

# LEGISLATIVE ASSEMBLY

Wednesday 25 May 2005

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

**Mr Speaker** offered the Prayer.

## **PETROLEUM (SUBMERGED LANDS) AMENDMENT (PERMITS AND LEASES) BILL**

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

### **Second Reading**

**Mr KERRY HICKEY** (Cessnock—Minister for Mineral Resources) [10.00 a.m.]: I move:

That this bill be now read a second time.

The New South Wales Petroleum (Submerged Lands) Act 1982 is part of a set of complementary legislation governing offshore petroleum exploration and development shared by the Commonwealth, all States and the Northern Territory. The New South Wales legislation applies to petroleum resources in submerged lands adjacent to the State up to a limit of three nautical miles. The objects of this bill are to amend the Petroleum (Submerged Lands) Act 1982, to implement recommendations arising from a national competition policy review. The amendments proposed are minor and mirror those already made to the Commonwealth Petroleum Submerged Lands Act 1967.

The national competition policy review undertaken in 2000 concluded that the nation's offshore petroleum legislation was free of significant anti-competitive elements. Some restrictions on competition were identified, for example in relation to safety, the environment or the manner in which petroleum resources are managed. These restrictions were considered appropriate given the net benefits they provide to the community as a whole. The review identified one element of the legislation where scope existed to enhance competition. This relates to the total period for which the holder of a petroleum exploration permit can retain the permit. As of now, the holder of an exploration permit that is awarded in New South Wales can hold the permit for anywhere between six years, if there is no renewal, and a theoretical maximum of 46 years, or longer if extension provisions are applied.

The review concluded that, in the interests of making exploration acreage available to subsequent explorers more quickly, a limit should be placed on the number of times an exploration permittee can renew the title. The bill proposes that in future exploration permits be able to be renewed no more than twice. This will establish a maximum period of 16 years, ignoring the possibility of extensions in some circumstances. The national competition policy review also concluded there was scope to reduce potential compliance costs for industry in relation to retention leases. A retention lease is a holding right available if a petroleum discovery is currently uneconomic for exploitation but is likely to become economic within 15 years. Currently the holder of a retention lease can be asked to review the commerciality of a discovery twice within the five-year term. This was considered excessive. Accordingly, the bill proposes a maximum of one review per five-year term.

New South Wales has no current offshore petroleum production, and historically there has been little offshore exploration; only one exploration permit is currently in force. This means that the impact of the bill is negligible. However, it ensures that legislation applying to the State and adjoining Commonwealth jurisdiction is consistent and enables New South Wales to meet its national competition policy obligations. I commend the bill to the House.

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

## **SYDNEY 2009 WORLD MASTERS GAMES ORGANISING COMMITTEE BILL**

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

### **Second Reading**

**Ms SANDRA NORI** (Port Jackson—Minister for Tourism and Sport and Recreation, and Minister for Women) [10.07 a.m.]: I move:

That this bill be now read a second time.

On 13 June 2004 the International Masters Games Association announced that Sydney had been chosen to host the 2009 World Masters Games. I would like to congratulate the New South Wales Major Events Board on its successful bid for the games. The World Masters Games is the biggest mass-participation, multinational, multisport festival in the world. The event will be held in Sydney from 10 to 18 October 2009.

I should explain that the term "Master" is an age designation—it is certainly not a gender designation—and that it does not denote a level of sports proficiency or a particular sports achievement. The games are open to anyone, with participants competing as individuals and not in national teams. There are no qualification or selection criteria to compete at the games. The only entry requirement is that competitors satisfy the minimum age for competition specified in the technical rules of the respective international sports federations. For most sports, the minimum age is 30 to 35 years. Though past games have featured competitors over the age of 90 and centenarians, the largest group competing at the games is aged between 35 and 50.

Apart from the sports competition, the games offer social and cultural interaction for people from around the world who share similar attitudes towards lifelong sport, fitness and physical activity. Australia has previously staged the games, firstly in Brisbane in 1994 and then in Melbourne in 2002. The Brisbane and Melbourne Games were very successful, attracting nearly 25,000 participants each. Early estimates for Sydney 2009 indicate around 30,000 participants with 12,000 from overseas and 10,000 from interstate. On this basis, the Department of State and Regional Development has estimated an economic impact from the games of nearly \$60 million.

Given its mass participation nature and demographic profile, the games provide an opportunity to complement programs targeting community health, fitness and obesity, to drive messages about active and healthy living and promote the social and community benefits derived from participation in sport and physical activity. For aspiring Sydney 2009 competitors, there will be a maximum 27 sports on the games program, comprising 17 core sports and up to 10 optional sports. In terms of venues, it is proposed that games' competition uses many of the Olympic legacy facilities with the main sports hub at Sydney Olympic Park. Other Olympic venues proposed include the Sydney International Regatta Centre, Blacktown Olympic Park, the Dunc Gray Velodrome, the Ryde Aquatic Leisure Centre and the Sydney International Shooting Centre.

The games will also use soccer fields, baseball and softball diamonds, squash centres, tennis courts, golf courses, beaches, and indoor sports halls across metropolitan Sydney. In terms of the games budget, expenditure is currently estimated at just under \$A19 million. I am pleased to advise the House that the Government has committed \$A8.5 million funding support for the games spread over 2004-05 to 2009-10. The main non-Government revenue sources for the games are registration fees paid by each competitor and corporate sponsorship. Unlike the Olympics, World Masters Games participants also meet their own travel, accommodation and meal costs. I acknowledge the strong support of the State Chamber of Commerce and its chief executive officer [CEO], Margy Osmond, for the games. The chamber has indicated it will strongly advocate the commercial benefits of the games to the Sydney corporate community and drive corporate engagement with and direct participation in the games.

I now turn to the provisions of the Sydney 2009 World Masters Games Organising Committee Bill. Under the games host city contract, the Government is required to establish an organising committee as a legal entity under New South Wales law. Following analysis of a number of options, a limited-life statutory entity similar to the Olympic Co-ordination Authority was considered the best mechanism to deliver the Government's contractual obligations to the International Masters Games Association [IMGA] and protect its position as the games' underwriter. Accordingly, the bill constitutes the Sydney 2009 World Masters Games Organising Committee [SWMGOC] as a statutory corporation representing the Crown and sets out its objectives, functions and governance.

SWMGOC has been so titled to emphasise its exclusive focus on the games and to maximise commercial revenue opportunities. The bill acknowledges the contractual relationship between the State of New South Wales and the International Masters Games Association and requires SWMGOC to take into account the host city contract and Sydney's bid commitments in the exercise of its functions. SWMGOC's objective is to plan, organise and stage the 2009 games in accordance with the obligations imposed and rights conferred under the host city contract. Its functions include: organising the sports competition and a program of associated events; procuring and organising the competition and non-competition venues; organising transport for participants and officials; marketing and promotion of the games; liaison with Treasury on the games' expenditure; and co-ordination of games-related activities with State and Commonwealth agencies and private organisations

Provision has been made for SWMGOC, with the consent of a landowner, to control certain land around venues to erect temporary structures, if required, for operational, merchandising or hospitality purposes. Temporary developments will have to meet normal statutory planning requirements. In the exercise of its functions, SWMGOC will be subject to the direction and control of the Minister for Tourism, Sport and Recreation. SWMGOC's affairs are to be managed and controlled by a CEO. The Director-General of the Department of Tourism, Sport and Recreation, Mr Bob Adby, will continue to act as SWMGOC's CEO until an appointment is made. A Games Advisory Committee will be appointed by the Minister to advise the Minister and the CEO on the achievement by SWMGOC of its statutory objectives and the facilitation and co-ordination of the conduct of the games.

The Games Advisory Committee will comprise the CEO and no more than 7 other members with expertise in sport, sports administration, commerce, tourism, event management, finance or the law. The advisory committee can create sub-committees to provide it with advice and assistance to carry out its functions. The CEO will manage the budget of both SWMGOC and the games. This is important in managing revenue from non-government sources such as corporate sponsorship, private donations, registration fees, sports participation fees, et cetera. SWMGOC's budget, the games budget and SWMGOC's corporate plan are subject to Ministerial approval. SWMGOC will be subject to the Public Finance and Audit Act and the Public Authorities (Financial Arrangements) Act and it will be subject to audit review by the Auditor-General. Pending SWMGOC's establishment, the Department of Tourism, Sport and Recreation is undertaking preliminary games planning. The department will also provide a range of administrative support services to SWMGOC once it is established. A special freedom of information [FOI] provision has been included to protect documents that are confidential to the IMGA.

The bill provides for SWMGOC's dissolution on 30 June 2010 and for the transfer of its assets, rights and liabilities to the State. On dissolution, SWMGOC staff employed under the Public Sector Employment and Management Act will be transferred to the Department of Tourism, Sport and Recreation. The SWMGOC Act will be repealed on 31 December 2010. The 2009 World Masters Games is an example of the Government's selective investment in major events that can deliver economic and social benefits for the State and, importantly, support our tourism industry. This follows beneficial investment in events such as Rugby World Cup 2003, the Edinburgh Military Tattoo, Easter in Sydney and the Super Series cricket test at the SCG this October. In September and October 2000, Sydney successfully delivered the world's biggest elite multisport festival—the Olympic and Paralympic Games.

Just five years ago, Olympic and Paralympic athletes competed in state-of-the-art venues in what were universally acclaimed as "the best Games ever". In a little over four years' time, masters' athletes from around the world will have the opportunity to compete in venues used for the 2000 Games. In delivering the Olympic Games and the key matches in Rugby World Cup 2003, Sydney demonstrated to a global audience its ability to plan, organise and stage major international sporting events. I am sure this event management excellence will ensure that Sydney delivers the "best ever" World Masters Games in October 2009. I commend the bill to the House.

**Debate adjourned on motion by Mr George Souris.**

## **CRIMINAL ASSETS RECOVERY AMENDMENT BILL**

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

### **Second Reading**

**Mr GRAHAM WEST** (Campbelltown—Parliamentary Secretary) [10.19 a.m.], on behalf of Mr Carl Scully: I move:

That this bill be now read a second time.

I am pleased to introduce the Criminal Assets Recovery Amendment Bill 2005. The Criminal Assets Recovery Act 1990 provides the framework for a system of civil forfeiture. Under the Act, the New South Wales Crime Commission or the Police Integrity Commission is able to set in train confiscation proceedings against any person the Supreme Court finds has been more probably than not engaged in serious criminal activity. Proceedings under the Act are separate from the criminal process, and are not dependent on a conviction being obtained. For many offenders the risk of prosecution and imprisonment is part of the cost they are prepared to pay for eventually enjoying the proceeds of often extremely lucrative criminal activity.

Asset confiscation is therefore a highly effective tool because it strips away those ill-gotten gains, either in addition to or instead of a gaol sentence. With these amendments the impact on criminals and their associates will be even greater. Taking the proceeds of crime also reduces the chance of a gang re-offending by removing the tools of the criminal trade—the buy money and fast cars which criminals rely on, making the commissioning of future crimes more difficult. Confiscating criminally acquired assets also sends an important message to our community. It assists in dispelling the notion that after a period of incarceration a person will be free to enjoy the proceeds of their crime. It re-enforces that crime really does not pay. The Criminal Assets Recovery Act was originally enacted as the Drug Trafficking (Civil Proceedings) Act 1990 and was limited to serious drug-related activity.

In 1997 an amending bill was introduced, which broadened the operation of the Act to include serious criminal activity, namely indictable offences or offences that are punishable by imprisonment for five years or more and involving, for example, fraud, theft, extortion, violence or corruption. To reflect this broader application, the Act was renamed the Criminal Assets Recovery Act. A working party co-chaired by the Ministry for Police and the Attorney General's Department produced the report "Review of New South Wales Asset Confiscation Legislation" outlining a series of recommendations. As a result of the work undertaken by all members of the working party, I am now able to bring forward this bill to amend the Criminal Assets Recovery Act 1990. The amendments will substantially increase the scope and effectiveness of the Act.

The asset confiscation regime under the Criminal Assets Recovery Act has been extremely effective, with approximately \$98 million confiscated over the last 14 years since its introduction. This includes approximately \$17 million in the 2003-04 financial year, comprising of cash, bank accounts, real estate and even jewellery, cars and boats. These funds are used to support victims of crime as well as community crime prevention and drug education programs. Confiscated proceeds are also being used to fund the highly successful Taskforce Gain and the recovered assets pool. Taskforce Gain was established in 2003 to target gang and gun crime in south-west Sydney. Its rolling operations, raids and arrests have met with regular success. Over 1,200 arrests have been made, with over 2,800 charges since the commencement of Taskforce Gain.

The recovered assets pool provides funding to assist police with investigations and operations. In the first six months of the 2004-05 financial year successful applications have been allocated \$746,300 under the recovered assets pool. The recovered assets pool funding is being used for operations and investigations targeting activities such as the manufacture and distribution of drugs, large-scale motor vehicle theft and even murder. Improving the operation of the Criminal Assets Recovery Act will not only result in a greater impact on the lifestyles of criminals, but will also result in even more available funds for these worthwhile programs. I would now like to discuss in more detail the amendments to the Criminal Assets Recovery Act. Firstly, we are increasing the scope of the Act by expanding the definition of serious crime-related activity for the purpose of the Act. In particular, child pornography, sexual servitude and specific firearms offences will now come within the remit of the Criminal Assets Recovery Act.

Dishonest damage to property in situations where the damage incurred is greater than \$500 and the possession of precursors with intent as defined under the Drugs Misuse and Trafficking Act 1985 will also form part of the definition of serious crime-related activity. Targeting these offences is consistent with the strong stance the New South Wales Government has taken on matters threatening the safety and security of our community. Those engaged in these offences not only will be faced with the full force of the law, but with the prospect of losing any criminally acquired assets too. The Act was groundbreaking when it was introduced, and we want to ensure we stay at the forefront of impacting criminals through asset confiscation. A number of amendments are designed to do exactly that—target areas where criminals thought they could evade asset confiscation.

The Carr Government made an election commitment that assets held under a fraudulently acquired false identity would be forfeit unless the holder can prove they were not obtained through illegal activity. I am pleased to announce this bill fulfils this election commitment and demonstrates our desire to better target the growing crime of identity fraud. Organised criminals often use fraudulent identities to assist in staging other crimes such as major fraud, money laundering, tax evasion and even terrorist activities, or simply to evade identification. To support this new provision, the New South Wales Crime Commission will be able to seek monitoring orders where there is a reasonable suspicion that an account is opened in a fraudulently acquired false identity.

A monitoring order requires a financial institution to provide information to the New South Wales Crime Commission with respect to the transactions of the account. It is accepted that there may be instances

where assets are held under false identities for reasonably legitimate reasons. For example, a victim of domestic violence may hold assets under a fraudulently acquired identity to avoid detection by a violent spouse. In such cases, one only needs to provide evidence that the assets were not acquired through illegal activities and confiscation will not occur. A number of additional safeguards have also been incorporated into the provision to ensure innocent parties are not unduly impacted. We are also closing a significant loophole in our asset confiscation regime.

Criminals using criminally acquired money to pay for legitimate activities or services for their friends and families can now be subject to confiscation proceedings. No longer can the friends or families of criminals enjoy an all-expenses-paid skiing trip to Aspen or have their university degree paid for with criminally acquired funds. We will be able to initiate confiscation proceedings to force repayment of criminal funds that these friends or families have knowingly spent. Experience has shown that major criminals and their families often live a lavish and expensive lifestyle whilst their legitimate income is very low. Now we have the ability to impact the lifestyles of not only criminals but also their families and friends if criminally acquired funds are being used to bankroll these opulent lifestyles.

As the House would be aware, crime can easily transcend State and national boundaries and has no regard for different jurisdictions. Co-operation and co-ordination between all law enforcement agencies are essential to effectively target crime and to recover the proceeds of criminal activities. To ensure criminals cannot use State borders to evade confiscation proceedings, the Criminal Assets Recovery Act will extend to appropriate offences outside New South Wales. Persons living in New South Wales but who possess assets that are the proceeds of crimes committed in other States or Territories will be liable for confiscation proceedings. Should the jurisdiction in which the crime was committed choose not to pursue confiscation proceedings, we will now be able to do so. We are also introducing a number of other measures to promote co-ordination and co-operation.

For example, evidence of a criminal offence for the purpose of the Act will include offences against the law of other jurisdictions. The Act will also provide recognition of interstate forfeiture orders. The New South Wales Crime Commission will continue to actively pursue serious criminals. The links the commission has forged with other agencies such as NSW Police, the Australian Crime Commission and the Australian Federal Police will contribute not only to the apprehension of criminals but the stripping of their criminally acquired assets. We also rely on the co-operation of the private sector, and in particular financial institutions. Without this co-operation our jobs would be all the more difficult. In recognition of this, financial institutions that comply with a written voluntary request from New South Wales Crime Commission to provide a report on a specific customer will be granted indemnity as defined under the Act.

A number of other amendments have been made to provide us with an even more effective regime which I would now like to discuss. For example, the bill will allow us to target mortgage and loan repayments made with criminally acquired funds. Even if the deposit for a property is made with legitimate funds, New South Wales Crime Commission will be able to seize any repayments on a mortgage made with illegal funds. The bill will give the New South Wales Crime Commission the power not only to request relevant existing documents, but also to require the generating of a document. For instance, financial institutions may be required to generate a report from their database on a particular customer or New South Wales Crime Commission may request the manipulation of data or the entering of passwords to access information.

This will make it more difficult for persons to hinder investigations or to hide relevant information. The New South Wales Crime Commission is currently able to settle matters prior to court proceedings. Settlement is based on a statement provided by the defendant outlining their assets. It has been found that these lists are often inaccurate as criminals are understandably reluctant to specify all their assets. To address this, any assets that are not declared under warranty will be forfeit. A copy of an indictment where there is a guilty plea is now admissible in civil confiscation proceedings and evidence that has been introduced in failed or abandoned criminal cases is now admissible for civil actions. This recognises that the Criminal Assets Recovery Act actions are civil, not criminal, so there should be no barrier to reusing the evidence.

We are also amending the Act so that statements, documents or things produced by a person before the court are inadmissible in later proceedings only when production is objected to at that time. In addition to the above provisions of the bill, a few procedural amendments are included which will increase the effectiveness and efficiency of matters conducted under the Act. For example, restraining orders can now be sought via telephone in urgent circumstances to prevent moneys being transferred in the time it currently takes for a restraining order to be granted. This should stem the flow of untraceable moneys that are rapidly transferred

from one account to another, often ending up overseas and out of the reach of law enforcement agencies. In addition, a restraining order will now remain in force for two working days rather than 48 hours to reduce unnecessary complications for operations conducted over public holidays or weekends.

The procedure for obtaining assets forfeiture orders has been streamlined. Now, where assets are already lawfully held by the New South Wales Crime Commission, it will be possible to apply directly to the Supreme Court for an assets forfeiture order. In other cases the New South Wales Crime Commission will be able to apply to the Supreme Court for a restraining order and an assets forfeiture order simultaneously. The Criminal Assets Recovery Act is important legislation in the ongoing fight against serious organised crime. We are determined to send a strong message to the community that crime will not pay. The additional amendments, which I have outlined above, will provide us with the means to ensure this is the case in New South Wales.

As I have already mentioned, the Criminal Assets Recovery Act has established an effective system of asset confiscation, resulting in numerous offenders being deprived of the proceeds of their serious criminal activities. By passing this bill the Parliament will not only extend the current scope and operation of the Criminal Assets Recovery Act but will ensure a more effective and efficient regime. We are sending a clear message to those who commit serious criminal activity—do not. I commend this bill to the House.

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

### **GAMBLING (TWO-UP) AMENDMENT BILL**

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

#### **Second Reading**

**Mr GRANT McBRIDE** (The Entrance—Minister for Gaming and Racing, and Minister for the Central Coast) [10.33 a.m.]: I move:

That this bill be now read a second time.

This bill provides for amendments arising from the statutory review of the Gambling (Two-up) Act 1998. Section 33 of the Act required that a statutory review of the Act be initiated within five years of the commencement of the Act. As honourable members would be aware, these requirements are not unique to the two-up Act but exist in most pieces of legislation. The aim of these statutory reviews is twofold: firstly, to determine whether the policy objectives of the Act remain valid; and, secondly, to determine whether the terms of the Act remain appropriate for securing those objectives. The review of the two-up Act was carried out during the course of 2003-04. As part of the review, submissions were invited from interested parties.

Key stakeholders were also approached directly and invited to make submissions. None of the submissions received regarding the two-up Act expressed concerns regarding the operation of the Act. In general, the review concluded that the policy objectives of the Act remained valid and that the terms of the Act remain appropriate for securing those objectives. The submission received from the Services Clubs Association proposed that the playing of two-up be allowed on a limited number of commemorative days in addition to Anzac Day. I specifically thank Graeme Carroll for his organisation's suggestion. In seeking an extension to the playing of two-up, the association stated:

The objective of these activities would be to attract a younger generation of Australians to participate in these activities. As the number of war veterans continues to diminish, the "mixing of the generations" over a game of two-up is seen as a way of engendering a greater sense of national pride in Australia's war effort. Young people attending these events will ultimately become the members and directors of these clubs in years to come and it is imperative that they understand the objectives on which these clubs were initially based.

The review report, which I tabled in the House on 17 November 2004, recommended that this proposal be examined in consultation with key stakeholders. On that same day the Premier indicated his in-principle support for the proposal. In accordance with the Premier's announcement, the following organisations were contacted to seek their views on the proposal: the Returned Services League [RSL], the Vietnam Veterans Association, the Vietnam Veterans Federation of Australia, the Naval Association of Australia, the Royal Australian Air Force Association, the Ministry for Police, NSW Police, the Australian Hotels Association, Clubs New South Wales and the Club Industry Advisory Council. All but one of these organisations has supported the proposal.

Initially it is envisaged that the playing of two-up will be extended on a trial basis in 2005 on two occasions only, that is, Victory in the Pacific Day on 15 August and Remembrance Day on 11 November. By regulation, it will become lawful for games of two-up to be operated on these days under the same conditions

that games of two-up are operated on Anzac Day. It was decided to apply the same conditions as those applying to Anzac Day after consultation when it was revealed that many RSL sub branches and their members use venues other than services clubs, such as hotels and other types of clubs, for functions on commemorative days, and that this is particularly an issue in rural and regional areas in New South Wales.

Following Remembrance Day this year, the extended operation of games of two-up will be reviewed in consultation with key stakeholders to determine whether the extension should continue beyond the trial period. The amendments in the bill will also enhance the regulation-making powers in regard to the allocation of charitable funds raised through the operation of games of two-up in clubs. The Act currently allows for registered clubs to raise funds from the operation of games of two-up. This bill provides for a regulation-making power to prescribe which charities or charitable organisations may receive funds raised from the operation of games of two-up in registered clubs.

I assure the House that no such regulations will be drafted without consultation with the club industry. Some in the club industry have suggested that funds from the playing of two-up might be directed towards charities directly supporting and assisting ex-service men and women and their families, such as Legacy. This enhanced regulation-making power is included in the bill with this suggestion in mind. The enhanced regulation-making power will also enable reporting requirements to be introduced for the allocation of funds raised from the playing of two-up should this become necessary. There is one more issue of relevance to the playing of two-up that I shall raise.

Concerns have been raised that the playing of two-up on Remembrance Day could commence before the observation of silence at 11.00 a.m. Clearly, this would not be in keeping with the solemnity of the occasion and it would be quite disrespectful. Accordingly, the bill introduces a specific prohibition on the playing of two-up on Remembrance Day before 12.00 noon. In conclusion, the bill provides for greater flexibility in the regulatory framework for the operation of games of two-up in New South Wales, and is supported by a majority of key stakeholders. I note that it is the practice that all bills are scrutinised by the Legislation Review Committee. The committee's obligations are set out in the Legislation Review Act 1987, and I believe that this bill does not contain any provisions that fall within the areas of interest to the committee.

The bill does not contain any provisions that trespass on personal rights or liberties. It does not include provisions that increase the compliance burden placed on venues. It does not contain any provisions that make rights, liberties or obligations unduly dependent upon insufficiently defined administrative powers or non-renewable decisions. The enhanced regulation-making powers in the bill will provide for the extended playing of two-up in a simple, flexible and effective way. These powers will facilitate the initial trial and any subsequent continuation of the extension to the playing of two-up. It is not considered that these amendments inappropriately delegate legislative powers or insufficiently subject the exercise of legislative power to parliamentary scrutiny. I commend the bill to the House.

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

## **CROWN LANDS LEGISLATION AMENDMENT BILL**

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

### **Second Reading**

**Mr GRAHAM WEST** (Campbelltown—Parliamentary Secretary) [10.40 a.m.], on behalf of Mr David Campbell: I move:

That this bill be now read a second time.

The Crown Lands Legislation Amendment Bill 2005 continues the Government's important reforms to the management of Crown land in the eastern and central divisions of New South Wales. Although many of the provisions—for example, those relating to the management of Crown reserves and covenants to protect the environment—apply in the Western Division, they do not affect leases under the Western Lands Act 1901. The Government is moving away from the old colonial office mentality of Crown land management, and bringing it in line with modern community expectations. Crown land is a valuable public asset and it is essential that it is managed wisely for the benefit of all. The strong and detailed reforms in this bill will put the management of Crown land on a more sustainable footing by slashing red tape; freeing up resources and providing greater flexibility in the day-to-day management of Crown land. They represent the most significant reform of the Crown land legislative framework in the State's history.

The Government's reforms commenced last year with the Crown Lands Legislation Amendment (Budget) Act 2004. This Act enshrined the principle of market rent to ensure the owners of Crown land—the people of New South Wales—get a fair and decent return on the private use of public land. We also embarked on the long-awaited overhaul of perpetual leases and the Crown road network. The Government believes that many of these parcels of lands are best managed privately. This consolidation of the Crown land estate will allow the Government to focus resources on the public lands most used by the community, such as community halls, recreation reserves, and showgrounds. The Crown reserve system consists of some 30,000 reserves across the State, many of which are managed by reserve trusts.

The bill proposes amendments to enable a more flexible and more accountable approach to Crown reserve management. Many reserve trust managers are volunteers. This has served the State well for many years, and we are greatly indebted to these volunteers. However, modern commercial skills and imperatives, and other issues such as public liability, place a great strain on the capacity of many of these trusts. The bill will provide these volunteer trust managers with a greater choice of management models. Through the creation of management committees, volunteers can still be involved in the vital day-to-day management of the reserve, but with the support of the department or other trust managers taking on the legal responsibility and associated liability. It is hoped that this initiative will encourage more people to volunteer their time and skills to help to manage our great Crown reserves. The bill will enable reserve trust managers to delegate their functions with ministerial approval.

The Minister will also be able to appoint different reserve trust managers to address different reserve management issues on the one reserve. As I mentioned earlier, in addition to providing greater flexibility in the management of reserves, this bill also ensures greater accountability of those managing reserves on the public's behalf. Reserve trusts currently submit annual reports, however the reporting period and the information reported on varies between trusts. This bill enables the Minister to standardise reporting dates and establish specific criteria against which the performance of trusts will be measured. An on-line reporting document will be made available to enable quick identification and analysis of problems and concerns that trust managers might have. Currently, members of reserve trust boards drawn from the community are appointed for a period of up to five years, but corporate trust managers are appointed indefinitely. In many cases, the indefinite appointment of corporate trust managers, such as local councils, is appropriate, because it enables long-term planning. However, although the Minister may terminate the appointments at any time, we are keen to avoid any possibility of complacency or lack of accountability. For this reason, the bill provides that corporate trust managers may be appointed for a fixed term.

The Government wants to reduce bureaucracy and provide local councils with more responsibility for the care and control of the reserves they manage. This is consistent with the autonomy that local councils have in dealing with community land under the Local Government Act. At present, the Minister is required to consent to almost every lease and licence made for a reserve. This bill will slash red tape by allowing the Minister to authorise local councils acting as reserve trust managers to grant leases, licences and related easements over Crown reserves that they manage in certain circumstances, without the need to obtain ministerial consent. The Minister can revoke this authorisation at any time, and retains the power to review any council decision if necessary. It makes sense that, if a reserve trust is authorised to enter into leases and licences, they also carry the associated risks. Councils acting as reserve trust managers will be required to indemnify the Crown against any liability or compensation claim arising from actions undertaken without the Minister's approval.

The bill also proposes greater flexibility in the types of activities permissible on Crown reserves. Currently, the public purpose for which Crown land is reserved or dedicated restricts the use that can be made of the land. Examples of public purposes that land is currently reserved for include public recreation, local Government purposes, public hall, tennis court, museum, baby health clinic, wharf purposes, caravan park, camping, and so on. This purpose states the main reason why land was set aside for the public. Yet in many cases, the reserve may be very large, and the facility provided may use only a small section of the land. Some dedications were set in stone over a century ago, and may not reflect modern community needs. Yet unless a use of the reserve is closely aligned with the purpose, it is not permitted. Sometimes the reserve purpose is unnecessarily restrictive. For example, if land had been reserved for wharf purposes, a boat hire business may be permitted near or on the wharf, and a cafe for wharf users would be permitted; but a general store or tourist information centre may not be.

The bill is very clear, however, that additional uses of land can only be approved when they are in the public interest. Additional uses are to be authorised through a plan of management developed by the reserve trust, and adopted by the Minister. This ensures that any additional use is in keeping with the plan for the overall



management of the reserve. The Minister is under no obligation to allow additional uses to occur, and must consider whether any additional use is in the public interest. Where a reserve trust proposes that additional uses are authorised through a plan of management, the Minister can require the trust to indemnify the Government against any liability or compensation claim arising from the additional use made of the reserve. The Minister will also be able to authorise additional uses for a reserve, outside of a plan of management, provided the Minister is satisfied the use is compatible with the existing purpose, consistent with the principles of Crown land management, and in the public interest. These changes will provide greater flexibility for reserve trust managers to more appropriately meet the changing needs of the community.

Currently, the Minister can grant leases and licences over a Crown reserve when there is no appointed reserve trust manager. However, if a reserve trust is in place, the Minister is only able to grant licences. Some proposals requiring leases or licences to be granted on reserves may be so complex that reserve trust managers may not have the skills or capacity to manage the associated risks. In these cases, it may be more appropriate that the Minister grant the lease or licence directly. In doing so, the Minister must consult with any appointed reserve trust manager or other relevant Minister. Further, the Minister for Lands must be satisfied that it is in the public interest; and have due regard to the principles of Crown land management

The Government is committed to maintaining high environmental standards in dealing with the conversion of perpetual leases. The Government has already provided for covenants to be placed on converted perpetual leases to protect environmental values, and it has already placed a blanket ban on subdivision for converted perpetual leases. This bill now ensures that any covenants or restrictions on subdivision rest with the title of the land. This means that the covenant will remain, even if the land is sold. In addition, any environmental covenants imposed by the Minister will be protected from being overridden by Local Environment Plans under Section 28 of the Environmental Planning and Assessment Act. The power to impose covenants and the protection of those covenants will be extended to the sale of any Crown land.

This bill will also afford similar protections for environmental agreements with landholders under the National Parks and Wildlife Act and the Nature Conservation Trust Act. Some perpetual leases have important stands of remnant vegetation that need to be protected. Building on the current protections, the bill will require, for perpetual leases converted to freehold under the 2004 special purchase arrangements, the concurrence of the Minister for the Environment before a restriction preventing subdivision is lifted. The concurrence of the Minister for the Environment will also be required in the lifting of a covenant placed on converted perpetual leases in or adjoining an identified wilderness area, or adjoining a national park. In order to ensure compliance, the bill provides for authorised inspectors to enter and inspect Crown land under tenure, or private land that is subject to a covenant, for the purposes of monitoring and reviewing the environmental protection measures.

In line with the principle of market rent for the private use of public land, the bill ensures that all Crown land tenures are treated in a similar way in terms of rent redeterminations and CPI adjustments. In keeping with last year's IPART review into domestic waterfront tenancies, the bill provides for a rebate to be given to water access-only residents. It also allows councils that provide facilities such as jetties and wharves for the community without charge to receive a rent rebate. The bill enables the Government to deal more effectively with situations where there may be multiple users of facilities located on Crown land by providing for the creation of sub-licences over Crown land. Another important reform is allowing licences to be transferable. This will again slash red tape and provide a better product for Crown land clients.

