercial was shot in Vacluse Park. As temperatures soared into the 30s, its cast of babies was protected from the burning sun. What did Woollahra council do? Its rangers descended, demanding a \$60-a-square-metre fee for protecting infants from the sun. The total bill was a whopping \$5,000 to protect the babies from the sun!

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

Mr DAVID CAMPBELL: Woollahra council needs to use its commonsense. Charging \$60 a square metre to protect babies from the sun is outrageous, even by Woollahra council's standards. Our State's film and television industry is worth \$4 billion a year. The Carr Government is keen to encourage its growth and we welcome the jobs it creates. I appeal to Woollahra council to see reason when dealing with film companies. The council needs to work with film crews for the benefit of our State and our international reputation. Recently when Qantas wanted to shoot a promotion at Bronte pool, Waverley Council successfully worked with the New South Wales Government to encourage filming elsewhere. I am delighted this co-operative effort has resulted in increased interest in making television advertisements in the Illawarra.

Mr JOHN BROGDEN (Pittwater—Leader of the Opposition) [2.21 p.m.]: The Minister has got to be joking! If he wants to film a miniseries, he should film a miniseries about Liverpool council. The honourable member for Liverpool can act as the script consultant and there will be a battle between stars: Craig Knowles, former mayor, and Mark Latham, former mayor. And the tragic Monty Burns figure, Bob Carr, will seek a part in the play. Is it of any benefit to the House, a couple of days before the local government elections, to have the Labor Party come in here and try to attack Woollahra council? We have heard nothing about Rockdale council, Liverpool council or Wollongong council. What a waste of this House's time, when more important issues should be debated. Instead, the Minister for Regional Development waffles on about matters that have no relevance to this Chamber. The Minister for Regional Development should stop listening to the Minister for Roads and listen to me.

We want to know what part they offered the Minister behind the scenes. God only knows! The Minister would need acting lessons if they offered him anything. What a waste of our time! We want to hear about the Government's performance in relation to Randwick council. What is happening at Randwick council today? Let us hear about that or, more particularly, the successful campaign being run by the Labor Party for the City of Sydney council elections. Former Keating Ministers used to drift off into the never-never. But no, the Labor Party has dragged back Michael Lee. It has taken Michael Lee off the Central Coast and given him a starring role in the new miniseries at the City of Sydney council. However, on 27 March he will find that his contract is not being renewed. He will get a rude shock, as will the Labor party because of its attempts to rig the ballot. The fact is that the Minister wasted the time of the House. We want to know more about Randwick, Liverpool and Woollahra councils.

DISTINGUISHED VISITORS

Mr SPEAKER: I welcome to the public gallery David Martin, MBE, and Ruth Martin, who are visitors from Inverness, Scotland. They are interested in youth projects and social justice issues, and represent the Prince's Trust and the Scottish Foundation. They are guests of the honourable member for Albury. I also welcome the Deputy-Consul of the Turkish Consulate.

PETITIONS

Nowra Public School Specialist Literacy Tuition

Petition requesting suitable accommodation for specialist literacy tuition at Nowra Public School, received from **Mrs Shelley Hancock**.

Milton-Ulladulla Public Schools

Petition requesting community consultation for suitable public school infrastructure in the Milton-Ulladulla districts, received from **Mrs Shelley Hancock**.

Autism Spectrum Disorder

Petition requesting additional support for children affected by Autism Spectrum Disorder in all educational settings in New South Wales government schools, received from **Mr Daryl Maguire**.

Frederickton Public School

Petition praying that priority be given to the construction of buildings at Frederickton Public School, received from **Mr Andrew Stoner**.

Stamp Duty Reduction Legislation

Petitions supporting the Duties Amendment (Stamp Duty Reduction) Bill 2003, received from **Mr Greg Aplin, Mrs Judy Hopwood, Mr Barry O'Farrell, Mr Steven Pringle, Mr Michael Richardson, Mr Anthony Roberts and Mrs Jillian Skinner**.

Gaming Machine Tax

Petitions opposing the decision to increase poker machine tax, received from **Mr Andrew Fraser, Mrs Shelley Hancock, Mr Chris Hartcher, Mr Daryl Maguire, Mr Wayne Merton, Mr Steven Pringle, Mr Andrew Tink and Mr John Turner**.

Narrawallee Subdivision

Petition opposing any form of access or egress from the subdivision adjoining Blake Place, Narrawallee, received from **Mrs Shelley Hancock**.

Kosciuszko National Park Management Plan

Petitions opposing the formulation of the Kosciuszko National Park Management Plan without community consultation, received from **Mr Ian Armstrong and Mr Adrian Piccoli**.

Lake Woollumboola Recreational Use

Petition opposing any restriction of the recreational use of Lake Woollumboola, received from **Mrs Shelley Hancock**.

Brothels Closure Legislation

Petition supporting the Community Protection (Closure of Illegal Brothels) Bill, received from **Mr Andrew Tink**.

Coffs Harbour Pacific Highway Bypass

Petition requesting the construction of a Pacific Highway bypass for the coastal plain of Coffs Harbour, received from **Mr Andrew Fraser**.

Windsor Road Traffic Arrangements

Petitions requesting a right turn bay on Windsor Road at Acres Road, received from **Mr Wayne Merton and Mr Michael Richardson**.

Old Northern Road Upgrade

Petition requesting the construction of overtaking lanes on Old Northern Road between Glenmore and Wisemans Ferry, received from **Mr Steven Pringle**.

Windsor Traffic Conditions

Petition requesting funding for construction of a bridge across the Hawkesbury River, from Wilberforce Road and Freemans Reach Road, connecting to the bridge into Windsor, and the rescheduling of the current road works program, received from **Mr Steven Pringle**.

M4 East Exhaust Stacks

Petition opposing the use of unfiltered exhaust stacks in the construction of the M4 East motorway, received from **Mr Michael Richardson**.

The Spit Bridge Traffic Arrangements

Petition opposing the proposal to add a two-lane drawbridge next to The Spit Bridge, and calling for a responsible and holistic solution to the transport, traffic and freight needs of the area, received from **Mrs Jillian Skinner**.

Pacific Highway Upgrade

Petition requesting the construction of a dual carriageway on the Pacific Highway between Nambucca Heads and Macksville with an interim 80 kilometres per hour speed limit, received from **Mr Andrew Stoner**.

Acquired Brain Injury Patients

Petition requesting facilities for acquired brain injury patients, received from **Mr Greg Aplin**.

Coffs Harbour Aeromedical Rescue Helicopter Service

Petitions requesting that plans for the placement of an aeromedical rescue helicopter service based in Coffs Harbour be fast-tracked, received from **Mr Steve Cansdell**, **Mr Andrew Fraser** and **Mr Thomas George**.

CountryLink Rail Services

Petitions opposing the abolition of CountryLink rail services and their replacement with buses in rural and regional New South Wales, received from **Mr Andrew Fraser**, **Ms Katrina Hodgkinson**, **Mr Daryl Maguire** and **Mr John Turner**.

Broadmeadow to Newcastle Rail Service

Petition opposing the proposed closure of the railway line from Broadmeadow to Newcastle, received from **Mr Bryce Gaudry**.

State Forests

Petition opposing any proposal to sell State Forests, received from **Ms Katrina Hodgkinson**.

Casino to Murwillumbah Branch Rail Line

Petition requesting the extension of the Casino to Murwillumbah branch line to south-east Queensland, received from **Mr Donald Page**.

Isolated Patients Travel and Accommodation Assistance Scheme

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

Horticultural Industry Water Restrictions Assistance

Petitions requesting assistance for the horticultural industry to cope with water restrictions, received from **Mr Chris Hartcher** and **Mr Steven Pringle**.

Local Government Amendment Bill 2003

Petitions opposing the Local Government Amendment Bill 2003, received from **Mr Andrew Fraser** and **Mr Tony McGrane**.

Social Program Policy Subsidy

Petition requesting that the social program policy subsidy be extended to residents in the Hawkesbury local government area, received from **Mr Steven Pringle**.

Wagga Wagga Electorate Fruit Fly Control

Petition requesting funding for fruit fly control/eradication in Wagga Wagga, Lockhart, Holbrook and Tumbarumba, received from **Mr Daryl Maguire**.

MINISTRY

Mr BOB CARR: In the absence of the Attorney General, and Minister for the Environment, the Deputy Premier, Minister for Education and Training, and Minister for Aboriginal Affairs will answer questions on his behalf.

QUESTIONS WITHOUT NOTICE

CAMDEN DISTRICT HOSPITAL MATERNITY UNIT

Mr JOHN BROGDEN: My question without notice is directed to the Premier. Why did the Premier tell the House that the Camden District Hospital Maternity Unit "was not opened until appropriate staff were provided", when Dr Neil Lovelock, Director of Anaesthesia at Macarthur Area Health Service, warned in a briefing note that opening the maternity ward was "not in the best interests of the patients"?

Mr BOB CARR: I answered this question comprehensively when it was put to me in the House, and I stand by the answer I gave the House on that occasion.

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

MEDICAL WORKFORCE SHORTAGES

Ms ANGELA D'AMORE: My question without notice is directed to the Premier. What is the latest information on Government efforts to respond to shortages in the medical workforce?

Mr BOB CARR: With the lack of Federal Government leadership, Australia has a health training system in decline. The shortages affect rural and regional towns most of all. We have country towns that are unable to recruit a general practitioner. In fact, there is a nationwide shortage of 2,000 general practitioners. We have hospitals that are unable to recruit various specialists, and every member would be painfully aware of the State's chronic nursing shortage. In today's *Sydney Morning Herald* there are more than 140 public-sector vacancies for clinical staff. Anaesthetists are required at Blacktown and Auburn hospitals, nurses are required at Royal North Shore Hospital, pathologists are wanted in the Illawarra, general surgeons are required at Westmead, and so on.

The Hunter Area Health Service has 33 registrar and career medical officer positions vacant, 4 junior medical officer positions vacant and 24 senior clinical positions to be filled. The Illawarra has 36 medical staff vacancies, with particular shortages of anaesthetists, cardiologists and geriatricians. It is not a matter of recruiting. These positions cannot be filled, but it is not for want of trying. I do not believe there is any public sector agency that recruits with the persistence of NSW Health, not only here but also interstate and overseas. It is not a matter of recruitment. The problem is that qualified applicants are not available.

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

Mr BOB CARR: The reason we are faced with this work force shortage is there are not enough training places in our universities. One month ago I urged the Commonwealth Government to consider the establishment of a medical faculty at the University of Western Sydney. My view is now gaining strong support, including from the Vice-Chancellor of the University of Western Sydney, Professor Janice Reid.

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

Mr BOB CARR: This State has only three universities that provide medical training: Sydney, New South Wales and Newcastle universities. Western Sydney, which has 10 per cent of Australia's population, does not have a medical faculty in its university. It is time it did, and we will put that case strongly to the Federal Government. We also need to improve the way medical training works. Currently, medical graduates who wish to specialise have a further period of training as registrars. Registrars perform a substantial amount of the clinical work in our health system, under supervision from senior medical staff. In New South Wales we have about 2,000 registrars in training at any one time, but as these training arrangements have evolved over the past 100 years they have become maldistributed.

For example, I am advised that 94 per cent of training positions are located in metropolitan centres with only 6 per cent in rural areas. Almost three-quarters of the positions are located within 30 kilometres of the Sydney central business district [CBD] at the Royal Prince Alfred, Royal North Shore and St George hospitals. We need to reflect on how we can get more of these training positions into outer metropolitan and regional areas. The training of medical staff is a complex business involving the Commonwealth and State governments, the universities, the medical colleges and the Australian Medical Association. I announced today that the Government will convene a health work force forum in the coming weeks bringing together the professional medical colleges, the universities, senior health administrators, the Australian Medical Workforce Advisory Council, the Federal Department of Health, the Australian Medical Association and other key organisations.

I am writing to these organisations today to invite them to join me at Nepean Hospital on Friday 16 April for this very important event. The agenda of the forum will be simple. I want the experts to outline the main problems that face Australia in health training and how we can best deal with these acute, severe work force shortages. I want them to put all their ideas together in a national plan, which we will convey to the next Australian Health Ministers Conference and to the Prime Minister. I also want the experts to develop an action plan of short and medium term measures that we can implement in this State in advance of the broader national plan.

The Government spends \$400 million per year training new clinical staff in our health system. We need to make sure we are spending that money in the most effective way. We are pleased to consult with these groups about the best way to do it. It takes a decade to train a medical specialist, so the decisions we make in the next year will shape the health system for a long time to come. Canberra has already wasted precious years. We have youngsters eager to train as nurses being turned away from our universities right across this State because the Commonwealth Government is not funding the positions. It is time we accepted that we can have all the discussions we like about Medicare, private health funding, bulk-billing and the rest, but that is theoretical if we do not have the nurses and doctors trained to staff the system. I look forward to a wide-ranging debate in the House about the acute shortage of medical personnel.

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

GRAFTON BASE HOSPITAL EMERGENCY DEPARTMENT

Mr ANDREW STONER: My question is directed to the Minister for Health. Why has the Minister placed the lives of Clarence Valley residents at risk by having no doctors in the emergency department of Grafton Base Hospital from one o'clock this afternoon, forcing critically ill patients to travel over an hour for treatment, with a similar situation occurring last Tuesday and again expected this weekend?

Mr MORRIS IEMMA: I will obtain information about the staffing at Grafton Base Hospital.

CHILD PROTECTION PROHIBITION ORDERS

Mrs BARBARA PERRY: My question without notice is directed to the Minister for Police. What is the latest information on child protection in New South Wales?

Mr JOHN WATKINS: New South Wales has led the country in better protecting our children through better policing, new laws and innovative new models of investigation, such as the joint investigation response teams. Before the last election the Government made a commitment to further improve our already world-class child protection laws. That is why today I am pleased to announce that our armoury against paedophiles will again be strengthened. Through the new child protection prohibition orders [CPPOs] paedophiles and other

high-risk child sex offenders will be subject to surveillance from the moment they walk out the gates of the gaol. It means that if police find a paedophile breaching one of these orders, that breach alone will be enough to send that person back to gaol with a penalty of up to two years further imprisonment.

These laws are unique. In most areas of criminal justice once offenders complete their sentence they have the same liberties as non-offenders. However, experience has shown that paedophiles are a unique class of criminal. That means that in some circumstances they need a unique measure to stop them in their tracks. These extraordinary powers, which are modelled on powerful United Kingdom legislation, recognise that paedophiles are serial offenders and may need to be continually tracked after their release from gaol. If these powers prevent one paedophile from abusing another child, they will have served their purpose well.

The new orders will mean that police can apply to a court to prohibit an offender from engaging in specific behaviour; that is, behaviour that creates a reasonable cause to believe the person poses a risk to the safety or life of a child. NSW Police advise me that examples of CPPOs that could be applied to paedophiles include: orders prohibiting them going to certain places such as playgrounds, schools or swimming pools; orders prohibiting them contacting certain groups or groups of people such as local scout groups or sporting teams; orders prohibiting them from certain types of employment; and orders against certain behaviour. For example, an offender may be prohibited from allowing anyone under the age of 16 from entering his or her house if previous offences have involved luring children; an offender who has previously assaulted children while drunk may be banned from using alcohol, and an offender who has previously used the Internet to contact children could be banned from accessing Internet chat rooms.

Although these criminals have served gaol terms imposed by courts, we have a responsibility to do all we can to protect our children. These orders can apply to anyone convicted of sex offences, indecency, pornography, prostitution and kidnapping or murder involving children, and offenders who demonstrate behaviour that indicates a further risk to children. They will apply for up to five years and will be open for extension or modification. Paedophiles cannot be given any opportunity to hide. The NSW Police database now has 1,465 convicted paedophiles registered, 920 of whom have served their sentence and returned to the community. It is these people, should they cause concern to the police or other law enforcement agencies, who will be subjected to the new CPPOs. Since the register was instituted, 83 convicted offenders have been charged with failing to comply with its requirements. Our tough reporting standards have caused about 150 offenders to leave New South Wales. The adoption of our laws across the country will ensure that they cannot disappear.

RANDWICK CITY COUNCIL CORRUPTION ALLEGATIONS

Mr PETER DEBNAM: My question is directed to the Premier. Why have police investigations into criminal conduct at Randwick City Council been starved of resources, with the main investigating police officer moved to another station and the new investigator sent on a training course, effectively delaying the laying of charges until after the local council election?

Mr BOB CARR: I am advised that NSW Police has confirmed that there are no plans to raid offices at Randwick City Council in relation to a dispute between the council and the owner of a hostel, the Aegean Lodge at Coogee. The NSW Police Botany Bay local area commander issued a media release this morning indicating that no raid is planned. Superintendent Peter O'Brien states:

The ongoing police investigation has not identified any criminal conduct within Randwick Council.

Mr Andrew Tink: Point of order: Can the Premier explain—

Mr SPEAKER: Order! The honourable member for Epping will resume his seat. I place him on three calls to order. The honourable member knows the standing orders and he has deliberately flouted them and my rulings during this week's sittings. I remind him that he is on three calls to order.

Mr BOB CARR: The superintendent went on to say:

This matter is an historical civil matter with insufficient evidence at this time to substantiate any charge.

RURAL TELEHEALTH SERVICES

Mr STEVE WHAN: I direct my question to the Minister for Health. What is the latest information on the expansion of telehealth services in rural New South Wales?

Mr SPEAKER: Order! The Leader of the Opposition will cease interjecting.

Mr MORRIS IEMMA: I thank the honourable member for his question.

[Interruption]

Mr SPEAKER: Order! The Minister for Health has the call.

Mr MORRIS IEMMA: The Government's telehealth initiatives are an important part of its rural health plans.

Mr Andrew Stoner: It isn't in Grafton at the moment.

Mr MORRIS IEMMA: We will get that checked, but it would want to be better than the questions the honourable member has asked about other health issues. We all remember the question about allied health services in the mid-west and how no recruiting was being done when 13 positions were being filled.

Mr SPEAKER: Order! The Leader of The Nationals will cease interjecting.

Mr MORRIS IEMMA: We all heard the question about the level of services at Kempsey District Hospital and the secret plan to downgrade them after a six-page explanatory letter had been sent to the honourable member. Lots of copies of the transcript of the Steve Price interview have been circulated. How many times did he call the honourable member an idiot? I lost count at about six.

[Interruption]

That related to the supervised injection room at Kings Cross. Then there was—

Mr Barry O'Farrell: Point of order: I refer to Standing Order No. 139. The Minister must not debate an answer to a question. He was asked a simple question, but he is now debating issues that were not raised in the question by the Leader of The Nationals.

Mr SPEAKER: Order! In upholding the point of order, I advise honourable members that it would assist the House if there were not so many interjections while Ministers are replying to questions. Ministers should be heard in silence.

Mr MORRIS IEMMA: The Government was also criticised for spending \$30 million on our three children's hospitals when it did not provide any money for rural hospitals. Honourable members opposite forgot that the three children's hospitals service the entire State. Providing contemporary health care services across a vast geographic region is a challenge for patients and the professionals providing health care. A patient in Broken Hill who needs to get to Sydney for a specialist assessment or treatment must travel 1,150 kilometres. That could take three hours by air or 16 hours by road.

Mr SPEAKER: Order! I remind the honourable member for Epping that he is on three calls to order.

Mr MORRIS IEMMA: A patient in Deniliquin must travel 750 kilometres, which could take nine hours by road. Even travelling to a regional centre within the State can be problematic. A Walgett patient needing treatment at Orange cannot travel directly by air and the driving time is about five hours. Modern technology has changed the face of health care. The introduction of new technology enables better and faster access and safer and more effective treatment. Health technology has an impact on many aspects of patient care other than delicate operating equipment or high-technology diagnosis scanning. A perfect example is the Government's telehealth program. It uses advanced audio-visual links to bring together patients and clinicians regardless of their location.

Since 1996 the Government has been investing in the Telehealth network, and we now have well over 240 sites that accommodate the exchange of imagers, voice and data. This technology connects patients, carers and health care professionals, to provide clinical assessments and some types of treatment. Telehealth technology can also provide a convenient forum for clinicians to gain valuable education and professional development. New South Wales currently invests \$4 million a year in expanding and upgrading the Telehealth

network. Today I am pleased to announce the awarding of almost \$1 million in contracts from that funding pool to further enhance the Telehealth network.

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

Mr MORRIS IEMMA: The awarding of \$1 million in contracts from the funding pool to further enhance the Telehealth network includes a funding allocation of more than \$226,000 to South Western Sydney Area Health Service for the establishment of a tele-interpreter service at Liverpool Hospital, a Telehealth site in the emergency department of Campbelltown Hospital, and further expansion of the South Western Sydney tele-psychiatry network with new sites at Fairfield and Bankstown health centres. A funding allocation of \$170,000 will go to the New England Area Health Service for the establishment of a new Telehealth site at Walcha, which will enhance the aged care and genetic counselling services in the region and link Gunnedah and Inverell with the tele-psychiatry network.

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

Mr MORRIS IEMMA: In the State's north, a funding allocation of \$50,600 has been committed to the Northern Rivers Area Health Service for the establishment of a telehealth link at Bonalbo. Bonalbo is two hours from Lismore and it has no public transport. Not only will this initiative improve clinical care but also Bonalbo residents who are hospitalised in Lismore will be able to use the service to see and speak with their family in their hometown.

Mr John Watkins: A very good initiative.

Mr MORRIS IEMMA: As the Minister for Police said, it is a very good initiative.

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

Mr MORRIS IEMMA: In other initiatives, \$40,000 will be provided to improve the Aboriginal Maternal and Infant Health Program based in the Northern Sydney Area Health Service by developing educational opportunities for staff such as midwives, obstetricians and paediatricians working in Aboriginal maternal and infant health. A funding allocation of more than \$76,000 will lead to the inclusion of Kenmore Hospital at Goulburn in the tele-psychiatry and psychogeriatric network in the Southern Area Health Service, to enhance videoconferencing for consultations, counselling and ongoing client management.

In Corrections Health, the telehealth network will receive \$193,000 for facilities at Broken Hill, Cooma, Lithgow and Mulawa for the delivery of tele-psychiatry services. The Far West Area Health Service will receive more than \$126,000 to enhance child and family health services, with links to the Children's Hospital at Westmead and Sydney Children's Hospital at Randwick. The initiatives include improved clinical care at Balranald Health Service and expanded training programs for staff in child protection strategies. With more than 15,000 patient and client consultations, and case management reviews and training programs conducted every year, New South Wales can boast one of the largest integrated telehealth networks in Australia. This is another important step in improving health care services for residents in regional New South Wales.

COALMINING JOB LOSSES

Mr ADRIAN PICCOLI: My question is directed to the Minister for Mineral Resources. Why has the Minister taken no action to stop the loss of coalmining jobs in New South Wales, which currently stand at 5,000—jobs losses that relate to workers compensation premiums in New South Wales averaging \$16,000 per employee while the comparable figure in Queensland is \$3,000?

Mr SPEAKER: Order! Before the Minister for Mineral Resources responds, I remind members that questions should provide sufficient information to direct the Minister's attention to the relevant issue. They should not contain detailed information such as that given by the honourable member for Murrumbidgee.

Mr KERRY HICKEY: I welcome the Opposition's question, which is the first Opposition question on mining matters in about 12 months. It shows how active the Opposition is. The Government is approving a record number of extensions to mines across the State. While workers compensation premiums are the responsibility of my colleague the Minister for Commerce and Industrial Relations—

[*Interruption*]

Mr SPEAKER: Order! It is quite obvious that a concerted effort is being made to disrupt the proceedings of the House. A number of members are on one or two calls to order. Those members are now deemed to be on three calls to order. Although this is the last question time for the week, some members may find themselves out of the Chamber before question time is over. The Minister will be heard in silence, as will members asking questions.

Mr KERRY HICKEY: While workers compensation premiums are the responsibility of my colleague the Minister for Commerce and Industrial Relations, I welcome the opportunity to inform the House of a few of the variable factors that contribute to the overall cost and profitability of mining operations.

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

Mr KERRY HICKEY: New South Wales has a very safe, robust, efficient and competitive industry. I am advised that the outlook for the New South Wales coal industry over the remainder of the decade is for increased production, not decreased production, particularly from the Hunter region, where I live, with the development of a number of new coal projects and extensions to existing mines. The Opposition spokesperson on mineral resources would be fully aware that the export coal market is volatile and unpredictable. About six months ago there was a massive downturn in the industry, but currently we are seeing increases in prices of up to 70 per cent, a matter the Opposition spokesperson on mineral resources should be aware of.

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

Mr KERRY HICKEY: Queensland has coalfields that are relatively new to mining, and there is easily winnable coal in the Queensland Basin. It is something that we have to be competitive about. The Hunter Valley Basin is extremely mature, and there are quite a few differences between Queensland and New South Wales coal markets. With regard to workers compensation, we need to look at the two different schemes, which are as different as apples and oranges.

Mr SPEAKER: Order! The Leader of The Nationals will cease interjecting.

Mr KERRY HICKEY: In the Queensland scheme, the industry pays the first week of workers compensation premiums and the Commonwealth picks up the tab after six months. New South Wales does not have such a luxury. The industry must keep the workers compensation scheme running; Johnny Howard does not pick up the tab. Last year the Australian dollar surged against a weak United States dollar, and our major competitors, China and Indonesia, flooded the market with coal, produced with cheap labour and poor safety standards—nowhere near the level of safety we have in this State. I am very proud of the safe, responsible coal industry we have in New South Wales.

In the last few months our fortunes have reversed dramatically. China's cold winter saw domestic demand skyrocket. Its coal companies took up to 9 million tonnes of the export market. The Australian dollar appears to have peaked; it now seems to be falling somewhat. These variables undoubtedly affect the profitability of the New South Wales coal industry, but the tables can turn quickly. At the moment the industry is doing well; it is very profitable. I assure members that I am working closely with the whole industry to address these issues. Indeed, I held a forum in the Speaker's Dining Room a fortnight ago. The Opposition spokesperson cannot even make himself available to industry. It is regrettable that he seeks to raise an issue of workers compensation with the Minister who has no responsibility for the issue.

PLANNING SYSTEM IMPROVEMENTS

Mr JOHN PRICE: My question without notice is directed to the Minister for Infrastructure and Planning, and Minister for Natural Resources. What is the latest information on improvements to the planning system in New South Wales?

Mr CRAIG KNOWLES: Since 1979 successive Ministers for Planning have quite properly assumed the consent role to oversee the provision of major developments, infrastructure, and services in the State. At present there are more than 80 planning instruments, declarations, and directions that identify the Minister for Planning as the consent authority, including 37 individual declarations, 17 State environmental planning policies [SEPPs], eight regional environmental plans [REPs], one local environmental plan [LEP] and 17 ministerial

directions. Over the years Ministers have accumulated consent roles. Usually this has been done to get a project of State significance up and running. However, because the consent role remains with the Minister, over time it becomes the case that many subsequent minor or local matters, or matters which are largely of a day-to-day administrative nature—which of course are best dealt with at a local level—remain with the Minister for consent.

Mr SPEAKER: Order! There is too much audible conversation in the Chamber. I remind the House that some members are on three calls to order.

Mr CRAIG KNOWLES: For example, the need to approve outdoor seating arrangements and umbrellas at Fox Studios under SEPP 47 remains a matter for ministerial consent. Equally, under REP 26 ministerial consent is still required for a kitchen fit-out and the modification, for example, of a ground floor display wall. These and many other matters across the 80 planning instruments, declarations and directions should no longer remain the responsibility of the Minister for Planning; they should be returned to local council.

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

Mr CRAIG KNOWLES: It is estimated that between 2002 and 2003 the Minister determined 230 matters under these instruments, of which between 70 and 80 per cent of them can legitimately be returned to local government. However, by necessity, the remaining matters will remain with the State because of their strategic importance to the State economy and/or their environmental sensitivity. Since 1979, through then Minister Bob Carr, David Hay, Robert Webster and subsequent Ministers—myself, Andrew Refshauge, myself again, and Diane Beamer—a dual control role has been an entirely legitimate proposition in that Act. Some matters are appropriate for local government control and some are appropriate for the State Government control, including matters of large-scale development and environmental sensitivity, and over time the State matters have grown and accreted. It is time for a clean-up.

SEPP 34 is one of the State policies that deal with the big end of the development area: employment-generating projects that give the opportunity to provide high-value economic activity that underpins jobs and investment in the State. It is entirely appropriate from both sides of the political fence for the State to have an active interest in those matters. Whether it was Robert Webster historically or myself in the contemporary environment, it is appropriate from time to time that we intervene to underpin the economic value of these projects to the State in producing jobs and investment.

The question answered by the Minister for Mineral Resources at the end of question time underscored the value of our State environmental planning policy in relation to the mining industry. Without it there would be thousands fewer jobs in the Hunter because of some of the parochial interests that would have removed the opportunity for jobs in the coal industry in that region. Is anybody suggesting that it is not a legitimate activity for the State to intervene to underpin those mines? But SEPP 34 does need a bit of a clean-up. For many years now the threshold entry point for consideration of a development under SEPP 34 was a capital investment value in excess of \$20 million. Given cost increases, \$20 million these days is, in my view, too low and catches too many projects which, whilst important, may not necessarily fit the descriptor of State significant development.

With these points in mind I intend to repeal more than 45 ministerial declarations and revoke dozens of provisions in State environmental planning policies and regional environmental plans to provide for a more strategic framework for decision-making. This action will not only streamline and reduce planning red tape but will also free up resources for more strategic work in the department, and it will return to local government many decision-making powers that have rested with Ministers for many years.

Equally, I intend to consolidate into one State planning instrument the consent regime for major developments of State significance. A State significant development plan will provide a consolidated and consistent policy, which will include new or revised criteria for such matters. For example, we will raise the entry threshold for employment-generating developments from \$20 million to \$50 million. For place-based instruments, such as City West, Walsh Bay, or the Western Sydney recreation area SEPPs, we will change the approach from capturing all developments in the designated area to triggering only significant or strategic developments; minor matters in such areas will, of course, go back to the local council.

This is the biggest review of ministerial consent under SEPPs, REPs, local environmental plans and ministerial directions since 1979. The list is particularly interesting and will be available for consultation in the next few days. I propose to establish some dialogue with local government over the coming days to hand back to

local government the opportunity to work with the State in the clean-up of the rules that govern State significant development and, of course, local matters. Those discussions will commence next week.

It is worth having a look at what we are talking about. In the State environmental planning policy area alone we are dealing with the Port Kembla coal loader—a massive and important project for the Illawarra—surplus public land, prison sites, the Western Sydney recreation area, the major employment-generating industry development SEPP, raising that threshold bar from \$20 million to \$50 million, matters relating to the Olympic Games and related projects, the casino, Moore Park Showground, the metropolitan residential development SEPP, contaminated land, matters around the Sydney Harbour foreshore moving from schedule 1 listing Minister's control to schedule 2 listing local government control. There are a number of issues in that SEPP dealing with North Head, Middle Head, Naval Stores, Woolwich defence land, Cockatoo Island, Spectacle Island, Snapper Island, Taronga Zoo, and the Central Western Sydney economic and employment area that the Minister for Western Sydney has raised in this place—a major employment generator for Western Sydney providing opportunities to create thousands of jobs in that region. The list goes on and on.