Finally, the bill overhauls the outdated legislation governing schools of arts and mechanics' institutes. These were established many years ago to provide a venue for the intellectual improvement of workers and other members of the community. However, these institutes have largely moved on from their original purposes, and many are in a state of disrepair. There may be as few as 60 institutes continuing to operate under the Trustees of the Schools of Arts Enabling Act 1902. Many of the trustees of these institutes may experience difficulty in complying with this outdated legislative framework. There is also a very real potential for lack of accountability, because there is no requirement for the trustees of schools of arts to report on what they are doing.

This bill provides a simple way forward in managing these valuable community assets. It provides the opportunity for trustees responsible for schools of arts to voluntarily transfer the ownership and management of the institute to either the State or local government for management for community purposes. The bill makes it possible for the community to decide what happens to these assets and ensure, if possible, that the assets continue to be used for public purposes. Where there are no remaining trustees or members of the institute with legal capacity to enter into such an agreement, the transfer may proceed, provided the responsible Minister is satisfied that the transfer is in the interests of the general public and the local community.

In conclusion, the Crown Lands Legislation Amendment Bill 2005 provides a commonsense approach to the management of Crown land in New South Wales. It cuts red tape, introduces greater flexibility and helps deliver better services and facilities for the people of New South Wales. The Carr Government has an active and ongoing commitment to improving the sustainable management of the Crown land estate in New South Wales—for this and future generations. The strong and detailed reforms in this bill help secure this future. I commend the bill to the House.

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

## **NATIONAL PARK ESTATE (RESERVATIONS) BILL**

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

### **Second Reading**

**Mr CRAIG KNOWLES** (Macquarie Fields—Minister for Infrastructure and Planning, and Minister for Natural Resources) [10.53 a.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce this bill, which builds on the Government's substantial achievements in forest conservation and timber industry reforms on the South Coast. In 2000, following a three-year comprehensive regional assessment, it increased the reserve system in the southern region of New South Wales by about 325,000 hectares and added a further 60,000 hectares to protected areas of State forest. Those 385,000 hectares helped to create a continuous corridor of national parks and reserves stretching 350 kilometres from the Victorian border to Macquarie Pass, north of Nowra, with important links from the coast to the escarpment. They gave permanent protection to areas such as Tallaganda on the southern tablelands, Murramarang, Conjola, the five lakes area south of Ulladulla, Deua, Gulaga and Monga. At the same time, we were able to deliver security to the timber industry—and the families reliant upon it—with 20-year agreements providing certainty of annual supply.

The outcomes of the comprehensive regional assessment were well received both by peak conservation groups and by the timber industry. It was generally recognised that this outcome for the southern forests met key targets for reserve design and for the protection of ecosystems and species habitat, while at the same time enabling a restructured timber industry to operate sustainably in the region. The 2000 decision of this Government was a balanced decision: it brought certainty and assurance to timber communities, it supported regional jobs in both the timber and tourism industries, and it brought the total area of reserves in the southern region—which takes in Kosciuszko National Park—to more than 1.3 million hectares. That is an outcome this Government is very proud of, and it is an outcome with which it would not wish to tamper.

This bill does not alter in any fundamental way that 2000 decision. It does not affect regional forest agreements or the timber volumes allocated to industry. They stay the same. What the bill does is provide for some final finishing touches to that decision. It adds a further 5,500 hectares of new national parks and more than 1,000 hectares of new State conservation areas to the reserve system, with zero impact on timber supply. It provides for additions to Monga National Park to protect under target old-growth, rainforest and other forest ecosystems. It gives additional protection of the upper catchment of the Mongarlowe River. Additions to Deua National Park will now fully protect the upper Deua River catchment, while additions to Murramarang National Park will protect a significant stand of old-growth spotted gum. The incorporation of a section of South Brooman State Forest into the Murramarang National Park will mean the last remaining timber production compartment east of the Princes Highway between Ulladulla and Batemans Bay is protected with a reserve.

The reason the Government is able to make these additions without an impact on the committed regional forest assessment [RFA] timber supplies is because of changes to the Integrated Forestry Operations Approvals [IFOAs], which govern the way timber can be harvested in State forests. Following amendments to the IFOAs introduced in 2003, an assessment was undertaken to determine if the amendments could, when applied to the southern region, increase timber yields, thereby allowing conservation "offsets". This assessment had three steps: first, determining whether it was appropriate to extend the application of the amended Integrated Forestry Operations Approval [IFOA] rules for "buffer on buffer" to the South Coast without adverse environmental impact; second, quantifying the additional timber which might become available through any such amendments to the relevant IFOA; and, third, subject to the above, identifying potential conservation gains up to the limit allowed by the additional timber.

In order to ensure that the assessment was done in an open and transparent manner, the Government sought input and involvement from key stakeholder groups, including the Nature Conservation Council and the Forest Products Association. State agencies involved in this process include Forests New South Wales and the Department of Environment and Conservation. The assessment was co-ordinated by the Department of Infrastructure, Planning and Natural Resources [DIPNR]. The results of the assessment indicate that a number of important areas could be added to the reserve system in the southern RFA region without impacting on timber supply. However, the assessment also showed that it is not possible to reserve any areas nominated for reservation from the Eden RFA region without impacting on timber commitments. Therefore, this bill contains no changes to the near 250,000 hectares of national parks and reserves in the Eden region. In the southern region, however, the bill adds another 5,563 hectares of new national parks and 1,181 hectares of new State conservation areas to the reserve system.

These 6,744 hectares include areas in parts of Monga State Forest, South Brooman State Forest, and Dampier State Forest, regarded by some conservation groups as icon areas. An additional 2,264 hectares of non-harvestable areas of State forest in Forest Management Zones [FMZ] 2 and 3a will be vested in the Minister for the Environment, with the possibility for eventual transfer to the reserve system. I shall explain these elements of the bill further when I turn to the details of the schedules. The bill also creates special management zones in State forests in the Eden region and the South Coast and Tumut sub-regions, giving further protection to areas that were formerly FMZ 2 and 3a. The extensive network of high quality parks and reserves which we achieved through the Eden and southern region assessments is widely recognised as a tremendous outcome, and one of which the Government and stakeholders who participated in developing it can be justly proud.

I deal now with the specific detail of the bill. The object of the bill is to transfer certain State forest land to the national park estate. The bill is divided into three parts, which I shall outline to the House. The first part is the preliminary section, which, among other things, provides for the commencement of the proposed Act on 1 July 2005. Part 2 deals with land transfers, including the necessary revocations and reservations. The descriptions of the land to which part 2 applies are in schedules 1, 2, 3 and 4. I draw attention to clause 10, which enables the Director-General of the Department of Environment and Conservation to adjust the descriptions of land in schedules 1, 2, 3 or 4.

These adjustments must be in order to alter the boundaries of the land for the purposes of the more effective management of national park estate land and State forest land, and to adjust boundaries to public roads. Any such adjustment must not result in any significant reduction in the size or value of any such land, and can be made only up to dates specified in the bill. Adjustments are also authorised in connection with easements. The director-general must have the agreement of relevant Ministers to make any changes. Part 3 covers a number of miscellaneous matters giving effect to the provisions of the bill. Clause 15 amends the Native Title (New South Wales) Act 1994 to preserve native title rights and interests in respect of a reservation, or vesting of, or declaration over, land or waters by the operation of the proposed Act.

I now turn to the schedules in the bill. Schedule 1 deals with State forest land to be revoked and reserved as either national park or State conservation area. Schedule 2 deals with a small area of Crown land to be reserved as Tallaganda State Conservation Area. Schedule 3 sets out the land whose dedication as State forest is revoked and is vested in the Minister administering the National Parks and Wildlife Act 1974 for the purposes of part 11 of that Act. If I may explain this schedule, the proposed additions to the reserve system may be augmented through the eventual transfer of FMZ 2 and 3a areas of State forests which were not included in the reserve system in 2000 because of their mineral potential.

However, the recently created category of "State conservation area" [SCA] will allow mining and exploration while protecting important conservation values, subject to consideration of the views of the Department of Primary Industries on the appropriateness of the SCA category in each case. At present, leases are held over some of the areas. Accordingly, this vests it in the Minister for the Environment with a view to reserving those areas at such a time that leases over them can be purchased. Schedule 4 sets out the land whose dedication as State forest is revoked and is vested in the Crown as Crown land subject to the Crown Lands Act 1989. As part of the assessment of areas suitable for addition to the reserve system, a number of areas of non-productive State forest were considered but found to be unsuitable either for addition to the national park estate or for timber production. They, a total of 1,369 hectares, are therefore to revert to Crown land.

Schedule 5 deals with areas in State forests in the Eden and southern region declared as special management zones under the Forestry Act 1916. Schedule 6 makes ancillary and special provisions with respect to transferred land. They include the exclusion of freehold and certain leasehold interests from the provisions of

the bill. Schedule 6 also deals with existing interests and gives the Minister administering the National Parks and Wildlife Act the administration of interests where land is transferred to the management of the National Parks and Wildlife Service. Schedule 6 also contains special provisions with regard to access roads within national parks, nature reserves, and other reserves to ensure that right of access through the new national parks can continue and be formalised where it is necessary to do so, such as where the access road leads to a private landholding or to timber resources available for logging.

The aim of this Government's forest policy, introduced nearly a decade ago now, has been to create a reserve system that is comprehensive, adequate, and representative, and protects and conserves the biodiversity of the State's forests, while at the same time maintaining viable and ecologically sustainable forest industries. I am proud to introduce the bill, which builds on the great achievements of a decade and demonstrates our dual commitment to the forests of New South Wales and to the communities that live and work within them.

In conclusion, I recognise the efforts of people such as, particularly, the former Minister for Forests, Kim Yeadon, and people in the bureaucracy, such as Rex Bowen, who almost single-handedly crafted one of the great pieces of conservation and economic production legislation, working in twin to produce one of the great outcomes for one of the great parts of this planet, the southern regions of the forests of New South Wales. I commend the bill to the House.

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

## **BUSINESS OF THE HOUSE**

### **Private Members' Statements**

**Leave granted for private members' statements to be noted until 1.00 p.m.**

## **PRIVATE MEMBERS' STATEMENTS**

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### **FIRE ON ICE SENIOR SYNCHRONISED SKATING TEAM**

**Ms LINDA BURNEY** (Canterbury) [11.07 a.m.]: I draw to the attention of the House the achievements of the Fire on Ice Senior Synchronised Skating Team. The Canterbury ice rink has been in existence for a long time, 34 years in all. It has struggled to remain open, but remain open it has. Wayne Disbery, Manager of the Canterbury Olympic Ice Rink, is absolutely passionate about the rink and the activities there. Honourable members will undoubtedly be aware that these days ice skating rinks in Australia are few and far between. The Canterbury rink is the only rink situated in that part of Sydney and, although co-located with a swimming pool and other sporting facilities, it is a separate entity. It has provided a much-needed service to the district of Canterbury and, most importantly, to the ice skating community of Sydney and Australia.

The Fire on Ice Senior Synchronised Skating Team was established in 1996 and is, if you like, the premier skating group in New South Wales. The skaters are members of the rink's home club, the Sydney Figure Skating Club. During the past nine years the team has successfully represented the club at State, regional and national level, with a number of international tours. A few Sundays ago I was invited by the Fire on Ice Senior Synchronised Skating Team to attend a champagne breakfast at the Canterbury ice skating rink. I did not drink any champagne that morning, but I was thrilled to be there. It was quite a warm morning but I was all rugged up because the ice was very cold.

I did not have a great knowledge of the intricacies of ice skating but I have taken my children and stepchildren to the Canterbury ice skating rink. I recall that my husband accompanied us on one occasion but refused to let me have a turn on the ice. I think he pictured me in the emergency ward of the local hospital! However, I have come to appreciate the skills involved in skating, particularly the skills of the Fire on Ice Senior Synchronised Skating Team, and the coaches and others associated with it. Not only do skaters have to stay up on ice on very thin skates, they need to have a sense of rhythm, be able to work as a team, and have enormous grace. I did not understand the safety aspects of ice-skating. As I watched the Fire On Ice team go through their routine, I realised that the skates are extremely sharp and that a fall could be disastrous. Thankfully, none of the skaters fell.

The reason we attended the breakfast was to congratulate the Fire On Ice team on attaining eighteenth place in the 2005 World Synchronised Skating Championships, which were held in Goteburg, in Sweden. On that Sunday morning we were able to view the skating program the team performed at the championships. The girls were extremely excited and absolutely humble in their skills. They looked magical and beautiful on the ice; indeed, they looked fairytale-ish. It swept me away on that Sunday morning. The team's success at the championships is a fantastic outcome given that Australia is a hot and dry environment, a place where skis, Winter Olympics, and snow and ice sports are certainly not among the sports we associate with Australia.

I would like to acknowledge and congratulate the Fire On Ice Senior 2005 team members. They are Sarah Bennett, Nicole Breed, Tanya Crawford, Amanda Da-Pra, Lyndel Foran, Jane Graham, Jessica Harper, Eloise Harper, Jessica Hodgson, Tracey Kajer, Simone Kurzawski, Christine Leghorn, Kimberlee Oo, Astrid Ozols, Louise Pye, Hope Robinson, Gemma Spence, Rachel Tipper, Vanessa Tidy, Adrienne Wakerley, Clare Watts and Georgina Williams.

### **RYDE-HUNTERS HILL JUNIOR CRICKET CLUB**

**Mr ANTHONY ROBERTS** (Lane Cove) [11.12 a.m.]: It is with great pleasure that I acknowledge the 2004-05 season of Ryde-Hunters Hill Junior Cricket Club, better known as the Pirates. It has been a season of unforgettable and exciting cricket, not just for the players and their families but also for her worship the Mayor of Hunters Hill, Sue Hoopman, and me, as patrons. The success of the club is built on the fantastic attitude of parents and friends, and their common desire to help develop junior cricketers. This year the club again fielded eight teams, including three under-8 teams, one under-9 team, two under-10 teams, one under-11 team, and one under-13 team, a total of 104 playing members.

The Ryde-Hunters Hill Junior Cricket Club "Have a Go" program continues to promote and develop young cricketers in a fun-based skills program. The program is fully equipped and organised, and I share with the club president, Roy Maggio, his opinion that it will produce some exciting talent in the future. This year the club had a record membership, with 93 players attending on Friday afternoons for 14 weeks. The invitational day at Sydney Cricket Ground was one of the season's highlights. With Australia playing Pakistan on a public holiday, children and co-ordinators had a buzz playing on this hallowed turf. The event is a fantastic example of the positive steps taken by Ryde-Hunters Hill Junior Cricket Club to promote and encourage junior cricket in the area. This would not be possible without the efforts of the wonderful parents and co-ordinators, and I join the club in thanking them for their ongoing support and commitment.

Another event that must be mentioned this season is the Super Eights, an annual event and a wonderful family outing through which Ryde-Hunters Hill Junior Cricket Club supports the needy and unfortunate. Strongly supported by the club, the event raised \$500, which was donated to the Children's Cancer Institute of Australia. Once again I join the club executive in extending thanks to those who continue to selflessly support Ryde-Hunters Hill Junior Cricket Club for their commitment, determination, and desire to focus the club's energies on developing young cricketers. Special tribute must go to the club president, Roy Maggio, a tireless and selfless individual under whose leadership the club has prospered; Peter Mystakas, the club secretary, for his hard work behind the scenes; Mario Santoro, for doing a fantastic job looking after the club's finances; Donna and Gino, for keeping the club teams well equipped with gear; and Rob Hale, the club publicity officer, who did a remarkable job collating results for each game and promoting the club in the local newspaper, the *Weekly Times*.

Of course, a junior cricket club cannot survive without the generous assistance of sponsors. I would like to take this opportunity to acknowledge in *Hansard* the fantastic support of George Schirato of Visa Australia, Joe Seleh of CJM Concrete Pumping, David Dunstalls of Macquarie Sports Scene, and Mario Santoro of LCI Partners Accountants. Thanks and acknowledgement must also go to Chris Karas of the *Weekly Times* for his ongoing support for the club and junior cricket. Alan Jansson must be commended for his fantastic work in preparing the club yearbook. Once again I join with the president of the club in thanking the coaches and managers, and of course the parents, for their commitment and generosity to such a wonderful club. Congratulations to Merlyn Kelly and the under-13 Royals for a remarkable season, in which they were undefeated premiers. I also extend congratulations to Charlie, Alan and the under-11 Royals, who were runners up after narrowly being beaten in the final.

The Pirates continue to achieve and develop as each year goes by, with Jordan Mast, Nathan Fiore, Nikhil Ramrakha and Samuel Wood trialling for the New South Wales Emerging Blues side. I pay special tribute to the recipients of the Encouragement Award, known as the Anthony Roberts Award. The award-

winners were Luis Facchin in the under-8 Royals, Joshua Bass in the under-8 Mariners, Ryan Simpson in the under-8 Buccaneers, Darcy O'Shea in the under-nine Royals, Jack Simpson in the under-10 Royals, Charles Stockdale in the under-10 Mariners, Simon Philpott in the under-11 Royals, and Adam Maggio in the under-13 Royals.

The recipients of the Sportsmanship Award, known as the Schirato-Visa Award, were Liam Clark in the under-8 Royals, Michael Roberts in the under-eight Mariners, Zachary Gee in the under-8 Buccaneers, Brayden Levine in the under-9 Royals, Terry Mystakas in the under-10 Royals, Tom Chard in the under-10 Mariners, Oliver Gilson in the under-11 Royals, and James Mystakas and Aidan McCluskey in the under-13 Royals. The recipients of the Most Valuable Player Award, known as the CJM Award, were Bryce Simpson in the under-8 Royals, Matthew Bass in the under-8 Mariners, Sagar Nagaraj in the under-8 Buccaneers, Alex Ruggiero in the under-9 Royals, Matthew Saleh in the under-10 Royals, Mitchel Frankland in the under-10 Mariners, Grant Jansson in the under-11 Royals, and Jordan Mast and Nikhil Ramrakha in the under-13 Royals. It gives me great pleasure to acknowledge on the public record that the 2004-05 Clubman of the Year Award, known as the Sue Hoopman Award, went to Rob Hale.

Once again I acknowledge and pay personal tribute to the club president, Roy Maggio, and the club secretary, Peter Mystakas, who are good friends of mine, for their continued efforts in developing and promoting the club. I also acknowledge and pay tribute to the wonderful efforts of the managers, coaches, parents, and boys and girls of Ryde-Hunters Hill Junior Cricket Club. On behalf of the House I wish the club continued success and growth.

### WANGI WANGI FIRE STATION

**Mr JEFF HUNTER** (Lake Macquarie) [11.17 a.m.]: On 4 April I was very pleased to attend, together with the Minister for Emergency Services, the Hon. Tony Kelly, the official opening of the Wangi Wangi fire station. The brand-new \$1.2 million fire station is part of the Carr Government's commitment to ensuring that growing communities have the emergency infrastructure and personnel they need to protect them. It is also part of the Government's \$97 million investment to build, refurbish and maintain Fire Brigades stations around the State.

The new fire station, which is located in Donnelly Road, Arcadia Vale, will be known as Wangi Wangi fire station, having replaced the old station that was built many years ago in Watkins Road, Wangi Wangi, which is the adjoining suburb to Arcadia Vale. Indeed, the new building is located right on the border of the two townships. The building has a double fire engine bay, staff facilities, public reception area and communications room, as well as uniform, dining, training, wash and storage areas. The station accommodates 16 fire officers and two fire engines, and provides protection to the Wangi Wangi, Arcadia Vale, Buttaba, Rathmines, Fishing Point and Balmoral areas.

The fire officers from Wangi Wangi fire station respond to about 200 emergencies a year, including all types of fires, car accidents and hazardous material incidents. The 2002 Lake Macquarie bushfire was memorable for its size and seriousness, but Wangi Wangi and other NSW Fire Brigades crews play a vital role in helping save lives and property in the western Lake Macquarie region around the clock, 365 days of the year. Last year the station received a new fire engine valued at \$334,000 and I was very pleased to represent the Minister and officially hand over its keys. That new fire engine represents the latest in urban and bushfire fighting technology. It is designed as a multipurpose four-wheel-drive vehicle capable of cross-country firefighting operations in all types of conditions. In their new fire station the firefighters of the Wangi Wangi brigade have a state-of-the-art facility, the latest firefighting technology, and Captain Bob Fowell and his crew are very, very pleased to be located in their new building.

On the day of the opening I was very pleased to see many distinguished local community representatives in attendance. Also attending were the Commissioner of New South Wales Fire Brigades, Greg Mullins; the Mayor of Lake Macquarie City Council, Greg Piper; Superintendent Steve Sowter representing the Rural Fire Service; many other officials from New South Wales Fire Brigades; and local police representatives. Wangi Wangi Public School performed for the assembled crowd and representatives from the Arcadia Vale Public School and Rathmines Public School were also present. The fire brigade has been in existence since 1968 and it was good to see at the official opening many of its former members, members who put their lives at risk over many years to protect the local community.

I take the opportunity to mention Mr Alec McMurtrie, who was the first fire station captain at Wangi Wangi and a member of the Board of Fire Commissioners. Alec played a very important role in establishing the

Wangi Wangi Fire Brigade. He has since passed away, but he was represented on the day by his wife, Lorna, and it was great to see Lorna there. Also present were the 16 firefighters who man the Wangi Wangi fire station, including a couple of lady firefighters—and it is fantastic to see local women participating in firefighting activities. Congratulations to the 16 very dedicated firefighters of the Wangi Wangi Fire Brigade. Finally, I congratulate the former Minister for Emergency Services, the Hon. Bob Debus. It was he who moved forward with the proposal to replace the old fire station. I also congratulate the current Minister on attending the official opening of the station.

### **PUBLIC HOUSING VANDALISM**

**Mr RUSSELL TURNER** (Orange) [11.22 a.m.]: This morning I express my concern about incidents of vandalism, principally by young children, in some of the Department of Housing areas in Orange I saw last week. Sadly, such incidents are not isolated, they are occurring far too often. A number of elderly people from the Department of Housing area asked me to go and see for myself some of the damage that is occurring in, principally, empty Department of Housing homes. Unfortunately, I saw a home that I would estimate would cost about \$20,000 to repair. There was not a window left unbroken in the house. I crawled through a window and I was then able to walk from one bedroom to another through the smashed plasterboard walls. The previous tenant had left absolute devastation outside as well. The front and back yards were littered with rubbish and I understand that until recently there were about three cars in the front yard and a washing machine, et cetera, in the backyard, but they had been removed by nearby tenants.

The people I spoke to showed me damage in other homes. This area has some Department of Housing homes that are now privately owned, having been purchased by previous tenants. Some Department of Housing tenants have been there for three, four or five years and some have been there for 20-odd years and are looking after their homes very well. But, unfortunately, there is a minority of families in this area where young children are wandering around. I have been told about, and saw evidence of, holes in the walls of houses where stones from slingshots had been fired at them. One elderly couple in their seventies have even got a shade cloth along the front of their veranda so that the rocks from the slingshots cannot reach their windows, which have been broken in the past.

I am not blaming any particular sections of the community. I am not even blaming necessarily these young children—although I do not condone for one second what they are doing. I understand that these children are aged only nine and 10. I am just blaming the environment and the lack of leadership within their community and their families. I propose to convene a meeting with the Department of Housing, the police, the Aboriginal liaison officer, Orange City Council, the Department of Community Services, representatives of the tenants, representatives of the Aboriginal Land Council and the Department of Education for all of us to sit down in a bipartisan manner and see what we can do to progress the situation, which cannot be tolerated any longer.

Elderly people should not have to suffer abuse, bad language and threats from these young people. As I said, some tenants have been there for 15 or 20 years; they have worked hard all their lives and they should not be treated any differently just because they are Department of Housing tenants. They are wonderful citizens of Orange but they live in fear of being abused and their homes being vandalised if they dare say something.

I am sure that Orange is not the only area suffering this type of behaviour. Somehow or other we have to get these young children to want to attend school and get an education and not just wander around the streets quite aimlessly during the day. As one of the elderly people said, one day she approached one of the younger fellows and said, "Why aren't you at school?" He said, "I've been kicked out for misbehaving." In her opinion that was too simple. If the kids did not want to go to school all they had to do was misbehave, knowing they would be suspended for a day or three days, whatever it might be. As I said, we need to sit down with the Department of Education and talk about what we can do to get these kids to go to school, and to get their parents to encourage them to go to school so they do not wander around aimlessly but get an education and become better citizens of this State.

### **MR CONG HUY HOAN TRAN SECURITY INDUSTRY LICENCE**

**Mr PAUL LYNCH** (Liverpool) [11.27 a.m.]: I wish to refer to the unfortunate circumstances surrounding a constituent of mine, Cong Huy Hoan Tran. In particular I ask that the Minister for Police review the circumstances of this case to see whether assistance can be provided to my constituent or whether legislative changes should be pursued. Mr Tran has worked for something like 15 years in the security industry and he has now been prevented from continuing his chosen occupation by a combination of a decision of the Commissioner

for Police and the Security Industry Act. As I understand it, the commissioner had no option but to refuse my constituent's application for a licence.

The refusal stems from the operation of the statute, which, of course, was specifically introduced to clean up the security industry. That was an aim I shared when the bill was introduced, and I personally thought such a clean-up was necessary. However, there seems to have been some unintended consequences such as in the case of my constituent. The argument was well expressed by the president of the Administrative Decisions Tribunal of New South Wales, Judge K. P. O'Connor, on 27 October 2004, when he said in relation to Mr Tran's appeal to the tribunal:

The circumstances that are presented today highlight the unfairness of laws that limit the discretion of the Commissioner and tribunals of this kind as regards exceptional cases.

The genesis of Mr Tran's problem now goes back more than 8½ years. On 12 September 1996 he was convicted at Burwood Local Court of an offence known by its short title as "not store firearm safely". As I understand it, and certainly as Judge O'Connor understood it, this did not relate to any work-involved activities of Mr Tran. Following the conviction, he was fined \$800 and ordered to pay \$50 costs. He was, of course, at that time working in the security industry and, obviously, had a security industry licence. Following upon that conviction, the Commissioner for Police cancelled my constituent's security industry licence.

On 6 February 1997 my constituent then applied for a security industry licence under the Security (Protection) Industry Act 1985. The commissioner refused the application. However, an appeal against the refusal was upheld. Mr Tran was then issued with a security industry licence for 12 months. After that period expired he applied in July 1998 for a class 1A licence under the Security Industry Act, which was in effect as from 1 July 1998. That application was also refused but he appealed against the decision. The appeal was heard in the Local Court at Fairfield and he was successful. Consequent to that, he was issued with another security licence. That was a five-year security licence, which expired on 13 May 2004. On 5 May 2004 he applied for a class 1A security licence. Once again the commissioner refused the application. This time his appeals have been unsuccessful. They have been unsuccessful because the relevant legislation now allows no discretion. The commissioner must refuse applications if there is a particular conviction, regardless of the specific circumstances. A relevant part of the judge's decision in the Administrative Decision Tribunal stated:

When this tribunal was created in early October 1998, at around the same time that Mr Tran's appeal was dealt with by the Fairfield Local Court, a number of applications for the review of decisions to refuse to issue a security licence under s 16 of the SI Act came before the tribunal. These cases involved licence-holders who had committed minor offences. The tribunal held a special hearing dealing with this group of cases: *Bourke & Ors v the New South Wales Commissioner of Police* (1998) ADT.

A little later the judge said:

In *Bourke I* indicated that it was my view that the law operated oppressively in certain types of cases, and certainly on the face of the material Mr Tran's case is one of those cases. Mr Tran has worked for a long time in the security industry and apart from this one event in 1996, which appears to have been unrelated to Mr Tran's security industry work, he has not come to the notice of the law. Mr Tran has very positive references from his employer and people in the Vietnamese community, and I accept what he says about the implications for his family and for his ability to earn a living of not being able to retain a licence.

But regrettably Mr Tran belongs to a long line of security industry personnel who have found themselves affected in the same way. The case of *Bourke* itself involved a young man who had worked for some time on the factory gate at Port Kembla. He was established in employment in a place where and at a time when unemployment was significant, yet he was not able to continue doing security work simply because he had been found in possession of some marijuana plants on the balcony when he was seventeen. That conduct brought him within s 16 of the SI Act and clause 11 of the regulation. As this example illustrates, the sweep of the prohibition that is contained in SI act is very wide and can catch quite minor circumstances.

It is worth noting that the president of the tribunal makes it clear that if he had a discretion, he would certainly exercise it in favour of a licence being granted to Mr Tran. It is also worth noting that at the Administrative Decisions Tribunal hearing the police representatives said that if they had a discretion, they would have exercised it in favour of Mr Tran as well. I ask the Minister to examine this case to see if there is a way for a licence to be issued. If there is no scope for Mr Tran to have a licence, I ask that the legislation be reviewed with a view to including an exceptional circumstances provision to cover this type of case.

#### **MR ROBERT NICHOLLS SPECIAL LEASE PURCHASE**

**Mr ANDREW FRASER** (Coffs Harbour) [11.32 a.m.]: Today I place on the record a problem facing a constituent of mine, Mr Robert Nicholls. In March 1999 Mr Nicholls, via his solicitors, Koops Martin, applied to purchase a lease from the Department of Land and Water Conservation. In correspondence dated 23 March 1999 to Koops Martin the department stated:



According to our records Special lease 189722 (1986/2 Land District Bellingen) attaches to lot 518 DP 820059 Parish of Coff, County of Fitzroy.

A Special Lease may be purchased at current market value, such value to be determined by the State Valuation Office at the time of receipt of an application to purchase.

Mr Nicholls had done that. In the letter sent to Mr Nicholls in August the department stated:

Unfortunately the advice contained in the department's letter of 23 March 1999 related to the purchase of land held under a **perpetual** lease, while Special Lease ... is due to expire on 20 November 2026 ...

This means that (if the application to purchase is approved) contracts will be prepared and you will be required to pay a deposit of 10% of the purchase price on exchange of contracts. The balance of the purchase money will then be required to be paid on settlement of the contract.

The original letter referred to a special lease, not a perpetual lease. This matter has dragged on for six years. Both those letters clearly state that the value of the land is to be determined at the time of application of purchase. In 1999 Mr Nicholls received another letter from the Department of Land and Water Conservation basically stating that his rent of \$250 was now due. In August 2002 the department stated:

In the meantime, you should continue paying rent on the special lease. Tax Invoice 2095 for \$438.40 advance against processing fee is attached.

During the whole of this time Mr Nicholls was trying to purchase the land. Attached to that letter was a document entitled "Notice of Valuation—Valuation of Land Act, 1916" with the current details of the lease, the valuation being \$55,100, and stating that the valuation as at 1 July 1999 was \$50,100. I contend that the Government owes it to Mr Nicholls to sell the land to him for \$50,100. However, the latest correspondence states that he can purchase the land but at a cost of \$150,000, which is three times the original value. Yesterday the Government delivered a budget that ripped off mums and dads, as it has done over the past 10 years and will continue to do. The rent on this land went from \$250 to \$1,500 because Mr Nicholls had improved the land by connecting water, sewerage and power.

Now the Government, despite contractual obligations given to Mr Nicholls' solicitors in 1999, is trying to charge him \$150,000. The total balance payable to the department, according to the latest correspondence, which is dated 3 May, is \$151,187.60. I call on the Government, the Treasurer, and the Minister for Lands to immediately reverse this decision and to abide by the contractual obligation given to Mr Nicholls in 1999 to supply the land to him at the contracted price of \$50,100. That is only fair. The Government says that it has a surplus and will borrow \$3.5 billion to keep the wheels of the State turning. The Government is obliged to ensure that it does not rip off Mr Nicholls by more than \$100,000. I demand that the Government reverse the decision and give Mr Nicholls the opportunity to purchase the land at the previously offered price.

### **PENRITH ELECTORATE ROTARY CLUBS**

**Mrs KARYN PALUZZANO** (Penrith) [11.37 a.m.]: This morning I speak on behalf of Rotary International, which is celebrating 100 years of service in Australia. I commend rotary clubs in my electorate, which includes the lower Blue Mountains. They are the Nepean, Penrith, South Penrith-Penrith Valley and Blue Mountains rotary clubs. They are in district 9690, although when I was a rotary exchange student it was district 969. Many years ago when I was an exchange student, the Lower Blue Mountains Rotary Club sponsored me. In that time the club has given dedicated service to the people of the lower Blue Mountains. I was fortunate to attend the district conference in Canberra and was guest speaker on the Youth Exchange Program, together with district co-ordinator, Frank Portelli, a member of the Nepean Rotary Club.