Of course, as it applies in those circumstances it also applies with the range of ministerial declarations to be revoked, some of them reincorporated back into a single consolidating major employment-generating SEPP: extractive industries, aquaculture developments, rail freight, marina developments, coalmining, urban development and industry development along the Kurnell Peninsula. The list goes on and on. These are good initiatives; they will give us the opportunity to streamline the planning system to make clearer who is responsible for what, and a chance to make sure that the State maintains its role in the strategic end of the development process.

AUSTEEL PTY LTD

Ms PETA SEATON: My question without notice is to the Premier. Will the Premier now admit that he misled Parliament about the Austeel project when he said, "We would not put taxpayers' money into it" when in fact he paid Austeel \$7.2 million in direct payments?

Mr BOB CARR: Loath as I am to puncture the only contribution to the House the honourable member for Southern Highlands has made within memory, I have to insist that everything I have said to the Parliament about Austeel has been absolutely right. The Government said this project was worth having if there were private sector investors. I always said the Government would not buy equity in the project, and the Government did not buy equity in the project.

[Interruption]

The Government did not take equity in the project. The honourable member for Lane Cove interjects very cheerfully. I see from his local paper that he is still touting himself as a returned serviceman. He is still talking up his record as a returned serviceman. Can you believe he was in the public relations unit, and there is his photo in the *North Shore Times*.

Mr John Brogden: Point of order: My point of order is relevance. We know the Premier is flying off to London later today, but in the little time he has left, can he answer the question about Austeel?

Mr SPEAKER: Order! No point of order is involved. If there were fewer interjections from the Opposition, the Premier might be able to answer the question.

Mr BOB CARR: We said throughout negotiations with Austeel that if the project is viable, if it acquires equity, lines up equity partners, and if it finds markets, it will find the Government facilitating infrastructure and a development approval path. It was a legitimate position for the Government to take. It was oversighted and it was publicly explained.

Mr SPEAKER: Order! The Leader of the Opposition will cease interjecting.

Mr BOB CARR: The Hunter has lower unemployment now than at any time in 25 years.

Mr John Brogden: That is because of John Howard.

Mr BOB CARR: We are the people—this level of government—who went out there in the wake of BHP's failure—

Mr SPEAKER: Order! The Leader of the Opposition will cease interjecting.

Mr BOB CARR: In the last election campaign the Opposition made support for Austeel part of its regional policy in the Hunter. The shadow Minister, the Hon. Michael Gallacher in the other House, criticised the Government for not moving fast enough on Austeel. Our approach was always governed by caution. I point out as well that after the failure of BHP we went out there, sought jobs and investment, and drove down unemployment in the Hunter.

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

Mr BOB CARR: We got above-average economic growth for the Hunter. There has been terrific economic diversification in the region. We have worked very closely with local government in the region, Newcastle City Council, and other local government entities. We can say now that unemployment in the region has been below the State average and economic growth higher. The Opposition cannot have it both ways. It cannot run a campaign attacking the Government for not giving Austeel enough support and in its Hunter policy say, "We will back it if we are in government." The Opposition cannot attack us for going too slow on encouraging the project and then turn around when the project cannot attract equity partners and say, "Oh, the Government got it wrong."

Ms PETA SEATON: I ask a supplementary question. In view of the Premier's answer, will he immediately come clean and table the agreement between the Government and Austeel, including all amendments following each compensation payment to Austeel?

Mr BOB CARR: The agreement, which has been subjected to the Auditor General's Report, has been a matter of public record since we signed it. The Opposition talks about wasted money. Let me remind the House of \$700 million on the city to airport rail link—the honourable member for Upper Hunter has closed his eyes because I suspect he thinks I am going to be crass enough to mention Luna Park.

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

Mr BOB CARR: This was \$50 million of taxpayers' money down the drain, with not a job secured, and the honourable member for Upper Hunter has no-one to blame but himself.

WAVERLEY COUNCIL PLANNING PROCESSES

Mr PAUL PEARCE: My question without notice is directed to the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration). What is the latest information on planning issues in the Waverley local government area and related matters?

Ms DIANE BEAMER: The New South Wales planning system has gone through a radical revolution in the last 10 years. Those changes have been accelerated over the past two years. We now demand that planners come up with better designs—sustainable designs that take into account infrastructure needs, social needs, and, of course, employment. The Carr Labor Government is ensuring that we continue to improve with reviews of PlanFirst, the development application [DA] process, State environmental planning policy 5, and section 94 contributions, which are all producing a better, more efficient planning process. But we cannot succeed with these changes unless there are successful partnerships with local government, the community, and the State Government.

Some councils are resisting change at all costs and, unfortunately, ratepayers and local communities are paying the price. Some councils embrace change and have worked with the department and their communities. Their residents are now reaping the benefits—better community spaces, better housing options and more efficient planning processes. I take this opportunity to point out the achievements of one council that has set a benchmark in better planning processes.

Waverley Council has proved its credentials by its ability to work with the Government, the private sector, and the community with the official opening in July 2001 of the Bondi Junction bus-rail interchange. This was a \$9.4 million project involving upwards of 90,000 passenger movements a day. Waverley has faced head-on another major planning challenge—sprawling, degenerating Bondi Junction, which was previously split by local government boundaries. Waverley Council, under the mayoral stewardship of my colleague the honourable member for Coogee, has worked tirelessly with the department and the community. The big

breakthrough came with the change of boundary early in 2002, which brought Bondi Junction entirely within the Waverley local government area.

The Bondi Junction committee, chaired by Councillor George Newhouse, with the involvement of department and community representatives, oversaw the upgrade of the Oxford Street mall. The upgrade has brought the area back to life. The cost to council was \$8.8 million, with a \$200,000 grant under the department's Urban Improvement Program. Westfield at Bondi Junction is also being reconstructed at an estimated cost of \$680 million. When completed in June its value is expected to exceed \$1 billion. This partnership is giving the people of Waverley a new centre of high quality.

The department, council and Westfield have jointly developed plans for further major improvements to Oxford Street and the upgrading of Waverley Street mall. This is another project in the pipeline to assist people in the Waverley area, with the development application expected within a month. It will include a multi-tiered public square for residents, commuters and shoppers, outdoor cafes, shops, and a landscape that will create a precinct along the lines of Leichhardt's Italian forum. Waverley Council should be proud of this project. The new local environmental plan and development control plan provide the overarching framework for all future developments in the precinct. Waverley Council has always set a benchmark in the residential area and was one of the first councils to accept a residential strategy, with town centre planning that incorporates sympathetic residential design.

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

Ms DIANE BEAMER: Waverley was the first to adopt a design review panel, which has resulted in better buildings for the community. I congratulate the honourable member for Coogee on his dedicated local government service to Waverley over the past 10 years. His efforts, along with George Newhouse and Peter Moscatt, have delivered best practice in planning and rejuvenated the Bondi Junction area into a vibrant community.

Questions without notice concluded.

CONSUMER PROTECTION

Ministerial Statement

Ms REBA MEAGHER (Cabramatta—Minister for Fair Trading, and Minister Assisting the Minister for Commerce) [3.29 p.m.]: Over the past several years the New South Wales Government has implemented a series of reforms to improve consumer protection in relation to motor vehicle purchases. Honourable members may be interested to know that the New South Wales Government has initiated a review of the cooling-off period for purchases of cars by linked credit, as required by the Motor Dealers Act 1974. The new provisions providing for a one-day cooling-off period for consumers signing a linked credit deal were introduced in January 2003. At the time the Government announced that it would review the provisions after 12 months to ensure that they were meeting community expectations.

In short, linked credit is when a motor dealer provides or facilitates credit to a consumer for the purchase of a new or used car. Consumers were rushed and, in some appalling cases, tricked into signing contracts to buy cars they could not afford with credit arranged by the motor dealer. Reports are that the cooling-off provisions have been well received. However, I am keen to seek a wide range of input to ensure that the provisions provide appropriate protection to consumers without imposing onerous requirements on motor dealers. Submissions will be received until the end of April.

Ms KATRINA HODGKINSON (Burrinjuck) [3.31 p.m.]: Naturally the Opposition welcomes this move. It condemns any motor vehicle purchases that do not comply with the normal rules that should apply to all credit purchases in this State. I draw the Minister's attention to the fact that people in her electorate of Cabramatta are wondering exactly where she is.

Mr Barry O'Farrell: She wouldn't know; she lives in Coogee.

Ms KATRINA HODGKINSON: Exactly! The Minister should be in her electorate working with people whose houses have been condemned. However, she has refused to meet with them. The Minister should be doing a lot more in relation to her portfolio than raising issues relating to credit—credit is one of the

Minister's favourite topics—which have been raised since time immemorial, and are raised time and again in this place. There are many other issues that the Minister must consider. First, she must move back into her electorate immediately so she can properly represent the people whom she was elected to represent in this place. This is not a laughing matter. I have received several representations from people in her electorate who are concerned about the current situation. It is unacceptable.

Mr Carl Scully: Point of order: That was a disgraceful performance. Do members opposite want me to amend the standing orders so they do not have a right of response? Do not abuse your right to respond!

Mr SPEAKER: Order! The honourable member for Burrinjuck's speaking time has expired.

COAL EXPORTS

Ministerial Statement

Mr KERRY HICKEY (Cessnock—Minister for Mineral Resources) [3.32 p.m.]: As honourable members will appreciate, our coal exporters operate in a volatile and competitive market. In recent years our thermal and coking coal producers have been hit by a surging Australian dollar and low prices brought on by cheap Chinese and Indonesian exports. However, a host of variable and unpredictable factors has seen the coal market tighten dramatically. China's cold winter has seen domestic consumption spiral, with a dramatic pullback in export shipments. Our other major Asian competitor, Indonesia, has been affected by civil unrest and flooding. The conditions we are now experiencing are a simple case of supply and demand.

The market share normally taken up by China and Indonesia is contracting, and the world's largest coal importer, Japan, is now looking to New South Wales producers to fill the gap. Our State's major coal exporters are experiencing a remarkable change of fortune. Last year's thermal coal prices hovered around \$US27 per tonne. This week's thermal coal prices have climbed to \$US50 a tonne, with coking coal up to around \$US80 a tonne. That is an enormous jump—a more than 70 per cent increase in prices—dictated by buyers hungry for our coal.

The Carr Government recognises that international coal markets are competitive. I assure honourable members that as Minister I am working closely with the coal industry to maintain our position. Japan is our single largest coal market. More than 42 million tonnes—54 per cent of total New South Wales coal exports—go to Japan annually. That is worth \$2 billion in income to the State a year. Japanese investment in the New South Wales coal industry is extensive and exceeds several billion dollars. To further cement our relationship, I am undertaking a five-day trip to Japan next week. My visit will include meetings with many of our largest customers and industry representative bodies, as well as site inspections.

It is important that we discuss the issues affecting our relationship with Japanese customers and investors, including coal prices, increased demand and our ability to meet that growth, developing new coal technologies, environmental issues, and the status of New South Wales coal and mineral mines and projects with significant Japanese investment. A strong and robust coal and minerals sector is essential to our economic and social wellbeing. To preserve our status, New South Wales must maintain a dynamic relationship with our valued Japanese customers and investors. I look forward to updating the House on the outcome of my visit

Mr ADRIAN PICCOLI (Murrumbidgee) [3.35 p.m.]: Thank God the price of coal has gone up in the past few months, because it is the only thing saving the New South Wales coal industry. Since Labor came to power in 1995 it has done nothing to assist that industry. Since 1995 we have lost 5,000 coalmining jobs from New South Wales. Queensland—the only State comparable to New South Wales—has lost no net jobs since 1995. So the Government cannot blame the job losses in New South Wales on the changing face of the coal industry and other allied industries, the Australian dollar and the price of coal, because Queensland has suffered the same external shocks.

While the New South Wales Labor Government has been in office, the coal industry has lost 5,000 jobs, most of them from the Hunter Valley, probably from the electorate of Cessnock. While productivity in Queensland has increased by 60 per cent, productivity in New South Wales has increased by only 20 per cent since 1995. Thank God the international price of coal has increased! The Australian dollar has hurt the coal industry, but thank God we do not have a Federal Labor government, because it would hike up interest rates. Like Bob Hawke and Paul Keating, a Federal Labor Government would hike up interest rates to keep the Australian dollar down, which would devastate the New South Wales economy.

This Government has done nothing during its nine years in office. It has been lazy, lazy, lazy. It has had, to quote the Federal Labor leader, a conga line of coalmining representatives begging it to do something about workers compensation and rail infrastructure in the Hunter Valley. It is ironic that the Minister for Roads is in the Chamber; five years ago coal industry representatives approached the Minister and said, "We will underwrite \$25 million to pay for the Sandgate rail separation in Newcastle to increase the capacity of Port Waratah." What did the Minister say? He said no. That is why we have 50 ships off the coast of Newcastle. Thank you, Minister! [*Time expired.*]

QUESTIONS WITHOUT NOTICE

Supplementary Answer

GRAFTON BASE HOSPITAL EMERGENCY DEPARTMENT

Mr MORRIS IEMMA: During question time the Leader of The Nationals asked a question about the roster in the emergency department at Grafton Base Hospital. I can advise the House that following the resignation of an emergency department clinician at Grafton Base Hospital, the area health service has been making efforts to fill the vacancy. The base hospital management has exhausted the usual avenues of cover, including locum agencies, locum general practitioners, and clinicians from neighbouring hospitals, so far without success. Hospital management advises that it continues to remain in contact with these groups for possible replacement clinicians, and to seek coverage for the gap that has arisen in the roster. They have also enjoyed some success in recent times in filling clinical vacancies, including the recent recruitment of a dentist, who is now in service, and a paediatrician, who has accepted an offer and will shortly commence duties.

BUSINESS OF THE HOUSE

Bill: Suspension of Standing and Sessional Orders

Mr CARL SCULLY (Smithfield—Minister for Roads, and Minister for Housing) [3.40 p.m.]: I move:

That standing and sessional orders be suspended to allow the introduction and progress, up to and including the Minister's second reading speech, of the Civil Liability Amendment (Offender Damages) Bill, before consideration of urgent motions.

We have to cut the Opposition a bit of slack now and then. This motion will enable the Opposition to get the bill earlier that it might otherwise have done.

Mr ANDREW TINK (Epping) [3.40 p.m.]: That is not the purpose of this motion to suspend standing orders. The purpose of this motion is to ensure that debate on the motion for urgent consideration foreshadowed by the honourable member for Vacluse—that is, that this House express concern over allegations of corruption, spying and criminal conduct at Randwick City Council—occurs outside the media cycle for this afternoon. That is what this is all about. This motion has been moved to prevent us from referring to a police report from Mascot detectives dated 28 February, which says that Randwick City Council used a number of affidavits, the allegation being that these statements were forged. The allegations are that backpackers were admitting in court that all the letters were prepared by an individual on his word processor. There are two statements from persons denying that they signed the affidavits purporting to be from them. This suspension of standing orders is to stop this getting onto the record and into the media cycle this afternoon. This is to prevent the Mascot detectives' report saying that search warrants—

Mr Carl Scully: Point of order: Under the standing orders, if the Opposition wishes to put its case for its motion for urgent consideration it will have five minutes to do so in a few minutes. Currently before the House is a motion to suspend standing orders to enable the Civil Liability Amendment (Offender Damages) Bill to be debated. I would like to hear why the Opposition has a problem with that.

Mr ANDREW TINK: To the point of order: That is precisely what I am putting. The effect of what the Minister has just moved is to put down the list of priorities, and down the time line in relation to the media cycle, the issue I am referring to. I am entitled to put to the House as a response to the motion the essence of the concerns we have about the police investigation into Randwick council being thwarted, and to have the House consider that the Minister should not get his way. This is not the time to deliver a second reading speech, which could be done in 20 minutes time. Our motion for urgent consideration should be dealt with now. As the statement from the Randwick detectives indicates, for the benefit of the House, making a decision on this—

Mr SPEAKER: Order! The point of order taken by the Leader of the House is relevant. The motion to suspend standing and sessional orders does not deprive the Opposition of the opportunity to argue that the motion for urgent consideration of which the honourable member for Vaucluse has given notice should be given priority. If the Opposition is concerned about that matter being dealt with later than normal, some time could have been saved if this motion was disposed of expeditiously. The Chair will allow wide-ranging debate on a motion to suspend standing and sessional orders. However, I ask the honourable member for Epping to confine his remarks to relevant matters.

Mr ANDREW TINK: Debate on the motion for urgent consideration should continue to have priority and the motion for suspension of standing orders moved by the Minister should not be dealt with now because the matter relating to Randwick council is a priority. The Premier said during question time that there is no police investigation into this matter. The public is entitled to know why. The Premier is about to get on a plane to go to London for a week. There will be local government elections in a week. Are the people of the Randwick area not entitled to know what is going on with their Labor-controlled council and about a police investigation into whether an inquiry has been rorted in a criminal way under the auspices of Randwick council, when police at Mascot say the matter ought to be investigated this week? No wonder the Premier is going to London—London is about as far from Randwick as one can get. He does not want this hanging over his head. [*Time expired.*]

Motion agreed to.

CIVIL LIABILITY AMENDMENT (OFFENDER DAMAGES) BILL

Bill introduced and read a first time.

Second Reading

Ms DIANE BEAMER (Mulgoa—Minister for Juvenile Justice, Minister for Western Sydney, and Minister Assisting the Minister for Infrastructure and Planning (Planning Administration)) [3.46 p.m.]: I move:

That this bill be now read a second time.

The principal Act this bill seeks to amend, the Civil Liability Act 2002, is one of the most significant pieces of legislation introduced by this Government. The Civil Liability Act 2002, and the amendments proposed by the Civil Liability Amendment (Personal Responsibility) Act 2002 and the Civil Liability Amendment Act 2003, have had a striking impact on litigation in New South Wales. Figures from the District Court indicate that 7,912 new civil matters were registered in 2003, compared to 12,686 new civil matters registered in 2002 and 20,784 new civil matters registered in 2001—a decrease of some 62 per cent in two years. At the same time, the number of pending cases dropped from 23,547 in 2001, to 19,128 cases in 2002 and 9,104 cases in 2003—a decrease of some 61 per cent in two years. The primary cause of the reduction in new matters was the Civil Liability Act 2002. The marked decrease in court registrations began in the second half of 2002, after the commencement of the Act, which received assent on 18 June 2002. The amendments relating to personal responsibility, most of which commenced in December 2002, were a considered response to the insurance crisis that had resulted from an increasing litigious tendency from some elements in the community and some unrealistically high damages awards. As the Premier noted in his second reading speech:

The insurance crisis served to highlight just how far the law has drifted away from the concept of personal responsibility.

On 12 November 2003, in answer to a question without notice, the Premier noted that as a result of the Government's reforms to tort law there had been a 43 per cent reduction in businesses experiencing difficulties getting insurance. The amendments the bill introduces are in response to concerns from one particular area—namely, offenders who sue the State, through the Department of Corrective Services or the Department of Juvenile Justice, for injuries that befall them whilst they are in custody or performing work under community service orders. The bill does not remove the right of offenders to sue the State—it is accepted law that custodial authorities owe a duty of care to a person they lawfully detain to take reasonable care to protect that person from injury caused by third parties or, for that matter, by the person himself or herself.

Under the amendments proposed by this bill, liability will be assessed uniformly, injuries will be assessed uniformly, catastrophic injuries will result in compensation to no greater extent than catastrophic injuries suffered by injured workers in civilian employment, minor injuries will not be eligible for compensation, and other injuries will be eligible for limited compensation. If an offender suffers a genuine

serious injury due to the negligence of a government agency or a management company exercising an official function with respect to offenders in custody, he or she will receive fair compensation. This bill will remove some of the more fanciful claims from offenders that the community are entitled to regard as spurious by setting thresholds on injuries and limits on damages payable to offenders.

No offender can expect to "win the lottery" by suffering a minor injury. The bill also removes the anomalies in the existing mixture of legislation and common law governing claims by inmates and offenders against the State. At present, a successful claim of negligence can be assessed in a number of ways. An offender injured performing community service work is assessed differently to an offender injured performing other work or an offender suffering an injury in an accident within a correctional or detention centre. Two offender workers suffering identical injuries may receive very different awards of damages depending on the type of work they were doing when injured. Under the scheme to be introduced by this bill, there will be no unfairness between compensation available to different groups of offenders, and no offender will receive compensation that is unavailable to a law-abiding worker suffering the same injury.

The bill also requires offenders to comply with their own responsibility to repay compensation paid to their victims if they expect to hold the State to its civil responsibility towards them. Just as the Civil Liability Amendment (Personal Responsibility) Act 2002 requires ordinary citizens to take reasonable responsibility for their own actions, the Government expects inmates in a correctional setting to take reasonable responsibility to look after themselves. The Government also expects courts to take into account, when considering the State's duty of care to an inmate, that the person is in a correctional environment. The community is rightly disturbed if offenders are seen to receive benefits that are not available to law-abiding citizens. The Government's underlying philosophy behind the proposed amendments is to create a scheme whereby an injured offender will not recover a greater amount of damages than a worker in civilian employment who receives an identical injury in the course of his or her employment.

I will move now to the detail of the bill. The Civil Liability Amendment (Offender Damages) Bill will establish one fault-based negligence scheme for inmates, periodic detainees, home detainees and offenders performing work under a community service order—that is, one scheme combining liability, assessment of injury and payment of damages. The object of the bill is to amend the Civil Liability Act 2002 to impose special restrictions on the damages that can be recovered by a person for injury resulting from the negligence of a protected defendant suffered while the person was an offender in custody. An offender in custody is a prison inmate, periodic detainee, home detainee, or a person performing community service work under a community service order. The bill extends to children in detention centres and children performing work under community service orders.

Protected defendants are the Crown, government departments and public health organisations and their employees, and other persons exercising official functions with respect to offenders in custody, including management companies and employees of management companies. The scheme introduced by the bill is fault-based. Liability in negligence must be established under the Civil Liability Act 2002. No damages can be awarded unless the injury results in the death of the offender or a degree of permanent impairment of at least 15 per cent, with the degree of impairment being assessed in the same way that it is under the Workplace Injury Management and Workers Compensation Act 1998. Damages for economic loss for past and future loss of earnings will be limited in the same way that those damages are limited under the Workers Compensation Act 1987 for damages for workplace injury.

In assessing future loss of earnings, earning capacity after the age of 65 is to be disregarded, in line with similar provisions for damages for workplace injury. Damages for non-economic loss are limited to the equivalent statutory workers compensation that would be payable for workplace injury. As the new provisions applying to adult offenders were publicly announced on 15 January 2004, the restrictions will extend to existing claims unless proceedings on the claim were commenced before this date or unless an award of damages has been made on the claim before the date of assent. If the claim concerns an injured child detainee or a child performing work under a community service order, the new restrictions will not apply if proceedings were commenced before the introduction of this bill into Parliament. This small degree of retrospectivity is necessary to prevent a flood of speculative claims.

I point out to the House that the existing immunity to liability enjoyed by community organisations who provide community service work for offenders will not be affected by these amendments. Section 121 of the Crimes (Administration of Sentences) Act 1999 and section 26D of the Children (Community Service Orders) Act 1987 both provide that no act or omission of a person or organisation for whom community service

work is performed gives rise to civil liability towards an offender performing community service work if the act or omission occurs in the course of that work. Instead, a civil action that would otherwise lie against a person or organisation providing community service work lies against the Crown. The only exceptions to this provision arise if the work concerned was not approved by the Commissioner of Corrective Services or the director-general of the Department of Juvenile Justice, or if the act or omission was intended to cause injury, loss or damage.

The bill also enacts provisions that allow a protected defendant to withhold and deduct from the damages payable to an offender any amount payable by the offender pursuant to an order for restitution under the Victims Support and Rehabilitation Act 1996. The Department of Corrective Services and the Attorney General's Department will establish a protocol to ensure that the director of the Victims Compensation Fund is aware of any offender who sues the Department of Corrective Services. The director can then advise the department of any amount owed by the offender under a restitution order, in order for that amount to be recovered before the offender receives any damages.

The bill also enacts a number of minor amendments to the Crimes (Administration of Sentences) Act 1999 relating to work performed by offenders. Further, it enacts consequential savings and transitional provisions and makes clarifying and consequential amendments to the Crimes (Administration of Sentences) Act 1999 and the Children (Community Service Orders) Act 1987. This bill affects only negligence-based actions by offenders in custody against protected defendants, as defined. It does not apply to intentional torts. It will not affect actions based on false imprisonment or deliberate assaults by persons in authority on offenders in their care. I commend the bill to the House.

Debate adjourned on motion by Mr Andrew Humpherson.

SPECIAL ADJOURNMENT

Motion by Mr Carl Scully agreed to:

That the House at its rising this day do adjourn until Tuesday 30 March 2004 at 2.15 p.m.

CONSIDERATION OF URGENT MOTIONS

Home-based Businesses

Mr DAVID CAMPBELL (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [3.57 p.m.]: This motion is urgent because the booming home-based business sector is of increasing importance to the New South Wales economy. My motion is urgent because it is important that this House shows its support for the home-based business sector, which accounts for about one-third of all small businesses in our State. Businesses with a home base make up 67 per cent of the State's small businesses and are increasing in numbers at a faster rate than the rest of the sector. The number of home-based businesses in our State is growing at a higher rate than the national average.

Overall, small business, including home-based business, makes a major contribution towards the State's economy. Apart from providing valuable products and services, they employ more than one million people. I want to make special mention of a family-run, home-based business in Caringbah, which typifies why this motion is urgent. Laura and Kevin Power, who are ably assisted by toddler Callum, operate a hardware store online. Recently they sold and exported door handles to Britain. Now they are negotiating to export to the Netherlands. Laura, Kevin and Callum are present in the gallery today and I would like to welcome them. I am pleased to report that the Powers have been assisted by the St George and Sutherland Shire Business Enterprise Centre, which is based at Kirrawee. The centre is funded by the New South Government to help small business prosper and grow. That is why it is urgent that we debate this matter and encourage home-based businesses and small business generally.

Randwick City Council Corruption Allegations

Mr PETER DEBNAM (Vaucluse) [4.01 p.m.]: My motion is that this House express concern about allegations of corruption, spying and criminal conduct at Randwick City Council. It is clearly urgent because it is only nine days until the council election. The Government has been trying to delay the police investigation into criminal conduct involving Randwick City Council for the past few years. The Premier misled the House

today when he said that this issue involves a civil dispute. It does not; it is about criminal conduct that has been the subject of police investigations. Honourable members would be horrified that the delay has been caused not only by moving the investigation from Maroubra police station to Mascot police station but also by moving the lead investigator—the person who wrote the two-and-a-half page memo mentioned by the shadow Leader of the House—to another job. The officer wrote that document, which I have with me, as a handover brief. It is not an informal memo as suggested by the Government this afternoon; it is an official police handover document prepared for the investigator taking over the case. After the case was handed over, the incoming officer was sent on a training course.

It is nine days until the council election and this Government has done everything possible to delay this investigation into Randwick City Council and the mayor's memory loss, which he declared to the *Daily Telegraph* this morning. Contrary to what the Minister for Local Government said in the upper House this afternoon, this brief was not prepared by a junior officer. Yet again, the Carr Government is denigrating frontline police officers. The officer who wrote this handover brief is an experienced senior investigator. The Government has done everything possible not only to delay this police investigation into the Randwick Labor council but also to denigrate the police by saying that this is not an investigation, that there is nothing in it and that it has nowhere to go. The police memorandum refers to allegations that the statements made to the Land and Environment Court were forged. The police document states the allegations are backed up by an individual admitting in court that all the letters were prepared by him on his word processor. It states:

...there are two statements from persons denying they have signed the affidavits purporting to be from them.

In direct conflict with what the Premier and the Minister for Local Government have said today, the document states:

A search warrant should be conducted on 1 - the Randwick Council, 2 - The law officers of—

it mentions a Macquarie Street legal firm—

and 3 - the private investigation firm...

for ALL documents and audio tapes...

That is in black and white in the police brief. Honourable members should compare that to the lies that the Premier and the Minister for Local Government have peddled today. The document continues:

It would also be a good idea to speak with ICAC and their investigator to see why they didn't bat on with it.

Ask for their investigation records and if they won't give them over voluntarily you may have to obtain a search warrant.

That indicates the level of police concern about the Carr Government's delay of this criminal investigation into Randwick City Council and the procrastination of the Independent Commission Against Corruption, which time and again has whitewashed problems for the Carr Government. This document states that if the ICAC will not co-operate and hand over the documents voluntarily, a search warrant may be required. It continues:

for offences see Section 318 (3) of the crimes act which is Use False official instrument with intent to pervert course of justice...

make false official instrument with intent to pervert course of justice (section 318 (2) of the crimes act...

This matter is urgent because it is only nine days before the council election. The people of Randwick must be informed on this issue. Not only will the Government refuse to debate this issue, it has also shut down Parliament tomorrow to protect Randwick City Council. The document continues:

...it would be prudent to contact legal services and see if it is now advisable to arrest—

the document then names two people. It continues:

It may be that a telephone intercept may be needed...

This is all about corruption in the Labor Party and the Government is covering it up.

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

The House divided.

Ayes, 49

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

Noes, 34

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

Pairs

Mr Bartlett	Mr Brogden
Ms Saliba	Mr R. W. Turner

Question resolved in the affirmative.

HOME-BASED BUSINESSES

Urgent Motion

Mr DAVID CAMPBELL (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [4.14 p.m.]: I move:

That this House supports home-based businesses and recognises their growing importance to the New South Wales economy.

The home-based business sector is booming, primarily because new technology means that for many people it does not matter where they work. This has been a tremendous revolution for people who find working at home helps maximise their productivity and, in many cases, care for a family. Many workers toy with the idea of working from home—we can thank the television series *Sea Change* for inspiring us to rethink the way we

work—and I am pleased to report that for many this option is becoming increasingly successful. It is no accident that the Government is targeting home-based businesses and putting in place programs to help them succeed.

Overseas studies have recognised the rise of what Richard Florida, the analyst and best-selling author, calls the "creative classes"—businesses and workers who innovate and create. We are talking not only about artists but also engineers. Richard Florida contends, in effect, that communities that embrace new ideas and embrace their creative classes are often the most economically successful. More often than not, these new businesses are home-based businesses; they are not constrained by the traditional methods of operations. Mr Florida is currently in Australia, and I look forward to hearing him speak tomorrow.

The Government embraces innovation and new ways of operating businesses. By doing this, we are supporting the way people want to do business, and also promoting new ideas and innovative ways to build on our economy. However, it is vital that people who contemplate setting up a home-based business realise that it is a lot of hard work and it has particular challenges. That is why the New South Wales Government is assisting home-based business operators to turn their dream into a reality. We have taken a number of important and well-targeted steps to foster the growth potential of this sector in New South Wales.