The centenary of Rotary has managed to link into all the clubs. Each club has a particular project. The Lower Blue Mountains Rotary Club has been committed to upgrading Lennox Bridge, one of the oldest bridges on the mainland. It was built out of sandstone by convicts but needs improvement, particularly access to the creek. The rotary club commissioned a stonemason to make steps down through the gully, alongside the archway of the bridge, down to the creek. I was fortunate to attend the opening a few months ago. I commend Ken Linfoot, President of the Blue Mountains Rotary Club, for that project. I also commend the members of the club for helping the stonemasons and planting trees. The project of the Penrith, South Penrith-Penrith Valley and Nepean rotary clubs is Hope Cottage, which is now in the grounds of Nepean Hospital. The three Rotary clubs in the Penrith area have been fundraising for many, many years for the Hope Cottage project. Some 10 years ago the three presidents involved put their heads together and decided to raise money for patients using the oncology services at Nepean Hospital who need assistance.

I am talking about people coming from rural and regional areas, as well as the Sydney area, as patients of the cancer care centre at Nepean Hospital. Hope Cottage will be officially opened next week. I am proud that the three clubs worked together with the Department of Health and the Sydney West Area Health Service. The Rotary clubs raised funds, and the Department of Health and the Sydney West Area Health Service allocated land in the Nepean Hospital precinct. Hope Cottage has been constructed and will open next week. Rooms will be available for the family and friends of patients undergoing cancer treatment to stay overnight.

Last evening I was fortunate enough to attend the Nepean Rotary Club's Celebration of Youth evening, which included the presentation of youth awards. I commend Alison Madden from Penrith High School, Emma Correy from St Pauls, Natalie Cartwright from Kingswood High School and Samantha Dawson from Jamison High School. They are members of the Penrith Youth Forum, which is an initiative of my office. They are part of the team of high school students who meet with me once a month as the Penrith Youth Forum, and they have been celebrated and given an award by the Youth Service Director Ross Hutchinson. I commend them for the youth awards.

A vocational award was given to two businesses that provide work experience for students in years 10, 11 and 12: Les Allen from Betta Electrical and Louise Barrat from Caddies Restaurant. I also commend Grace Jones from Sydney West Area Health Service for her participation in the program. We also heard from Caitlin Emery, a Nepean Rotary Club exchange student who went to Chile last year. Her presentation was very well done. I refer also to Tony Petram, who is from the Liverpool area. He undertook another youth program, RYPEN, which is also run by Rotary. RYPEN is the youth enrichment program. Tony, who has cerebral palsy, is a member of the Northcote society, and he undertook the RYPEN weekend on behalf of Nepean Rotary Club. I commend those youth to the House.

### COLO HEIGHTS ELECTRICITY SUPPLY

**Mr STEVEN PRINGLE** (Hawkesbury) [11.42 a.m.]: Last Thursday evening I had the privilege of attending a major public meeting at Colo Heights, which is a lovely little township half an hour up the road from Windsor on the way to Singleton that has solid and strong community support. The public meeting was organised because of the absolute frustration of the residents of Colo Heights about the reliability of their power supply. At the meeting person after person detailed to me the impact of the unreliable power supply on their lives and the lives of their families and, indeed, on their ability to provide work and to be productive members of our society. A number of them also outlined the serious health problems associated with the lack of a constant power supply. One lady with sleep apnoea said that when the power supply is lost she can, of course, die. The response from the authorities to this was, "Well, if you are in an endangered situation you need to get in your car and head down to Hawkesbury Hospital".

Obviously, Hawkesbury Hospital is some three-quarters of an hour away so by the time the ambulance reaches the person in the desperate situation, and by the time another family member arrives the person may unfortunately be deceased. Speaker after speaker outlined the serious problems caused by the lack of a reliable power supply. It is worth putting on the public record the problems experienced earlier this year. On 21 January the power went out at 5.00 p.m., and the temperature was 35 degrees. The very next day, 22 January, the power went off sometime in the afternoon, when the temperature was 33 degrees. On 19 February the power went off at 5.00 p.m., when the temperature was 32 degrees. The next day, 20 February, the power went off at 8.00 p.m. On 6 March the power went off at 9.40 p.m. and did not come back on again until early the next morning.

On 12 March the power was off in the early hours of the morning, and the temperature was 30 degrees. On 13 March it was exactly the same. On 16 March the power went off twice. The list goes on and on. One would think I am talking about a third world country, but it is a lovely township half an hour from Windsor that is experiencing this problem. The township has a local school, a preschool, a sawmill and a general store. The impact of this on school students is particularly important. The lack of electricity seriously affects our children's ability to learn properly and efficiently. It also seriously affects the general running of the school. Until fairly recently Colo Heights school had an old generator that ensured the water supply, and it provided for one power point to continue to operate.

The school had to replace the generator recently to ensure that water and classroom lights could at least be used, and it is adequate if the blackout is short term. However, as we heard earlier, blackouts are often not short term. In the most recent blackout that affected the school, there was no power from 8.30 a.m. until 2.40 p.m. That is an absolute disgrace. The school was without power for virtually the entire day. During this time the staff and students were unable to use the computers, which are an important part of many classroom

lessons, as well as being essential for administration and library borrowing. They were unable to use the photocopier—as a result the students had no work sheets during the day—and newsletters were not published. No phones were available, with the exception of mobile phones.

Surprise, surprise—many mobile phones do not work in this part of the world; and parents have difficulty contacting their children if there is an emergency. They need to drive to the school to deliver a message. Although the toilets were working during the blackout, the lighting in the toilets is not connected and as a result a number of the younger students were particularly upset about having to use the toilets in darkness. The reading room, which is vital for reading recovery lessons, was unable to be used. I have raised this serious problem with the Minister on a number of occasions, and it needs to be taken on board again. I hope that the Minister for Housing, who is at the table, will pass on to the Minister my concerns about getting a regular power supply for Colo Heights. We need an alternative power supply—a number of residents have suggesting solar power as a back-up alternative—supply coming from Kurrajong to Colo Heights.

#### FOUR-WHEEL DRIVE VEHICLES

**Mr PAUL GIBSON** (Blacktown) [11.47 a.m.]: Recently, four-wheel drive vehicles have been in the news—some good and some bad. Four-wheel drives are virtually a derivative of the jeep. Indeed, they are like a small truck. There have been thoughts along the lines that there should be a special licence for people with four-wheel drives. I suppose four-wheel drives fall in two different categories: four-wheel drives under two tonnes and four-wheel drives, such as a Landcruiser, which are over the two-tonne limit. Over the past 10 years four-wheel drives have become popular in all electorates. Some 80 per cent to 90 per cent of four-wheel drives never see a dirt road. They are bought for the city, and they have become security blankets. People often say, "I bought a four-wheel drive because my wife is not a good driver and I feel she would be safer and other people on the road would be safer if she was in a four-wheel drive." That is a fact today.

Owners of four-wheel drives have benefited because they pay less tariff. At the moment the tariff on a four-wheel drive is 5 per cent, rather than the 10 per cent tariff on other vehicles. In the past it was even greater: prior to 1 January 2005 it was 5 per cent compared to 15 per cent, and prior to 1989 it was 5 per cent compared to 20 per cent. The difference in tariffs will be abolished on 1 January 2010. There are some facts we should know about four-wheel drives in terms of safety.

Over a nine-year period to 1998 there was an 85 per cent increase in fatal four-wheel drive crashes in Australia. The increase coincided with strong growth in four-wheel drive vehicle sales and usage. Between 1995 and 1998 the number of kilometres travelled by four-wheel drive vehicles almost doubled, while the overall number of vehicle kilometres travelled increased by only 4 per cent in the same period. The incidence of all fatal crashes in Australia decreased by 25 per cent between 1990 and 1998. However, 35 per cent of four-wheel drive vehicles were involved in fatal rollover crashes compared to 13 per cent of normal vehicles. Of course, that has something to do with the higher centre of gravity of four-wheel drive vehicles.

Almost 90 per cent of all children killed in New South Wales driveways in 1998 were run over by four-wheel drive vehicles or larger vehicles. Four-wheel drive vehicles can also be more difficult for drivers to see past on the road. It is a proven fact that four-wheel drive vehicles reduce the risk of injury to their occupants. The Monash Accident Research Centre found that the chance of being killed in an accident in a four-wheel drive vehicle fell by four in 1,000 but the chance of other people being killed in accidents with four-wheel drive vehicles rose by 11 in 1,000. The cost to the community can be very high.

Earlier I mentioned the tariffs. Based on the sales of all-terrain vehicles, Customs collected an estimated \$350 million less in duties in 2002. People perceive four-wheel drive vehicles to be safer because they are bigger. In crash barrier tests carried out under the Australian New Car Assessment Program, in which vehicles are crashed into a solid block of concrete head-on at 56 kilometres an hour, four-wheel drive vehicles in general rated poorly compared to the ordinary car on the road. Four-wheel drive vehicles benefit in side collisions. They are bigger vehicles and, just as in a fight, a good big bloke will probably always beat a good little fellow.

Another important aspect of four-wheel drives that is often overlooked is the avoidance of crash incidents. Because of the higher centre of gravity of four-wheel drive vehicles they are harder to stop than ordinary motor cars and a lot harder to turn, so there is a safety factor there as well. A study of more than one million crashes involving vehicles manufactured between 1982 and 2000 revealed a higher injury risk for people in four-wheel drive vehicles than for those in ordinary motorcars. Many four-wheel drive vehicles are small trucks. The headlights are fitted higher. There is scope for the debate on four-wheel drive vehicles to proceed so we can work out how safe they are. [*Time expired.*]

### TRIBUTE TO MR JAMES WILLIAM BEAN

**Mrs JUDY HOPWOOD** (Hornsby) [11.52 a.m.]: Today I talk about the life of James William Bean, a young man who died aged 21 years in a car accident early on the morning of Sunday 15 May. James was not a constituent of mine—he lived in St Ives—but he had an impact on the entire area surrounding the suburb in which he lived. I attended his memorial service with Jessica Hopwood at Barker College on Monday afternoon. Like everyone there, I was totally moved by the service and by the eulogies that were delivered. One of the hymns for James read:

They cut me down and I leap up high,  
I am the life that'll never, never die:  
I'll live in you as you live in me:  
I am the Lord of the dance, said he:

I listened intently to the eulogies from his parents, who I thought were extremely brave to be able to stand and speak about their recently deceased son. I want to read onto the record something his father gave to the entire congregation assembled. The card, which has a photograph of James on it, was for young people to carry in their wallets to show to young drivers who may not be travelling as safely as they should. On the back of the card the father has listed taxi company phone numbers. The card was a fantastic idea: it gives young people a hint that they are not immortal. In the service I was surrounded by James's sisters and hundreds of his friends and relatives, who were all deeply moved by the fact that they had lost one of their own in such tragic circumstances. Obviously, the House will be considering many issues relating to young drivers, and I look forward to that debate in the future.

Two other matters come to mind when I think of the tragic loss of this young man. One is power poles. James's car smashed into a power pole, and they have been involved in many other accidents that have resulted in fatalities or serious injuries. We will have to deal with the issue at some time in the future. I also mention the initiative "Stop the 4 o'clock Knock" and Frank Bottomley of Safe As Incorporated, who is leading the charge. I also mention Carroll Howe and Peter Wilkinson from the Kuringai Police and Community Safety Committee and many others who are concerned to bring to the fore the issue of the need for young drivers to have improved driving education. The "Stop the 4 o'clock Knock" initiative promotes road safety to young people throughout regional New South Wales. It is an important community service aimed at newly licensed drivers and learners aged between 15 and 18. I was pleased to attend a seminar held in Hornsby RSL on 2 December last year. A letter from the Kuringai Police and Community Safety Committee about the seminar states in part:

As you are probably aware, young drivers aged between 17 and 25 comprise approximately 15-17% of the driving population BUT account for between 29-32% of the road trauma statistics. YOUNG DRIVERS ARE VERY MUCH OVER REPRESENTED IN THIS CATEGORY.

Newly licensed drivers are three times more likely to crash in their first year of driving. Therefore it is essential to raise the awareness of road safety of the target group of 15-18-year-olds.

The Stop the 4 o'clock Knock Road Safety Seminar is provided free of charge to young people aged 15-18 years and their parents/carers to raise the awareness of road safety for young people and to teach strategies on how they, and their parents can avoid motor vehicle crashes. Ultimately, saving young lives and huge costs, both financially and emotionally to the families and the wider community.

This letter also states:

Each time a death occurs on the road it costs the community: \$1.7 million plus costs of injuries incurred to others involved plus rehabilitation and compensation. Prevention is better than cure.

Those figures come from the Bureau of Transport Economics. The brochure that was given out that night states:

Remember you can control your own destiny, either as a passenger or driver—you can stop the 4 o'clock knock!

[Time expired.]

### JAPANESE WHALING

**Mr JOHN BARTLETT** (Port Stephens) [11.57 a.m.]: In 1988 I was part of a team that formed the Port Stephens Sister City Committee. I have been chair of that committee ever since, and I now co-chair the committee with the mayor of Port Stephens. Port Stephens has a number of sister cities in Japan and other places. Sister city committees around Australia have been asked to contact their Japanese sister cities and point out their opposition to expanding the humpback whale kill to be proposed by the Japanese at the International Whaling Commission in Korea next month. The mayor of Port Stephens and I discussed the possibility of

receiving a letter from our Japanese sister city asking us whether, as we are the only country where the population eats its national symbol, the kangaroo, it would be desirable to stop doing it? They would never do that, of course, because they are too polite.

Following the Second World War, President Eisenhower suggested that we form sister cities. He said he controlled the largest military force in the history of mankind, yet he could not bring peace to the world. In his opinion, the only way to bring peace to the world was to ignore the politicians and the diplomats and get people-to-people contact established at the local level. In that way we would break down nationalism and create understanding between people from different countries. Because of the economic benefit to a large number of businesses from whale watching in the Port Stephens area, the Port Stephens community is particularly concerned with the Japanese proposal to increase its whale kill operations. We require from Japan economic change, cultural change and political change. I suggest we address economic and cultural change, and political change will follow.

One Japanese company with 300 employees is promoting the expansion in whaling. I believe it is a public relations disaster for Japan. There is no whale-watching industry in Japan. Yet just last month when a grey whale swam into Tokyo Bay, it received massive media coverage on television and radio and many people went whale watching in boats that were not previously used for this purpose. Port Stephens is the largest whale-watching port on the east coast of New South Wales. As we derive a large income from that industry we have a great interest in trying to change Japanese culture. Other cities in Australia will probably take up the suggestion made by the Federal Minister for the Environment and Heritage to write to their Japanese sister cities about whaling.

Many Japanese come to Port Stephens to watch whales and dolphins. Tateyama and Yugawara, our Japanese sister cities, are coastal cities. I will suggest at our next sister city meeting that Port Stephens—with the assistance of our local tourism industry, the State Government and the Federal Government—assists our sister cities to set up and develop a whale-watching industry. In so doing, we will encourage a change in the Japanese culture towards the preservation of the whale. The Japanese think of whales as fish, therefore they are edible. They do not see any reason not to kill whales because they are part of their food chain. Food supply is an important part of Japanese culture because more than half of their food is imported. The end of whaling is seen as a threat to their food supply, even though whale meat is a minor part of their diet. I believe that is the course Port Stephens will adopt in our efforts to make a difference.

### ALSTONVILLE AND BALLINA BYPASSES

**Mr DONALD PAGE** (Ballina—Deputy Leader of The Nationals) [12.02 p.m.]: I want to express my and my constituents' anger and disappointment in the wake of yesterday's State budget at the failure of the Government to provide any construction funds for two major infrastructure projects in my electorate, that is, the Alstonville bypass on the Bruxner Highway and the Ballina bypass on the Pacific Highway. Dealing firstly with the Alstonville bypass, there is a great need for this project. Approximately 15,000 vehicles a day travel through the main street of Alstonville, which is the Bruxner Highway. In that area there are three schools with more than 2,000 students and serious pedestrian safety issues exist for schoolchildren and the community generally.

In the morning and afternoon, traffic travelling between Ballina and Lismore creates a bottleneck in the main street of Alstonville. The large number of vehicles and trucks travelling through Alstonville every day means that Alstonville has lost its village feel, and the community desperately wants it back. As to the planning process for the Alstonville bypass, all approvals have been given and there is great community support for the project. It was a major issue at the last State election. Just prior to the election the Premier arrived in Alstonville on 18 March 2003 and issued a press release, in which he said:

This is a vital road project and we are making sure it happens.

That is why we are putting \$24 million on the table ...

The press release continued:

The State Government has given approval for the bypass. Construction would begin after detailed design work is completed—likely to be at the end of 2003.

The bypass is due to be built by the end of 2006—subject to the Commonwealth Government making good on its \$12 million commitment.

The Federal Government has made good on its \$12 million commitment, so that is not an issue. The Premier said that the bypass would be built by the end of 2006. He also said:

The State Government's contribution of \$24 million is a commitment which will be funded from the RTA's existing forward capital works program and therefore will have no impact on the projected Budget surpluses.

The Premier said that the money is there and the Government has made a firm commitment. He followed that up with a written commitment in an answer to a question on notice by me in Parliament on 18 June 2003. There is no reason why that project should not have commenced construction by now. In the budget handed down yesterday the Government indicated that the completion date is now likely to be 2008 and allocated only \$1.8 million, not the \$24 million needed to complete or even commence construction. The people in the Alstonville area are very upset and angry that the Government has reneged on the written promise given by the Premier prior to the last election that this project would proceed.

The Ballina bypass is a larger project at a cost of \$250 million. Under the 10-year agreement it is a State responsibility. The route has been selected and planning has been approved. Again, this is a significant project from a road safety perspective. There have been a number of accidents and fatalities on the Tintenbar hill. When the Ballina bypass is built that area will not be a safety issue because that part of the road will become redundant. Although it is a State responsibility the Federal Government has offered to pay half the cost of the bypass. Yet in the budget handed down yesterday, rather than construction money being made available for that important project, there is only a \$5 million allocation. We need a commitment of \$125 million from the State Government to allow construction to commence.

The Government has no real commitment to major infrastructure projects in regional areas. We hear about projects in Sydney, Newcastle and Wollongong. But these important road infrastructure projects at Alstonville and Ballina—both of which are State responsibilities, and have planning approval and offers of funding from the Federal Government—have no construction money in this budget. It is to the shame of the Government that it has welshed on the commitment the Premier made prior to the last election.

#### **EAST HILLS BOYS TECHNOLOGY HIGH SCHOOL KENSAI PROGRAM**

**Mr ALAN ASHTON** (East Hills) [12.07 p.m.]: Today I want to talk about the East Hills Boys Technology High School, which is running an innovative program called Kensai. The program was established at the school this year for gifted and talented students. Unfortunately, due to a parliamentary committee commitment last week, I was unable to visit the school to see the program in action. However, I will visit the school to do so. Kensai is Japanese for "gifted man". The Kensai program aims to facilitate the achievement of each student's potential through extension in areas of personal interest. This is done through formal extracurricular sessions and project and research work by the boys. Students are identified to be involved in the program. The identification process is rigorous and relies on parent nomination, peer nomination, testing and teacher identification.

The school counsellor also nominates students to be included in the program. Sessions run for three hours on one afternoon a week, so it is quite rigorous. Teachers with specific expertise have been assisting students in the research of topics such as theatre management, stage production, solar powered cars and film. I have always believed that if you can teach students about topics they are interested in, even though they might be extra-curricular, you have more success and a better reaction from those students. In the third semester, which is soon to commence, students research and complete their own personal interest topic with the assistance of mentors from the community. This project maintains community involvement with our public schools. It serves the interests both of the students and the community, and enables people to see what is happening in our great government schools.

All students keep a log of their progress, and they are expected to express their feelings and ideas about their experiences. Newsletters will be produced twice during each term. Students are expected to attend each session and take part in all extracurricular activities offered, including public speaking and debating. They are involved in a radio 2UE sixty-second editorial competition—I would not mind having a crack at an editorial on 2UE. There are: an international mathematics competition, Think.com activities and discussions, a tournament of minds, a forensic science camp, and many more activities. The school principal, Mr Rod Brooks, whom I have known for many years, and Mr Mal Hurley, the Kensai co-ordinator at East Hills Boys Technology High School, are to be congratulated.

By way of example of what has been happening, in two of the sessions this year students were given an opportunity to pose questions to the Reverend Tim Costello and to the Australian Ambassador to Indonesia in relation to the tsunami tragedy. This opportunity was made possible through the school's membership of

Think.com, an interactive web site especially for students that allows them to make diary notes, correspond with other students, easily develop their own web site and participate in online forums. It is incredible to think that school students can correspond with or talk to those sorts of people about a variety of issues. In other sessions, as I said, they participate in the special interest topics. Three groups run each Tuesday and special thanks must go to the dedicated teachers who give up their time to run these activities in their timetabled release from face-to-face lessons after school.

Mr Chris Prestwidge runs the solar powered car group, Mr Luke Cosgrove oversees the film unit, while Mr Malcolm Hurley is teaching aspects of stage production and theatrical lighting. Students participate in journal writing as part of the Kensai program. They keep a diary of their achievements, which records their journey. The personal interest topics chosen by students in the Kensai program include: criminal psychology—developing an understanding of the criminal mind; computer tutoring service—a small company setup; control of global warming—extent, societal influences and control mechanisms; and the link between weapons technology development and the strategy and tactics of eighteenth century warfare.

These are just some examples of what is involved in the Kensai program. As a former teacher of history I would love to have been involved in a program such as this. Teachers have to be able to persuade students to think outside that square box that sometimes our school subjects put people in. Certainly we have to teach literacy and numeracy, but we have to challenge the bright students—and the average students, too—to look further afield and seek to challenge themselves at the highest level. I congratulate the principal, staff and students of East Hills Boys Technology High School, and also the parents of students who are actively involved in this new program.

#### **MERRIWA MULTIPURPOSE SERVICES HOSPITAL**

**Mr GEORGE SOURIS** (Upper Hunter) [12.12 p.m.]: I speak today in support of the Merriwa community's bid to obtain sufficient funding for the construction of a multipurpose services [MPS] hospital in Merriwa. On previous occasions the Government assured the Merriwa community that construction of the MPS, which involves a complete reconstruction of the hospital, would be undertaken so as to be completed by December 2007. In order for that promise to come to fruition two-thirds of \$8 million would need to have been allocated in yesterday's budget, with the balance funded in next year's budget. We are very disappointed that that has not been the case. Although the sum of \$900,000 has been included in the budget, whilst welcome of course, it will be sufficient only for the planning phase to be undertaken.

That means that the 2005-06 year will expire with only the planning phase completed. Even if sufficient funds were made available in the next budget to enable the project to commence, it would be impossible for the project to be completed within six months. The project would take at least a further year to complete. It is disappointing because the Merriwa community has been relying on the Government to fulfil its promise. In addition, the community has been unnecessarily affected by a lack of information, both in the budget papers presented yesterday and in the media releases of both the Minister for Health and the Minister for the Hunter, neither of which included mention of the \$900,000 for the project. The community, understandably, thought the hospital had not been funded even for the planning phase. The implication was that the project would have to await the next budget, and possibly the one after that. It would have offered at least some assistance to the community to know that \$900,000 had been allocated.

Only after almost one whole day of inquiry we were told that the media release issued by the Minister for Health referred on page 4 to an amount of \$51.9 million to redevelop or upgrade rural hospitals and health services at more than 20 locations, including Richmond Clinic at Lismore Base Hospital, Junee Hospital and Walcha Rural Hospital and Health Service. We have since been advised that the Merriwa hospital allocation is included somewhere in that figure. I think it is a hopeless way of presenting information to the community, when the Government's media releases are completely inadequate. To make matters worse, the media release issued by the Minister for the Hunter, the Hon. Michael Costa, in another place, also outlined various projects for the Hunter but also excluded any mention of the Merriwa MPS.

Included in that media release were items such as \$49.6 million for the John Hunter Hospital, \$13.7 million for the Mater Hospital and a number of other allocations for the Newcastle area. I would point out to Minister Costa that his role is that of Minister for the whole of the Hunter, and the fact that his media release omitted to mention an amount for Merriwa only served to reinforce the disappointment that the Merriwa community undoubtedly feels at the exclusion of the Merriwa MPS. I would restate that the \$900,000, whilst welcome, nonetheless indicates that the Government will now not fulfil its obligation to complete the project by

December 2007; and that the project will have to await a subsequent budget, possibly two, before completion of the MPS, which is greatly needed in the area. Unfortunately, as a result of this information, the community will have to wait much longer than originally promised by the Labor Party.

### TEACHING OF VALUES IN SCHOOLS

**Mr JOHN MILLS** (Wallsend) [12.17 p.m.]: I want to address the issue of the teaching of values in New South Wales public schools, and to illustrate that by reference to three schools in the Wallsend electorate where I have come across this issue in recent times. I know that our public schools are doing a wonderful job in the teaching of values. At this time last year the Prime Minister and the Federal Minister for Education belittled the New South Wales public education system by using the phrase "value-free zone" in their efforts to promote the private education system. I issued a challenge then and I repeat it now, because it has not been taken up. I would like Brendan Nelson or John Howard to come to one of the public schools in Wallsend electorate to see for themselves how wrong they were and to see the great job that is being done in the teaching of values in New South Wales public schools.

I attended the Elmore Vale Public School parents and citizens association annual general meeting. I congratulate the president, Anthony Brooks, the secretary, John Wolski, the vice-president, Kathy Whittall, and the treasurer, Kaye Johnson, on their great efforts in support of the school's students and staff. At the meeting the principal, Peter Clapham, referred to the values questionnaire he had issued to the school community. The questionnaire asked students to select from a list of 30 generally accepted values the 12 values that in their opinion were most important to the school. The values listed were: caring, self-confidence, consideration, co-operation, courage, courtesy, commitment, forgiveness, friendliness, generosity, helpfulness, good example, integrity, joyfulness, fairness, kindness, loyalty, orderliness, optimism, patience, perseverance, reliability, respecting rules, resilience, self-discipline, tolerance, trustworthiness, truthfulness, understanding and unity. I will report on the outcome of the survey in due course.

The leadership group at Maryland Public School—I attended their induction—is called a school parliament. The school parliament is an initiative of the school to develop leadership skills and allow all members of the senior school the opportunity to be part of the informed decision-making process. The members of the school parliament are as follows. The prime minister is Kimberley Lamb, the deputy prime minister is Daniele Clements, the leader of the opposition is Tim Sim—I told him he had the hardest job in the school parliament, if it is anything like this place—the serjeant-at-arms is Blake Spiers, and the clerk is Siobhan Cole. The values being led there are leadership, care for others, care for the environment, and respect.

The school parliament also has ministers and shadow ministers for education, sport, health and safety, functions, finance, communications and media, and natural resources. These portfolios are represented by Stephanie Roche, Emma Linich, Jessica Page, Alexandra Hernando, Courtney Nix, Prue Dwyer, Tuesday York, Rhys Kissell, Scott Page, Ryan O'Riordan, Courtney Stewart, Jasmine Williams, Sarah Gardner and Zarin Cenna. The minister for communications and media publishes reports regularly in the school newsletter.

Glendale East Public School has won a national award for excellence in values education. I congratulate the principal, Maria Williams, and the staff and students and their families on their great efforts in values education and learning. I attended the induction ceremony for the following school leaders: Marnie Twyford as school captain, Emmily Stollard as vice captain, and Danielle Hardy, Larissa Hennessy, Jack Marsh, Bradley Mott and Aaron Wilson as prefects. The school has its values up in lights around the school. In particular, respect, life, care, conservation, tolerance, honesty, love and peace are on that list of values. The incoming group of student leaders each year has an opportunity to rewrite the pledge. Last year in this House I reported on the wonderful pledge that the students take at Glendale East Public School. This year the students made some additions to last year's pledge list, and they are as follows:

- Be respectful of all teachers and students and well mannered at all times,
- Be friendly and inclusive of all students especially new students,
- Set a good example in school attendance, by good behaviour, playing sensibly and in the appropriate areas and in class by completing all tasks and always doing my best,
- Do my best to look out for the welfare of the students by reporting any danger and caring for the students,
- Notify the teachers if students bring valuable or dangerous items to school,



- Demonstrate my commitment to the school, its environment and its inhabitants by taking care, protecting and showing respect for the natural environment at all times.

Many of the pledge values were common to the previous year's list, such as:

- Carry out all the responsibilities and tasks set out for me by the school,
- Be honest at all times but tactful and caring in what I say,
- Help the teachers of the school by always being co-operative,

Well done to those three schools, and to all the schools in the Wallsend electorate, on the teaching of values in the New South Wales public school system.

### **RED ROCK-CORINDI SURF LIFE SAVING CLUB**

**Mr STEVE CANSELL** (Clarence) [12.22 p.m.]: Recently I had the pleasure of attending the 2005 Red Rock-Corindi Surf Life Saving Club presentation dinner. The club conducted a formal dinner presentation on 30 April 2005 at Red Rock Bombing and Recreation Club, which 90 people attended. Noted guests were the Federal member for Cowper, Luke Hartsuyker, Coffs Harbour Mayor Keith Rhodes, North Coast branch Surf Life Saving representatives, president Kerry Clancy, and northern branch supervisor Alex Pickford. It was an excellent night, with many people being awarded for their outstanding contribution to surf life saving. Twelve major awards were presented throughout the evening, with the top competitor being Scott McCartney, who is Red Rock-Corindi Surf Life Saving Club's first gold medallist at the Australian championships. The top award for clubmanship, Member of the Year, was presented to Damien McSkimming, who was club captain as well as a coach and trainer for the boat crew.

Many other awards were presented on the night. The kids who get involved in surf life saving are dedicating themselves to the community. The Patrol Efficiency Award, the T & S Classic Trophies Shield, was presented to patrol 3. Patrol 3 also cleaned up the inter-patrol competition, winning the Unrunga Bowlers Shield. Patrol 3 members are Mitchell Wright, Ros Kitching, Brendan Albert, Leah Philpott, Nathan Thomas, Matanne Doughney, Shana Doughney and Asleigh McSkimming. These extremely dedicated kids spend their weekends patrolling the beaches of the area to provide protection for the community and visitors.

The joint recipients of the Junior Member of the Year Award were Alexander Bourke and Matthew Callaghan, who received the Gary Wall & Son, Terry Wall Memorial Shield. The Rookie of the Year Award recipient was Jessie Edgar, who was presented with the Pole Family Shield. The Most Patrol Hours for the Year Award recipient was Bass Grason, who was presented with the McSkimming Family Shield. Bass Grason has clocked up more than 100 patrol hours, which is a fantastic effort for a young fellow. The Supporter of the Year Award went to the Wendy's franchise in Grafton. The Encouragement Award recipient was the boys boat crew, who were presented with the Craig Nichols Memorial Shield.

The award for Best Overall Competitor went to Scott McCartney, who was presented with the Craig Scott Memorial Shield. The recipient of the Associate Club Person of the Year Award was John McLauchlan, the husband of the hardworking secretary, Leeanne McLauchlan. The Female Member of the Year Award went to Penny Wright, who was presented with the Faulkner Family Shield. The recipient of the Member of the Year Award was Damien McSkimming, who was presented with the Brian Austen Memorial Shield. On 4 December 2003 in this House I raised the plight of Red Rock-Corindi Surf Life Saving Club, outlining how the club got started. I wish to repeat one paragraph of my contribution, which reads as follows:

In 1988 two young boys were swimming in the Red Rock River when they encountered difficulties with the extremely fast outgoing tide. Their father, Gary Wall, dived into the river and pulled one boy to safety. Gary then went back into the swelling, fast-running water and both he and his young son, Terry, were washed out into a treacherous surf. The nearest surf life saving club was 30 minutes away at Woolgoolga. Gary Wall paid the ultimate sacrifice in his selfless action in that valiant attempt to save his son's life. Gary and Terry Wall's drowning on that day was the catalyst, motivation, and reason for the community's campaign for, and involvement in, moves to establish a surf life saving club at Red Rock and ensure that a similar tragedy never happened again.

Currently the club has 32 active patrolling members with a total membership of 93, including juniors and associate members. For a small community, that is a huge effort. The club has been in operation since 1992, when it operated out of a shipping container and storage garage located in the caravan park at Red Rock. Since the establishment of the club members have been lobbying to have their own clubhouse, and training and storage facilities, which are well overdue. The club has been allocated land on which to build a clubhouse, and it

has engaged the services of an architect to design the new facility, with support from Mr Bob Fish, who is now the administrator of the Red Rock Trust. Most of the club's equipment is at least two years old, and the club will be requiring new equipment, or at least replacement of some equipment, to meet surf life saving requirements and the club's needs for the coming season. The club is hoping that the battle for facilities is nearly over so work can begin as soon as possible to increase the productivity and safety record of the club. As I said, this is a small community with a small surf club, with a big heart, which is always working hard to present a safe environment for the benefit of the community.

### **CHARLES STURT UNIVERSITY DUBBO CAMPUS SCHOLARSHIPS**

**Mrs DAWN FARDELL** (Dubbo) [12.27 p.m.]: Members will be pleased to know that the scholarships presentation ceremony hosted by Professor David Battersby at the Dubbo campus of Charles Sturt University went off without a hitch. It was another wonderful night, displaying the amazing breadth of talent and dedication within the ranks of the scholarship recipients. These students—young and mature-age—had inspirational stories to tell about where they had come from and where they were heading. Indirectly, they gave us a glimpse of where our communities might be in 10, 15 or even 20 years time if we invest wisely in our youth. What capped off the evening, for me, was the obvious difference the scholarships had made to the future prospects of these students. On closer scrutiny, it was clear that scholarships also had a positive impact on industry, business and the wider community, particularly in regional Australia.

As a nation we are constantly talking about ways to encourage people into the work force, skill the unemployed, and keep school leavers from their continental drift to the coast. Yet very little attention is given to the practical ways businesses can invest in this future and fortify their prospects for the years to come. In my electorate businesses do not have to look far for answers; at least some of them are provided by the extraordinary growth of Charles Sturt University's Dubbo campus. It started humbly in 1997, with no site, and just 11 business students based at the TAFE college. Today more than 500 students are enrolled from around the region. Stage two of the campus development in Yarrandale Road will be completed within the next two weeks, increasing student capacity to about 1,000. At the moment 62 students are accommodated on site.

The campus covers all the major disciplines, such as health—which includes nursing—commerce, arts, education and science. I mention this because these developments present exciting and unfolding opportunities that go far beyond individual graduates. In fact, for business operators who want to sow seeds of growth, who understand that their prosperity is intertwined with the local community, the campus presents a rich human resource. We know that young people who are encouraged to get their start in the country are more likely to stay in the country. They will build relationships in the country, start families here, grow businesses, and provide a desperately needed, skilled work force. So it makes good business sense to build those opportunities in our own backyard.

I am sure The Nationals members will not mind if I extol the virtues of the party's former Federal member for Parkes, Tony Lawler. Mr Lawler, who owns a number of pharmacies in Dubbo, is a generous and astute supporter of scholarships. He provides \$3,000 a year to successful applicants and they in turn serve their pre-registration and registration years in one of his pharmacies. His initiative has been so successful that two pharmacists in Bathurst and one in Lithgow are following suit. It is the classic win-win situation: industry securing its own future by investing in young people and, in turn, their communities.

Students, of course, have been quick to identify the benefits. I am told that one early childhood student took on the task of recruiting local preschools as donors. As I speak one of those preschools is in talks with Charles Sturt University's foundation office. But scholarships are not simply about financial help. They also demonstrate pride and confidence in our own, and building reservoirs of self-esteem that will sustain them for the hard slog ahead. Raelene Hopkins, who was awarded the 2004 Indymarra Encouragement Award, noted:

The scholarship not only helped me financially but encouraged me as an indigenous student to keep pushing ahead in my studies.

Jared Pritchard, the 2004 Darcy Kennedy Scholarship recipient, said:

Receiving a scholarship offloaded a lot of the pressure and allowed me to put more effort into my studies.

For many scholarship recipients the award is the first step towards their chosen career. It is a helping hand from the industry in which they plan to make their mark. For others it is quite simply the key to further education. Heather Bell, manager of campus operations, has shared some of their heartfelt stories. For one student and single mother of four the scholarship allowed her to fulfil her prac teaching requirements without worrying

about how to put food on the table. With financial assistance these students are following their life goals into every area of society: indigenous education, the arts, disability care, health and fitness, sports and business.

Country Energy is not simply helping students to buy textbooks and pay fees, it is funding research fellowships that will shape the direction and culture of the industry in rural Australia. Its programs, such as the indigenous education scholarship and fellowship into non-metropolitan applications of energy efficiency techniques and technologies, are commendable. Narelle Stocks, stakeholder and community relations manager for Charles Sturt University, tells me that 12 Dubbo businesses are involved in the scholarship scheme and that together they give about \$26,000 a year in financial support. Indeed, I would encourage businesses anywhere that are interested in fostering talent—wherever it may be found—to contact a university campus about becoming a scholarship donor. I particularly urge industry and businesses in my electorate to consider doing so. David Meharg, the 2004 recipient of the Barramielinga Scholarship, said:

The scholarship provided me with a sense of pride that the Foundation believed in my educational abilities enough to contribute to it and has given me an increased passion and drives me to learn and achieve academically at the highest level possible.

### SYDNEY WATER SUPPLY

**Mr DAVID BARR** (Manly) [12.32 p.m.]: Sydney has a long history of water crises and much of the development of Sydney has revolved around the availability of fresh water, going back to the Tank Stream and, when that was inadequate, the construction of Busby's Bore in the 1820s, and then in 1859 the Botany Swamp, which lasted for 20-odd years. In 1869 a royal commission pointed to a need for a more certain source of water. The commissioner said:

I cannot but see that the weakest point in the character of this great city ... is the present insufficient supply of water; I should therefore desire a more certain source.

Little has changed in over 140 years, and this reflects a sad lack of planning over many years by many governments. Sydney is again facing a water crisis with unsustainable water use and ever decreasing dam levels. Last year the Government released the Metropolitan Water Plan as a response to the deepening crisis. The plan pointed to four determining factors in planning for future water management: population growth, drought, climate change, and river health. The Metropolitan Water Plan incorporated a number of measures, including increased transfers from the Shoalhaven River, reducing demand, accessing deep water at the bottom of dams, and reuse. But I want to speak about planning for a desalination plant.

Currently Sydney consumes around 600 gigalitres of water per year. A gigalitre is one billion litres. I understand that 637 gigalitres were consumed in 2004, and this is not a sustainable level. The three ocean outfall areas at Bondi, North Head and Malabar pump out 365 gigalitres per year, which is 1,000 megalitres per day, equivalent to 1,000 Olympic-sized swimming pools. If we include Cronulla, Warriewood and the Illawarra plants, the discharge is between 400 and 450 billion litres of sewage. So on a percentage basis we are discharging roughly 450 out of 600 gigalitres, or 75 per cent of our extraction from raw water storages captured in the sewerage systems as sewage.

The proposed desalination plant the Government is now talking about would produce up to 182.5 gigalitres per annum—around 30 per cent of Sydney's requirements. That has been considerably upgraded from the Metropolitan Water Plan proposal, which at that stage was 36.5 gigalitres. So we pump out 365 gigalitres of potentially reusable water from the three deepwater outfalls and the Government is planning to desalinate the equivalent of half that quantity. The question is why we are not, like other major cities, recycling more.

The cost of the desalination plant, should it be commissioned, would be about \$2 billion. That is a lot of money to put into infrastructure that is greenhouse unfriendly. Sydney Water produces over 394,000 tonnes of greenhouse gases and is the biggest emitter of greenhouse gases on the north side of the harbour—I get those figures from the Manly Environment Centre. Fifty-four per cent of this is from sewage treatment and transport of sewage. The desalination plant would compound this. The question is why the Government persists with this end-of-pipe approach. Clearly we should be doing a lot more recycling to conserve water and use it sustainably. This will require significant infrastructure and it should be incorporated into medium and longer-term planning, otherwise all we have is yet another patch-up job that in the short term gets us over an immediate crisis, but is not the basis for a long-term sustainable water-wise future.

I have said a number of times recently that we need a spirit of co-operative federalism whereby the Federal and State governments get together to make sure that the cities that are suffering a water crisis at the

moment—Perth, Adelaide and Sydney—have long-term planning to make sure they become water sustainable. I believe that it is a failure of both the Federal and State systems that the two sides are not getting together to take major infrastructure planning of this kind much more seriously, because this is indeed a very serious issue. Unless we determine a long-term solution to sustaining our water we will probably have another royal commission and a commissioner making much the same comment as was made in the 1860s.

**Private members' statements noted.**

## **BUSINESS OF THE HOUSE**

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

#### **Motion by Mr Bob Debus agreed to:**

- (1) That standing and sessional orders be suspended to permit the business before the House to be interrupted at 11.00 a.m. on Thursday 26 May 2005 for the Leader of the Opposition and the Leader of The Nationals to speak on the Appropriation Bill and cognate bills; and
- (2) That the interrupted business be set down automatically as an order of the day for a later hour.

## **GAME AND FERAL ANIMAL CONTROL AMENDMENT BILL**

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

*[Mr Deputy-Speaker left the chair at 12.39 p.m. The House resumed at 2.15 p.m.]*

## **PETITIONS**

### **Gaming Machine Tax**

Petitions opposing the decision to increase poker machine tax, received from **Mrs Judy Hopwood, Mr Steven Pringle and Mr Andrew Tink.**

### **Somersby Fields Sandmining**

Petition opposing the proposal for the Somersby Fields sandmining project, received from **Ms Marie Andrews.**

### **Kurnell Sandmining**

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

### **Anti-Discrimination (Religious Tolerance) Legislation**

Petitions opposing the proposed anti-discrimination (religious tolerance) legislation, received from **Mr Alan Ashton, Mr Peter Draper, Mr Michael Richardson and Mr Ian Slack-Smith.**

### **Lake Macquarie Clean-up Funding**

Petition requesting funding for continuation of the clean-up of Lake Macquarie, received from **Mr John Mills.**

### **F6 Corridor Community Use**

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

### **Westdale Traffic Arrangements**

Petition requesting an overtaking lane at the corner of Gunnedah Road and Flinders Street, Westdale, received from **Mr Peter Draper.**

**Topdale Road Upgrade**

Petition requesting the upgrading and sealing of Topdale Road, received from **Mr Peter Draper**.

**F6 Corridor**

Petition requesting the reinstatement of the F6 corridor for the future road needs of Sydney, received from **Mr Malcolm Kerr**.

**Oxford Street Clearway**

Petition requesting removal of the Oxford Street clearway and imposition of a 40 kilometres per hour speed limit in Oxford Street, received from **Ms Clover Moore**.

**Old Northern and New Line Roads Strategic Route Development Study**

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

**Pacific Highway Overpass**

Petition requesting the construction of an overpass for the Pacific Highway at the Tea Gardens-Hawks Nest intersection, received from **Mr John Turner**.

**Forster-Tuncurry Cycleways**

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

**Armidale and Moree Rail Services**

Petition requesting continuation of CountryLink rail services from Sydney to Armidale and to Moree, received from **Mr Peter Draper**.

**Newcastle Rail Services**

Petitions requesting the retention and improvement of Newcastle rail services, and implementation of an integrated public transport plan for the Lower Hunter, received from **Mr Bryce Gaudry, Mr Jeff Hunter, Mr Matthew Morris** and **Mr Milton Orkopoulos**.

**Sydney to Newcastle Light Rail Service**

Petition requesting the provision of a light rail service between Sydney and Newcastle using the existing rail corridor, received from **Mr Jeff Hunter**.

**Pets on Public Transport**

Petition requesting that pets be allowed on public transport, received from **Ms Clover Moore**.

**Belmont Aeropelican Air Services**

Petition requesting support for the retention of Aeropelican air services in the Belmont area, received from **Mr Milton Orkopoulos**.

**Murwillumbah to Casino Rail Service**

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

**Macdonald River Signage**

Petition requesting that the Macdonald River be provided with signage stating "4 or 8 knots, no skiing, no wash", received from **Mr Steven Pringle**.

**Mid North Coast Airconditioned School Buses**

Petition opposing the removal of airconditioned school buses from the mid North Coast, received from **Mr Andrew Stoner**.

**CountryLink Rail Services**

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

**Colo High School Airconditioning**

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

**Isolated Patients Travel and Accommodation Assistance Scheme**

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

**Kempsey Water Fluoridation**

Petition opposing the addition of fluoride into the Kempsey and district water supply, received from **Mr Andrew Stoner**.

**Nowra Youth Services Bus**

Petition requesting the provision of a bus for Nowra Youth Services Incorporated for use with youth programs in the Shoalhaven, received from **Mr Matt Brown**.

**Water-Access-Only Property Policy**

Petition requesting a review of the water-access-only property policy, received from **Mrs Judy Hopwood**.

**Crown Land Leases**

Petition requesting the withdrawal of changes to the rental structure of Crown land leases, particularly enclosed road permits, received from **Mr Matthew Morris**.

**Great Lakes Council Rate Structure**

Petition opposing a 30 per cent rate increase proposed by Great Lakes Council, received from **Mr John Turner**.

**Public Housing Tenants Rights**

Petition requesting amendments to the Residential Tenancies Amendment (Public Housing) Act to provide public tenants with the same rights as other tenants and to protect their security of tenure, received from **Ms Clover Moore**.

**BUSINESS OF THE HOUSE****Withdrawal of Business**

**General Business Notice of Motion (General Notice) No. 2 withdrawn by Mr Barry O'Farrell.**

**BUSINESS OF THE HOUSE****Reordering of General Business**

**Mr JOHN BROGDEN** (Pittwater—Leader of the Opposition) [2.30 p.m.]: I move:

That the General Business Notice of Motion (General Notice) given by me this day [Retirement of the Premier] have precedence on Thursday 26 May 2005.

Today is a great day in the history of New South Wales politics. We are one day closer to the end of the Carr Government. Today the Premier equalled Neville Wran's record. He should take a leaf out of Neville Wran's book and retire. The front page of this newspaper shows the legacy of the Carr Labor Government.

**Mr SPEAKER:** Order! Yesterday I called a member of the House to order for displaying props similar to that which the Leader of the Opposition is now displaying. I warn all members to place similar props out of sight. If they do not they will be placed on three calls to order.

**Mr JOHN BROGDEN:** Today the Premier made history. Tomorrow he should fade into history. The record of this Government is one of lost opportunities. Yesterday's budget delivers the people of New South Wales \$10 billion in extra debt and the highest-taxing Government in the history of this country. In today's *Sydney Morning Herald* Ross Gittins, that respected financial journalist, wrote:

Take the Michael Egan out of Bob Carr and you're not left with much in the way of financial discipline. This is the budget of a Government that's lost its way and lost its nerve.

[*Interruption*]

I do not know why the Labor Party backbench is in such uproar. I thought we would get a lot of support out of this from the Labor Party, from Craig Scully—I am sorry, what a horrible combination that would be: a drunk driver who cannot get to work on time. Whether it is Carl Scully, Morris Iemma or, indeed, John Brogden, this State needs a change. [*Time expired.*]

**Mr CARL SCULLY** (Smithfield—Minister for Police) [2.35 p.m.]: What a great day it is today! Members opposite know that come the next election in March 2007 Bob Carr will still be leader of the Labor Party, and he will add John Brogden's scalp to the scalps of Nick Greiner, John Fahey, Peter Collins and Kerry Chikarovski. Members on the other side are going to go down because of Bob Carr. I would love to debate this issue tomorrow, but we have other matters to discuss. How miserable that members opposite cannot bring themselves to say, "Well done, Bob Carr!"

**Mr SPEAKER:** Order! Hansard is having trouble hearing the Leader of the House.

**Mr CARL SCULLY:** Do you know why they cannot say that? Who was the last long-time leader of the Liberal Party? When you look at them you think, "Bring back Askin!" You have to be kidding! I say, "Well done, Bob Carr!"

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

**The House divided.**

#### Ayes, 31

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

#### Noes, 59

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

**Pair**

Mr Merton

Mrs Perry

**Question resolved in the negative.****Motion negatived.****QUESTIONS WITHOUT NOTICE**

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**INFRASTRUCTURE PROJECTS**

**Mr JOHN BROGDEN:** My question without notice is to the Treasurer. How can the people of New South Wales trust the Treasurer to deliver even the most basic infrastructure when his budget papers reveal that 114 projects have been delayed and 128 projects have blown out, costing taxpayers a massive \$515 million over budget last year?

**Dr ANDREW REFSHAUGE:** There is no doubt that we have a most ambitious infrastructure program laying ahead of us over the next four years that will cost \$34 billion—that is \$1 million dollars an hour every hour for the next four years—and we will deliver. This Government is delivering projects for the people. I think back to some of the Opposition's projects, like the Port Macquarie Base Hospital. What a great project that was! It delivered nothing to the people and we were left having to buy it back. The airport rail link was another infrastructure project that the Opposition said would cost nothing. Here we are \$700 million later, and still counting. That is its record.

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

**Dr ANDREW REFSHAUGE:** Some projects will be delayed, but that is totally outside our control. I just happen to have one here: Milton Public School. Does the House know what happened to Milton Public School. We had the money available for it, until it hit the council. And who was on the council? Good old Shelley! Shelley was on the council. What did Shelley say? She said, "Hold it up, hold it up, we want to change the plans, we want it planned differently, we want to have a different type of car park, we want you to move the bicycle hall forward and put in a new car park." How much did that cost us? It cost \$530,000 more, because Shelley decided she did not like the plans.

**Mr Ian Armstrong:** Point of order: If the Minister is correct, why is—

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

**Dr ANDREW REFSHAUGE:** Our design expert down on the South Coast, Shelley Hancock, decided she did not like the design. She wanted it sent back again. Get a new design! Another \$50,000!

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

**Dr ANDREW REFSHAUGE:** If we can keep The Nationals and councils out of our work we will get it delivered on time, and it will be delivered well. But keep out of the work, keep your nose out of the programs and we will deliver them on time.

**STATE BUDGET**

**Mr GERARD MARTIN:** My question without notice is directed to the Premier. What is the Government's response to community reaction to yesterday's State budget?

**Mr BOB CARR:** They are on the job; they take you by surprise with these questions! I have surveyed the country—

*[Interruption]*

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



**Mr BOB CARR:** I have surveyed the rural media because I agree with the Prime Minister that if the great farming communities of Australia are left to die, a part of Australia will die for all time. The question was asked by the spokesperson for Country Labor and so my attention is drawn, as one would expect, to the reaction to the budget in rural and regional New South Wales. The *Central Western Daily* said it all: "Budget for the country". It said:

A new police station, cannabis treatment clinic, continued financial commitment to the new base hospital were highlights for Orange when the State budget was handed down yesterday.

It goes on, in what some people might describe as tedious detail, to relate all the assistance for the farming community that made this indeed a budget for the country. From the *Maitland Mercury*, "Big spender"—Shirley Bassey, big spender!

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

**Mr BOB CARR:** "Big spender. Maitland receives millions for works" and there are a lot of ticks next to pictures of roads into—

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

**Mr BOB CARR:** It talks about roads, education and water in the \$34.7 billion State budget spend-up yesterday. From the *Illawarra Mercury* in the great Illawarra, that old but nonetheless true cliché "Bob the Builder" was trotted out again in somewhat new guise: "Ports, rail, education, roads, health, welfare were all positive news for the great Illawarra". In giving an answer about responses to the budget in rural and regional media, you would expect me to dwell, would you not, on what that great newspaper, the *Barrier Daily Truth* says? That is because we are focused on the country. It says—and what a commendation this is for the honourable member for Murray-Darling—"More beds and money for health service".

**Mr Brad Hazzard:** Point of order: This headline—

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

**Mr Brad Hazzard:** This headline says it all. If he can show us his, then we should be able to show him ours.

**Mr SPEAKER:** Order! The honourable member for Wakehurst will resume his seat. I place him on three calls to order.

**Mr BOB CARR:** I interpret that as a request for more information about health spending in particular. The President of the Australian Medical Association [AMA] said:

The \$71 million increase on last year's budget for mental health will make a really positive impact.

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

**Mr BOB CARR:** That was from John Gullotta, the AMA President, not a noted supporter of the Labor Party. The *Newcastle Herald* quotes a local spokesperson as saying:

It looks like the Government has significantly increased expenditure on health. The additional hospital beds are terrific.

The *Illawarra Mercury* is also acclaiming the extra hospital beds. So it goes on! More hospital beds and, above all, I am proud to say that in the 10 years the Government has been in office there has been an increase in mental health spending of 150 per cent. That has been welcomed, of course, by all the mental health groups.

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

**Mr BOB CARR:** The *Barrier Daily Truth* dwells on the buildings, roads and drought relief boosted in the budget.

[Interruption]

What? The Leader of The Nationals is attacking the paper?

**Mr Andrew Stoner:** No, you!

**Mr BOB CARR:** From the *Port Macquarie News*, "Purse opened". Port Macquarie is not a Labor bastion, and it is not a National Party one either. It used to be, but it's the old story. How do you turn your political party into a boutique National Party? You start with a big National Party!

**Mr SPEAKER:** Order! The honourable member for South Coast will resume her seat.

**Mr Andrew Tink:** Point of order: You put the honourable member for Wakehurst on three calls to order for using a prop once. The Premier has used props repeatedly during question time. Put him on three calls to order and be bipartisan! Be objective! He has repeatedly used props. How many times are you going to allow the Premier to repeatedly use props before doing something about being objective? Be objective, be fair, make balanced rulings and issue calls to order on an objective basis. Put him on three calls to order—forget about the tenth birthday wake and put him on three calls to order!

**Mr SPEAKER:** Order! The honourable member for Epping will resume his seat. I remind him that the first two members called to order during question time were Government members. The Premier is answering a question and is entitled to read from material when he is doing so. The Premier has the call.

**Mr BOB CARR:** This is the tedious debate we have to have every Wednesday after delivery of the budget, isn't it? All I am trying to do is to elevate the State's rural and regional media.

**Mr SPEAKER:** Order! The honourable member for South Coast will stop calling out.

**Mr BOB CARR:** The Riverina's *Daily Advertiser* ran the headline "Cop Shop Bob", and referred to our commitment as "a \$13 million plan for Wagga Wagga's new police station unveiled in the State budget yesterday". It may be that it is a safe Liberal party seat, but it does not matter to us, because when they break, when it comes to need, they get the money out of our \$34.7 billion capital works budget.

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

**Mr BOB CARR:** They have been in their little workshop all morning.

**Mr SPEAKER:** Order! The honourable member for Epping is deliberately flouting the rulings of the Chair and adopting an Opposition tactic to disrupt the House. It is well known that walking around the Chamber in a deliberate attempt to disrupt proceedings is grossly disorderly. In deference to the honourable member for Epping I am willing to extend a degree of latitude to him because of his esteemed position in the Opposition. However, he more than any other member knows the rules and standards of the House. I assume he also knows why those rules and standards should not be flouted. I place him on two calls to order and warn him not to continue his disruptive behaviour. The Premier has the call.

**Mr BOB CARR:** The question was asked by the honourable member for Bathurst, and my attention has been drawn to the *Western Advocate* of today's date, which runs the headlines, "Hospitals a goer" and "State Budget brings good news". It also reports: "The redevelopment of Bathurst Base Hospital will start this year after funding was announced in yesterday's State budget." The editorial, were it to be read, would almost embarrass me, but I know the House would want me to share one paragraph:

It is a stunning amount of money, and even State member for Bathurst Gerard Martin yesterday admitted he was surprised by the figure.

It is little wonder that, without warning to me, the honourable member for Bathurst was up on his feet at the inauguration of this question time, to put me on the spot about what has been the response to the budget. The *Central Western Daily* is very positive as well. It is almost as if there were an editorial contest in this part of New South Wales. It says, "State Treasurer Andrew Refshauge—"

**Mr George Souris:** Who's in the wings?

**Mr BOB CARR:** They said it was a terrific budget, George. The *Central Western Daily* editorial says, "State budget delivers for Orange". I do not want to provoke the House by going into any further detail.

**Mr SPEAKER:** Order! There is too much conversation on the Opposition benches. I call the honourable member for Bega to order.

**Mr BOB CARR:** The positive response to the budget is clear from this feisty, independent press, both local and interstate. The budget even came to the attention of the *Hobart Mercury*, which referred to the New South Wales budget as a "Home owners tax bonanza". The *Adelaide Advertiser* ran the headline "NSW splashes its cash". The *Australian* ran the headline "Big cash injection for health". And so it goes on. The *Hills Shire Times* ran the headline "\$151 million for upgrades". The *Canberra Times* ran the headline "Queanbeyan Hospital wins \$44 million upgrade". The *Fairfield Advance* ran the headlines "New fuel to fight drug war" and "Cop this building bonanza".

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

**Mr BOB CARR:** The *Manly Daily*—there might be more said about Manly during one of these question times—ran the headline "More for bus and ferry upgrades". That is all news about the Government's record infrastructure spending. The media have recognised the budget's merits, and they have reported them without fear or favour. It gave me great pleasure to share this media reporting with such an appreciative audience, and I thank the House for its undivided attention.

### WATER AND ELECTRICITY PRICES

**Mr ANDREW STONER:** My question is directed to the Treasurer. Will the Treasurer reject any increases in prices for water and electricity consumers as a result of his decision to load up public trading enterprises with a further \$10 billion of debt and increases in dividend of more than \$450 million over the next five years?

**Dr ANDREW REFSHAUGE:** The Independent Pricing and Regulatory Tribunal was set up by Nick Greiner, and we will agree with the tribunal's decision.

### CITYRAIL COMMUTERS INFORMATION

**Ms LINDA BURNEY:** My question without notice is addressed to the Minister for Transport. What is the latest information on efforts to improve communications with CityRail commuters?

**Mr JOHN WATKINS:** Providing better, more accurate and timely information to passengers on our rail network is essential, particularly when services have been disrupted. Since becoming Minister I have spoken to commuters throughout the rail network who have expressed their frustration with inadequate communication and information about planned and unplanned disruptions to services. Commuters should be informed as soon as possible, and in as much detail as possible, about any changes to train services, especially when services are disrupted. This is one of the basic requirements of good customer service, and it is a high priority for the Government. Passenger information is presently delivered through a combination of technology and human-based systems on trains and stations. These range from manual and digital voice announcements through to the more sophisticated, electronic, visual display boards that are currently located at 31 CityRail stations.

Our rail system is extremely complex, and many of our systems rely on manual input into these passenger information systems. As those who travel on our rail network are very aware, there are times when this manual process results in the wrong information, or, perhaps worse, no information, being provided to commuters. This is simply not acceptable. For example, if a train controller needs to make the decision to change the stopping pattern of a train, that information needs to be communicated to every affected passenger on that train and to every affected passenger waiting on the stations at which the train is scheduled to stop. This often requires telephone-based communication that can lead to obvious breakdowns in communication, which could be avoided with better technology in place. That is why improving the technology behind passenger information is one of the Carr Government's highest transport priorities.

We need to move to a more sophisticated technology to ensure that passengers get the quality and accurate information they deserve. I can inform the House that yesterday's budget committed a further \$7 million to improving the automated station passenger information system. One of the first beneficiaries of this investment will be commuters on the Bankstown Line, as the investment will see new station passenger information displays installed on the 12 stations located between Marrickville and Birrong. Work has already commenced on this project, and the new information systems are expected to be operational by April next year.

Following completion of that project it is anticipated that station passenger information systems will be rolled out to the Illawarra and the East Hills lines. That is not to say there have not been other improvements in communication in recent years. RailCorp has taken a number of steps to improve its passenger information systems, including better training of its staff.

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

**Mr JOHN WATKINS:** In December last year CityRail installed new plasma screens at each of the central business district stations to provide passengers with the latest updates on train running information. These have improved the quality of information provided to passengers as they give details of the delays and the causes and allow people to make choices about their travel options.

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

**Mr JOHN WATKINS:** Another initiative has been the rollout of 50 train location systems to stations across the network allowing station staff to have computer access to the location of trains approaching each of the stations. That allows station staff to make announcements without constantly having to contact the local signal boxes to determine when their train service will be arriving. Better use of our transit officers and other front-line staff is assisting customer information, but it is probably no revelation that when things are going well on the network information is not much of a problem; it is when things are going poorly that we have to get it right. Where we see the problems occurring is with those disruptions.

I have asked RailCorp to provide me with short, medium and long-term solutions to further improve passenger information because we need to get it right. I can inform the House that RailCorp has conducted extensive research into customer information in recent months. The findings of that research have shown that during times of disruption people prefer that station staff make real-time, live announcements about delays. The research also showed that customers prefer digital voice announcements for basic train running information but would like safety and other messages displayed through appropriate signage at their stations. This research will assist RailCorp in developing its future plans to improve passenger information systems. I will be happy to provide further updates to the House in the future about how these plans have been applied.

#### **GUNNEDAH AND DISTRICT RURAL COUNSELLING SERVICE FUNDING**

**Mr PETER DRAPER:** My question without notice is directed to the Premier. Given the Premier's recent call for banks to support farmers through the ongoing drought, will the Government commit additional funds to the Gunnedah and District Rural Counselling Service to ensure its future?

**Mr BOB CARR:** In the fourth year of one of the worst droughts on record, farming families across the parched landscape of rural New South Wales are under enormous pressure. Many farmers will be unable to sow a winter crop for the third successive year. Others have de-stocked and will be unable to build up stock numbers until the drought ends. During the current drought the New South Wales Government has provided \$160 million through 30 separate assistance measures. The Minister for Primary Industries announced additional measures at the Drought Summit in Parkes and they included waiving water charges for irrigators in the Lachlan Valley in 2003-04, reinstating transport subsidies for sending livestock to slaughter or sale until the end of winter, and the member for Tamworth will be pleased to hear that a renewed commitment has been made by the New South Wales Government to drought support workers and the Rural Financial Counselling Program.

With 87 per cent of the State still in drought, and with the prospect of yet another dry winter, the Government recognises the plight of drought-stricken farmers. As the Treasurer recognised in his speech yesterday, the Federal Treasurer said nothing about drought in his budget speech. The honourable member for Tamworth rightly draws the attention of the House to the rural financial counselling service. This service is a lifesaver for farmers under stress, offering financial advice, information and moral support. It acknowledges the financial problems caused by drought and the psychological effect on farmers and their families.

At critical moments when farmers are facing decisions about their future, these counsellors are able to offer a word of advice. It is a free service, independent and confidential. Historically, the Commonwealth and State governments have funded the scheme with each local community contributing, but since the start of the drought in 2002 local communities have found it very hard and that is why in a number of cases the New South Wales Government met the shortfall with additional grants of \$25,000. This amounted to nearly \$2 million of assistance in counselling in 2004-05. The honourable member for Tamworth will be interested to hear that the

New South Wales Government will ensure rural financial counsellors, including the Gunnedah service, can continue their valuable work. The funding Gunnedah has received for the past two years will be extended another year. Farmers are resilient and optimistic, but in these arid lands with this variable climate and this very tough drought, they need this extra assistance, and the rural financial counselling service is one of the many measures the New South Wales Government supports.

There is one area where the Opposition goes further than us in offering support for farmers. We have overlooked, and the Minister has overlooked and Country Labor has overlooked the hardworking farmers of Manly. Down by the golden sands and the Norfolk pines, back beyond the Corso, the aquarium and the beach volleyball courts, people are apparently up at the crack of dawn slipping on their RM Williams and putting the blue heeler in the back of the ute. The Leader of the Opposition has been taking up their cause. He said in a press release delivered to the *Manly Daily* that the New South Wales Government had completely neglected the poor downtrodden farmers of Manly and he produced a headline, "The Plight of Manly's Farmers". The newspaper was reporting a press release issued by the Leader of the Opposition calling on the honourable member for Manly—the poor, old member for Manly—to support the Coalition's amendments to our new workforce safety laws. The press release said:

Mr Barr can either stand up for businesses and farmers in Manly or continue to be a lackey of the Carr Government.