Support focuses on assisting home-based businesses to build networks, enhance their business and management skills, develop growth strategies, and gain improved access to business information through a number of exciting initiatives. I note that the honourable member for Penrith is in the Chamber, and I acknowledge her support for the concept. In 2001 we supported a home-based business pilot program in Penrith. This pilot program emphasised networking, because research showed that home-based business people had distinctive issues about isolation, the lack of access to business networks, and the lack of awareness of available government and other programs and resources.

Workers in a traditional workplace probably do not realise how important it is to bounce ideas off colleagues, and to provide feedback and support. People who work from home rarely have access to that important resource—other workers—and isolation can be a major problem. We chose Penrith for the pilot program, first, because we wanted to support the enthusiasm of Penrith City Council for its local entrepreneurs and, second, because Penrith had more than 5,000 home-based businesses from a diverse range of industry sectors. The pilot marked the birth of the Penrith valley home-based business network. It also led to a range of initiatives, including business workshops and a peer support program for home-based businesses in the Lower Hunter region.

In Sydney, there were seminars aimed at home-based creative media businesses which helped them with networking, entrepreneurship, marketing skills and intellectual property management. In the Central West there was a program to help home-based art and tourism industries identify possible joint marketing strategies and develop marketing networks and strategic alliances. More recently, at various locations across the State we have run special workshops for home-based business operators. To date those workshops have been held in Tweed Heads, Western Sydney, South Sydney and Sutherland, with workshops planned for the Illawarra, the Blue Mountains and Port Macquarie.

Madam ACTING-SPEAKER (Ms Marie Andrews): Order! It being after 4.15 p.m., business is interrupted for the taking of private members' statements.

PRIVATE MEMBERS' STATEMENTS

SHELLHARBOUR SURF LIFE SAVING CHAMPIONSHIPS

Mr MATT BROWN (Kiama) [4.17 p.m.]: I am pleased to speak about the most recent surf life saving championships held at Shellharbour North beach. The championships, which were jointly conducted by Surf Life Saving NSW and Shellharbour Surf Life Saving Club, received strong support from all 128 surf life saving clubs in New South Wales. The junior carnival was held from 27 to 28 February and the senior carnival from 4 to 7 March. Each carnival attracted more than 4,000 participants. It is estimated that the junior carnival attracted 12,000 visitors and the senior carnival attracted 10,000 visitors. It was a great showcase for the Kiama region and the surf club, which I am very proud to be associated with.

I am also proud of the support given to our surf club by Phil Vanny, the Chief Executive Officer of Surf Life Saving NSW, and Peter Pierce, the President of Surf Life Saving NSW. Both indicated that, given the

extreme conditions, the event was the best-conducted and best-managed surf life saving event in recent years. Members of this House may recall that on both of those weekends ocean swells in the area were enormous, and there were also significant downpours of rain, which caused a lot of stormwater to flow into many of our beaches. That resulted in many events being rescheduled. However, because of the dedication, hard work and excellent organisation of the local organising committee, the surf club went ahead with the carnival.

I pay tribute to the many members of the local organising committee: the chairperson, Terry Barton; the secretary, Rod McAllister; Scott Giles, who is responsible for concessions; Al Wheatley, who is in charge of sponsorships; Chris Kimber and Wayne Taylor, who are responsible for work force matters; Bill Wonson and Wayne Cavanagh, who are in charge of gear and equipment; Jo Helson, who is responsible for administration; and the Treasurer, Brian Love.

They worked with the club management committee of the Shellharbour Surf Life Saving Committee. The management committee is the President, Terry Barton; the Vice-Presidents, John Sinclair Snr and Dave McCudden; the secretary and registrar, Peter Stolk; the Treasurer, Chris Troutman; the club captain, Mark Bolte, the public officer, Bruce Kejda; Dick Plummer, who is responsible for rescue and resuscitation; the radio officer, Ken Crampton; Steve Crowe, who is responsible for surf boats; Greg Creagan, who is responsible for board and skis; Paul McKinley, who is in charge of inflatable rubber boats; Mark Bartlett, who is responsible for first aid; and Chris Kimber, who is in charge of gear. The cadets are Marc Curci and Bill Rolfs and Scott Giles, Paul McKinley, Rob McAlister are responsible for social activities.

All of those people deserve credit for working hard with the club over the past year and gaining the prestige of hosting the State championships on North Shellharbour beach in the Kiama electorate. I was pleased to work with the surf club to secure the construction of a new administration room. The funding was provided through the Premier's grants program and I would like to thank the Premier for his generosity and support of Shellharbour Surf Life Saving Club and surf life saving clubs across the State. When I went into that administration room it was being used for a number of administrative purposes. As well it housed a strong contingent of local police, who did a fantastic job of making sure that all our visitors were looked after. Hundreds of volunteers from right across the area, as well as local businesses, supported and sponsored this event. Credit and thanks go to them and to the community for getting involved in this activity. I am an active surf life saver; I am on patrol with my captain Phil Smith and my other surf club colleagues Sean Sainsbury, Dean Thompson and Katie Pitt. We are part of a great movement that wants to promote safe beaches at which our local residents and our tourists can swim.

EASTWOOD LOCAL AREA COMMAND

Mr ANDREW TINK (Epping) [4.22 p.m.]: I want to put on the record my support for local police in the Epping area, who are based at the Eastwood Local Area Command. Those police are also responsible for the Pennant Hills police station. They do a good job with the resources they have. However, I think all members on this side of the House, wherever their local area commands are, believe those resources inadequate for the purpose. There are just not the supportive resources available for police to be able to do the job. That is especially so at the satellite police stations, which were severely downgraded by the Carr Government in 1997. That has been a problem in my area, in the Hornsby electorate—particularly Berowra police station, and in the electorate of Vaucluse following the sort of de facto amalgamation between Bondi and Waverley that took place there. At all times it is important to ensure that when the police tag and highlight a problem they are supported. It is also important to ensure that their recommendations and expert opinions are followed up and complied with at all times.

It would also be a good idea to speak with ICAC and its investigator to see why they didn't bat on with it. Ask for their investigation records and if they won't provide them voluntarily you may have to obtain a search warrant.

I have just quoted from a police report which I do not believe has been acted upon.

Mr Paul Lynch: Point of order: The honourable member for Epping is to be congratulated for his innovation and inventiveness. If he wishes to pursue matters relating to Randwick he should do it by way of substantive notice of motion, not by trying to sneak it in as a private member's statement.

Madam ACTING-SPEAKER (Ms Marie Andrews): Order! Private members' statements should relate to matters within the members' respective electorates. I ask the honourable member for Epping to direct his comments to his electorate.

Mr ANDREW TINK: I accept that. I believe that the Independent Commission Against Corruption [ICAC] is important and relevant to all our electorates. It is important and relevant not only to the administration of justice in general terms, but also to the administration of good government. I am extremely concerned to read about issues that have been raised which appear not to have been acted upon. When police suggest that a search warrant be executed on the ICAC, that is a matter of importance to my electorate.

Mr Alan Ashton: Point of order: The shadow Minister would also know that he is not to canvass areas in his shadow portfolio responsibility in a private member's statements. That is clear in the standing orders.

Madam ACTING-SPEAKER (Ms Marie Andrews): Order! I uphold the point of order. Again I ask the honourable member for Epping to direct his comments to his electorate.

Mr ANDREW TINK: The Minister responsible for the ICAC is the Premier and, by extension, the Leader of the Opposition. It is not the shadow Attorney General or the Attorney General. Is the honourable member for East Hills seriously saying that the ICAC and its operations are not relevant to his constituents? Is the honourable member for Liverpool also saying that?

Mr Alan Ashton: I am not saying that.

Mr ANDREW TINK: Nor am I. I am saying that the operations of the ICAC are relevant to my local constituents. It is a matter of great concern when police are forced to recommend that there be a search warrant executed against the ICAC. It is an extraordinary situation. All local members ought to be making private members' statements wanting to know what is going on.

Mr Paul Lynch: Point of order: The honourable member for Epping is showing utter contempt for the standing orders of this place and utter contempt for the Chair. It is an appalling misuse of the forms of this House by someone who should know better. It is an absolute disgrace that he has now ignored your ruling and is attempting to dishonestly and, in the way the standing orders operate, corruptly introduce matters that should not be brought up at this point in time.

Madam ACTING-SPEAKER (Ms Marie Andrews): Order! I uphold the point of order. The honourable member for Epping may proceed if he bears in mind what has been said.

Mr ANDREW TINK: I will finish on this note. I thank the honourable member for Liverpool particularly for drawing to attention, in the way that only he can, for those who may be listening, the fundamental importance of what the ICAC has done in this case. [*Time expired.*]

WYONG SHIRE COUNCIL COMMUNITY PROJECT FUNDING

Mr MILTON ORKOPOULOS (Swansea) [4.27 p.m.]: The communities of Gwandalan and Summerland Point, like every other community in the North Wyong shire in my electorate, have every reason to expect the application by their local council of appropriate planning controls to prevent overdevelopment, as well as investment in roads, kerb and guttering and the necessary social infrastructure to give those communities a focus. Those communities have an opportunity on 27 March to give their verdict on the performance and dedication of their ward councillors and the current mayor, Greg Best. Gwandalan Public School, which serves the communities of Summerland Point and Gwandalan, has fought for a safe school crossing in Orana Road, and proper kerb and guttering and provision for parking on Kanangra Drive so that children go to and from school in safety. The total cost of the project is estimated at some \$200,000. However, Wyong Shire Council does not have the money to fund such a worthwhile and positive community project. The school community wants to know exactly what the council is doing with the money if it cannot fund a project so important to children's safety.

As Ben Blackburn, a high school student in the gallery today, said to me, "What is Mayor Best doing to represent the concerns of the school? What are Mayor Best's priorities?" That is good question. The answer is that Councillor Best has spent in excess of \$750,000 of ratepayers' money to buy the election. He has unaccountably spent \$750,000 on wining and dining everyone from real estate agents, developers, business people—anyone and everyone—virtually every week for the past 12 months. Every week for the past 12 months Wyong council has paid a vast fortune to newspapers for advertisements in the guise of council notices, only to have photographs of Mayor Best plastered all over the pages—expensive, glossy council publications with photographs of Councillor Best on each page. Considering ratepayers' money as his own is nothing short of using the council as a blatant smokescreen for his own political agenda, which is primarily to be re-elected in nine days time.

Councillor Best even spent \$4,000 of ratepayers' money on a one-day media training course for himself. I am sufficiently alarmed by the evidence presented to me to seek the intervention of the Minister for Local Government and the Independent Commission Against Corruption for the wanton spending of ratepayers' money by Councillor Best and the so-called Independents who sustain him. If the communities of Gwandalan and Summerland Point are looking to Wyong Shire Council to upgrade and realign Kanangra Drive sooner rather than later—if those communities expect greater spending by council on them and greater attention—they will have to wait in line.

Councillor Best is spending this money on himself and his cronies rather than on Kanangra Drive kerbing and guttering and, more important, a safe school crossing at Gwandalan Public School. To date Councillor Best has failed to effectively represent the many communities in the Wyong shire and in my electorate. It is now time for Wyong Shire Council to start effectively and efficiently representing the citizens in my electorate and those who live in the Wyong Shire, instead of adopting an ongoing attitude that has led to inaction, which has impacted adversely on issues that matter most to citizens in my electorate and in the communities in the Wyong shire.

NSW FISHERIES AND MR AND MRS MATTEN

Mr ANDREW FRASER (Coffs Harbour) [4.31 p.m.]: I raise an issue of real concern to two of my constituents, Mr Neale Matten and Mrs Jane Matten. The best way to describe their problem will be for me to read into *Hansard* a chronology of events from them as follows:

Between May 2001 and September 2001 we met with Tony Broderick (Department of Land & Water Conservation) several times to discuss building a cement causeway across the river on our property.

In September 2001 Tony Broderick gave us permission to build the causeway and told us he would take care of the paperwork.

On the 8th November 2001 construction of the causeway began. The causeway was completed on the 12th December 2001.

Tony Broderick was supervising river restoration work on our next door neighbours property whilst our causeway was being constructed. In early January 2002 Tony Broderick inspects the completed causeway.

In February 2002 after lodging a development application to build our home the Coffs Harbour City Council asks us to supply them with a 3A permit for our causeway.

We contact Tony Broderick and ask him to supply the CHCC with a 3A permit. After this either Tony Broderick (DLWC) or Andrew Knott (CHCC) organizes a meeting. At this meeting Tony Broderick tells Andrew Knott he will supply the CHCC with a 3A permit. Andrew Knott asks "who will contact NSW Fisheries". Tony Broderick says he will contact NSW Fisheries. This is the first time NSW Fisheries was mentioned to us.

Between February 2002 and 1st April 2002 we contact Tony Broderick (DLWC) several times about supplying the CHCC with a 3A permit. Around the end of March 2002 Tony Broderick (DLWC) tells Neale "It has gone to Fisheries, it is in Fisheries hands, I've done the best I can and covered my arse".

On the 2nd April 2002 we contact NSW Fisheries to see what is going on but nobody rings us back.

On the 24th April 2002 Max Enklaar (Fisheries) arrives at our home. The only way to describe the visit was unpleasant. Max Enklaar put his badge in Neale's face and said he was from NSW Fisheries. Max Enklaar was full of accusations and he didn't listen to what we had to say he had already made up his mind.

Jane rings Craig Copeland Max Enklaar's supervisor to complain about Max Enklaar's behavior. Jane explains the situation and Craig Copeland tells Jane not to worry. He says "out of the hundred reports they receive each year they only prosecute about three (3)".

For reasons only known to Tony Broderick (DLWC) he didn't do the appropriate paperwork as he promised us and he didn't contact NSW Fisheries directly as he had promised us and the Coffs Harbour City Council.

On the 11th June 2002 Craig Copeland rings Jane and says that he has reviewed the file and believes that what has happened is a breakdown in communication.

On the 15th August 2002 Max Enklaar arrives at our property again and says aggressively "I'm going to take you to court".

In early June 2003 we receive a summons to appear in the local court from NSW Fisheries. We go to court on the 22nd July 2003 but nobody from NSW Fisheries attends.

The Magistrate reads the attached details and takes into account the extenuating circumstances surrounding this matter. The magistrate did not issue any orders for removal or rectification work of the causeway.

We lodge an application for permit with the Department of Land & Water Conservation and on the 12th September 2003 we receive the attached letter.

The attached letter basically said that there were no objections to the causeway. On Sunday morning, 26 October 2003, NSW Fisheries delivered an order to remove the causeway. The Mattens acted in good faith, in full co-operation with the Rivercare co-ordinator from the Department of Land and Water Conservation. Mr Max Enklaar, who appears to be a rude pig of a man, decided to make the lives of these people hell. The causeway does not interfere with anything and NSW Fisheries officers did not attend court to seek an order for its removal. The magistrate found that the causeway could remain, yet the Minister and the Director-General of NSW Fisheries, Steve Dunn, seek to impose on the Mattens a \$100,000 fine for the causeway.

I call on the Minister in the other place to stop defending this useless, incompetent NSW Fisheries employee, to stop threatening the Mattens with a \$100,000 fine and to let them get on with their lives. This action is totally unacceptable. It is bullyboy tactics of the worst kind. The Minister is defending Mr Enklaar because he is too scared to pull this bureaucrat into line. The causeway does not prevent fish in the river travelling upstream or downstream. The property has been in the family for three generations without any problem. It is totally unacceptable for NSW Fisheries and Mr Enklaar to persecute this family. Departmental officers should have attended the court hearing if they believed the Mattens had a case to answer. They did not attend and the magistrate found against them. I demand that the Minister immediately resolved this matter in favour of the Mattens.