I just warn the honourable member for Manly what the Leader of the Opposition said in the devastating criticism contained in that press release: You stand up for your farmers in Manly. They are all confused on that side of the House. I know The Nationals has become a coastal party; I know it has been stripped of seats by country independents inland—and lost Port Macquarie to boot; Lachlan has been sacrificed in the redistribution—

**Mr Ian Armstrong:** I'm going to run for Manly now!

**Mr BOB CARR:** That is right, the farmers' friend from Lachlan can run for Manly. He is entitled to think that after their dismal performance in Manly against the independent at the last election he might have done a whole lot better. But that is a warning and if I were the member for Manly I would be checking the local government records and the Australian Bureau of Statistics. We did check them and, funny thing, there is not a farmer on the electoral roll in the State electoral division of Manly. But, given the absence of other issues, it is worthwhile for the Leader of the Opposition to take up their cause, just in case.

### MENTAL HEALTH SERVICES FUNDING

**Miss CHERIE BURTON:** My question without notice is directed to the Minister for Health. What is the latest information on mental health services in New South Wales?

**Mr MORRIS IEMMA:** I thank the honourable member for Kogarah for her question and for her ongoing interest in mental health. I can inform the House that yesterday's budget confirmed the dedicated funding for mental health services for the coming year at \$854 million—an increase of \$71 million or 9 per cent in one year. I can inform the honourable member for Kogarah that the \$854 million is up from \$355 million in 1994-95. The honourable member for Willoughby might take note of these figures: when the Coalition went out of office the mental health budget stood at \$355 million; it now stands at \$854 million. I can also inform the House that the commitment behind this budget is to expand all aspects of mental health care and mental health services.

I hope honourable members opposite have not been taking lessons on counting budgets from the shadow Minister's press release issued yesterday about estimates in expenditure, actual expenditure, and the results that come in at the end of the year. Nevertheless, the budget provides \$854 million and a commitment to expand the full range of mental health services. Honourable members opposite should remember how many mental health beds they closed. Not only was the funding record of the Opposition derisory, at \$355 million when it left office, but also between 1988 and 1995 members opposite closed 711 mental health beds. That is equivalent to closing a hospital the size of Royal Prince Alfred [RPA].

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

**Mr MORRIS IEMMA:** That is what the Opposition took out of the mental health system in those years. The Opposition took out of the system beds to a total equivalent to a hospital the size of Royal Prince Alfred for the mentally ill, and had its miserable funding record of \$355 million. That is how much they care. In

fact, when they left office, the per capita spend was as derisory as their \$355 million; it was just \$54.30. Honourable members might be interested—and the member for Kogarah certainly is—that yesterday's budget brings the per capita spend to \$103.90. In 1993-94 the per capita spend was \$54 and yesterday's budget brings it to \$103. It just so happens that New South Wales is now above the national average.

**Mr Joseph Tripodi:** A double-up.

**Mr MORRIS IEMMA:** That is correct. As the Minister for Housing says, it is a double up. The latest available national figures, which are for 2003, put the national average at \$100. Yesterday's budget puts New South Wales at \$103, and it is projected that by 2007-08 New South Wales per capita spend will be \$109. That is evidence—not like the miscalculations by the Opposition—of the Government's commitment to improve services for the mentally ill. In just over seven years the Opposition took out beds that would be the equivalent to a hospital the size of the RPA. In the last three years the Government has put back 250 beds, and 240 more are on the way. The Opposition closed beds yet this Government is putting them back. Yesterday's budget provides the latest phase in this record investment in mental health beds.

*[Interruption]*

Yes, it is certainly a record. It will include 100 longer stay, non-acute beds at Campbelltown, Coffs Harbour, the Hunter, St George and Shellharbour hospitals; additional psychiatric emergency care beds at St George, St Vincents, Hornsby and four other locations—honourable members should get their bids in for those other four locations—a 15-bed older persons unit in the Illawarra; and a 15-bed psychiatric intensive care [PIC] unit at Hornsby. That one is interesting because that hospital gets a PIC and an intensive care unit, on top of the acute unit already there, so it is doing extremely well. The funding will include more child and adolescent beds; acute beds in metropolitan and regional New South Wales, such as Dubbo, Lismore and Katoomba; and additional forensic beds.

Mental health services are not just about beds. Our commitment to community mental health is demonstrated by the fact that almost half the budget is dedicated to community mental health services. Yesterday's funding of an additional \$22 million will add to that commitment. I can provide the honourable member for Kogarah with additional information on what community mental health services will involve. Firstly, there will be additional community rehabilitation services. That means more staff linked to community mental health services, particularly allied health professional such as occupational therapists and psychologists. The funding will be provided to them to provide rehabilitation services to people in the community.

The second phase of the budget's plan for boosting community mental health services will involve senior citizens. This will be dedicated towards improving access to people suffering from dementia and other illnesses. A particularly important part of the boost in community mental health services will be those suffering dual diagnosis and will be targeted towards early intervention for those aged between 16 and 25 years. These will involve pilot programs in metropolitan and regional areas targeting young people with those substance abuse and mental illnesses who are at risk of homelessness. The fourth aspect of boosting community mental health services will involve mental health services for young people who come into contact with the juvenile justice system. I am particularly pleased to inform the honourable member for Kogarah that the objective will be to divert young people with emerging mental illnesses away from the criminal justice system.

The budget will also provide funding for the third stage in one of the most successful and exciting community mental health plans of the last decade. This unique partnership exists between the health services, the Department of Housing and non-government organisations, known as the HASI Program. We have already had stage one, a \$5 million investment in 118 medium to high support places in the community. Stage two has just been completed, which is a \$15 million investment in an additional 460 lower support places in the community, in partnership with the Department of Housing and non-government organisations. Following the tender process, those contracts will be awarded this year.

I inform the House that yesterday's budget provides an additional \$8 million for stage three of the HASI Program, an additional 126 medium to high support places over the next 12 months, in partnership with the Department of Housing and the non-government sector. With the three stages, this will bring the total of community care places to more than 700, an important figure, because that is 700 support places—beds if you like—which will keep people in the community with support from non-government organisations, which provide them with valuable support in the home.

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

**Mr MORRIS IEMMA:** The honourable member for Willoughby used to be so quiet and so nice when she was a backbencher. Now that she is on the front bench, she has become so rude. Non-government organisations will provide living support in the community. The health services provide clinical support and the non-government organisations provide support to allow people to remain in their homes, with their friends and with their social networks. That is the role of the non-government organisations in these partnerships—the Department of Housing provides the accommodation and the health services provide the clinical support.

In contrast to closing 700 acute beds, which is the equivalent of taking a hospital the size of Royal Prince Alfred out of the mental health system, what we have done in a few short years with the HASI program is put back in the community the equivalent of Royal Prince Alfred Hospital for those suffering a mental illness. We will continue to invest in this worthwhile and successful program, which is keeping people out of hospital. As I said, the fourth phase of the investment in mental health services is psychiatric emergency care centres at St George Hospital, St Vincent's Hospital, Hornsby and hospitals at four other locations. I look forward to receiving representations from honourable members on those four locations.

### INSURANCE TAXES INCREASE

**Ms PETA SEATON:** My question without notice is addressed to the Treasurer.

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

**Ms PETA SEATON:** Given that the Premier wanted to ensure that the HIH royal commission recommendations were implemented without years of delay, why has the Treasurer rejected the commission's recommendations that the State Government should abolish or at least reduce taxes on general insurance policies to ensure that families, businesses and farmers are adequately insured?

**Dr ANDREW REFSHAUGE:** There is an update on the shares. According to the *Southern Highland News*, as of 12 noon yesterday, despite a major surge in the stock market, the honourable member for Southern Highlands is still making a loss. Despite the competition, she is at number 10. She was at number 10 last week and she is still at number 10. We still hope—not a lot of people do but we do—that the shares of the honourable member for Southern Highlands improve. I answered this question comprehensively yesterday.

### POLICE STATION UPGRADES

**Mr PETER BLACK:** My question without notice is directed to the Minister for Police. What is the latest information on improvements to police holding cells and related matters?

**Mr CARL SCULLY:** As all members would be aware, our front-line police need modern, efficient facilities. I have visited a number of police stations, and there are varying grades of quality.

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

**Mr CARL SCULLY:** Some are good; some are not so good. Some are quite small and run-down, and some are in urgent need of attention. I am pleased to say that \$200 million over five years has been allocated to upgrade police stations.

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

**Mr CARL SCULLY:** Most honourable members would be aware that I have engaged Michael Knight to conduct an inquiry and report back to me on options that might be available to government to accelerate the construction of new police stations and obtain ways and means of upgrading further police facilities. Yesterday I detailed about \$40 million worth of expenditure over the next financial year on a number of police stations. That does not include Redfern and Chatswood, which are state-of-the-art police centres that have already been completed. There is some good news: Some \$7.5 million is budgeted for cell upgrades at a further 25 police stations.

This is important for the safety of our police. We need to ensure that cells are of a standard and in a condition that is safe for police to operate in. That is why the Government has allocated significant funds for those upgrades. I think honourable members should be aware of which police stations and cells will be upgraded—honourable members need to hear this—Sutherland, Mullumbimby, Eden, Gundagai, Hay, Leeton,

Tumbarumba, West Wyalong, Cowra, Boggabilla, Mungindi, Coonabarabran, Narrabri and Wee Waa. That shows that we govern for the whole State; we do not govern simply for Labor seats. Whatever gave members opposite that idea? What an appalling thought!

[Interruption]

There's more! The Murrumbidgee electorate did very well yesterday.

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

**Mr CARL SCULLY:** The honourable member for Murrumbidgee should behave himself or I might take the funds off him.

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

**Mr CARL SCULLY:** In addition, \$3.2 million has been allocated for storage and security enhancements, the provision of disabled access, upgraded interview rooms and office accommodation, and improved staff amenities at 11 police stations. Honourable members should be aware of where those 11 stations are, because public money is being spent on improving the work environment in which our good police officers operate. Those 11 stations are Murwillumbah, Maitland, Nowra, Cootamundra, Narrandera, Cooma, Corowa, Port Kembla, Temora, Wilcannia and Broken Hill. I would like all members who have successfully convinced the Government that we should be expending these funds in their areas to go forth and tell their police officers that the Government is committed to do all it can to ensure that their environments are as safe and effective as possible. Why should we do that? Not only is it a good thing to do but our police deserve our thanks and appreciation because of all their efforts in driving crime down. And members opposite hate that.

#### RURAL ASSISTANCE AUTHORITY STAFFING

**Mr RUSSELL TURNER:** My question without notice is addressed to the Treasurer. In the worst drought in more than 100 years, why has the Treasurer cut seven jobs or nearly 20 per cent of the staff of the Rural Assistance Authority, which provides vital assistance to drought-stricken farmers?

**Dr ANDREW REFSHAUGE:** On the day that the *Central Western Daily* states "Budget for the country", I should point the honourable member for Orange to his leader, who wants to cut 27,000 public service jobs. That is what he wants to do, and it would be the jobs of members opposite that go. The honourable member should be telling him to stop cutting jobs, as he is planning to do.

#### COURT UPGRADES

**Mr RICHARD AMERY:** My question without notice is directed to the Attorney General.

[Interruption]

Go easy on the member for Murrumbidgee! Stupidity is not a crime. What is the latest information on improving court infrastructure and security, especially in Western Sydney?

**Mr Andrew Tink:** Point of order: Who is this bloke?

**Mr SPEAKER:** Order! Reluctant as I am to do so, I place the honourable member for Epping on three calls to order.

**Mr BOB DEBUS:** I thank the hardworking member for Mount Druitt for his question. The Government is committed to ensuring greater access to the justice system by upgrading courthouses across the State and building more courtrooms where they are needed most. Building modern courthouses, refurbishing our existing properties and implementing modern technologies will provide greater service and access for the people of New South Wales in the years to come. We are building on last year's budget allocation and the New South Wales justice system will now receive more than \$400 million over nine years for capital works. More than \$95 million has been set aside for the coming financial year to continue the construction of new courthouses, the expansion and upgrading of existing courthouses and the development of groundbreaking technologies that will revolutionise the State's legal system and infrastructure. This significant allocation will build on commitments made in recent budgets. There are ongoing projects of great significance.



They include the purpose-built Children's Court at Parramatta, and in the Hunter at Broadmeadow, at a total cost of \$36 million; the \$58 million Sydney West trial court complex at Parramatta; the soon-to-be completed \$11.5 million courthouse for Mount Druitt, actively advocated by the honourable member for Mount Druitt over a number of years; the rebuilding of Bankstown Local Court at a cost of \$21 million; the construction of an additional courtroom and facilities in Blacktown courthouse at a total cost of \$4.5 million, and major upgrades of courthouses at Woy Woy, East Maitland, Orange, Nowra and Moree and the roll-out of videoconferencing facilities right across the justice agencies.

Videoconferencing can be used in a wide range of ways in the modern courthouse. It is important in taking evidence from witnesses in other locations, and that is particularly significant in the context of our new initiatives concerning the protection of victims in sexual assault cases. A video link provides a link between the courtroom and gaol and cuts down the unnecessary movement of prisoners. There are many important applications of this technology and at the present time some 70 videoconferencing facilities are available across the justice agencies. The expenditure announced by the Government in the present budget will expand the use of videoconferencing to another 30 priority locations in New South Wales.

Last year the Government announced funding of \$250 million for a strategic upgrading program to be undertaken over the coming years. Funding of \$3 million was allocated then. The amount of \$7.5 million has been allocated for 2005-06 for significant improvement at 30 courthouses, including continuing work on the upgrading of prisoner management facilities at Bathurst, at Central Court, and at Dubbo, Wellington, Moss Vale, Penrith and Goulburn local courts, and electronic security is to be enhanced as the Downing Centre. These are but some of the examples that members of the House will welcome as the Government continues to demonstrate its commitment to the upgrading and renovation of our court system and the improvement of security within the system for the public and for staff.

**Questions without notice concluded.**

#### **REDFERN OVAL**

##### **Personal Explanation**

**Ms CLOVER MOORE**, by leave: In a statement yesterday, the honourable member for Heffron misrepresented my position on the City of Sydney's proposed redevelopment of Redfern Park and thereby brought into question my integrity and impugned my character. The honourable member for Heffron has the funding figures wrong, does not accurately describe the redevelopment proposal, falsely states that I am not examining a late proposal from the Indigenous Land Corporation, and ignores the unanimous resolution of council's Environment and Heritage Committee of which I am a member. These are significant errors of fact. The record needs to be set straight.

#### **CONSIDERATION OF URGENT MOTIONS**

##### **Federal Government Industrial Relations Policy**

**Ms NOREEN HAY** (Wollongong) [3.43 p.m.]: This motion is urgent because recently the Leader of the Opposition announced that if elected a Coalition government would refer its industrial relations powers to the Commonwealth. This is a startling decision, particularly given that the Federal Government has not announced what its specific proposals are. This motion is urgent because if implemented it threatens the peaceful and harmonious industrial relations system we have in New South Wales and replaces it with a system predicated on disputes, strikes and lockouts such as we have seen in Victoria. It is urgent because Opposition policy would force New South Wales small businesses into complex and costly industrial relations processes that many of them do not want.

The motion is urgent because it will force low-paid workers into individual bargaining and make life much harder for working families—remember them—in New South Wales. The motion is urgent because this proposal threatens New South Wales workers, and employment conditions would be eroded. As the driver of the national economy, New South Wales needs an industrial relations system attuned to its needs and values, and the Opposition's decision is a threat to the harmonious industrial relations climate we have in this State.

##### **Water Supply**

**Mr ANDREW STONER** (Oxley—Leader of The Nationals) [3.44 p.m.]: Few issues are more urgent right now in New South Wales than water. This issue has become even more urgent because yesterday's State budget failed to make a splash in relation to the water crisis in Sydney and in other communities throughout New South Wales. Yesterday's budget showed that the Treasurer might be wet in his ideology but when it comes to solutions to the imminent water supply crisis he is as dry as a bone. Yesterday the Treasurer said about water solutions that it needs to rain in the right place! That is the Government's strong and detailed plan for

future water supplies—it is hoping for rain. Meanwhile communities are running out of this precious resource. The Government had better start doing a rain dance, because its budget will not provide any more water—no dams, no large-scale recycling, no stormwater harvesting, no dam capacity enhancement, no desalination, nothing, just the same tired old metropolitan water strategy.

This issue is urgent because the Government's so-called metropolitan water strategy, which it has spent hundreds of thousands of dollars advertising to con people that it will work, is nothing more than a hastily cobbled together series of bandaid measures that are literally a drop in the bucket when it comes to securing Sydney's future water needs. Its plan is to suck more water out of the Shoalhaven, require small-scale recycling for new houses only, and use a deeper pipe in Warragamba Dam, which will not produce one more drop of water. The plan is a crock and the Auditor-General said so just a couple of weeks ago. It is urgent because there is still no country water plan—again, no new dams or increased dam capacity, no major recycling schemes, not even a rainwater tank rebate for country New South Wales. It has cut the country town water and sewerage scheme from \$85 million in 1995-96 to just \$32 million this year.

Over at Goulburn, where usable dam levels are so low there is only a couple of months supply, the Government's only solutions are to drill bores and cart water. Where are the measures to prevent this arising in future droughts? Yet the water utilities have been loaded up by Labor with record debt and savaged for record dividends—meaning they will be able to invest less in water-saving schemes. In this irresponsible and incompetent budget Labor is borrowing an additional \$10 billion over the next five years. People are asking where is the money going? It certainly is not going into solving the chronic water problems in New South Wales.

This matter is urgent because for 10 years Labor has ignored this real and present danger and sat on its hands while water supplies have dwindled. This budget has deferred any meaningful solutions for yet another year. We do not have another year to waste. Farmers' properties and their communities are drying up because we have not drought-proofed our towns. This matter is urgent because some experts are saying that even in Sydney the water will run out in two years. The Government's lack of action over a total of 11 years is nothing short of criminal. Every year 400 billion litres of waste water are let go into the ocean, another 60 billion litres, almost 10 per cent of Sydney's water, leak out of old fragile pipes and mains, and millions of litres of stormwater run down the gutters into the drains and out to sea.

In just those three areas the Government could solve Sydney's water crisis and stop penalising householders and businesses with water restrictions, fines and higher water charges. This matter should be urgently heard because this Government again has failed to grasp the opportunity in its irresponsible and incompetent budget. No wonder people are calling it the "fudge-it". It is not the budget; it is the fudge-it. Instead of grasping the nettle and investing in real solutions, the Government has fudged it yet again. It is what we have come to expect from this tired, old, clapped-out Labor Government. Bob Carr and Andrew Refshauge, you should hang your heads in shame!

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

**The House divided.**

**Ayes, 50**

Ms Allan	Mr Gibson	Mrs Paluzzano
Mr Amery	Mr Greene	Mr Pearce
Ms Andrews	Ms Hay	Mr Price
Mr Bartlett	Mr Hickey	Dr Refshauge
Ms Beamer	Mr Hunter	Ms Saliba
Mr Black	Mr Iemma	Mr Sartor
Mr Brown	Ms Judge	Mr Scully
Ms Burney	Ms Keneally	Mr Shearan
Miss Burton	Mr Lynch	Mr Stewart
Mr Campbell	Mr McBride	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
Mr Debus	Mr Morris	<i>Tellers,</i>
Ms Gadiel	Mr Newell	Mr Ashton
Mr Gaudry	Mr Orkopoulos	Mr Martin

**Noes, 36**

Mr Aplin	Ms Hodgkinson	Mrs Skinner
Mr Armstrong	Mrs Hopwood	Mr Slack-Smith
Mr Barr	Mr Humpherson	Mr Souris
Ms Berejiklian	Mr Kerr	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
Mrs Fardell	Mr Piccoli	
Mr Fraser	Mr Pringle	<i>Tellers,</i>
Mrs Hancock	Mr Richardson	Mr George
Mr Hartcher	Mr Roberts	Mr Maguire
Mr Hazzard	Ms Seaton	

**Pair**

Mrs Perry

Mr Merton

**Question resolved in the affirmative.****FEDERAL GOVERNMENT INDUSTRIAL RELATIONS POLICY****Urgent Motion****Ms NOREEN HAY** (Wollongong) [3.58 p.m.]: I move:

That this House:

- (1) calls on the Federal Government to abandon its plans to take over the various State industrial relations systems; and
- (2) urges the Federal Government to immediately consult with business groups, unions and the New South Wales Government to achieve a more productive and co-operative outcome.

This is an important issue because it goes to the very heart of the industrial relations system we have in New South Wales today and the system we may have in the future. It also highlights the nature of the New South Wales Opposition. While the attempt by the Federal Government to create a centralised national industrial relations system is failing to gain support from some of the Coalition's State counterparts, the New South Wales Leader of the Opposition has declared that he has no qualms about handing over our industrial relations powers to Canberra.

He might have a qualm, of course, if he worked in the restaurant that was referred to recently on a television program that, in a matter of only a few weeks of paying under a federal award rather than a State award, had to repay \$80,000. He might have a few qualms about that! I urge all members to view this gesture as a conscious choice to abandon the employers and employees of our great State to the Federal Government's complex, adversarial and conflict-ridden brave new world of workplace relations. The Leader of the Opposition made this reckless decision with little or no regard to the fate of the harmonious and successful system we currently have in place in New South Wales, a system that has served us well for a hundred years.

It is extraordinary that the Opposition is prepared to hand over our system to the Federal Government without even having seen any detail whatsoever as to what is being proposed—perhaps it is not so extraordinary. Honourable members will be aware that the Federal Government continues to delay releasing the details of the form it envisages this centralised system will take. However, speculation is rife and it is not positive. Surrendering State control of industrial relations to the Federal Government will strip employees and employers of choice, flexibility and fundamental entitlements, with devastating consequences for industrial relations in this State.

We will lose our fair and harmonious system that balances the rights of employees and employers and gives everyone a fair go. The award safety net and the minimum wage will be early casualties. The Federal Treasurer recently stated that he would prefer a system with far fewer award minimum wages. I wonder why no-one seems to be surprised about that. The Workplace Relations Minister is on the record declaring that the current minimum wage is \$70 higher than he would like it to be. Anyone who works in a restaurant or in

catering and is paid under a federal system could see why. It is clear that the Federal Government longs to strip power from the independent umpire, the Australian Industrial Relations Commission, and establish an inferior imitation—a low-pay commission to make recommendations about the minimum wage. Make no mistake: The intent is to constrain and even reduce the minimum wage.

This should be of enormous concern to all citizens of New South Wales. The national minimum wage level is a significant factor in the labour market and is not only pivotal in determining the comfort and security of low income earners but has the ability to drive down the real wages of middle Australians. Since the establishment of the Conciliation and Arbitration Commission in 1904, industrial relations in Australia have been predicated on a system of choice, fair competition and the right to a fair go. By signing away our industrial relations system, the Opposition will deprive the employers and employees of New South Wales of the many choices they now enjoy. Of these choices, the first is the right to choose to be in either the State or federal jurisdiction. If our system is signed away, all employers and employees will be locked into the complex and remote federal system.

The existence of both State and federal industrial relations systems ensures that Australian governments can continually improve industrial relations by identifying and adopting best practice. Indeed, there are many examples of State jurisdictions having developed key initiatives that have flowed through to the nation. Annual holidays, long service leave and enterprise bargaining were all initiated in State jurisdictions.

Employers and employees in New South Wales currently enjoy the option of using common rules awards, which set conditions industry wide, or choosing more specific arrangements that can be negotiated through consent awards or enterprise agreements. Many large corporations choose to remain within the New South Wales jurisdiction despite their right to opt for the federal system. There is no better example of a company that makes this choice than BlueScope Steel operations in Wollongong. In contrast, the Federal Government plans to limit individual choice by stripping the independent umpire of its powers, reducing the number of award conditions and forcing workers into Australian workplace agreements [AWAs], as is happening now in the federal public service.

Studies show that, compared with collective agreements, AWAs reflect inferior wage outcomes and a reduction in working conditions and non-wage benefits for workers. The only choice that workers will have is to enter into an AWA or face the sack. Some choice! We witnessed a recent occurrence of this in a television program in which restaurant workers were handed AWAs and told to sign them—an absolute breach of the law. As a result, things will be tougher for working Australians. Families will suffer as parents will be forced to work longer hours and on weekends for less money and diminished job security, and as family-friendly working provisions are lost. We have already heard about the attacks on weekend penalty rates for young workers. Women will lose their capacity to achieve pay equity, and low-paid workers will lose any semblance of job security.

The current right of employees to organise will be compromised as the Federal Government will restrict the capacity of union officials to enter workplaces. The very organisations that can ensure that industrial laws are being met will be locked out of the workplace. In setting the rules of collective bargaining, employees will be placed at a disadvantage. The Workplace Relations Act gives the employer the right to determine whether negotiations should be collective or individual, and, if collective, whether the union has a place at the table. This Act has attracted strong criticism from the International Labour Organisation for its failure to fulfil Australia's international obligations. If the Opposition signs the New South Wales industrial relations system away, small businesses will pay a hefty price as they will be forced into costly and complex enterprise and individual bargaining arrangements—arrangements that most of them tell us they do not want or need.

The choices facing 47 per cent of employed Australians who work in small businesses will be severely compromised as the Federal Government plans to abolish unfair dismissal laws for businesses with fewer than 20 people. This reform will swing the pendulum to one side and make it easier for bad employers to sack workers unfairly. As a result, large businesses will become the employers of choice for the majority of workers who want and need the job protection afforded by unfair dismissal laws. Our commission can settle disputes quickly, and it offers an unfair dismissal system that is fair, efficient, and easily accessible by people who need to use it. Its Federal counterpart is unnecessarily complex and, by the Federal Government's own admission, is presently underfunded and proposes a reduction in services. This also leads me to seriously question the ability of the Federal Government to sustain its proposed industrial relations agenda.

How, then, can the Opposition justifiably support such a recipe for disaster, which will limit jobs growth in small business and force nearly half of our State's workers into precarious employment? The

Opposition places the partisan interests of the Federal Government ahead of what is best for the people of New South Wales. It cannot be trusted to defend the interests of New South Wales. As I said, the current right of employees to organise will be compromised, as the Federal Government will restrict the capacity of union officials to represent workers. I congratulate the Minister, John Della Bosca, who highlighted the fact that the Federal Government's proposal will not promote fairness or industrial harmony, and certainly will disadvantage productivity. [*Time expired.*]

**Mr CHRIS HARTCHER** (Gosford) [4.08 p.m.]: No-one can argue with an authority such as John Della Bosca, a man of unimpeachable reputation! Who is the man who said that the goods and services tax is only worthwhile if you apply it to all types of goods, including food? Who is the man who for the past five years has advocated the, shall we say, removal of the honourable member for Peats? But we will not go into that because, with unimpeachable authority, the honourable member for Wollongong cited as excellent the Minister for Industrial Relations in another place. I move:

That the motion be amended by deleting all words after "That" and inserting instead:

"this House calls upon the State Labor Government to uphold traditional Labor policy, which supports a national industrial relations system, in line with announcements by the Hon. Kim Beazley, and further calls upon all State governments to transfer their industrial relations powers to the Commonwealth, and further endorses the excellent record of the Federal Government in industrial relations since 1996."

I wish to quote some authoritative Labor sources regarding the introduction of a national workplace relations system. The first is a former Minister for Industrial Relations in this Parliament, the Hon. Jeff Shaw, who is well regarded as a constitutional lawyer. A paper entitled "A Unitary Industrial Relations System: Unfinished Business of the 20th Century" dated 17 November 2000 quotes the Hon. Jeff Shaw as saying:

... the Corporations power has been liberally interpreted by the High Court and can sustain legislation designed to regulate the employment relationships between a corporation and its workforce.

Industry and commerce increasingly crosses historically determined state boundaries. The wages and conditions of employees are relevant to national economic considerations and it will often be convenient for both employers and unions to have uniform national conditions.

However, who could be more authoritative than the Federal Leader of the Opposition, the Hon. Kim Beazley? The *Sydney Morning Herald* recently ran an excellent article about Kim Beazley. Titled "Less tucker, more ticker", it reads:

The federal Labor leader, Kim Beazley, has made a significant policy compromise on industrial relations, potentially putting the party at odds with its trade union constituency.

In a speech to the Business Council of Australia in Melbourne last night, Mr Beazley said that federal Labor would consider supporting a single national industrial relations system—the centrepiece of the Howard Government's planned industrial relations shake-up.

But Mr Beazley said any such reforms should be undertaken in co-operation with the states, now all in Labor hands ...

The Howard Government is considering using the corporations power in the constitution to force the states to relinquish industrial relations authority.

Mr Beazley said a single industrial relations system was a lower-order priority for Labor ...

Mr Beazley's signal of a policy shift came ...

The article refers to the Federal workplace relations Minister, Kevin Andrews. If honourable members wish to move motions against the transfer of industrial relations powers, they are contradicting the Hon. Jeff Shaw, they are contradicting Kim Beazley, they are contradicting their own leader, and they are going against 85 years of Labor tradition. Since the 1920s the Labor Party has advocated a national industrial relations system in line with its consistent philosophical belief in the abolition of the States throughout Australia and a system of devolution in government.

The Australian Labor Party today is hypocritical, it is denying its own historic past, and it is moving motions such as this not really to waste the Parliament's time but to advance the political career of the honourable member for Wollongong. The honourable member for Wollongong is under challenge from David Campbell, the honourable member for Keira, because he wants her seat. He does not want to stand for the seat of Keira in 2007; he wants the honourable member for Wollongong's seat—and he may well get it.

**Ms Angela D'Amore:** Point of order: My point of order is relevance. I ask you to direct the shadow Minister for Industrial Relations to return to the subject matter of the debate rather than attack female members on this side of the House.

**Mr ACTING-SPEAKER (Mr John Mills):** Order! I point out to the honourable member for Drummoyne that the honourable member for Gosford is entitled to make passing reference to a political matter but should not dwell upon it.

**Mr CHRIS HARTCHER:** Mr Acting-Speaker, as I think I have said on prior occasions, the wisdom of Solomon is embodied in you. The only reason the honourable member for Drummoyne complains is that I am not making remarks about her. She simply cannot stand to be ignored; she just loves the limelight. However, I will exercise self-control and not refer to the honourable member for Drummoyne, nor to my old friend the honourable member for Parramatta. Why would I want to pick on her?

The Australian Labor Party has argued for such a national industrial relations system for some 80 years. However, now that it is offered, it desperately tries to stop it because it is offered by a non-Labor government. This is party political; it has nothing to do with the integrity of industrial relations; it has everything to do with the Labor Party's fear that a Federal Liberal government will set up an industrial relations system that will weaken the power of the trade union movement, and accordingly will weaken the power of the Australian Labor Party. Members opposite who are sponsored by the Liquor Trades Union, the Nurses Association, and the Labour Council of New South Wales—

**Ms Tanya Gadiel:** That's the peak body.

**Mr CHRIS HARTCHER:** The honourable member for Parramatta says, "That's the peak body." She does not muck around with a couple of little old unions like the Nurses Association or the Liquor Trades Union; she is up there with the big boys. Government members who are sponsored by various trade unions feel they need to make a speech and go through the endless rhetoric we have heard again and again, so they can send *Hansard* to the trade union journals and so the trade union members will say, "Hooray for Wollongong, hooray for Drummoyne, hooray for Parramatta. They're standing up for us." They want to ensure that when the preselection comes, they will get the votes.

If there is one person we would like to see re-elected it is the honourable member for Wollongong. We much prefer her to David Campbell; her speeches are far wittier and far more interesting. We are concerned that the honourable member for Wollongong might otherwise be engaged. After all, don't we all remember what happened to the former member for Wollongong, the excellent Col Markham? If ever there was a man whom we all liked and admired, it was Col Markham. Col made the mistake of underestimating the current member for Wollongong, and while Col was off looking after Aboriginal affairs, working with the Aboriginal community, someone was white-anting the branches.

**Miss Cherie Burton:** Point of order: My point of order is relevance. Mr Acting-Speaker, you ruled earlier that the honourable member for Gosford should not dwell on a subject, but he is obviously now doing just that. As usual at about this point in his speech, he runs out of material, he does not understand the issue at hand, and he does not understand what he is talking about.

**Mr ACTING-SPEAKER (Mr John Mills):** Order! I have heard sufficient of the Parliamentary Secretary's point of order. The honourable member for Gosford will address the amendment.

**Mr CHRIS HARTCHER:** The amendment is wide ranging; it relates to the Labor Party's comments about industrial relations. As the Hon. Kevin Andrews said, this is all about union hypocrisy with regard to a national system. [*Time expired.*]

**Ms TANYA GADIEL** (Parramatta) [4.18 p.m.]: Having endured the honourable member for Gosford's tirade, if we are to talk about history and what has happened in certain seats and preselections it is important that we remind the honourable member for Gosford of the 200 votes that stood between him and Deborah O'Neill.

**Ms Angela D'Amore:** A good woman.

**Ms TANYA GADIEL:** That is right, she is a very good woman, and I am sure she is in the wings and will be there again. It is telling that the Federal Government's push for a single national industrial relations system has failed to gain support from some of the Coalition's State counterparts. Matt Birney, Leader of the Opposition in Western Australia, and Iain Evans, the South Australian shadow Industrial Relations Minister, have both raised their voices against the Federal Government's plans. Even The Nationals Opposition in Queensland, led by Lawrence Springborg, were recently reported as having reservations about the

Commonwealth's desire for a national industrial relations system. This is hardly what one would call unanimous support for the Federal Government's plans.

Yet the New South Wales Leader of the Opposition has no qualms about handing our industrial relations powers over to Canberra. The shadow Minister for Industrial Relations has celebrated the virtues of the New South Wales industrial relations jurisdiction and placed his respect for the New South Wales Industrial Relations Commission on record on at least two occasions. Yet the New South Wales Liberal Party is the first of the State Oppositions to wish away its industrial relations jurisdiction, and the only Opposition to do so without seeing the proposed legislation.

If the Federal Government gets its way, more and more hardworking Australians will be forced into signing Australian workplace agreements [AWAs]. The AWAs not only deprive workers of choice, they also strip away workers' benefits and attack the conditions of the lower paid. Employers in low-wage industries are using AWAs to remove penalties, paid annual leave and sick leave, and to further casualise the work force. And they are doing this with the Federal Government's approval. Figures from the Office of the Employment Advocate show that in the last quarter of 2004, 44 per cent of new AWAs were in the low-paid industries of cleaning, security, hospitality and retail. Only 6 per cent of AWAs were in mining, the highest earning of all industries.

We have seen examples of what the Federal Government's miscarriage of liberty and fairness has brought to the industrial arena. Only several weeks ago the New South Wales Industrial Relations Commission awarded a security guard \$12,000 for unfair dismissal and victimisation after he was sacked for failing to sign an AWA. The commission heard that the security guard had resisted signing the AWA because it would have meant significant cuts to his penalty rates. Luckily, this worker had the right to take his case to the New South Wales tribunal. In the future he will not have this choice. Then of course we all witnessed the taste of things to come when staff at Sydney's Pink Salt restaurant were brazenly underpaid on national television and told they would be signing AWAs without their prior knowledge or consent. However, unlike the staff at Pink Salt, most workers will not be afforded the protection that comes from the exposure of a high-rating television reality show or from the inspectorate of the Office of Industrial Relations.

Another recent case illustrates the cold, hard reality of AWAs. A young restaurant worker in Western Australia was given the choice of signing an AWA or not having a job. By signing the AWA this worker lost the right to paid sick leave and rostering security, and was paid \$472 less in the first six weeks of employment under an AWA than under the restaurant award. Despite these sobering examples, the Leader of the Opposition in New South Wales seems intent on supporting the Federal Government's plan to hijack the great Australian value of a fair go for all. Sydney, as Australia's only global city, needs a system that values and suits our needs. Yet by undermining freedom of choice the Federal Government is threatening the great Australian value of a fair go for all and the harmonious nature of our system. The Opposition is extending an open invitation to the Federal Government to seize our industrial relations system and replace it with an inferior model. The Opposition stands condemned.

**Mr ANDREW CONSTANCE** (Bega) [4.23 p.m.]: What a waste of our time this afternoon, having to debate a position that has not even been worked out by the Labor Party. The honourable member for Wollongong has not even seen fit to work out what the Federal Labor Party leader's position is in relation to this matter. The fact is that the Federal Labor leader actually supports a national system.

**Ms Angela D'Amore:** Be careful.

**Mr ANDREW CONSTANCE:** Be careful?

**Ms Angela D'Amore:** It's in *Hansard*.

**Mr ANDREW CONSTANCE:** Goodness gracious, I am shaking in my boots! This issue is about addressing many of the cross-jurisdictional problems that exist under the current system. As unions move across systems as they please, the impact on businesses affects their ability to employ. If we are talking about looking after employees let us look at the impact of these reforms on business. This afternoon we have heard continuing rhetoric from these union hacks about the ongoing campaign being run by the Australian Council of Trade Unions [ACTU]. The ACTU met in early March to plan a campaign against the Government's forthcoming workplace relations reforms, and this motion is simply part of the process of misleading the community about that.

We only need look back on the doom and gloom that came out from the Labor Party prior to the introduction of the Workplace Relations Act. In a speech to the Australian Industrial Relations Society the then Federal shadow Minister, Bob McMullen, laid down five criteria by which the Government's reform package should be assessed and by which the Labor Party would judge its success. Mr McMullen asked whether it would lead to fewer disputes, more jobs, fairer distribution of wages, higher productivity, and a low-inflation, low-interest rate environment. Obviously, the Workplace Relations Act passed all those categories.

The Government's reforms since 1996 have delivered the lowest level of industrial disputes since 1913, when records began to be kept, 1.5 million new jobs and the lowest unemployment rate in 28 years, a 12 per cent growth in average real wages across all sectors of the work force, higher productivity through the expansion of enterprise bargaining in over 600,000 Australian workplace agreements, and the lowest run of low inflation and low interest rates in a generation. That says something. But all we hear from Labor members is doom and gloom and this unbelievable rhetoric. This is just a hypocritical and hysterical response, as witnessed across the Chamber this afternoon, to the move to a national system. To look at the application of the corporations power to the national workplace relations system is, I believe, nothing more than hysterics.

**Ms Noreen Hay:** Point of order: I wish to defend the honourable member for Gosford. He was not hysterical, and it is objectionable for the honourable member for Bega to refer to him as being hysterical in the Chamber this afternoon.

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

**Mr ANDREW CONSTANCE:** All we hear from the Labor Party is hysterical and hypocritical nonsense, as witnessed from members of the Government this afternoon. The corporations power has been used as a basis for workplace relations legislation for more than a decade. It was first utilised by the Keating Government in its 1993 industrial relations legislation when the then industrial relations Minister Laurie Brereton—it is a shame the honourable member for Heffron is not in the Chamber—said:

For the very first time the bill provides for the use of the corporations power of the Commonwealth to facilitate agreement making, to provide for agreement making in every individual enterprise covered by a federal award in this country.

That should happen across-the-board. The legal campaign being run from New South Wales by the union movement—which is going to blow millions of dollars of employees' wages on a High Court challenge that will get nowhere—is an absolute outrage. Instead of wasting money on futile legal challenges, which we are going to see from the ACTU when the Howard Government introduces its legislation, New South Wales unions should heed the words and advice of their own leader, John Robertson, who last week warned:

We need to be honest with ourselves. These laws (IR reform) are not the biggest threat to the future of the labour movement. We are.

Does that not sum it right up? The unions are the threat—and so are the members representing the electorates of Wollongong, Drummoyne and Parramatta.

**Ms ANGELA D'AMORE** (Drummoyne) [4.28 p.m.]: I also closely monitor the press and analyse the core messages delivered by key people. Not only is the Federal Government attempting to extend a defective industrial relations proposal into New South Wales—with the Opposition's blessing, I might add—it is doing so under false pretences. I alert all honourable members to a number of myths that have been circulated by the Federal Government. The first myth is that the Federal Government claims that the removal of unfair dismissal laws will create over 77,000 new jobs.

[*Quorum formed.*]

The assertion stems from a research project commissioned by the Coalition and prepared by Don Harding of the Melbourne Institute. The survey results are contrary to the accepted findings of other respected studies, which have concluded that unfair dismissal laws play a relatively minor role in influencing the employment decisions of businesses. It is worth noting that the Harding report has been widely criticised for its methodology and the New South Wales Government has addressed these weaknesses in numerous submissions to the Senate on unfair dismissal.

The second myth is that the Federal Minister for Employment and Workplace Relations declared that the industrial relations policy should be centred on the unemployed. It will do that, but I shall refer to an Australian workplace agreement and use the example to demonstrate how workers are exploited under the



Federal Government's industrial relations system. Nick Maciuk was employed as a traffic controller by a labour hire company called JHA Recruitment and Staff at Work Pty Ltd in New South Wales. His employer offered him an Australian workplace agreement [AWA] that did not designate an hourly rate of pay but, instead, provided for a fair and equitable rate of pay. He refused to sign the AWA offered by his employer on this basis. When he did not sign, the employer sacked him. The Australian Workers Union [AWU] calculated that for 22 working days, Mr Maciuk was paid around \$950 less, or \$43 per day, than the applicable Federal award under the AWU Construction and Maintenance Award 2002. Would Opposition members take a \$950 cut a month—

**Mr Barry O'Farrell:** Point of order: The member has been in the Chamber long enough to know that reading speeches provided to her by the union movement is against the standing orders. She should desist from doing so.

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

*[Time expired.]*

**Ms NOREEN HAY** (Wollongong) [4.33 p.m.], in reply: This debate is yet another example of the New South Wales Opposition not being prepared to criticise the Federal Government, even though it has taken \$3 billion from New South Wales workers. The Opposition agrees that the New South Wales industrial relations system should be handed over to the Federal Government without even knowing its proposals. Members opposite could only suggest that the debate is about unions. They should realise that employers do not want the kind of disruption and lack of efficiency experienced by employers in Victoria. Labor members do not want that, the people we represent do not want that and employers do not want it. I am sure employees do not want it because recent examples have shown that employees have lost thousands and thousands of dollars by being put under the Federal system, apparently by accident. Government members are concerned that the Federal Government will encourage unscrupulous employers to give as little as possible to workers.

**Mr Thomas George:** What do you mean by "unscrupulous employers"? Have some respect for the employers of New South Wales!

**Ms NOREEN HAY:** There are some unscrupulous employers and, believe it or not, there are some scrupulous members of the Federal Government. Does anyone really believe that members opposite seek to do what is best for the workers of New South Wales? They are seriously mistaken if they do. This proposal is not about helping employers and employees; it is about helping a few to exploit the majority. Honourable members opposite have not responded to safety nets to protect New South Wales workers and their families. Perhaps they should ask the Transport Workers Union whether it would trust the Federal Government system to support its membership. Perhaps they should ask employer organisations whether they would like a system similar to that in Victoria. I have asked that question and I have been told that they do not want change.

New South Wales is experiencing great profitability and wonderful improvements in production. Employees do not want disruptions and days lost due to industrial unrest. Why has the New South Wales Opposition said nothing about the Federal Government short-changing this State \$3 billion in GST? They have not said one word, and they will not pick up the phone to ask their Federal counterparts to get a magnetic resonance imaging licence for the people of Wollongong. We will not hear one word from them, despite the treatment of New South Wales by the scurrilous Federal Government.

As well as the Opposition being prepared to give the Federal Government \$3 billion, it is now happy to hand over the industrial relations system. However, its views will change when the Federal Government loses office. The last example of workers being treated badly was not what happened under the Keating Government or what has happened in recent days in Victoria; it was what happened on the waterfront. That is the dispute where everyone remembers the attitude of the Federal Government. They remember security guards wearing balaclavas and guard dogs being used against workers. That is attitude of members opposite towards working families in New South Wales. We are afraid, on behalf of the people we represent. No employer, no worker and no small business will be better off with disruptions. The proof of the pudding is in the eating. Victoria voluntarily went to a Federal system, but the outcome has not been an improvement; workers and business are not better off. The Victorian example is a disaster, with losses in working days, profits and productivity. I suggest that no-one should trust the Federal Government in relation to this matter.

**Question—That the words stand—put.**

**The House divided.**

**Ayes, 52**

Ms Allan  
Mr Amery  
Ms Andrews  
Mr Barr  
Mr Bartlett  
Ms Beamer  
Mr Black  
Mr Brown  
Ms Burney  
Miss Burton  
Mr Campbell  
Mr Collier  
Mr Corrigan  
Mr Crittenden  
Ms D'Amore  
Mr Debus  
Mr Draper  
Mrs Fardell

Ms Gadiel  
Mr Gaudry  
Mr Gibson  
Mr Greene  
Ms Hay  
Mr Hickey  
Mr Hunter  
Mr Iemma  
Ms Judge  
Ms Keneally  
Mr Knowles  
Mr Lynch  
Mr McBride  
Mr McLeay  
Ms Meagher  
Ms Megarrity  
Mr Mills  
Ms Moore

Mr Morris  
Mr Newell  
Mr Orkopoulos  
Mrs Paluzzano  
Mr Pearce  
Mr Price  
Ms Saliba  
Mr Sartor  
Mr Shearan  
Mr Stewart  
Mr Tripodi  
Mr West  
Mr Whan  
Mr Yeadon

*Tellers,*  
Mr Ashton  
Mr Martin

**Noes, 30**

Mr Aplin  
Ms Berejiklian  
Mr Cansdell  
Mr Constance  
Mr Debnam  
Mr Fraser  
Mrs Hancock  
Mr Hartcher  
Mr Hazzard  
Ms Hodgkinson  
Mrs Hopwood

Mr Humpherson  
Mr Kerr  
Mr Oakeshott  
Mr O'Farrell  
Mr Page  
Mr Piccoli  
Mr Pringle  
Mr Richardson  
Mr Roberts  
Mrs Skinner  
Mr Slack-Smith

Mr Souris  
Mr Stoner  
Mr Tink  
Mr Torbay  
Mr J. H. Turner  
Mr R. W. Turner

*Tellers,*  
Mr George  
Mr Maguire

**Pair**

Mrs Perry

Mr Merton

**Question resolved in the affirmative.**

**Amendment negatived.**

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

**The House divided.**

**Ayes, 51**

Ms Allan  
Mr Amery  
Ms Andrews  
Mr Barr  
Mr Bartlett  
Ms Beamer  
Mr Black  
Mr Brown  
Ms Burney  
Miss Burton  
Mr Campbell  
Mr Collier  
Mr Corrigan  
Mr Crittenden  
Ms D'Amore  
Mr Debus  
Mrs Fardell  
Ms Gadiel

Mr Gaudry  
Mr Gibson  
Mr Greene  
Ms Hay  
Mr Hickey  
Mr Hunter  
Mr Iemma  
Ms Judge  
Ms Keneally  
Mr Knowles  
Mr Lynch  
Mr McBride  
Mr McLeay  
Ms Meagher  
Ms Megarrity  
Mr Mills  
Ms Moore  
Mr Morris

Mr Newell  
Mr Orkopoulos  
Mrs Paluzzano  
Mr Pearce  
Mr Price  
Ms Saliba  
Mr Sartor  
Mr Shearan  
Mr Stewart  
Mr Tripodi  
Mr West  
Mr Whan  
Mr Yeadon

*Tellers,*  
Mr Ashton  
Mr Martin

**Noes, 31**

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

**Pair**

Mrs Perry

Mr Merton

**Question resolved in the affirmative.****Motion agreed to.****PHARMACIES DEREGULATION****Matter of Public Importance**

**Mr PETER DRAPER** (Tamworth) [4.54 p.m.]: Today I discuss the need to protect rural communities against the muscle flexing of supermarket giants as they continue to work toward securing a slice of the \$9 billion pharmaceutical market. These profit-driven, all-consuming conglomerates are again exploring ways to infiltrate the legislative armour that Commonwealth and State governments, working in conjunction with the Pharmacy Guild of Australia, have placed around the pharmacy industry as a shield against predatory market forces. Recently, Woolworths openly expressed a desire to include pharmacies in its supermarket operations, and Coles Myer has made it clear it will follow should Woolies gain a foothold. While at this stage their success or otherwise lies predominantly with the outcome of the Commonwealth Government's negotiations with the guild on the community pharmacy agreement, it is imperative the New South Wales Government asserts its unequivocal support for community-based pharmacies. The only reforms to the pharmacy industry that should be supported are those that are in the interests of public health, especially in rural communities where health services remain wanting.

Viewed by the guild as a threat to the quality of health care in this State, this move by Woolworths has sent a shudder through communities in my electorate and surrounding areas. Those which stand to lose the most are the same communities to have suffered from supermarket diversification into butchery, green groceries, floristry, seafood, baking and, most recently, fuel sales. Places like Manilla, Barraba, Bingara, Moree, Werris Creek, Wee Waa, Walcha and Wialda each have only one pharmacy left. Tingha and Boggabri have lost their pharmacies and the effect on the business district has been marked. The social fabric of such towns unravels when the main street loses businesses to competition. One of the major attractions in any country town's main street is the chemist. It is one of the most used facilities. If chemists become part of supermarkets, which are usually located away from the town's main street, the balance of trade in country towns tips on a downward slide.

When this issue was debated in this place last year, many members spoke about the loss of quality pharmaceutical advice. There is no disputing that consumers want to know that properly trained and qualified medical professionals own, supervise and operate the medical services that pharmacies provide. The personal care of properly trained professionals would not be sustained in a supermarket that cares only for business and not the provision of health services and overall community wellbeing. Rural communities especially rely heavily upon the local chemist as a first port of call for medical advice. The ongoing shortage of general practitioners means an appointment to treat a wound, flu, cold or ailment is often not immediately available, leaving it to the chemist to either provide treatment or refer them on. The pharmacist plays a trusted, highly responsible and vital role in servicing the medical needs of rural communities, the importance of which governments are becoming more aware.

Only last week I walked into the Karen Carter Soul Pattinson Pharmacy in Gunnedah, where I spoke to Karen about Woolworth's intentions. This business employs 26 staff, including two pharmacists, and pays a registered nurse to offer a variety of services on the premises three days a week. The nurse provides baby weighing and measuring, blood pressure testing, and blood, glucose and cholesterol screening, amongst other services. The pharmacy also provides free advice, home medication reviews, prescription medication information and counselling, and ensures medications are compatible. With an ageing population, particularly in rural areas, there is a growing need for the professional medical advice and services on offer at this pharmacy.

I also spoke with Lisa Hagley of Hagley Osmond Chemworld in Gunnedah, which employs 10 staff, including three pharmacists. The chemist also offers services from a registered nurse. It is patently obvious that local pharmacists have a personal approach. They provide a community service and information on medications and, importantly, supply elderly people equipment such as walkers and aids. It is a fact that community pharmacists stock a large variety of low-turnover items such as walking frames, which profit-driven supermarkets would deem as simply not worth stocking. The 5,000 community pharmacies in Australia stock an average of 15,000 medicines and medical products. In 2003 an independent study by Curtin University estimated that pharmacists nationally provided over 78 million free consultations annually. They do so as they believe in providing a service more so than generating profit.

News of Woolworth's bid to trial pharmacies has alarmed Gunnedah as there is a Woolies supermarket in town. Should the outlet begin offering pharmaceutical services, the local chemists, which provide 36 direct jobs in Gunnedah alone, would suffer as they cannot compete with the chain store's buying power. Tamworth has 10 pharmacies. One is Howles Pharmacy, which is situated in the same shopping complex as the city's Woolworths outlet. Pharmacist Ian Howle believes supermarket pharmacies would have a negative impact on his business. As he pointed out, the supermarkets sole motive for a trial of pharmacies is to see whether profits could be made. He suggests that if money cannot be created from dispensing medicine, the supermarkets would perhaps look at sourcing non-prescription medicines from overseas sources at cheaper prices than those at which local manufacturers could supply them.

Mr Howle employs another pharmacist and a graduate, both of whom are local women. He fears that a current shortage of pharmacists nationwide, especially in rural areas, will exacerbate the situation. Remote areas would be the first to suffer through staff being drawn to larger centres. A 2003 study on the demand and supply of pharmacists revealed Australia's community pharmacy work force is ageing. The Australian Centre for Health and Welfare puts the number of pharmacists at around 14,700 with an average age of about 42.8 years. While total enrolments in pharmacy schools have grown by 4 per cent per annum for the past 15 years, pharmacies such as Ian Howle's still struggle to secure graduates. Last year Mr Howle was forced to inquire overseas, with a graduate recruited from New Zealand. This year there will be about 260 pharmacy students graduating from our universities. However, it is predicted that an overall excess demand for pharmacists is likely to continue for the next decade.

The pharmacy industry is highly regulated. The Commonwealth Government regulates the prices of medicine and the return to pharmacists through the Pharmaceutical Benefit Scheme. It also limits the number of pharmacies and regulates their location, while the State regulates the handling of drugs and poisons, their conditions of handling and the qualifications needed by those handling them. The issue of pharmacies opening in supermarkets was hotly debated last year when the National Competition Council of Australia applied pressure through the Commonwealth on the State Government to increase competition in the industry. In the wake of an overwhelming community response, the National Competition Policy Amendments (Commonwealth Financial Penalties) Bill was significantly amended. During the debate members of the House posed strong arguments against the supermarket chains being allowed to venture into pharmacy.

The Commonwealth accepted the State's argument for the retention of its pharmacy legislation and the Prime Minister conceded he would not financially penalise the State, providing amendments were made to the existing Pharmacy Act 1964 to change the maximum number of pharmacies owned by a pharmacist from three to five and enable friendly societies to own and operate up to six pharmacies. The changes were made to increase competition while still preserving the quality health care model of pharmacies and preventing the takeover by supermarket chains. The pharmacy industry is an area in which successive New South Wales governments have retained sensible regulation. The dispensing of dangerous drugs needs an ethical, patient-centred approach. That is why to date the Pharmacy Act has been carefully guarded. It is vital this legislation does not allow unbridled corporate consolidation of pharmacy ownership.

As I said earlier, the pressure is now on the Federal Government to maintain its support of community-based pharmacies. The Community Pharmacy Agreement is reviewed every five years, with the third and

current agreement expiring next month in June. The agreement includes pharmacy location rules, which the Commonwealth changed last year to specifically prevent pharmacies from co-locating with supermarkets. It was reported recently that the Commonwealth now plans to extend its pharmacy location rules for six months, as negotiations over the agreement are delayed until 31 December. I am concerned that the Federal Government remains open to persuasion by the supermarkets and consumers, who perhaps need only come up with a more convincing argument. It is imperative that throughout this process this House continues to convey a strong message of support for community-based pharmacies. Coles Myer has publicly stated it would be interested in moving into pharmacy if it were not for the legislative impediments. The extension of the location rules may well afford them the time they need to remove them.

The State Government is working with the Pharmacy Guild and others on a new health bill, which I believe aims to align pharmacists with the professional standards of other medicos. I welcome the move, as it is hoped this bill will maintain strong controls over those who have a pecuniary interest in pharmacy. This House must continue to do what it can to ensure that a system driven not by health care considerations but by turnover profits and share value is not given an opportunity to impact on health services and costs, particularly in regional and rural areas.

**Mr RICHARD TORBAY:** Madam Acting-Speaker—

**Mr BARRY O'FARRELL:** Madam Acting-Speaker—

**Madam ACTING-SPEAKER (Ms Marie Andrews):** Order! I call the honourable member for Northern Tablelands.

**Mr Barry O'Farrell:** Point of order: In order to deny the Opposition an opportunity to speak in this debate, I note that a member who failed to participate in the debate on pharmacies last year in relation to the National Competition Council has moved to the other side of the House. I put on record again the way in which the Independents are prepared to play games with the Government to attack the Liberal Party and the Coalition by not allowing us to state our longstanding record in support of pharmacies.

**Madam ACTING-SPEAKER (Ms Marie Andrews):** Order! There is no point of order. The Deputy Leader of the Opposition will resume his seat. I call the honourable member for Northern Tablelands.

**Mr Barry O'Farrell:** It is hypocritical of the honourable member for Northern Tablelands to speak on pharmacies today when last year, when the real issue was debated in this House, he would not even come into the Chamber and speak on it.

**Madam ACTING-SPEAKER (Ms Marie Andrews):** Order! There is no point of order. I call the honourable member for Northern Tablelands.

**Mr RICHARD TORBAY** (Northern Tablelands) [5.03 p.m.]: I ask the Deputy Leader of the Opposition to return to the House. He made his attack and then left. I ask him to come back because I am happy to allow him some time in this debate. He did not bother to ask me how long I would speak for. I am happy to reduce my time so that he can make a contribution, but he has left the House, such is his concern for this issue. I do not speak to attack any member; I speak to support pharmacies and the honourable member for Tamworth who moved the motion now before the House. I am disappointed that the Deputy Leader of the Opposition seeks to play politics on this issue. He did not ask me my view. As I said, I would be happy to allow him some time to speak. All he had to do was ask. As for his criticism of me, he did not tell the House how I voted. I supported pharmacies, particularly in regional and rural areas, and I was congratulated by the Pharmacy Guild on doing so.

Before I was so rudely interrupted, I wanted to put on record my thanks to the honourable member for Tamworth in bringing this matter before the House. Competition policy deserves further debate. As it is articulated, it sounds good in theory. But in small regional and remote communities where there is no competition the competition policy fails. The result is that services are retracted or restricted or the larger players centralise services in a large town and the small communities miss out. That point was quite rightly made by the honourable member for Tamworth. People in small rural and regional communities have seen their pharmacies reduced to one or gone altogether. When debate on this issue previously took place the Commonwealth was keen to pursue competition policy but, having seen reason, it made the appropriate changes to ensure that pharmacies were protected. It was an interesting debate, but in the end the Federal Government decided in favour of pharmacies. They knew what would happen if smaller pharmacies were not protected.

I intend to show good faith in my comments about allowing the Deputy Leader of the Opposition time to make his contribution. I ask him to retract the statements he made about me, if he is in any way fair or reasonable or constructive about the process of debate in this Chamber. Let us remember that competition policy in regional and rural areas is a farce. It does not work in smaller regional and remote communities where competition cannot exist. It sucks away services from the smaller communities. They have every reason to expect the provision of services by pharmacies and other service providers in their communities.

I echo another point made by the honourable member for Tamworth: pharmacies in smaller communities do much more than just provide pharmaceuticals. They are the centre of attention and provide a wide range of services to their communities. We need to remember that every time we have moved to competition policy, services have been retracted from rural and regional areas. We need a system that allows us the opportunity to protect services in regional and remote parts of New South Wales. Those communities have a right to expect the provision of services. I will conclude my speech to allow the Deputy Leader of the Opposition to make a contribution to the House.

**Mr BARRY O'FARRELL** (Ku-ring-gai—Deputy Leader of the Opposition) [5.08 p.m.]: I am delighted on behalf of the Liberal Party and The Nationals to participate in this debate. If the honourable member for Northern Tablelands is concerned that I drew attention to the fact that he did not participate in last year's debate, I regret my remarks. I made no reflection on the way he voted. I simply made the point that last year, when he could have spoken for 20 minutes on this matter, he chose not to do so, as did the honourable member for Port Macquarie. The only Independent members who spoke were the honourable member for Tamworth, who I believe has strong credentials on this issue, and the late honourable member for Dubbo.

Just as John Howard last year delivered on behalf of community pharmacies, I have no doubt that through negotiations with John Bronger, the national president of the Pharmacy Guild, we will see a continuation of the protection of community pharmacies. Community pharmacies are incredibly important. I have been speaking to my Coalition colleagues, The Nationals members on the North Coast. For the benefit of the honourable member for Northern Tablelands and other country members, not only rural communities like those represented by the honourable member for Ballina and the honourable member for Lismore benefit from community pharmacies. Metropolitan communities also benefit and the commercialisation of pharmacies by large retail chains would devastate those local communities.

I have often cited the example of my local pharmacy, which also provides a methadone service. The pharmacist has provided that methadone service for a great number of years. It took me three years to learn that he was providing a methadone service. Most members of the community would be unaware of that, because it is done discreetly, with the protection and privacy of the individual in mind, and with a minimum of fuss in many communities. On any given day across this city there is a campaign in one area or another to try to close down methadone clinics. In that incredibly good public health area community pharmacies provide services. They do that not just in the city, but also in the country. I do not see any of the major retailers providing such a service should they ever get into pharmacies. They will focus on the volume through their stores and getting people served as quickly as possible, not on personalised service.

The second issue is that most small businesses survive because of the quality of service they offer. For many older members of our community part of that quality of service is home delivery. I cannot remember the last time one of the major retail chains offered home delivery for their current products, let alone believe that they would actually bother to do that with small parcels containing vital medicines for people in local communities who require it. There should be no concern so far as this place goes, as demonstrated by the vote last year, that community pharmacies are supported. The quality health care model is supported for a whole variety of reasons in communities—city, regional, rural and remote—because of the importance of community pharmacies.

The great challenge for the pharmacy industry is to attract more into the profession and, having attracted them into the profession, to get them out into rural and regional areas. There has been a change in gender at pharmacy schools and far more women are studying pharmacy—in fact, the majority of students are women. There is less inclination than in past decades for those women to move out of major cities into rural, regional and remote areas to, firstly, work in another business and hopefully later establish their own business in those areas. That is what is causing a drop in the level of pharmacy being offered west of the Great Dividing Range and in the north and south of this State. That is going to have an enormous impact upon people's health. If people cannot get access to medicine, but, more importantly, if they cannot get access to advice about medicines and preventative health care, clearly their health will be impacted upon.

I say to my Federal colleagues all the time that if they want greater efficiency from pharmacies they should seek to use community pharmacies more effectively to deliver health messages. That is something that we could do better at State level and something that the Opposition will argue at a State level should be done better. I repeat that last year, by his intervention in the national competition debate, John Howard recognised the importance of pharmacies. I have no doubt that this time that importance will again be recognised.

I know, from having spoken to the Pharmacy Guild at both State and national level, that the representations we make do not fall on deaf ears. I pay tribute to the President of the Pharmacy Guild, Si Banks, and to John Bronger, who has done a tremendous job both in New South Wales and nationally. They are prepared to offer a better way in which pharmacies can be used, not only to improve their capacity to assist the community, but also to reduce the enormous costs associated with the prescription medicines that are made available. [*Time expired.*]

**Mr PETER DRAPER** (Tamworth) [5.13 p.m.], in reply: I thank the honourable member for Northern Tablelands and the Deputy Leader of the Opposition for their contributions to the debate. I would like to reinforce the point made by the honourable member for Northern Tablelands: competition policy most certainly needs debate in this place. When I last researched this subject, competition policy was introduced to look at issues relating to ports, rail, electricity and roads—major infrastructure capabilities in New South Wales. It was not introduced to look at chemists and it certainly was not introduced to look at the poultry industry. I believe a bill dealing with that issue will be introduced in this House later this week.

The public is clearly best served by a pharmacy that is owned and controlled by a pharmacist who is personally responsible for its conduct and fully accountable to the respective pharmacy boards for the professional and responsible running of the business. Community pharmacies, as has been pointed out many times, are much more than a shop where people go to purchase medical supplies. In country communities, the pharmacist often provides services free of charge for the good of the community. How often do mothers go first to their pharmacist for advice when children have minor ailments? In the last round of debate 500,000 people in New South Wales signed a petition—the biggest petition, I believe, that has ever been gathered in this State—in support of community pharmacies.

The 1964 Act prevents people from buying pharmacy products at supermarkets, but I am left wondering how long it will be before we see chemist shops in supermarkets due to the constant pressure the supermarket chains are placing on the Federal and State governments. The move is viewed by those in the industry as the thin end of the wedge, with predictions that the number of country pharmacies could halve if the move is successful. I look forward to examining the contents of the new legislation that the Government proposes to introduce in regard to those who can have pecuniary interests in pharmacy, but it is imperative that the State Government keeps its laws watertight against the introduction of supermarket pharmacies, and that it lobbies the Commonwealth to resist the arguments of supermarkets for a fair slice of the pharmaceutical pie. Public health, particularly in rural New South Wales, is at stake.

**Discussion concluded.**

**Pursuant to sessional orders business interrupted.**

## **PRIVATE MEMBERS' STATEMENTS**

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### **KIDSAFE**

**Ms TANYA GADIEL** (Parramatta) [5.15 p.m.]: I draw to the attention of the House a wonderful organisation called Kidsafe. Its New South Wales office operates in the vicinity of the Children's Hospital at Westmead, in the electorate of Parramatta. The national organisation, Kidsafe, was founded in 1979 and its mission is to make a safer world for kids. I first visited Kidsafe when I was a newly elected member of Parliament. At the time I was pregnant with my first child, and I was shown around the Kidsafe house. The gadgets they have there are amazing. As a first-time mum, I would never have imagined that a child could get into so many potentially hazardous or life-threatening situations. I learnt about the danger of children pulling a stove or a television on top of themselves, and the danger of children choking on cords from blinds, scalding themselves in a bathtub or falling down stairs. I received consumer education packs about purchasing prams, cots and change tables. I never would have realised that the home was such a minefield to a child until I went to Kidsafe.