CAMDEN RUGBY LEAGUE AND RUGBY UNION CLUBS BATTLE OF THE CODES

Mr GEOFF CORRIGAN (Camden) [4.36 p.m.]: Today I praise the Camden Rugby League Club and Camden Rugby Union Club for their support of suicide awareness through their annual Battle of the Codes. The Battle of the Codes was held this year on Saturday 6 March at the Camden Rugby Club, Wire Lane, Camden and it was my great pleasure to be in attendance. This is the third year the function has taken place and more than \$25,000 was raised for the Lifeline Macarthur suicide prevention and awareness project. Far too often we hear adverse comments about sporting clubs and young people, but I praise the two clubs involved and their many supporters and players.

Over the past three years in excess of \$75,000 has been raised for Lifeline Macarthur. Only yesterday I spoke to the highly respected Chief Executive Officer of Lifeline Macarthur, Margaret Appleby, who told me that in her opinion the funds raised have saved lives. That has been achieved through an education and awareness campaign, increased telephone counselling and the wonderful work of Lifeline Macarthur staff and volunteers. Before I outline what happens at the Battle of the Codes, I would like to inform the House of its genesis.

Three years ago a wonderful young man named Paul Dooner committed suicide. At the time Paul was president of the Camden Rugby League Club and was well known and liked throughout our community. The reason for Paul's suicide will never be completely clear, but depression obviously bothered him more than we, his friends, knew. Lifeline Macarthur counselled the players and Paul's friends in the weeks following his death. Paul's friends at both the Camden Rugby League Club and Camden Rugby Union Club—he played for both—sought some practical way in which they could commemorate his memory and, indeed, the memory of two other young men who had committed suicide during the previous three years.

Recognising that young people need to be made aware of the signs of depression and that help is available, the two clubs instituted the Battle of the Codes. On that Saturday afternoon two weekends ago young men from both codes competed against one another in running, tug-of-war, Ute pulling and oz tag. That same night all the players and many supporters attended a dinner. These activities have taken place for the past three years. Auctions are held, entertainment is provided, and various fundraising activities culminated in the clubs raising more than \$25,000. The note from Lifeline, which explained the program to those who had not attended previously, stated:

As well as our counselling service, we hope the increased awareness of the warning signs and misconceptions surrounding suicide become known by more people, thus helping the community to prevent more deaths by suicide. Lifeline continues to support those bereaved by suicide through our Bereaved by Suicide Support Group, counselling and general support.

I congratulate the two clubs, the players and the clubs' committees, headed by Mitch Newton, President of the Camden Rugby League Club, and John Richardson, President of the Camden Rugby Union Club. I thank also the supporters and sponsors. Both clubs are unlicensed and, therefore, rely on support from sponsors for the success of the functions. I take this opportunity to read onto the record the names of some of the local people and businesses that support the function.

Sponsors include First Find Personnel Pty Ltd, Redman Partners Accountants and Business Advisors, Nepean Engineering Pty Ltd, Australian Overhauls Group Pty Ltd, John Dooner carpet laying, Inglis auctioneers and stock agents, Marsdens the Solicitors, Bioseptic, Dickinson Developments Pty Ltd, and Elite Quality Pool Covers and Rollers. On the night they were supported by Hayter's Timber and Paving, which donated a cubbyhouse for a raffle, local radio station C91.3, Merino Tavern, which supplied all the liquor for the function at cost, Camden Hire and the Scarce family, which supply goods at cost, and Ideal Promotions and Sportswear. All these sponsors ask for nothing in return for the money they donate. They know that the work they are doing is helping young people in our community and raising awareness about suicide. I congratulate all involved.

HEALTH CARE PROFESSIONAL SEXUAL ASSAULT ALLEGATION

Ms GLADYS BEREJIKLIAN (Willoughby) [4.40 p.m.]: I raise a matter of immense concern and sensitivity. Very recently I was contacted by a constituent who told me she had been sexually assaulted by a health care professional. I raise the issue in this House because her allegations bring home to me directly the impact that systemic failures within the New South Wales health system—in this instance the complaints process—are having on the ordinary citizen and patient. My constituent outlined in detail how devastating the experience was on her and the fact that, after having reported the allegations to the Health Care Complaints Commission [HCCC] more than 18 months ago, the practitioner against whom she made the allegations is still practicing and she has received no resolution of her complaint.

We are told time and again by the Minister for Health that the problems experienced within the HCCC are not systemic. But, frankly, the allegations raised by my constituent and the lack of response by the HCCC have made me very angry and extremely concerned, to say the least. Whilst protecting the identity of my constituent, I will place on record the following series of allegations and events as conveyed to me. My constituent told me she received treatment for a chronic condition by a local practitioner, who convinced her that he would be able to alleviate her chronic pain by a special treatment he had developed. Pain relief was a welcome prospect for my constituent. According to my constituent, during the ensuing consultations the practitioner began engaging in grossly inappropriate acts, saying at the time that they were a necessary part of the treatment.

In addition to these acts, the practitioner began making threats and verbally abusive statements to my constituent to prevent her from reporting the incidents. Needless to say, my constituent outlined the enormous stress she has had to endure due to this situation, and it was only after months of counselling that she was able to raise the matter with the HCCC. She eventually garnered the courage to make a formal complaint in 2002. My constituent said that the HCCC took eight months to respond to her initial complaint, and that the alleged perpetrator was able to successfully stall the process. My constituent raised with me her concern that she may not be the only victim of the practitioner in question. What has appalled her the most throughout her harrowing ordeal is that the practitioner continues to see patients, notwithstanding what she says happened to her.

My constituent had minimal avenues of recourse. At the time of lodging her complaint she was advised to take legal action to sue for damages but refrained for a number of reasons, including her fear of large legal bills. In the company of a counsellor, my constituent reported the matter to the police in 2002. She noted to the police that she was reluctant to become a witness in a criminal court. The police detective suggested to my constituent that she follow up the complaint she had lodged with the HCCC, which is what she has been attempting to do ever since. Today I have written to the Minister for Health asking him to take whatever action is necessary to ensure that this matter is investigated as soon as possible.

I hope that my raising this matter in the House today will give my constituent peace of mind that her allegations will at least be thoroughly investigated, and that, should they be substantiated by the proper authorities, immediate action will be taken to protect possible future victims. People must have confidence that if they have a serious allegation it will be dealt with in a reasonable time frame. Regrettably, this does not appear to be the case.

ROADS AND TRAFFIC AUTHORITY AND MR JOHN LEWIS

Mr PAUL LYNCH (Liverpool) [4.43 p.m.]: I draw to the attention of the House the ongoing problems sustained by Mr John Lewis, who is a constituent of mine. Mr Lewis owns a house in which he lives in Memorial Avenue, Liverpool, close to the intersection with Hoxton Park Road. There have been impacts upon Mr Lewis from the considerable amount of work performed recently on Hoxton Park Road. This work has included the widening of Hoxton Park Road from Hill Road to Banks Road, and the overall widening of Hoxton

Park Road to accommodate the Liverpool to Parramatta transitway. This widening from Hill Road to the Liverpool Council Chambers has involved compulsory property acquisition along the northern side of Hoxton Park Road. The properties being acquired include the one adjacent to Mr Lewis in Memorial Avenue, at the north-western corner of the intersection of Memorial Avenue and Hoxton Park Road.

The Roads and Traffic Authority [RTA] actually only needed part of the property for the proposed widening of the road: the part was that closest to the existing Hoxton Park Road. The land the RTA did not need for the road widening is now referred to as residue land. The future of the residue land has been the subject of considerable concern amongst residents. The residue land is on the western and southern boundaries of Mr Lewis' property. The RTA has proposed noise wall barriers of various types along portions of Hoxton Park Road. The nature and location of these barriers have provoked resident concern. The barriers would be located generally on the boundary between the resident's property and the residue land. In the case of Mr Lewis, this means that a three metre high noise barrier will be erected along his property line immediately next to his house, blocking out light from his lounge room, among other rooms.

Naturally, Mr Lewis wished to purchase the residue land adjacent to his property. That would safeguard the future development of land next to his property, and it would also mean that the noise barrier would not be as close to his house—an outcome he also wanted. The RTA proposed a brick fence about three metres high, at an estimated cost of \$10,000. The top of the fence would be level with the eaves of Mr Lewis' house. Mr Lewis lodged an official expression of interest with the property division of the RTA to purchase the residual land next to his property. He told me that at an on-site meeting on 28 January the RTA representatives told him that "its policy is not to even consider selling residual land until the said projects are completed". Accordingly, once again in the words of Mr Lewis, all that was put to him by the RTA was "a three metre high brick noise wall which comes within one metre of my house, just totally blocking off any sense of light or living standards on the southern side of my property". I received written advice that no residual land would be disposed of, dealt with or have anything done to it for some considerable time. I quote:

The RTA has not yet determined the future use of that land, and so it cannot be declared surplus to the RTA's needs.

It is anticipated that it will not be possible to make decisions about the future usage of that land until further planning of the proposed urban release area at Bringelly is undertaken by the Department of Infrastructure, Planning and Natural Resources. Forecasting of the need for any new traffic and Transitway lanes required as a result of the Bringelly development will form part of the assessment.

Mr Lewis reluctantly accepted that that was the position. He wished to have a number of other things done. He wanted the noise alleviation wall moved away from the southern boundary of his house so it would be parallel to the footpath proposed by the RTA. He thought that other adjacent properties would be in a similar position. He also thought that any noise wall should have some clear light panels. However, the position became bizarre. Mr Lewis sent me a letter dated 11 March which sets out the latest twist. The letter stated:

The placement of the brick noise alleviation wall has once again raised its ugly head again through an offer by the RTA (LPT) representatives offering me yesterday to now exchange land with me so as I can square up my block of land to suit the way the RTA would like me to live.

Mr Lewis then points out his puzzlement at how on earth the RTA can on one hand say that nothing will be done with the residual land for years, while on the other hand offer him a land swap that involves that land. In a letter to the RTA he said:

After being categorically told that the RTA would not sell/exchange residual LPT land within a five year period, they have in their wisdom now sought to seek to exchange land with me to suit their agenda.

Three different people from the RTA or the transitway have now put to Mr Lewis a land swap; he would give them 30 feet of land at the front of his house and he would get 30 feet of land at the rear of his house. That would not particularly help Mr Lewis, but the bizarre thing is that the land the RTA is now offering to land swap with him is precisely the land that it had been saying it was not prepared to dispose of at all for at least five years. I ask the Minister to have a look at this matter and see what exactly is the position of the RTA. If the RTA is in a position to dispose of the residual land, could it consider the expression of interest that Mr Lewis made in relation to that land? That would seem to be an eminently sensible solution to all of this. I ask the Minister also to suggest to the RTA that it would be particularly useful to pursue some clear light panels in the noise alleviation wall.

HMAS GOULBURN ENSIGN

Ms KATRINA HODGKINSON (Burrinjuck) [4.48 p.m.]: Ever since soldiers and sailors joined the armed forces they have displayed symbols indicating their allegiance. These are variously known as the colours for military and air forces and the ensign for naval forces. As the emblem under which serving personnel fight, and sometimes die, these pieces of cloth are symbols of the intangible bonds that bind a unit together. To lose the colours on the field of battle is considered to be the ultimate disgrace for a military unit. In naval tradition the lowering of the naval ensign is the symbol of surrender. These pieces of cloth are valued much more highly than their actual physical value. Men have given their lives to save them. Their sacrifice is not so much for the piece of cloth but for the potent symbol of their unit, their comrades, and their cause.

When the colours or naval ensigns deteriorate through use, or battle, to a point where they are no longer useable, they are traditionally laid up in a place of worship with which the unit has had a close relationship. The laying-up ceremony symbolises the link that those who have fought and died under their colours or ensigns in the service of their country have with eternity. Today, Thursday 18 March, the ensign of HMAS *Goulburn* was laid up at St Saviour's Cathedral in Goulburn. HMAS *Goulburn* was one of 60 Bathurst-class minesweepers built in Australia during the second world war. With a length of 186 feet, a displacement of 743 tons and a maximum speed of only 15 knots they were not glamorous vessels. They were good, but very uncomfortable, sea boats and were said to roll on wet grass. Naval service in small ships has always had a certain mystique, probably because of the hardships that the ships companies had to endure even before they came within cooe of the enemy.

HMAS *Goulburn* was commissioned on 28 February 1941 and finished her wartime service when she was decommissioned on 27 September 1946. It is believed that she was broken up for scrap some time in 1953. Her wartime service began in Bass Strait, clearing mines laid by German raiders. At the commencement of hostilities against Japan she was transferred to the China station, where she engaged in convoy escort and anti-submarine patrols in the area of Singapore and the Sunda Straits. After the fall of the Dutch East Indies, HMAS *Goulburn* returned to Australia and was employed on escort duties on the east coast. In 1944 she was employed in New Guinea waters supporting army landings, on escort duties, and undertaking intelligence-gathering operations. When the Japanese surrendered on 2 September 1945 HMAS *Goulburn* was part of the escort for a slow convoy en route to Hong Kong. During her brief career in the Royal Australian Navy she steamed some 165,000 miles and although she participated in no major actions her work was important and necessary.

Many of the older residents of the city of Goulburn are able to recall the strong links that were encouraged between the city and the ship. One such resident is Mr Bruce Lambert, who, as a 10-year-old student at Goulburn North Public School, struck up a pen friendship with HMAS *Goulburn's* Commanding Officer, Lieutenant Commander Neville Collins. In the years since the end of the war a strong association developed between former members of the ship's company and the city. In 1962 a model of HMAS *Goulburn*, built by Geoff Abel, was presented to the Goulburn War Memorial. The HMAS Goulburn Association also held regular meetings in Goulburn every four years and in 1995 the association was granted the freedom of entry to the city of Goulburn.

However, even the honouring of past links between the city of Goulburn and those who served their country in uniform so many years ago cannot pass untouched by recent events. A parade was planned through the streets of Goulburn between the memorial wall in Belmore Park and the cathedral. However, it appeared likely that problems in obtaining public liability insurance would mean that the parade part of the ceremony could not take place.

This is a sad indictment of the empty rhetoric of the Premier in this place in November last year, when he effectively proclaimed that the public liability problem was solved. The trouble that these old sailors had to go through to honour the memory of their comrades proves that this Government still has a long way to go before the public liability insurance problem is solved. But real community spirit was displayed by the people of Goulburn. When it became apparent that the march might have to be cancelled, a former mayor and well-known Goulburn identity came forward with an offer to personally fund the insurance for the parade. That is a great example of generosity that contrasts markedly with the meanness towards rural New South Wales displayed by this Government. Fortunately the Returned Services League came to aid of the association, and I am happy to report that the parade proceeded today as planned.

I commend the HMAS Goulburn Association for keeping alive the memory of those who so gallantly served this country in the corvettes. I honour those involved in organising this event, particularly the chaplain to

the local RSL, the Rev. Bob Gray, who worked very hard to ensure the event went smoothly. I thank all those participating in the laying-up ceremony: Naval personnel, former company members of HMAS *Goulburn*, David White from my office for representing me in Goulburn today due to the parliamentary sittings, and all the people of Goulburn.

TELOPEA COMMUNITY GARDEN

Ms TANYA GADIEL (Parramatta) [4.53 p.m.]: Last week I had the honour of planting a *telopea speciosissima waratah*, otherwise known as a Sydney waratah, to mark the opening of the Telopea Community Garden. The garden is located at Shortland Street, Telopea, on land donated by the State Government. It has been established through the efforts of the Dundas Area Neighbourhood Centre, Parramatta City Council, the Royal Botanic Gardens Sydney, and Sydney Water. The garden is not a new initiative in New South Wales public housing estates—it is the forty-fifth to be established. There are real benefits to having these community gardens. First, they bring the community closer together. Second, they revitalise the appearance of estates. I am really pleased that something that has been so successful in other public housing estates has come to Telopea. The garden will give local residents from a wide variety of backgrounds the opportunity to get to know each other in a communal outdoor environment.

Local residents and the committee that was established to manage the garden were at the opening of the garden. As I mentioned, this is not a unique scheme: Telopea is the Department of Housing's forty-fifth community garden—all established through the department's community greening scheme. It is a great program, and I congratulate the department on supporting its growth. The garden is already becoming a hive of local activity. The Royal Botanic Gardens is holding training and educational workshops there on the second Thursday of each month. The Dundas Area Neighbourhood Centre runs working groups in the garden every Thursday from 9.30 a.m., and Parramatta City Council is sponsoring a youth art project for 9 to 12-year-olds at the garden.

The Telopea community have embraced their garden as a community focal point. The children of the local primary school have volunteered to assist in maintaining the garden. On the day the garden was opened I said—and I reiterate it today in the House—that government can provide housing but it is up to the people who live in those houses to turn them into homes. It is they who provide the heart and the sense of community, and it is they who turn shelter into homes. The garden symbolises ownership of the land by the community and it demonstrates the community's pride in their homes.

I place on record my thanks to the following people and organisations who assisted in making this wonderful project happen. From Dundas Area Neighbourhood Centre, Amanda Daly, Tina Pares, Isabella Lettini, Aud Yacoub, Janette Hoye, Margaret Hordiewicz, Beverly Cauld, Kevin Barnes and Deanne Barnes; from the Royal Botanic Gardens, Stephen Paul and Murray Gibbs; from the Department of Housing, Mark Hessen, Em Thompson and John Paszek; and Parramatta City Council was represented by Councillor Pierre Esber.

Councillor Esber is a great friend of mine and the people of Parramatta. He works tirelessly for his community. It would be remiss of me not to thank also Sydney Water, Job Quest, Mission Australia, Telopea Family Support, Telopea Christian Church, the Burnside Family Learning Centre, the ABC open garden scheme, and Triple-C Catering. I thank everyone involved. What they have done is truly wonderful. Now Telopea is right up there with another 44 public housing estates in New South Wales, showing how its residents are proud of their community and homes. Congratulations again to the Department of Housing and Minister Scully on such a great program. If honourable members do not have such a garden in their electorates I encourage them to do their best to get one.

WARRINGAH COUNCIL REFERENDUM

Mr ANDREW HUMPHERSON (Davidson) [4.58 p.m.]: I wish to voice my concern about, and interest in, the local council elections in Warringah. As honourable members and most people in the Warringah part of the electorate of Davidson would be aware, the council is currently in the hands of an administrator. However, my constituents need to be aware of a poll and referendum and the obligation on them to vote. Although they will not be electing councillors, my constituents need to be aware of the potential for a fine if they fail to cast a vote in the referendum.

Many people may say that is excessive, and I concur to some degree, but it is important that people turn out and vote. After the election I will be arguing that the Government should be reasonably lenient with people

who were unaware of the election. In most council areas citizens become aware of elections through a substantial amount of material arriving in their letterboxes from prospective candidates. As to the referendum questions, apart from a generic mail-out that was delivered with the rest of the junk mail last week, most residents of Davidson, Frenchs Forest and other parts of Warringah would be unaware of their obligations.

There are two referendum questions and one poll question on the questions paper to be considered by ratepayers. The constitutional referendum questions relate to the direct election of the mayor and the retention of ward areas in Warringah Council. I strongly support a "yes" answer to question 1, the popular election of the mayor. I believe that the mayor should be elected by ratepayers. If it is good enough for ratepayers to elect the councillors, it is good enough for them to fulfil the task of electing the mayor. The many councillors who have argued against the election of mayor by ratepayers do so, I believe, on the basis of arrogance and self-interest.

In a former life I was a councillor on Warringah Council for five years. One of the unfortunate elements of local government is the deal making that takes place every 12 months, which dominates the thinking and considerations of councillors in the lead-up to the annual mayoral election. As one constituent put it to me many years ago, the election is not called "the night of the long knives" for nothing, because there is a great deal of backstabbing before and after the event. It is time Warringah Council placed the responsibility for the election of the mayor, as well as of local councillors, in the hands of the ratepayers. In doing so, the ratepayers will have ownership of the outcome and, I believe, by and large, improve the quality of candidates for the position of mayor. As to question two, I encourage people to vote "no" and retain the ward system. Warringah Council has three wards. The election of local councillors for each ward ensures a greater degree of local representation than does the election of councillors on a council-wide basis. As to the two referendum questions I strongly advocate a "yes" vote to question 1 and a "no" vote to question 2.

The results on the poll question will not be automatically followed, but I trust they will influence the administrator to include the question in a referendum at the subsequent council elections in 2005. The poll question contains three options: to reduce the number of councillors, to retain the same number of councillors or to increase the number of councillors. I strongly support a reduction in the number of councillors. If the question goes to a referendum I hope the proposal is for a reduction from three councillors to two councillors per ward. Currently there is a duplication of representation and it can be time consuming when residents need to approach their local councillors. The reduction in the number of councillors would save costs, improve the quality of representation, and increase the likelihood of teamwork among a smaller team of councillors who are elected to represent the people.

AUBURN POLICE BLUEY DAY INITIATIVE

Mrs BARBARA PERRY (Auburn) [5.03 p.m.]: Today I call the attention of the House to the good work of Auburn Police in support of the nationwide Bluey Day initiative. Bluey Day began as the brainchild of Victorian Sergeant Karl David, who in 1995 started a head-shave campaign among his fellow police officers in order to raise money for young cancer sufferers. Each participant was required to raise a minimum amount of \$1,000. By the beginning of November 1995, 165 police officers were eligible and, shortly after, they assembled in Horsham Town Hall to have their heads shaved. The shaving, broadcast live on *Hey, Hey It's Saturday*, was followed by further donations and culminated in the raising of more than \$235,000, which was handed over to the cancer support network, Challenge. Almost overnight the concept exploded across the country and by 1996 the first national head shave was held in Sydney, drawing police officers from interstate. In 1997 we witnessed the first international head shave and by 2002—only five years later—more than \$13 million had been collected for kids with cancer, thanks to the contributions of numerous emergency services personnel.

It gives me pleasure today to inform the House that the police in my electorate have enthusiastically endorsed and participated in this important cause. Senior Constable Peter Nicolle and Senior Constable Phil Gagliano of the Flemington Local Area Command, in particular, have worked extremely hard in their own time to gather momentum for the local police initiative, which, I stress, is totally independent of the official Bluey Day fundraising activities they participate in. Their efforts this past year paid off to the tune of \$38,000, enabling the establishment of the Auburn Police Bluey Room at Westmead Children's Hospital, which is dedicated for children who need to be kept in isolation following exhaustive radiation treatment.

Recently I had the honour and pleasure of attending the formal opening of the room at Westmead Children's Hospital. The room has been decked out with a bright mural and \$14,000 worth of donated equipment, including a television, DVD player, Sony PlayStation 2, digital camera, stereo and laptop computer. Video equipment will be installed to enable children to see their parents in a nearby room. We could never put a

price on the sheer fun and enjoyment that all this new play equipment will bring to the lives of young children recovering from the ravages of cancer. Thanks to Auburn police and the generosity of our corporate participants, the sterile lead-lined room has been transformed into a kid's paradise and will shortly be echoing with squeals of delight and much-needed joy and laughter.

It is not only the money and equipment that makes a difference: By shaving their heads as a way of identifying themselves with the kids, emergency service personnel are able to ease feelings of discomfort and shame that young cancer patients may have as a result of losing their hair. I was surprised to witness first-hand the willingness of female police officers in my electorate to have their heads shaved. As a woman, I can assure the House that it is no mean sacrifice. I encourage members of this place to work towards promoting awareness of and involvement in Bluey Day. I am concerned that signs seem to indicate flagging momentum and enthusiasm for this cause. We need to find new ways to support and impassion our emergency services and local businesses to get active in the upcoming 2004 Bluey Day, which, I believe, will be held some time in August. I attended Bluey Day in August last year, as did the Minister for Police, who gave \$5,000 from his discretionary fund to the cause.

Senior Constables Nicolle and Gagliano, by example, have paved the way and have displayed admirable personal initiative and dedication. It is my hope that others will follow suit. I am most honoured to have these police officers in my electorate and to be given the chance to support the great work they do at every available opportunity. I also congratulate Local Area Commander Alan Wilson for his support of his officers, particularly Senior Constables Nicolle and Gagliano. I also thank him and his officers for their great work in my area at all times. Senior Constables Nicolle and Gagliano have told me of the tremendous satisfaction and joy that comes from being able to reach out and touch the lives of our young and sick. May we all know this for ourselves.

CRESTWOOD PUBLIC SCHOOL TOILET FACILITIES UPGRADE

Mr WAYNE MERTON (Baulkham Hills) [5.08 p.m.]: Well can I remember my entry into this House in 1988 as part of the incoming Greiner Coalition Government. At that time I was appalled to discover the neglect by the previous Labor governments of the maintenance of our public schools. Here we go again. Nine years of the Carr Labor Government and once more we see poor standards of maintenance in our public schools. Today I wish to refer the toilet facilities at Crestwood Public School, a fine educational facility located within my electorate—a school I am very proud of.

I have been contacted by Mrs Judith Green, the president of the Crestwood Public School parents group. Mrs Green advised me that the parents group has been pursuing the upgrade of the toilet facilities at Crestwood Public School for the past two years. That seems an incredibly long time. To date they have received no commitment from the Government as to when the upgrade will be undertaken. I am told that a letter about this issue was forwarded to the former Minister for Education and Training in December 2002. Another letter was forwarded to the Minister in February 2003, 12 months after the first letter. The Minister replied in March 2003, indicating that the school toilet facilities would be considered for inclusion in the 2003-2004 capital works program. In May 2003, further correspondence was forwarded to the present Minister for Education and Training about other issues regarding the safety of Crestwood Public School. Mrs Green has indicated that the Minister said that the school's toilet facilities were being considered in future capital works priorities. No mention was made of the 2003 and 2004 capital works programs as mentioned by the previous Minister.

Parents have declared that the state of the toilets at Crestwood Public School is appalling. The school is 32 years old and I have been told that nothing has been done to the toilets during that time. I have also been advised that the cleaners do the best they can and that they have started applying stronger disinfectant, to no avail. The parents group decided to pay to have deodorisers installed to spray a metered dose in the toilet area at regular intervals. However, that simply hides the disgusting smell, and the problem still exists—the toilets still smell horrendously. The parents believe that 32 years of urine build-up on the concrete floor has made these toilets a real health issue. Mrs Green has informed me that her children, like many others who attend the school, will not go to the toilet during the day unless it is absolutely necessary because of the stench. She says that that is a serious health issue because children who hold on run the risk of complications later in life, for example, bowel cancer.

The primary school boys toilet is next to the hall and play area, and the smell can be overpowering and extremely unpleasant for anyone in the vicinity. These toilet facilities are used not only by the students but also by parents, grandparents and friends visiting the school on special occasions. I call on the Minister to act

immediately to upgrade the toilet facilities at the school. The Government recently introduced a bill requiring that schools comply with certain standards relating to fitness, suitability and cleanliness of buildings, and the Opposition supported it. Honourable members asked during the debate whether the same standards would be applied at State-owned schools. The Minister was very vague about that in his reply to the second reading debate. Clearly, those standards do not apply and have not been acted upon by this Government as far as Crestwood Public School is concerned.

As my constituent Mrs Green says, the health of the students must not be neglected and the Government must act urgently to ensure basic standards of cleanliness, hygiene and acceptability at the school. This Government has been in office for nine years and trumpets its achievements. It should be ashamed of itself. Unfortunately, other schools in my electorate are facing similar, but not exactly the same, situations, because maintenance has been neglected. The Minister must act because this situation is intolerable.

M4 EAST TUNNEL FILTRATION

Ms ANGELA D'AMORE (Drummoyne) [5.13 p.m.]: I will raise the important issue of filtration of road tunnels in Sydney. It has been said before that the Coalition Government left this State with a number of missing links in Sydney's motorway network. This Government has been progressively building roads to fix those missing links. Projects include the stretch of road between the eastern end of the M2 and the Gore Hill Freeway, where the Lane Cove tunnel is to be built; the stretch between the eastern end of the M5 and General Holmes Drive, where the M5 East has been built; and the stretch between the Sydney central business district [CBD] and South Dowling Street, where the Eastern Distributor has been built. Another of the missing links is the stretch east of the end of the M4 motorway, which brings motorists eastwards from as far west as Penrith and the lower Blue Mountains into North Strathfield. Most of those motorists are on a journey towards the Sydney CBD and other destinations beyond North Strathfield. The M4 motorway funnels them into Parramatta Road, where speeds are significantly reduced as motorists encounter numerous intersections, many of which have traffic lights.

For those reasons the Government is considering building the M4 East to connect the eastern end of the M4 at North Strathfield closer to the city. My electorate of Drummoyne covers much of that missing link, and my constituents have concerns about the impact an M4 East might have on their properties and lifestyles if it goes ahead. Their concerns are twofold. First, they are concerned about the physical impact of the road in terms of where it will begin, where it will end, the traffic it will carry and other traffic and travel implications. That concern is understandable. People with properties along proposed road routes are always concerned about the impact the road will have on their homes and neighbourhood.

Before this Government came to office, when a new road was to be built often the first residents would hear about it would be when the environmental impact statement was made public. That meant decisions about options, costs and benefits had already been considered in detail in the absence of community input and consultation. The Government has changed that process and we now have community consultation prior to the preparation of an environmental impact statement. It is called the "overview report", which involves options being put to the community and input being sought. We are at that stage of the M4 East project now. Three broad options have been put out for comment and the community is making its views known about those options. The community consultation phase, which is the first phase of the process, ends on 1 April this year. Once again, I encourage residents contribute to this process. This Government has a strong track record of taking residents' comments very seriously.

The second issue of concern to residents relates to the M4 East project and air quality, both within and outside the tunnel. Members of the community have been most vocal about this issue, and I thank them for that. I have had hundreds of letters, telephone calls and emails, I have conducted numerous private meetings and I have attended numerous public meetings about this issue. In turn, as the local member, I have raised these issues with the Minister for Roads on behalf of those residents. That is why, on their behalf, I welcome the announcement made by the Minister on Sunday that if an M4 East tunnel is to be built it will have filtration technology. Minister Scully announced that the State Government will pilot filtration technology for a motorway tunnel in Sydney.

The Minister's announcement followed a Roads and Traffic Authority [RTA] delegation visit to Japan last year to investigate current and emerging technology and practices relating to ventilation of road tunnels. That visit indicated that Sydney's road tunnels compare very favourably on an international level in terms of environmental standards and outcomes. It also showed that the Japanese technology is progressing. As a result,

the RTA recommended that that technology also be trialled in Sydney. The new technology that will be piloted in Sydney will test the effectiveness of electrostatic precipitators in removing particulate matter from the air. The pilot system will also use an emerging technology not currently used in road tunnels anywhere in the world—not even in Japan. It will assess the effectiveness of removing nitrogen dioxide from the air.