When I returned there last week—purely co-incidentally pregnant again—I had the happy honour of awarding Kidsafe a cheque for \$45,681 on behalf of the Minister for Fair Trading, John Hatzistergos, because Kidsafe was the recipient of a grant under the Fair Trading Home Building Grants Program. The Fair Trading Home Building Grants Program was established in 1999 with the aim of providing much-needed support to organisations that assist in education and research relating to consumer issues in the building industry. This year, Kidsafe applied to the Home Building Grants Program to produce an updated version of the 1992 Child Home Safety Construction Guidelines. Honourable members will appreciate that there have been significant changes in building laws since 1992 and the need for a new set of guidelines could not be ignored. The guidelines are essential in providing information to home builders on safe home and care environments for our children.

I am informed that Kidsafe has received numerous requests for home safety information from builders, renovators and the general public, and the booklet would definitely come in handy for all three groups. The guidelines would also significantly reduce potential design flaws, reducing the likelihood of injuries occurring to children through home design faults. The guidelines will target child-care centres as well as home builders and renovators. I congratulate the Board of Kidsafe and the staff particularly on their admirable work in ensuring the safety and wellbeing of our children. I would especially like to thank them for their copy of the DVD, "Injury Prevention in the Home". I have already watched it, and feel like I have had a refresher course in home safety. It provides great advice and a series of warnings about dangers in and around the home under the categories of falls, scalds and burns, poisons and the backyard.

The stark facts are that three-quarters of the injuries that occur in the home are as a result of falls from change tables, beds and stairs. It is particularly important that parents watch their children at all times of day because, as the DVD reminds us, what kids cannot do one day, they can do on another. Alarming, 1,200 children under the age of five years are admitted to Australian hospitals each year with scalds and burns, and 80 per cent of those occur in the bathroom. Around 3,500 children under the age of five are admitted to Australian hospitals each year as a result of poisoning. Most of these cases are the result of exposure to medicines that were not locked away properly. Thanks to Kidsafe, I am motivated yet again to get down on my hands and knees and have a look at my house through the eyes of my toddler. It really is a worthwhile exercise.

Kidsafe provides vital information to parents about safety in and around the home. Since Kidsafe began its work, parents have become better educated and informed about the dangers that lurk in the home. Although I have outlined some of the numbers of childhood injuries that are reported in Australian hospitals, the reality is that Australia has one of the lowest rates of childhood accidental injury in the world. Our mums and dads are extremely well informed and do take exceptional care. But, of course, one injury is one too many. Our regime of quality and Australian standards in products for children is overall very good, and I believe that organisations like Kidsafe and the Office of Fair Trading deserve credit for keeping us informed and alert and, importantly, for keeping shonky products off retailers' shelves.

### **COROWA ELECTRICITY GENERATION PLANT**

**Mr GREG APLIN** (Albury) [5.20 p.m.]: Last Wednesday the *Corowa Free Press* carried a bold front-page headline which announced "Pig power for QAF". This was no modern-day realisation of George Orwell's famous satire on Soviet Russia in which the animals took over the farm and the pigs emerged as the leaders and became dictators, declaring that "all animals are equal but some animals are more equal than others". No, this was the announcement by QAF Meat Industries and EnergyAustralia of an innovative electricity generation plant powered by the methane gas produced from pig waste. In a joint statement last week the two companies advised that the \$13 million sustainable energy project would be based at QAF's piggery near Corowa. A development application has been submitted for the installation of three gas-fired electricity generators. It is the first large-scale project of its type in Australia and one of the first in the world involving a piggery.

The Managing Director of QAF Meat Industries, Nigel Smith, said QAF developed the idea and entered into a long-term arrangement with EnergyAustralia to use the power produced. EnergyAustralia's Acting Managing Director, George Maltabarow, said that the pig power plant will produce 21 gigawatt hours of electricity per year, which is enough to run the piggery and its abattoir as well as power the equivalent of 1,500 homes. This comment prompted the region's daily newspaper, the *Border Mail*, to run the headline "1500 homes to switch to swine". The paper went on to commend the methane power plant as being good for all. Indeed, it is, for the generators at the QAF piggery will save around 90,000 tonnes of greenhouse gases from entering the environment each year; that is the equivalent of taking some 30,000 cars off the road. That saving is based on the combined benefit of capturing the methane—which is a greenhouse gas—and using it to generate electricity, rather than burning coal, which creates greenhouse gases.



This is how it will work. Effluent from the piggery's 200,000 animals currently runs through a series of open lagoons and settling ponds to an extensive irrigation system. Under the Pig Power project, five lagoons will be covered to trap methane gas, which is produced naturally as the effluent breaks down. The methane will be piped from the covered lagoons into three gas-fired electricity generators on the farm. The generators will also provide hot water to the piggery's abattoir, which will reduce the farm's reliance on LPG-fired boilers and thereby save money. QAF Meat Industries was formerly Bunge Meat and has been a major employer on the border since 1971, supplying 20 per cent of pork to the domestic market and accounting for 30 to 40 per cent of all farmed pork exports from Australia. The company is part of Singapore-based QAF and has its head office and largest site near Corowa, where it employs 650 people. These jobs are more secure as a result of this joint operation.

QAF's managing director, Nigel Smith, said the project reflected the company's commitment to sustainable environmental management at the Corowa farm, and he recognised that the facility provided an opportunity to benefit the community. He said that by capturing a waste product and turning it into electricity, both QAF and the Corowa community were playing a key role in the production of sustainable energy. He went on to say:

When we started operations in this region almost 35 years ago no-one would have foreseen that our operations would one day be home to a generation plant supplying electricity to thousands of customers.

The project is an example of a traditional industry broadening its scope to benefit the community. In addition to reducing greenhouse gas emissions, it also assists in minimising odours from the piggery. QAF studies show that by covering the effluent lagoons the project could reduce odour by about 25 to 35 per cent. The pig farm already operates within all environmental guidelines, so this initiative will further improve conditions in the immediate vicinity. Construction of the pig power plant will be designed and managed by Snowy Mountains Engineering Corporation and is due for completion in the first half of 2006. EnergyAustralia will pay for the plant's construction, lease the land from QAF, and sell surplus energy to other customers.

EnergyAustralia's Acting Managing Director, George Maltabarow, says the plant is breaking new ground in Australia and is an example of innovative ways to produce sustainable energy and help protect the environment. EnergyAustralia is owned by the Government, and as a result the pigs of Corowa will directly contribute to a stream of dividends in due course. Who said that pigs can't fly? I congratulate QAF and EnergyAustralia on their vision and their commitment to this innovative project in the Albury electorate.

### **WARRAWONG BUNNINGS COMMUNITY FUN DAY**

**Ms NOREEN HAY** (Wollongong) [5.25 p.m.]: Recently I had the honour of attending an event hosted solely to acknowledge and give back to a local community, and to celebrate the efforts of the many local charities and community groups in the region. The event brought together children and adults, the State Emergency Service, the Rural Fire Service, and school and community groups. I am referring to the massive Bunnings Community Fun Day hosted at Bunnings Warehouse in Warrawong, in the electorate of Wollongong. Bunnings Warehouse has always had a strong commitment to local community involvement. Every day Bunnings receives, and accedes to, many requests for financial and material assistance from a wide spectrum of charitable organisations, sporting bodies and schools. At Bunnings Warehouse, responsibility for local community involvement rests with the store located within the community from which the assistance is requested. The local team is better placed to reflect the needs of the local community.

Community Fun Days were first held in 2001 at Bunnings Warehouse in Minchinbury. By the end of this financial year, 36 fun days will have been held on the East Coast, with 12 being held in New South Wales and the Australian Capital Territory. This year's Community Fun Day hosted day-long activities for kids and adults alike in my electorate. The activities commenced at 9.00 a.m., which the families appreciated. They included free face painting, free "How To" classes, fairy floss and helium balloon giveaways, bands, clowns, magicians and a jumping castle. There were also information displays from many different community groups, including the local Girl Guides, the Lions Club, the Rotary Club, the Rural Fire Service and the State Emergency Service. A rather large pink fairy flitted around the warehouse between the edging and letterbox and the nuts and bolts aisle, entertaining all as she went. The Community Fun Day gave these organisations an opportunity to generate community awareness and recognition of the valuable services they provide, and also to help raise further funds.

Complex manager Steve Smith, area manager Ian McBeath, community events co-ordinator Keith Murray, and the whole team at Bunnings Warehouse in Warrawong, have been strong supporters of the local

community in Wollongong over the last four years. Since the establishment of the Bunnings store in November 2000, more than \$200,000 has been donated to the local community. This contribution back to the community has come in the form of community sausage sizzles, free activities for local children, such as weekend clinics, face painting and school holiday activities. It has also included free activities for the general community, such as weekend do-it-yourself classes for the aspiring home renovator. A major part of the Community Fun Day was the giving away of \$5,000 to local community groups in the form of five \$1,000 cheques. Together with the Lord Mayor of Wollongong, Mr Alex Darling, I had the honour of drawing groups' names from a toolbox and announcing the lucky recipients. This year's winners of \$1,000 each were the State Emergency Service, Illawarra Honey Bees, South Coast Country Music Association, the Royal Coastal Patrol and the Wildlife Information and Rescue Service.

Bunnings' contribution did not end there with donations to the community. In August 2003, in partnership with Keep Australia Beautiful, Bunnings announced the introduction of a 10¢ levy on its plastic bags. The decision to implement the levy was in response to growing community concern over the environmental impact of plastic bags and the company's desire to make a difference. As from 15 September 2003 all disposable plastic bags provided by Bunnings attracted a 10¢ levy. Upon the introduction of the levy, Bunnings also began offering customers a number of alternatives, including free reusable cardboard boxes, which are recyclable, as well as a range of reusable bags. The aim of the partnership was to reduce the number of plastic bags distributed through Bunnings stores and to keep Australia beautiful.

Warrawong is one of the lowest socioeconomic areas in my electorate of Wollongong. It is refreshing that a large business such as Bunnings has taken a genuine interest in the community in which it operates. Whether it is a gift card for a quiz night or a raffle, plants for gardens in need, or a makeover of paint for a scout hall, if a group or organisation should be in need of financial or material assistance, Bunnings appears to be willing to help. I commend Steve Smith and his team at Warrawong for a most enjoyable day. I wish them all the best in their future endeavours and congratulate those groups who won a thousand dollars in the lucky draw prize.

#### **BOMADERRY DAIRY FARMERS MILK DEPOT CLOSURE**

**Mrs SHELLEY HANCOCK** (South Coast) [5.30 p.m.]: On Monday 9 May the Dairy Farmers Co-operative said in a press release that it would be closing its Bomaderry milk factory by March 2006, with the loss of 50 full-time and 16 part-time casual positions at the depot. In the name of economic rationalism the company has declared that the factory will close and that the decision was vital in the current global competitive environment. Sixty-six workers will lose their jobs at the Bomaderry plant, but in fact it seems that the number is closer to 72 workers, and there are predictions that the flow-on effect will result in the loss of about 220 jobs in the South Coast region. Monday 9 May, almost two weeks ago, was a dark day indeed for regional New South Wales, and particularly for the workers at the Dairy Farmers Milk Depot at Bomaderry. Workers had not been consulted prior to the decision, and in some cases the media and local politicians knew of the closure before the workers, who had no inkling that their futures had just been turned upside down.

When I received the press release I immediately faxed a letter to the company's chief executive officer [CEO], Rob Gordon, requesting that he reconsider the decision in the light of its devastating effects and that he meet with me, the workers and the union to find a solution to enable the company to keep operating. The next day I met with the workers at the site and heard their stories of absolute despair. One worker has just secured a \$350,000 mortgage, has six kids, and chose to move to the South Coast for the lifestyle as well as the prospect of working with a company that, for all intents and purposes, would support its dedicated work force. Another worker told me that the atmosphere that day was like being at a funeral, with devastating stories from hardworking men and women who have been swept aside so that this company can prepare itself for a stock exchange float.

When events like these occur in a community such as mine, we rally—and rallying we are. Since the announcement there have been two crisis meetings involving key stakeholders and workers. I have referred to these meetings as "councils of war" because those of us who are utterly repulsed by the decision will not go down without a fight. However, it has been noted locally and with some grave concern, that as yet the honourable member for Kiama has not visited workers at all, and nor has he attended any of the crisis meetings; and neither has the Minister for Regional Development attended those meetings.

I was shocked to hear the honourable member for Kiama announce this morning on the local radio that this was a private company's decision and that there was nothing he could, or obviously would, do. Perhaps a

word of sympathy for the workers would have helped, if nothing else. In addition, the Minister for Regional Development and Minister for the Illawarra, who often comes into this place espousing the so-called initiatives of the Government to attract business into regional New South Wales, has also been disturbingly quiet on this issue.

The Government is in a position to offer incentives to this company to remain in Bomaderry, such as payroll tax incentives, which they have delivered elsewhere. But for the workers of Bomaderry the Government's representatives in this region have done nothing and said nothing. This Government has again deserted ordinary men and women in this State; it has deserted workers in this region and it has deserted the very people it purports to represent. In my view the Government has been absolutely lazy and negligent on this issue. I am sad and sorry to have to make these comments today but I think the 70 or so workers at the Bomaderry Milk Depot, and the other 200 or so workers in this area caught up in the flow-on effect, deserve the support of the Government. Labor is in office because of the support afforded to it by the unions in this State, but when it really counts it is absent.

Finally, it must be said that the Carr Labor Government has contributed directly to the closure of the Bomaderry Milk Depot due to its high-taxing, anti-business policies. Many businesses are struggling to survive under the Government's repressive, anti-business regime, especially in regard to payroll tax. Yesterday's budget will continue to hurt people such as those at the Bomaderry Milk Depot, and no doubt more small businesses will continue to downsize and shed jobs as a result of the Government's high-taxing regime.

I will continue to liaise with the Dairy Farmers company, along with the Federal member for Gilmore, Joanna Gash—it is odd that it takes two Liberal members of Parliament to show some leadership on this issue—in an attempt to convince the company to stay in Bomaderry. I hope the Labor members in the region will join with the Liberal members who have so far led this fight and stood up for the good men and women of Nowra and Bomaderry, who are so utterly gutted by the decision two weeks ago to close the Bomaderry Milk Depot.

The honourable member for Kiama said on radio this morning that he could do nothing, but he should at least try to do something. It is not too late. I notice that the Minister for the Illawarra has entered the Chamber and I have heard as late as this afternoon that he convened a meeting this morning with the deputy director and the CEO of Dairy Farmers. I am pleased that, perhaps two weeks too late, he has entered into this debate. I am still waiting for the honourable member for Kiama to issue some word of sympathy for the workers in Bomaderry and to realise that so many lives are being destroyed by a decision to float a company on the Stock Exchange to make big dollars for the larger shareholders. I welcome the entry into the Chamber this evening by the Minister for the Illawarra to join with us all, including the unions—meat and allied workers, the South Coast group of unions, Arthur Rorris and company—to try to work together as a team to resolve this issue and help the people on the South Coast who are being hurt by this company's decision.

**Mr DAVID CAMPBELL** (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [5.35 p.m.]: What a lot of hysterical poppycock that was! The honourable member for South Coast has just walked out of the Chamber; she shows her contempt for the people she purports to represent by not being prepared to listen to this entire debate. The facts are that I met this morning with the chairperson of the Dairy Farmers Co-operative in the company of the honourable member for Kiama and the honourable member for Murray-Darling, who has an interest in this issue from the south-west of the State. A fortnight ago I made a public comment in the media calling on the company to reverse its decision.

**Mr DEPUTY-SPEAKER:** Order! The honourable member for South Coast will remain silent.

**Mr DAVID CAMPBELL:** I wrote immediately to the company calling on it to reconsider and reverse this decision. So, there is no doubt whatsoever that the Government has concern for the employees of the Dairy Farmers Co-operative and, equally, that it has concern for the dairy farmers who supply the co-operative. The Government has been active on this matter, calling on the company to change its decision or, if it goes ahead with its decision, to provide some mechanisms to ensure that there are resources available to local communities to continue to diversify their economy to provide new employment opportunities for employees. Most importantly, we have argued that any and every entitlement of the workers should be met. I reiterate that, on behalf of the Government and on behalf of people from affected areas, I met with the Dairy Farmers Co-operative this morning. The honourable member for Kiama was at the meeting arguing the case for Bomaderry, as was the honourable member for Murray-Darling, who was arguing the case for the people in the Deniliquin area.

### JINDABYNE CENTRAL SCHOOL PROPOSAL

**Mr STEVE WHAN** (Monaro) [5.37 p.m.]: Tonight I will speak about the Jindabyne Central School proposal, which is one of the projects with continued funding for construction announced in the budget this week. I just want to clarify for people in Jindabyne the stage the project has reached and when they can expect to be able to enrol their children in the secondary classes that will commence at the school. This is a commitment the Government made prior to the last election and it is one which is very important for Jindabyne because until now the town has not had a public high school; its students have had to travel to Cooma to access secondary public education.

The budget has allocated funding for stages one and two. In regard to stage one, the classroom facilities, plans are currently with council for approval and when they are approved we will be letting tenders for that work to begin. Stage two, some of the other facilities, will be following quickly after that, with money in the budget for that stage as well. Already we have built the new library for the secondary facility as well as for the primary school. I thought it was important to clarify that, regardless of what stage the construction is at, year 7 and 8 students will start school at the beginning of 2006.

Parents with kids in that age group have unfortunately heard a few rumours that perhaps that may not happen. I want to reassure them—and I have written to many of them about this—that their children will be able to start school in years 7 and 8 at the beginning of 2006. If the buildings are not completed we will install demountable buildings to house the students while construction is completed. The new Jindabyne Central School will cater for kids from the communities of Jindabyne, Berridale, and Dalgety. Those communities are very positive and they will ensure that the school is a terrific success.

Whilst talking about education, I take the opportunity to defend the honour of one school in the Monaro electorate, Jerrabomberra Public School. Unfortunately, the shadow Minister for Education and Training, Jillian Skinner, seriously defamed that school when she told the media, including the *Daily Telegraph*, which unfortunately printed the story, that the Jerrabomberra Public School has had an 89.1 per cent increase in absenteeism, which she inferred was truancy. I suggested that the shadow Minister apologise for the mistake she made and rectify the matter in the media but, unfortunately, she failed to take up that opportunity.

Instead, she put out a press release restating her figures and saying she was right because the Government had given the figures to her under freedom of information provisions. However, the shadow Minister failed to properly interpret the statistics. In 2002 Jerrabomberra Public School had 2,388 days of student absenteeism, whereas in 2003 the figure was 4,116. The shadow Minister took that to indicate an 89.1 per cent increase. However, she failed to note or, indeed, speak to the school about the reason for the increase, which is that the school only opened in August 2002, which meant that the 2002 figure was for less than half a year, with an enrolment of a couple of hundred kids, and that by the end of 2003, a full year, enrolments had increased to almost 500, with an obvious increase in absenteeism.

Jerrabomberra Public School is an extremely good school with brand-new facilities. The community is well educated and has many defence personnel. It has an extremely good record of low truancy and its educational outcomes are excellent. The school was naturally very upset by these accusations. Despite the fact that the truancy figures are extremely low, I was told that absenteeism sometimes occurs because defence personnel are frequently deployed throughout the country, which results in students having a few days off here and there. In fact, one child was absent for a number of days because he was receiving treatment for cancer.

These factors affect individual schools and one would have thought that the shadow Minister would have taken the time to acquaint herself with such factors before she made this unfair attack on this excellent school. In politics, as with anything in life, sometimes it is necessary to admit that a mistake has been made and that an apology is necessary. One is a bigger person if one is able to do that. The shadow Minister is neither big enough to admit her mistake nor big enough to apologise. The Jerrabomberra Public School community has found her actions offensive and I call on her to apologise.

### NIMBIN MULTIPURPOSE HEALTH SERVICE

**Mr THOMAS GEORGE** (Lismore) [5.42 p.m.]: I have spoken previously in the House about problems within the Nimbin community, but I have also paid tribute to it. Last Wednesday, 18 May, was a great day for Nimbin. A few years ago Nimbin faced the possibility of losing its ageing and rundown hospital. As a result of a jointly funded project by the State and Federal governments, last week the New South Wales Minister

for Health opened the new 15-bed multipurpose health service at Nimbin. This great day was enjoyed not only by the village of Nimbin but also by the surrounding areas.

In-patient services include acute care, residential care, and emergency services. The community expressed deep appreciation for this facility because approximately four or five years ago it faced the possibility of losing its health services. Community services include the needle and syringe program, dental services, a methadone program, physiotherapy, radiology, a counselling service, community nursing, community aged care packages, the Nimbin Medical Centre, and women's health.

I wish to highlight the Nimbin Medical Centre, because only two years ago I attended a community meeting at Nimbin at which 300 to 400 people expressed their concern about the need for a local doctor. The remaining doctor had officially resigned from the public system and, at the time, he made a plea for help. Various representations were made and rural doctor services are now based at the Nimbin Medical Centre. The community and the Federal and State governments have worked hard to establish a medical centre in the area. A community networking facility has also been established to work with alternative therapies, non-government organisations, religious groups, the Nimbin Health and Welfare Centre, the business community, the school, the legal service, other multipurpose services and health services, the Division of General Practice, the local council, police and multiple occupancies that are based in the Nimbin area.

The new Rural Hospital and Health Service will provide the following opportunities: mental health support, pastoral care, farm health and safety, Koori health, commune education, family health, women's health, men's health, school screening and immunisation, cancer care palliation, domestic violence services, promotion and prevention support, sexual health, youth services, and hospital in the home. The opening of this facility was a great day for Nimbin and I am pleased tonight to join the community in expressing gratitude for it.

I congratulate Ray Phelps, the Manager of the Nimbin Multipurpose Health Service, his staff and the community on the wonderful job they have done. Over the past couple of years they have had to endure inconvenience while construction was taking place. I also pay tribute to the building company for constructing a facility that the Nimbin community deserved; it can be justifiably proud of it. The Nimbin Multipurpose Health Service is a great win for the community. I had the pleasure of attending its official opening, together with Ian Casley, the Federal member for Page, and the New South Wales Minister for Health, the Hon. Morris Iemma.

#### **SYDNEY INSTITUTE OF TAFE, SUTHERLAND-LOFTUS CAMPUS**

**Mr PAUL McLEAY** (Heathcote) [5.47 p.m.]: Last week, from Saturday 14 May to Sunday 22 May 2005, the New South Wales Department of Education and Training celebrated Education Week. I had the pleasure of attending the awards ceremony for hospitality at the Sydney Institute of TAFE, Sutherland-Loftus campus. TAFE stands for "technical and further education" and TAFE NSW is Australia's biggest vocational education and training provider; indeed, it is one of the largest training providers in the world. TAFE NSW delivers flexible study programs and services to meet the needs of students, industry, and the community. TAFE institutes offer more than 1,200 courses at more than 130 strategically placed locations across the State.

One of these campuses is the Sutherland-Loftus campus, Sydney institute's newest campus, which has specialist facilities for commercial cookery, hospitality, travel, and tourism. It has aerobics and resistance-teaching gymnasiums, a health fitness assessment clinic, and facilities for networking, multimedia, and web design. It also offers major courses in child studies, welfare, and general education. Sutherland College at Loftus hosts specialist facilities in hospitality, commercial cookery, accommodation services, travel, and tourism. The college provides high-quality programs that meet the needs of business, industry and the community and enable students to meet their individual learning and personal development goals. Specific courses can also be designed to meet the training needs of individual businesses.

The campus is co-located in an education precinct that includes the local Catholic high school, St Patrick's College, a school for special purposes in Minerva Street, as well as Sutherland Public School, and Sutherland North Public School. On the TAFE campus—it is adjacent to a military training college—is the Sutherland shire hub for economic development, which is a partnership with Sutherland council, the University of Wollongong and New South Wales TAFE to provide cutting-edge business opportunities for growing businesses. There is also the cooks school, which is another school for special purposes for behavioural studies.

The shire is proud of this big education precinct. Under the leadership of the director, Peter Roberts, all the dedicated staff and students are proud of the Loftus campus. In relation to the hospitality awards, special

mention must go to the head teachers, Julian Breeds and Dianne Huddleston, as well as the senior head teacher, Jennifer Bailley. The three staff are extremely proud of their students, and their dedication and professionalism are second to none.

I had the pleasure of presenting the State medal for certificate IV in hospitality for commercial cookery to Gethsemane Lathouras. Gethsemane earned her State medal for graduating top of her course in certificate IV in hospitality for commercial cookery. The award recognised her outstanding effort in this supervisory course in commercial cookery. The course has 150 students statewide and is usually undertaken part time, and Gethsemane topped the course. At the presentation night her three children, along with her proud husband and parents, were there to see her receive the award. Well done to Gethsemane. She and her fellow students—there was a very large attendance—were very proud.

On Monday I went back to the college to enjoy lunch at the training restaurant, Gateway, as a guest of the college. Julian Breeds introduced me to the two waiters who served us. They were Andrew Hughes, who also works at Cronulla Golf Club, and Bianca Huang, who also works at the Spanish Club in the city. Their service was excellent and I am sure both of them will graduate with flying colours. They were also joined by Nora Arias, who was serving at another table. She is of Mexican descent, and when I asked whether there were any good local Mexican restaurants she assured me that—God willing—on graduation from her studies there would be one in Sutherland. I congratulate these three people who chose to further their career with relevant vocationally based, high-quality training. Well done to them, as well as to all the students who received awards last week, and to all students in New South Wales who attend TAFE, and particularly Loftus campus, to improve their education.

### **FOREST COACH LINES CONTRACT**

**Mr ANDREW HUMPHERSON** (Davidson) [5.52 p.m.]: I wish to congratulate Forest Coach Lines, which is a private bus company in Frenchs Forest, in the Warringah Council area. Recently the company celebrated its seventy-fifth anniversary of providing bus and transport services to the suburbs of Davidson, Belrose, Frenchs Forest, Forestville, Killarney Heights, and Terrey Hills, particularly in the past three or four decades as the area has expanded. I would like to talk about some of the changes that have been forced on the company. Several generations of the Royle family have run this private bus company efficiently while focusing on providing services that the local community wants. And it has done it very well.

Obviously there have been changes over time, and the company has worked well with governments of various complexions until recently. I refer specifically to the company being forced to sign a new contract under onerous conditions. During the process the Government, as a key negotiator, acted in an unconscionable way. At times it used coercion, and it tried to include unreasonable conditions in the contract. Effectively, it attempted to enforce compulsory unionism on a work force that historically has had minimum union membership. Historically, the company and the drivers have had a good, strong relationship, and the drivers have always had cordial relationships with not only their passengers but also the company.

However, the Transport Workers Union, while in the background during the negotiating process, effectively with one hand up the back of the Government and the Minister, has enforced union clauses in the contract and compulsorily—I use that word deliberately—forced most, if not all, of the employees to join the union. That is a disgrace. There is no need for the union to have a role. It does not and should not have a role in terms of safety. There are far more expert people to advise the company about safety matters, and the company has a strong safety record. I commend the company for holding a public meeting last Monday evening at Forestville Memorial Hall. The meeting was attended by many passengers who asked a number of questions and raised concerns. Like me, they believe that the nature of the new contract is extraordinary.

Under the new contract, there is limited capacity for Forest Coach Lines to enhance its services. For example, services running from the Forest area to the city are at overcapacity. Buses regularly do not pick up passengers in Forestville during the peak time of 7.30 a.m. to 8.00 a.m. because they are full. Yet under the new contract Forest Coach Lines is not allowed to provide extra services, even if it covers the costs involved. The company must go to the Government with a business plan and go through a process that has not yet been written. Under the new contract the company cannot provide the Government with a plan for services to provide for existing passengers. I am talking about services to the city during peak times, which have increased by 18 per cent since the beginning of this year.

There is a high demand for these services. However, the buses are full and cannot pick up all the passengers. This means that people are late for work and turn to private transport. The Government has failed to

get its act together with the new contracts. Its approach to the new contracts, which are unworkable, is a complete dog's breakfast. Services are not what they should be and people are walking away from public transport because of the Government's incompetence. I am concerned about the long term. Under the new contract it is difficult to enhance and improve services, for example, in the Carnarvon Drive area of Forest or Killarney Heights. In the future there will be a financial incentive for the Government to cut back on some off-peak and weekend services in this area, and to provide services in other areas if they provide the Government with a political gain. The new contracts are a complete shambles that short-change people in the Forest area. *[Time expired.]*

### REDFERN OVAL

**Ms CLOVER MOORE** (Bligh) [5.57 p.m.]: Tonight I speak about an issue that is important to the Bligh constituents and to the city. Last Monday the city's Environment and Heritage Committee discussed a report on the redevelopment proposal for the oval within Redfern Park, based on the findings of public consultation and the assessment process. In the 2005-06 budget the city allocated funding of \$19 million over three years for a quality recreation facility to redress the current rundown state of the oval after years of neglect by the former South Sydney City Council.

Last year the city put on public exhibition three options prepared for the former council, ranging from open parkland to a 20,000-seat stadium. A fourth option prepared by South Sydney Leagues Club was also exhibited. The \$19 million recommended proposal includes a new playing field on the existing oval site with an undercover pavilion for seating and ancillary facilities such as player change rooms, toilets, gymnasium, office space and a community meeting place. Sports lighting for training purposes is also proposed and provision for temporary fencing when ticketed events are required. The proposal has been developed to provide year-round facilities for junior clubs and schools sports competitions, training and occasional games for Souths, the annual Koori Cup Knockout, community activities and community recreation.

On Monday the Indigenous Land Corporation wrote to me to propose a venue on the site that could be the focus of indigenous cultural, social and sporting excellence. At my request, the city contacted the corporation and a meeting has been set up. Together with other councillors I supported the recommendation that the proposal be deferred for a month to assess the Indigenous Land Corporation proposal to gain further information about the possibility of increasing seating capacity. The city's chief executive officer has arranged to meet with Souths and other organisations to further discuss their needs. The city is committed to continuing the association between Souths and Redfern Oval, and wants to achieve this within the site's constraints. All councillors who spoke at committee on Monday night stated that they did not support option 4 proposed by South Sydney Leagues Club.

Souths' proposal is dependent on the city providing public land estimated to be worth around \$10 million in public money for private commercial development and an enclosed stadium without public access. It includes a six-level private stadium development for 14,000 patrons and an 800 vehicle car park, commercial/retail, football club offices, function facilities and community services as well as a 24-hour medical centre, a gymnasium and an Aboriginal cultural centre. The proposal is to be privately funded through the sale and redevelopment of the current South Sydney Leagues Club premises in Chalmers Street and is expected to receive ongoing funding through commercial operations on the premises on public parkland. These are critical issues and need to be considered in planning for the oval site.

The community land classification and local recreational zoning are not compatible with commercial development of a major regional facility. At an average of 5.9 square metres per person, open space in Redfern-Waterloo is below the city average of 6.6 square metres. The population in Redfern-Waterloo is expected to increase from more than 14,000 to 40,000 by 2015, reducing open space to less than four square metres per person unless additional areas are added. Maximum year-round opportunities need to be provided for local junior, school and Aboriginal sports activities, with provision for the annual Koori knock-out competition. Any redevelopment should allow Souths to continue their historic association with Redfern Oval, with recognition of the team's recent move to Telstra Stadium.

Traffic associated with a large stadium will create unsustainable impacts on adjacent roads and on-street parking, as routinely experienced with Aussie Stadium and the Sydney Cricket Ground. Significant environmental limits exist due to the surrounding residential area and a water table about two metres below the playing surface. Any recreation facility on public land must be financially sustainable, with the city able to guarantee a high standard of maintenance in the long term. Council's recommended option addressed all these

concerns. I am told that a union green ban is being proposed to support South's commercial option. If that occurs, it will be the first time a green ban has been imposed to support using public parkland for a private commercial development with significant environmental impacts.

The State Government has advised that it does not support a new major football stadium at Redfern Park that would compete with the Sydney cricket and football stadia at Moore Park and Telstra Stadium at Homebush. I acknowledge that the honourable member for Heffron is a newcomer and has to try to establish a profile in the South Sydney area. I suggest that it might be helpful if she does her homework and gets her facts straight. Effective representation is about much more than party politicking.