The other point that must be made about the new technology is that it will be installed inside the tunnel, which is known as "in-tunnel filtration". If successful, the filtration system will potentially reduce both particulate matter and nitrogen dioxide in the tunnel. That means the air must be cleaner for motorists and local residents. Minister Scully said that he was confident that if the project were to proceed tunnel filtration would be installed, because by the time construction had commenced it would have been developed to a level that would justify its installation. Of course, residents continue to have concerns about the route this road may take, and rightfully so. As their local member, I will continue to raise their concerns with the RTA and Minister for Roads throughout the consultation stages. I welcome this significant step being taken by the State Government to pilot filtration technology in any M4 East project, if it proceeds.

MR DON HENDERSON CORRECTIONAL OFFICER POSITION

Mr DARYL MAGUIRE (Wagga Wagga) [5.18 p.m.]: I wish to bring to the attention of the House an issue raised by my constituent Don Henderson, a first-class correctional officer previously stationed at Wagga Wagga. Mr Henderson maintains that he was forcibly transferred, first, to Queanbeyan and then to Mannus Correctional Centre. However, he also maintains that he has been given no explanation. Apparently a dispute arose between various correctional officers at the Wagga Correctional Escort Services Unit, and mediation and conciliation were attempted without success. Mr Henderson does not know whether any action has been taken subsequent to the mediation and conciliation. No paperwork has been supplied to fill in the gaps about what happened.

In 2003 Mr Henderson was still at Mannus Correctional Centre and he applied to be transferred back to Wagga Wagga. He said that he thinks his application was not even considered. When he asked why, he was told it was due to a decision handed down by the Industrial Relations Commission. He then asked for a copy of that decision, but he was told that the department did not feel it was necessary to provide it. Mr Henderson then started applying to various departments and individuals to try to find out what the department had against him, as he stated he had never been told. He feels that he has been unfairly treated, and he would like to be told what he has done in the past to deserve this treatment.

In January this year Mr Henderson wrote to the human resources section of the Department of Corrective Services requesting that he be placed on the transfer list for the Wagga Wagga Court Escort Security Unit. The next day he wrote to the Senior Assistant Commissioner at Mannus Correctional Centre to request a meeting with him to discuss his future with the department. His letter, together with an application for transfer, was forwarded by the governor of Mannus Correctional Centre to the regional commander for review. In the letter the governor suggested that a personal interview with Mr Henderson may allow him to voice the issues of concern to him and enable matters to be finalised.

Mr Henderson came to see me and related to me the hardship he has suffered during this process. He explained that he had to uplift his family, at great cost, and move them to Queanbeyan. He said that he has fought to be transferred back to the Wagga Wagga unit, without success, and that the Department of Corrective Services has never provided him with a copy of the so-called decision by the Industrial Relations Commission. This has caused enormous stress for the Henderson family. Mr Henderson is a family man, and I would say he is a decent man. His wife and four children continue to reside in Wagga Wagga, and he now travels to Mannus Correctional Centre to carry out his work. Mr Henderson has written many letters to the Minister for Justice, the Hon. John Hatzistergos, seeking an explanation as to why he has been treated in this manner. I understand that all the positions that were available at the Wagga Wagga unit have been filled, except one.

Last night I had a telephone conversation with Mr Henderson in which I informed him that I was prepared to raise the matter in the Parliament on his behalf. He told me that the position was now being advertised externally and that, once again, his application would not be considered. The Minister must come forward with the determination of the Industrial Relations Commission to which he referred, and also an explanation about what is going on within the Department of Corrective Services with regard to transfers. He should explain how this issue is being managed, why Mr Henderson is not entitled to apply for the position in Wagga Wagga, and why the position is being advertised externally. The Minister has a responsibility to act on my private member's statement, and meet with Mr Henderson and resolve this issue with an explanation, which should satisfy the needs of my constituent.

PANANIA SHOPPING CENTRE YOUTH VANDALISM

Mr ALAN ASHTON (East Hills) [5.23 p.m.]: Unfortunately, I have to report that last weekend a group of about 40 marauding youths attacked and seriously injured three security officers working for Bankstown council at the Panania shopping centre. According to a newspaper article, the youths also trashed a bus that was being used to replace trains on the East Hills line, to such an extent that the driver suffered severe shock. Police arrested five of the youths, all juveniles under 18 years, but did not press charges pending further investigations. The youths had been congregating in the area over a considerable period. The security officers were patrolling the shopping centre as part of Bankstown council's attempt to combat the large graffiti problems suffered by shopkeepers in the Panania shopping centre. I do not know why these young people have chosen Panania as the venue for their outrageous graffiti.

When I read the article I immediately spoke to the local area commander, Superintendent Mick Plotecki, and asked what sort of strategies police would have to undertake to eliminate this kind of behaviour in my electorate. Superintendent Plotecki explained to me that police thought the behaviour was a result of the crackdown by Bankstown local police over the last couple of weeks in the industrial area of my electorate, in Milperra and parts of Revesby, where there are some very flat, long and wide roads. Apparently, people who have been prevented from engaging in drag racing activity in Rockdale and other areas have now decided that they will take over parts of Panania, Revesby and Milperra. Members may have seen television reports that cars have been confiscated, and various defect notices have been issued against the offenders involved.

Police reported that alcohol was clearly involved in the incident in Panania last weekend. Yet many of the youths are under the age of 18. At this stage I have only the newspaper article's reference to 40 youths being involved, and I have not been able to confirm that figure; it may be that it is not accurate. However, I have an eyewitness report that one of the Department of Transport buses which was being used at the time to ferry people between East Hills and Panania because of the trackwork that was being carried out was also attacked by these youths; indeed, apparently they smashed every window in the bus. I will not tolerate that sort of behaviour in the East Hills electorate, and it is not the sort of behaviour that the community should have to put up with. It is not the sort of behaviour that should happen in any electorate in New South Wales or, for that matter, anywhere in Australia.

If it is true that these young people think that in some way the behaviour is retribution for their having been hit hard by Bankstown local police for trying to use the streets as drag ways and the like, they are in for a bit of a shock. I can inform the Parliament, having spoken to police, that they will not simply turn a blind eye to this behaviour; they will continue their surveillance of the area, and arrest and charge offenders. However, I am concerned about the age of the offenders. If they are under 18, I feel there is a need to do more than simply arrest them and let them go. There is a big difference between hanging around and looking like you are up to no good and clearly engaging in very bad behaviour. I hope the council continues its policy of having security officers patrol the area. I have raised this issue with local councillors because I believe it is a serious issue. Police simply cannot be everywhere, and councils sometimes need to employ more security officers in these areas.

All local government areas have libraries, town halls, community centres and a range of other buildings they need to protect. Council security officers do not have the full power of police. They are often issued with walkie-talkies, or perhaps mobile phones, and simply have to get the police there. Last weekend the police were at the scene in three minutes, and that is why they were able to round up many of the young offenders. I have the superintendent's assurance that police will be patrolling the area. I hope they catch some of the offenders and that the full force of the law is brought to bear against them. There is a great difference between a young kid expressing himself by putting a little bit of graffiti on a wall and youths virtually destroying a whole shopping centre, smashing a bus and assaulting three security officers to the extent that they have to be hospitalised.

POTTSVILLE INFRASTRUCTURE AND SERVICES

Mr DONALD PAGE (Ballina—Deputy Leader of The Nationals) [5.28 p.m.]: I wish to bring to the House's attention my strong support for the development of services and infrastructure in the Pottsville Beach area, at the northern end of the Ballina electorate. The Far North Coast is a rapidly growing area, particularly in areas such as Pottsville, where, in the decade between 1986 and 1996, the population quadrupled from 571 residents to 1,987. This growth has continued. There are three major urban subdivisions in the Pottsville area—Koala Beach, Flannery's Island and Black Rocks—that are rapidly being sold and settled. These subdivisions have the potential for an extra 5,500 residents on top of the projected 2006 population of 3,407. In other words,

Pottsville's population could be as high as 9,000 in a few years. This rapid population growth needs to be matched with suitable infrastructure and services. There has been significant commercial development in the central shopping area, but I am concerned about public infrastructure and services.

On many visits to the area over the years I have promoted the case for centrally located community facilities with members of the Pottsville community. The old school site currently houses a neighbourhood centre and a community technology centre [CTC]. The neighbourhood centre provides a range of services, including a Centrelink agency and Tweed Valley respite and adult education classes. The good news is that the old school site still has vacant land available on which other community facilities could be built. It makes a lot of sense for this area to be a community services precinct.

I was pleased to have played a central role in stopping this public land from being sold off for residential development a couple of years ago. Already the community has benefited from the establishment of the community technology centre providing access to information technology services for all members of the community. The CTC provides a range of other services, such as Christmas holiday activities for children, assistance to the Tweed coast "Uncle" program, Seniors Week activities and access to TAFE outreach services for the unemployed. However, these benefits need to be matched by better services in areas such as health, policing and ambulance services.

A recent survey of Pottsville residents showed that their main concerns are safety and health. There is so much concern over safety issues that a public meeting called to discuss anti-social behaviour and policing levels attracted more than 150 local residents. Pottsville is a long way from Kingscliff and its police station. With the projected growth in the area it is essential that careful consideration be given to a permanent police presence in Pottsville. In the past there have been incidents of anti-social behaviour that were not attended to in a timely manner. Pottsville community groups believe that a centralised police station would best serve the area. The police in the region do an excellent job, but if they are located an extended distance from the community their response times increase.

I refer to health services. The Northern Rivers Area Health Service is currently leasing land at the old Pottsville school site, with the intention of developing a community health centre in the future. Unfortunately, the centre is only a three- to five-year priority for the area health service. I am concerned that rapid population growth in Pottsville will quickly outstrip available community health services. The Minister for Health should give careful consideration to fast-tracking this project, given the projected population growth. The Pottsville Community Association is doing an excellent job coordinating community opinion and providing representation to appropriate Federal, State and local government bodies on issues affecting Pottsville. One of the association's current projects is to lobby the Tweed Shire Council for a more equitable rating base for the town. Like much of the North Coast, property values have soared in the past few years and long-term residents of Pottsville on fixed incomes are struggling to meet the subsequent increase in land rates and taxes. The association is concerned that elderly residents will be forced out of their homes of many years late in life.

The association is also pushing for more staff at the local waterways office. Pottsville, with its surrounding creeks and waterways, is a haven for boaties, fisherpersons and recreational water users. It requires suitable administrative waterways staff levels to keep up with the demand for services. The Pottsville Beach Chamber of Commerce has also been actively pursuing a business community strategy for the area and should be congratulated on its work in this area. There are many committed, hard-working Pottsville community members who see local growth as an opportunity to improve their community. However, they cannot do it alone. It is up to the State Government to provide the infrastructure and services in areas such as policing and health for the new and existing families in Pottsville. Ideally, Pottsville requires a community services precinct, including a CTC, a neighbourhood centre—which already exists—a community health centre, an ambulance service and a permanent police presence into the future. I look forward to continuing to work with the Pottsville community to achieve these objectives. I call on the Carr Government to take heed of what I have stated about the ongoing need for social infrastructure in Pottsville.

TAMWORTH REGION LOCAL COUNCILS AMALGAMATION

Mr PETER DRAPER (Tamworth) [5.33 p.m.]: Tonight I express the concerns of a number of constituents from Werris Creek, Currabubula and the surrounding area, and Walhollow regarding the decision by the Minister for Local Government to remove them from their existing local government areas and relocate them into the new Liverpool Plains Shire Council based at Quirindi. The residents who have telephoned me are greatly concerned by this development, which is completely opposite to their true position. They could not be

more categorical than to state their fears that their communities will be disadvantaged significantly if the move to Quirindi proceeds.

The Werris Creek Economic Development Committee is an active and responsive group that has generated great interest in the community of Werris Creek. It has been responsible for the upgrade of the Werris Creek railway station, the relocation and dramatic improvement to the Railway Museum, and the development of the National Railway Monument in Werris Creek. This group has strong concerns about the inclusion of Werris Creek in Quirindi's boundaries. It sees a direct relationship between Werris Creek and the regional council in Tamworth, and it sees great benefits flowing from a partnership with the tourism and marketing bodies that will be a part of the expanded council. It does not see any benefits from a forced association with Quirindi.

The Werris Creek Economic Development Committee is preparing a survey to determine the true position of the residents of Werris Creek and Currabubula. It is confident that such a survey will reveal the true wishes of the community, and I fully support the committee's determination to arrive at the correct decision. If the majority of the community indicate a willingness to be relocated to Quirindi, then the covering letter prepared by the committee clearly states that the decision of the majority under the democratic process will be binding. The committee does not believe this will be the majority view of residents. If the majority wish to return to the regional council in Tamworth, then Minister Kelly has already indicated that he will listen to the community. This is probably the most important decision these residents have faced, and I urge them to consider their future very carefully. Similarly, the residents of Walhollow should be offered the same opportunity to express their wishes. They too should have input into their future.

While there has been dismay and anguish in a number of communities following the Minister's announcement, I am pleased that the Minister has formally recognised the strategic alliance between Walcha, Armidale Dumaresq, Uralla and Guyra. The Minister will honour his word and give this alliance 12 months to prove that they are working co-operatively and making the cost savings that were indicated at the meeting in the Minister's office. The onus is now on the four councils. It is up to them to work together and make this arrangement the model that could well be the future for other regional councils to adopt rather than amalgamation. I congratulate the councils on providing an alternative solution, and I urge them to make the first 12 months of this arrangement a productive and successful period.

There has been a great deal of comment in the media following the Minister's announcement. Editorials have condemned the decision as the death of democracy in New South Wales. There were criticisms of the decision being made with two days of the consultation period remaining. I believe those criticisms are valid. Yesterday—17 March 2004—was the 128th anniversary to the day that the Tamworth Borough Council was formed in 1886. Yesterday Tamworth City Council was abandoned, making way for the Peel Regional Council. The name of that council alone shows what is wrong with the process. Nobody knows the name of the river flowing through Tamworth, yet virtually everybody in Australia is aware of Tamworth—both as a brand and as an important tourist destination. Why would the recommendation abandon such a valuable and important asset to the community in favour of an unknown name with no tourism potential?

Many people in Sydney have said to me, "I have been to Tamworth. I have been to the country music festival." The association is obvious. Nobody says, "I know where the Peel River is." I recognise that the new council will be able to rename the entity, but such an obvious lack of recognition of the importance we should place on retaining the name "Tamworth" shows some of the flaws with this process. Tomorrow the Mayor of Gunnedah, Gae Swain, and General Manager Max Kershaw will meet with Minister Kelly in Parliament to try to get a reason for the removal of Walhollow from their shire boundaries. Gunnedah has recently been successful in attracting substantial funding for capital works at Walhollow. The council has an obvious commitment to the community and it is rightfully bewildered by the decision to relocate this community into Quirindi.

Returning to the Peel council, a decision has been made to have this massive council represented by nine elected councillors. Tamworth City Council had 12 representatives and there are five other councils with many councillors who previously represented the area. I do not believe that nine councillors will be able to travel right across the area, talk with the constituents and take their concerns back to this new merged council. I would urge a reconsideration of this number. I would also urge the Minister to reconsider the value he is placing on their services.

Private members' statements noted.

ASSENT TO BILLS

Assent to the following bills reported:

Animal Diseases Legislation Amendment (Civil Liability) Bill
Crimes (Sentencing Procedure) Amendment (Victim Impact Statements) Bill
Electricity (Consumer Safety) Bill
National Parks and Wildlife Amendment (Kosciuszko National Park Roads) Bill
The Synod of Eastern Australia Property Amendment Bill
Wool, Hide and Skin Dealers Bill
Partnership Amendment (Venture Capital Funds) Bill
Strata Schemes Management Amendment Bill
Superannuation Administration Amendment Bill

The House adjourned at 5.40 p.m. until Tuesday 30 March 2004 at 2.15 p.m.