### **CIVIC PLACE, CHATSWOOD, PROJECT**

**Ms GLADYS BEREJIKLIAN** (Willoughby) [6.02 p.m.]: I wish to comment on the Civic Place development within the Chatswood central business district [CBD] precinct, which is being undertaken by Willoughby council. It is not my usual practice to comment so publicly on projects wholly within the responsibility of local authorities, but I am making an exception in the case of Civic Place. It is too large and too important a project for me not to place my views on the public record. The Civic Place master plan was put to ratepayers by way of referendum during the 2003 local government election. The Civic Place project involves the construction of community facilities including a concert hall, a library and open space in the centre of the Chatswood CBD. There is no doubt that once complete the project will bring wonderful new facilities to the community and provide a strong city centre and central point for community activity—necessary ingredients for a city as diverse and as active as Willoughby.

However, I was relieved to read in the *North Shore Times* last Friday, 20 May, that an experienced auditor has been appointed to oversee the development of Civic Place. From the outset I have expressed grave concerns about the seeming lack of transparency in aspects of corporate governance of the project, especially with respect to financial viability. As ratepayers none of us can afford for a project of this magnitude to go off the rails. Until the appointment announced last week I did not have confidence in the manner in which the project was being managed. Last week it was revealed that there has already been a cost blow-out of \$14 million dollars. It is still early days and further such blow-outs cannot be sustained. By way of example in relation to corporate governance, I was disappointed to learn that over \$430,000 dollars had already been wasted on consultants who had been hired to raise \$3 million in private donations. After they failed to meet their basic targets, community volunteers have stepped in to fill the void. Yet the press release issued by Willoughby council on the matter stated:

Willoughby City Council has saved \$256,000 on its Civic Place budget by employing a local identity to raise its fundraising campaign.

It is critical to be upfront, honest and transparent with the community, especially in relation to a project on the scale of Civic Place. The described saving should have been presented in the context of waste of nearly \$500,000. This example raises questions which should be applied equally to all aspects of the project. In project management, what due diligence was conducted on the suitability of consultants engaged? Who oversaw the process? Why were contractual arrangements such that losses of over \$430,000 were accrued? Most critically, if we are to have confidence in the robustness of existing oversight processes, why was this underperformance not picked up sooner? It is critical that the community be kept accurately informed of progress, no matter what stage the project has reached.

Civic Place is one of the largest projects, in both scale and cost, ever undertaken by local government in this State. As ratepayers we need to make sure that management of the project is robust, open and transparent. Highlighting hiccups along the way will engender confidence in the process because no-one who has had any experience with any project, let alone a project of this magnitude, would imagine that everything will move 100 per cent smoothly 100 per cent of the time. It is more appropriate to be up-front and transparent as the inevitable hiccups occur, as opposed to inculcating a culture of needing to put a positive spin on everything.

The example I have highlighted demonstrates more broadly the appropriate corporate governance and the high degree of expertise required to oversee a project of this magnitude. I am relieved that an auditor with prior experience on such projects has been appointed. He will bring much-needed expertise to the overall financial management and viability of the project. For my part, I hope that moving forward also means a more transparent decision-making process. I must admit to having felt somewhat exasperated in recent times that council was in over its head. At the end of the day, as ratepayers we are shareholders in this project and our elected representatives, the Willoughby councillors, are our board. Openness and transparency is the key and I



hope this new appointment augers well for both of those qualities moving forward. There is too much at stake and this is too important a project not to have the benefit of sufficient levels of expertise and a robust oversight process.

### **SURVEYORS SHORTAGE**

**Mr RICHARD TORBAY** (Northern Tablelands) [6.07 p.m.]: I welcome the Government committing substantial new resources in this year's budget to rebuild the State's ageing infrastructure. It would be a pity if this important endeavour stalled due to a shortage of surveyors, whose expertise will be an essential component of most of these important projects. All the proposed infrastructure construction works require professional survey assistance in both design and construction phases. Members of the profession, who are concerned that their ranks are dwindling at an alarming rate, have approached me to raise the issue in Parliament. The figures tell the story. In 1991 there were 1,550 registered surveyors in New South Wales. By 2003 that number had fallen to 1,000. The average age of registered surveyors in this State is now 51.5 years.

The difficulty in recruiting young people to fill these gaps in the profession has alarm bells ringing. The number of graduates seeking registration fell to 12 per cent in the late 1990s. Statewide numbers entering university dropped from 75 per annum in the 1990s to an average of 45 between 2000 and 2003. The situation is similar in other States so we cannot expect to make up the shortfall by recruiting within our national borders. There have been better times. With the end of the articulated pupil system in the late 1960s there was a flood of new registered surveyors, and numbers entering university in the 1970s meant we had an oversupply of registered surveyors early in the following decade. However, by 1990 only 800 of the 1,550 surveyors were actively involved in signing plans. The cost of registration rose steadily from \$50 to \$360. The board of the Association of Consulting Surveyors of New South Wales began adopting measures to encourage greater participation in the profession, to persuade greater numbers of women to join the ranks, to sponsor scholarships and awards and to encourage the private sector to follow suit.

All of those activities have created greater awareness within government departments, including the Roads and Traffic Authority, rail, lands and local government, which are now recruiting and assisting undergraduates and graduates. However, there is still a strong need for more private sector traineeships, government cadetships and university scholarships. Members of the profession are making a contribution by visiting schools to speak to students and by actively promoting the opportunities for surveyors through the media. Surveying requires a good grounding in mathematics, physics, computing and communications. The concern is that fewer students are now taking this range of subjects. It is suggested that special incentives are needed through offering Higher Education Contribution Scheme exemptions and extensive government scholarships to overcome this and other skills shortages.

The surveying profession has a heavily weighted older age demographic and it has been estimated that more than 65 per cent will retire within the next 10 years. Surveying is not a career that can be fast-tracked, as it is dependent upon both a good grounding in geometric principles and on-the-job experience. Young surveyors learn from the more experienced practitioners, a system that encourages maintenance of high standards within the profession. In Armidale there is only one registered surveyor to meet the needs of the construction industry. By contrast, there are more than 30 solicitors and more than 60 professional accountants. Statewide the number of graduates seeking registration as surveyors each year is in the order of 20. Anecdotal evidence shows that many of them graduated in the last 10 years, rather than recently. Since 2000 the number of registered surveyors taking emeritus status or not renewing their registration has been greater than the number being registered.

To address the shortage, the industry association is working on a training package for TAFE students in Sydney, Newcastle and Wollongong. Funding is needed to develop resources for online learning and workplace assessment procedures that will assist regionally based students. At a State level the only way traineeships for surveyors can be set up is through the Industry Training Advisory Board. I urge the Government to look carefully at this issue and to work with industry associations and training bodies to ensure that compelling incentives are put in place at a State level to lift the number of registered surveyors in New South Wales. It would also be useful for State and Commonwealth Governments to unite behind a common strategy to provide a long-term solution to this and other skill shortages affecting the growth and prosperity of our State and nation. Given the fluctuation in the numbers entering and leaving the profession over the last 50 years or so, I urge the Government to give this matter urgent consideration. It needs to work with the private sector to offer greater incentives to attract young people to the profession.

**Ms DIANE BEAMER** (Mulgoa—Minister for Juvenile Justice, Minister for Western Sydney, and Minister Assisting the Minister for Infrastructure and Planning (Planning Administration)) [6.11 p.m.]: The

honourable member for Northern Tablelands has spoken about the lack of surveyors in New South Wales and, indeed, Australia. The same can be said about other professions, such as certifiers, town planners and other professionals who are involved in important aspects of business. Many of those professions are facing a major shortfall in numbers. Some councils are recruiting in various places overseas to find the professionals they need. I congratulate the honourable member for Northern Tablelands on bringing this matter before the House. It is truly awful that his area has more solicitors than these much-needed professionals. I offer my sympathy to his community.

### TRIBUTE TO MR BRIAN HUTCHINGS

**Mr GEOFF CORRIGAN** (Camden) [6.13 p.m.]: Today I pay tribute to the late Brian Hutchings, a champion surf lifesaver and a champion bloke. Growing up on the Central Coast of New South Wales, as I did, if you went to the beach you usually ended up as a lifesaver or a boardie, and rarely was there a crossover. It was my good fortune from the ages of 16 to 23 to be a surf lifesaver at what I still consider the best beach in Australia, Soldiers Beach. I was a fairly good still water swimmer and considered myself to be a good surf swimmer until I met a fellow named Brian Hutchings. Brian could have been the man on whom "Chesty Bond" was modelled. He was a barrel-chested man with a wonderful languid swimming stroke. He moved through the surf with the same ease that Ian Thorpe or Don Schollander move through the swimming pool. He was a champion in the big surf. At a function held for Brian, Harry Nightingale, a legend at Bondi, said when proposing a toast, "He is one of the greatest surf men of all time."

Brian helped me to become a much better body surfer and, therefore, a better competitor and lifesaver. Time prevents me from going through the hints and techniques he gave me, but I can inform the House that he always helped any aspiring surf lifesaver with the same advice. Brian joined the Soldiers Beach Surf Life Saving Club in the early 1970s. From the 1974 annual report I see he was the water coach that year. I was the beach coach. When I first met him I did not know about his outstanding performances in surf lifesaving. Merely reading his record in the annals of the Bondi Beach Surf Bathers Life Saving Club or Soldiers Beach Surf Live Saving Club cannot give you an idea of the help and inspiration he provided to generations of surfers.

Brian tragically died on 5 May 2005, aged 69, after suffering a massive heart attack whilst competing in a longboard contest at Rainbow Bay on the Tweed Coast. Brian was a legend at Bondi Surf Bathers Life Saving Club. Amongst his achievements was winning the Australian Open Surf Race Championship in 1954, 1956 and 1959, finishing second in 1960 and third in 1958. He also won the Australian Open Belt Race Championship in 1961 and 1963. The details of these wins and the wonderful surfers that he competed against—such as Max Riddington, Hayden Kenny, Jon Donohoe and Stevie Wilkes—can be found on the website of Bondi Surf Bathers Life Saving Club. I commend it as compulsive reading.

When Brian was competing it was truly a golden age of surf lifesaving and huge crowds would attend. Indeed, it was estimated that the test match against New Zealand at Bondi in 1954 drew a crowd of 150,000, with each one cheering local hero Brian Hutchings. Brian was a humble man. Despite his long involvement with the sport he described as "a great way of life", he was not particularly comfortable with his elevation to the Surf Life Saving Australia Hall of Fame in March 2004. "I'm a bit embarrassed by it actually", he said last year, "There are a lot of people in surf who do a lot more than me, but I was lucky to have been involved as a competitor where my profile was higher". I refer to the *Bondi Surfer*, volume 2, no. 10, May 1954, when he competed before Her Majesty Queen Elizabeth II and His Royal Highness the Duke of Edinburgh:

An Australian representative before the Royal Couple, one Australian, two State and a Metropolitan Championship, as well as a number of surf races and a coming trip to South Africa as an Australian representative has not made the slightest difference to the lad himself and it is very pleasing to see him retain his quiet, friendly personality. He is really a very fine club man, ready at all times to take part on behalf of the Club without any thought of personal consideration.

That was the Brian I knew, a man who was always prepared to help the young surf lifesavers, a humble man and a wonderful surfer. After I ceased active surf lifesaving I would often see Brian, his wife, Pam, and sons, Greg and Tod, at Soldiers Beach when I was up on the Central Coast visiting my mum and dad. He always had time for a chat and I would take time to watch him swim those big waves, for which he was renown. He was a fearless and wonderful surfer. Brian was a champion surfer, a champion father and a champion teacher of those who wanted to learn more. Though he left us far too early, I cannot help but think that he would have been happy to spend his final time in the surf in competition. I read in a *Sunday Telegraph* article that Brian's ashes were scattered on the surf at Bondi the week before last. I can think of no more appropriate spot for his final resting place.

**Private members' statements noted.**

**APPROPRIATION (BUDGET VARIATIONS) BILL****DUST DISEASES TRIBUNAL AMENDMENT (CLAIMS RESOLUTION) BILL**

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

**PREVENTION OF CRUELTY TO ANIMALS AMENDMENT BILL**

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

Consideration of amendments deferred.

*[Mr Deputy-Speaker left the chair at 6.18 p.m. The House resumed at 7.30 p.m.]*

**BUSINESS OF THE HOUSE****Bills: Suspension of Standing and Sessional Orders**

**Mr CARL SCULLY** (Smithfield—Minister for Police) [7.30 p.m.]: I move:

That standing and sessional orders be suspended to allow the resumption of the adjourned debate and progress through all remaining stages of the following bills at this sitting:

Petroleum (Submerged Lands) Amendment (Permits and Leases) Bill  
Surveying Amendment Bill

**Mr ANDREW TINK** (Epping) [7.31 p.m.]: The Coalition opposes the motion and will divide on it. On this occasion I am inclined to give the Leader of the House in this Chamber the benefit of the doubt. Our problem is that these bills have not been to our party room and we have not been able to consider them. They may or they may not be straightforward. Every member of the Coalition party room should have the opportunity to have a say and listen to a proper briefing, which does not happen in these circumstances. Coming back from a function across the road I noticed that the upper House is in complete darkness. Nothing is going on up there. Some people in this House might argue that nothing much ever goes on up there. I do not want to sound too much like former parliamentarian Michael Egan. As I understand the New South Wales constitutional arrangements, the upper House is able to initiate legislation, with limited exceptions. Quite frankly, it ought to get its act together.

Perhaps the problem is that there is some difficulty about who is leading the upper House now that the lamented Michael Egan has passed on to other things. I do not blame the Leader of the House, but we in the lower House should not be put in the position of not being able to consider legislation properly in the party room, unless it is extremely urgent. As the Attorney General knows, those types of bills come up from time to time and we normally try to accommodate, but not on this occasion when the prime purpose of the motion is to turn upper House darkness into upper House light. I am not sure that will ever happen. Even if it is an excuse to turn on the lights and get a program running, I say again that the upper House is able to initiate its own legislation, and that is what it ought to do.

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

**The House divided.**

**Ayes, 48**

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

**Noes, 36**

Mr Aplin	Mr Hartcher	Ms Seaton
Mr Armstrong	Mr Hazzard	Mrs Skinner
Mr Barr	Ms Hodgkinson	Mr Slack-Smith
Ms Berejiklian	Mrs Hopwood	Mr Souris
Mr Brogden	Mr Humpherson	Mr Stoner
Mr Cansdell	Mr Kerr	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
Mrs Fardell	Mr Piccoli	
Mr Fraser	Mr Pringle	<i>Tellers,</i>
Mr George	Mr Richardson	Mr Maguire
Mrs Hancock	Mr Roberts	Mr George

**Pair**

Mrs Perry

Mr Merton

**Question resolved in the affirmative.****Motion agreed to.****PESTICIDES ACT REVIEW**

**Mr BOB DEBUS** (Blue Mountains—Attorney General, and Minister for the Environment) [7.44 p.m.]: I seek leave to table a report by the Pesticides Implementation Committee on the implementation of the Pesticides Act 1999 and to make a short statement.

**Leave granted.****Report tabled.**

**Mr BOB DEBUS:** It is widely acknowledged that pesticides are critically important in agricultural and other industries. They contribute to improved agricultural productivity and more competitive primary industries. However, it is also widely understood that the misuse of pesticides can cause serious problems. There is a growing awareness of the potential for harmful impacts on human health, property and the environment if pesticides are not used with the utmost care. The Carr Government enacted the new Pesticides Act in 1999 to promote the safe and effective use of pesticides. The Act addresses community concerns about the potentially harmful effects of pesticide use by proposing new and strengthened provisions to improve pesticide management in New South Wales. The Act introduced new regulation-making powers to deal with record keeping, training and notification; and established the Pesticides Implementation Committee to advise me on the implementation of the Act.

I am pleased to table the report of the now concluded Pesticides Implementation Committee. The report is the stakeholder review of the Pesticides Act, prepared under the guidance of an independent chair. This has been an effective way to gather views on the many successes to date, as well as the challenges that lie ahead. I am pleased to report that the Pesticides Act is working well in protecting the environment and the community from harmful pesticide use. While the report clearly identifies areas for future government and industry action, no substantial problems with the Act have been raised. In fact, the report shows how implementation of the Act, with its strengthened provisions, has resulted in more effective regulation of pesticide management in New South Wales. The committee has provided me with 24 recommendations. These recommendations aim to ensure that the work in progress is completed in a timely manner.

I can assure the House that these recommendations will be carefully considered and that important reforms to pesticide use will be an ongoing priority for this Government. A major focus of the reform process has been upon the need to make certain that the most vulnerable members of our community—especially young children, older and other vulnerable people—are protected from harmful impacts of pesticide use. Appropriate notification of the use of pesticides is an issue of great concern to the community. I am pleased to advise the

House that a regulatory proposal for pesticide notification in public spaces and in the common areas of multiple-occupancy residential complexes will be finalised in the coming months. This will firmly establish that the community has a basic right to know about pesticides that they may come into contact with. In bringing forward this regulation, the Government has worked closely with key interest groups to put together a package that is both practical for pesticide users and protective of the community.

This new notification regime will require that councils and government agencies consult with the community on how they will deal with pesticide use in public spaces such as parks and children's playgrounds, and a specific requirement that public authorities show how they will deal with pesticide use next to certain sensitive places. This regulation will cover a significant component of all pesticide use near to schools and other sensitive places, and will see special notification arrangements negotiated with neighbouring community members and set out in notification plans. I am also pleased to advise the House that the reform process in the important area of notification for sensitive sites will continue. Once we have notification arrangements in place for public sector pesticide users, the Government will, as a matter of priority, finalise new requirements for other pesticide users. This will obviously be finalised in close consultation with affected stakeholders.

The Government is committed to finalising a practical regulation for the use of pesticides by pest management technicians that will specifically address the need to protect places where young children and other vulnerable people in the community gather, such as schools, childcare centres, nursing homes and hospitals. I intend this regulation to be finalised by no later than the end of 2006. The Government is grateful for the efforts of the Pesticides Implementation Committee in significantly advancing the debate on pesticides issues since 1999. I would like to place on record my personal thanks to all members of the committee and its independent Chair for their individual efforts and their collaborative approach to the reform of pesticide use in New South Wales.

## **ROAD TRANSPORT LEGISLATION (SPEED LIMITERS) AMENDMENT BILL**

### **Second Reading**

#### **Debate resumed from 8 December 2004.**

**Mr ANDREW STONER** (Oxley—Leader of The Nationals) [7.50 p.m.]: I lead for the Opposition in relation to this bill. The purpose of the bill is to amend the Road Transport (Safety and Traffic Management) Act 1999 so that the person responsible for a heavy vehicle will be deemed to have committed a speed limiter offence when a heavy vehicle that is required by law to be speed limited to 100 kilometres per hour travels at a speed in excess of 115 kilometres per hour. As the law currently stands, the fact that a heavy vehicle is detected travelling at more than 115 kilometres per hour is not sufficient evidence that the speed limiter is not functioning as required. This bill will amend the Act and a regulation under that Act so that a person will be guilty of an offence punishable by a maximum of 30 penalty units for an individual or, in the case of a corporation, 150 penalty units. The bill also amends the Road Transport (General) (Penalty Notice Offences) Regulation 2002 to make the new offence a penalty offence. A defence will be allowed under the bill where it is proven that the vehicle was stolen or illegally taken or that circumstances exist which mean the speed limiter did not operate. That relates specifically to an excessive gradient on which the vehicle was travelling.

The speed of heavy vehicles is a topical issue in the community. It is a fact that heavy vehicles are over-represented in crash statistics. For example, on the Pacific Highway, heavy vehicles comprise 15 per cent of traffic but are involved in 33 per cent of fatalities. It is also a fact that RTA speed surveys on major freight routes in New South Wales show that almost 4 per cent of all heavy vehicles are travelling at over 115 kilometres per hour. There is also anecdotal evidence that speed limiters are being tampered with to allow heavy vehicles to exceed 100 kilometres per hour. This bill provides a deterrent to heavy vehicle operators from setting unattainable timetables, allowing drivers to speed or allowing speed limiter tampering.

In my role as member for Oxley, on the North Coast, where my electorate covers about two hours worth of Pacific Highway from Moorland to around Raleigh, I am frequently on the road with heavy vehicles, including at night when the majority of those vehicles travel. I must say that the majority of drivers I observe are responsible and travel within the speed limits. However, occasionally I observe a truck doing considerably more than 100 kilometres per hour despite that truck being marked as being 100 kilometres per hour speed limited. I also receive complaints from constituents regarding speeding or aggressive truck drivers. It is this minority of truck drivers that this legislation seeks to address.

In view of community concern, and the presence of defence mechanisms in the legislation, as well as support by the NRMA and the NSW Road Transport Association, the Opposition will not oppose this legislation. I must ask why this legislation, which was introduced last year, has taken six months to progress to the point of debate. Perhaps it is just the incompetence of this tired old Labor Government or maybe there is a communication problem between the old Minister, Carl Scully, and the new Minister, Michael Costa. Whatever the reason, the motorists and taxpayers of this State deserve better. The Liberal-Nationals Coalition will not add to this inordinate delay. We support the bill.

**Ms ANGELA D'AMORE** (Drummoyne) [7.55 p.m.]: I commend the Minister for Roads for leading Australia in targeting one of the biggest road safety problems facing New South Wales and indeed Australia—speeding trucks. The purpose of the Road Transport Legislation (Speed Limiters) Amendment Bill 2004 is to amend the Road Transport (Safety and Traffic Management) Act 1999 and the regulations made under the Act to make further provision with respect to compliance with and enforcement of requirements for the speed limiting of heavy vehicles so that the person responsible for a vehicle commits a speed limiter offence when a heavy vehicle which is required by law to be speed limited to 100 kilometres per hour travels at a speed in excess of 115 kilometres per hour. I do not believe anyone would disagree that speeding trucks are an extremely serious issue in this State. I note that the Roads and Traffic Authority speed surveys show that significant numbers of heavy vehicles are travelling at over 115 kilometres per hour. This is well over the speed limit for these vehicles and well above the level to which they are speed limited.

There is obvious widespread tampering with speed limiters and heavy vehicle operators are clearly condoning the fact, both by their actions and inactions, that their vehicles are exceeding legal and safe speed limits to deliver their loads. As technology is available to responsible operators to monitor the speeds at which their vehicles are travelling, there is no excuse for an operator not to know that their vehicles are speeding. Those operators who allow their vehicles not to be speed limited so that they can undercut safe operators to make more profits must be held responsible. They are not meeting their legal requirements with regard to speed limiters and are endangering the lives of their drivers, other road users and our families generally.

The public of New South Wales has expressed to this Government its concern over speeding trucks. I am very pleased to support this move by the Minister for Roads to make rogue operators take responsibility for their actions and inactions. The bill will allow the delivery of sanctions to those who are responsible for the vehicles. Those operators who allow their vehicles to travel at excessive speed due to speed limiters not functioning correctly will be held responsible. This bill, along with other initiatives the Minister for Roads is championing, such as the trial of point-to-point speed cameras, random drug testing for drivers and in-car speed cameras, is crucial to improving heavy vehicle safety.

This is not to say that we do not support our truck drivers. I note the comments by the Leader of the Nationals that not all drivers or operators are doing the wrong things. I therefore fully support the changes proposed by the Minister for Roads, which will provide significant penalties for those operators of heavy vehicles whose vehicles are not appropriately speed limited. I note the bill also amends the Road Transport (General) (Penalty Notice Offences) Regulation 2002 to make the new offence a penalty notice offence. The aim of this bill is to send a clear message to those who control the movement of goods on New South Wales roads that they must do so in a safe and legal way, otherwise they will be held responsible as well as the driver. I commend the bill to the House.

**Mr DAVID BARR** (Manly) [7.58 p.m.]: I support this bill. Motorists on major highways are fed up with being intimidated by heavy trucks that are speeding. Too often people are overtaken by trucks that are clearly beyond the speed limit. The important aspect of this legislation is that it extends the chain of responsibility so that those who have control or ownership of the vehicles will be liable for speeding vehicles. The bill provides sanctions for those who are responsible for the vehicles. The Staysafe committee has held public hearings on the issue of long-haul transport and trucking in general. There are all sorts of problems in the trucking industry. One of the significant problems is the pressure that is placed on drivers to get goods to their destinations on time.

One of the critical problems is the so-called dock slots, or the window of opportunity drivers have to deliver goods to their destination. Very often drivers will tell you that they may have had to wait up to five hours to deliver the goods. Unless the drivers work for one of the large operators, they are not paid for that waiting time. Often they do not even have an opportunity to rest, and in many cases there are no facilities for them, such as coffee shops and so on. Enormous pressure is then placed upon the drivers with regard to the next delivery, and hence there is the tendency for drivers to speed. The Staysafe committee has also heard evidence about drivers' need to take stimulants to keep them awake when they are driving for long periods.

It is a huge problem in the industry, and this is only one aspect of it, albeit an important aspect. Obviously, if trucks can be prevented from speeding it will make our roads safer, and the bill does that. It extends the chain of responsibility so that those responsible for the vehicles will bear the burden. In many cases, impossible demands are placed on drivers. We need to look at the pressure that is placed on truck drivers, particularly those who work for small operators or owner-drivers, to get the goods to their destinations on time. We also need to look at the waiting times drivers have to put up with and the flow-on effect of that.

The Staysafe committee has also heard evidence that when entering into contracts with subcontractors, trucking companies and truck owners do not have regard for the fact that often drivers are encouraged to engage in unlawful activity, such as speeding or the use of illicit drugs. It is a huge issue. We need to ensure that our roads are made safer and that conditions for truck drivers are made safer, for their benefit as well as that of the general public. For those reasons I support the bill. As I said, it extends the chain of responsibility and it is one step forward on this issue.

**Mr DONALD PAGE** (Ballina—Deputy Leader of The Nationals) [8.03 p.m.]: I have a particular interest in the Road Transport Legislation (Speed Limiters) Amendment Bill, for two reasons. Firstly, I was the shadow Minister for Roads when the bill was introduced. Secondly, the Pacific Highway runs through my electorate of Ballina from top to bottom. Since the gazettal of B-doubles in August 2002 there has been a lot of public concern about speeding trucks on the Pacific Highway and related issues.

I indicate my strong support for this legislation. Many people are unaware that currently in New South Wales, regardless of the speed limit for motorists, the maximum speed limit for trucks is 100 kilometres an hour, even if it is on a stretch of road where a 110 kilometre an hour speed limit applies. The significance of this legislation is that a person who drives a truck and is responsible for that vehicle travelling at 115 kilometres an hour or more will not only be booked for speeding, as they should, but will also be deemed to have committed an offence in relation to tampering with the truck's speed limiter. Under the bill, except for the two defences provided for, there will be a presumption that a person who drives a truck at more than 115 kilometres an hour will be deemed to have tampered with the speed limiter. The purpose of the speed limiter is to limit the speed of the vehicle to 100 kilometres an hour.

As the law currently stands, the fact that a vehicle is detected travelling at more than 115 kilometres an hour is not sufficient to prove that the speed limiter is not functioning as required. Under the bill, the responsible person will be deemed to be guilty of an offence, punishable by a maximum of 30 penalty units or \$3,300 in the case of an individual, or 150 penalty units or \$16,500 in the case of a corporation. I am somewhat concerned about the level of penalties provided for under the legislation. For example, if a truck travels at 120 kilometres an hour along a highway and the driver is found to have tampered with the speed limiter, the maximum penalty is a \$3,300 fine. Given the pressures on drivers and the economic factors that come into those sorts of decisions, I am concerned that the penalties are probably not sufficient. A fine of \$3,300 for an offence of tampering with a speed limiter does not seem adequate.

Under the bill, the responsible person is deemed to be liable regardless of whether he or she had reasonably believed the heavy vehicle to be compliant or, it would seem, the person had taken all reasonable steps to ensure its compliance. I consider this acceptable because it meets the aims of the chain of responsibility legislation that this Parliament passed earlier in this session. That legislation basically compelled all people in the transport industry who have a responsibility to comply with the law. The present bill is consistent with that general legislation. It applies to heavy vehicles regardless of whether they are registered in New South Wales, which is significant given that these days the majority of transport vehicles travel interstate. An estimated 80 per cent of interstate freight travels through New South Wales. In other words, New South Wales is a central point with regard to the movement of freight. For that reason, it is important legislation for the nation, not just for this State.

Speed limiters were introduced in New South Wales in 1991 to limit the maximum speed of heavy vehicles. As I indicated earlier, in this State the maximum speed for trucks is 100 kilometres per hour. However, many of us, of whom I am one, as we have driven along the highway have been passed by trucks travelling at well over 100 kilometres an hour. It is not uncommon for a motorist on a dual carriageway to be passed by a truck travelling at 115 or 120 kilometres an hour. Speeding trucks are even more dangerous on the Pacific Highway, for example, where there is no dual carriageway but only one lane in each direction. A further problem is that many trucks travel at very high speeds at night, particularly in the early hours of the morning.

Constituents of my electorate tell me regularly—and I share their concern—that they are not game to drive along the Pacific Highway at night. On average over a 24-hour period, trucks travel through Ballina, for

example, at the rate of one per minute. Truck drivers who do the Brisbane to Sydney trip tend to leave Brisbane late in the afternoon, travelling through the New South Wales North Coast in the early hours of the evening. If they are coming from Sydney, they tend to travel through the North Coast at 4 or 5 o'clock in the morning. The period from about 7.00 p.m. through to about 5 or 6 o'clock the next morning is an extremely dangerous period to be driving on the Pacific Highway. As recently as last week at Tabbimobile there was a head-on collision between two semitrailers which resulted in one of the drivers being killed.

The bill is one of a number of measures needed to address the issue of heavy interstate vehicles mixing with local traffic. We know that the freight load in Australia will double over the next 15 years and that the bulk of that freight will continue to be carried by road. Even with the Federal Government's investment of \$800 million in railways over the next five years, the capacity of the rail system to carry freight, which is currently at around about 17 per cent, will go to a maximum of about 30 per cent. That means that 70 per cent of our freight, which will double, will still be carried by road. So it is very important that we make a number of strategic decisions to ensure that people who are sharing the roads with trucks can do so safely, and that those in the transport industry and the trucking industry can travel safely. I know that those in the trucking industry are just as concerned about motor vehicle drivers as those drivers are concerned about the drivers of trucks.

We are very keen to see the Pacific Highway upgraded. At the moment only a third of it is upgraded and, not surprisingly, 50 per cent of fatalities result from head-on collisions, and 85 per cent of the accidents and fatalities on the Pacific Highway occur on sections of the road that are not upgraded. So the message is that upgrading the road lowers the road toll. We need to make sure that the chain of responsibility legislation that was introduced recently will work in practice. It is important that a code of practice is introduced, and we also need to have more police on the road, particularly policing trucks at night.

Obviously this legislation will be important in slowing trucks down. If we are to have legislation that provides that truck drivers who travel at more than 115 kilometres an hour will be guilty of a speed limiter offence, there is a concurrent requirement for the Government to ensure that there is compliance with that. How do we make drivers comply? By putting police out there with mobile speed cameras. We might feel good about passing a piece of legislation that says that a truck driver driving at 120 kilometres an hour will be charged with speeding and with tampering with the speed limiter, but if no-one is monitoring what is going on then, frankly, this legislation is useless. We also need more drug testing of drivers. Recently in a parliamentary committee, truck drivers said that something like 80 per cent of truckies are on some sort of drug. I find that hard to believe, but members of the Transport Workers Union said that, and if it is true that is a major concern for all of us. I have been a long-time advocate of drug testing, not just of heavy vehicle drivers but of drivers generally.

The Bureau of Criminal Investigations conducted some surveys around the Lismore area to test how many people were involved in drug driving. The reality is that in the general population not a lot of people take drugs and drive. However, 44 per cent of people who admitted to using drugs also admitted to taking drugs and driving within an hour of doing so. So, within the drug-taking community there is quite an issue with drug driving. Because of the pressures on heavy vehicle drivers I think there is a real need to make sure that we bring forward as quickly as possible the random testing of drugs for drivers, whether of heavy vehicles or of other vehicles. The legislation provides a couple of defences.

First, if the vehicle is proven to be stolen or illegally taken, that is obviously a reasonable defence. A second defence is if there were circumstances that caused the speed limiter not to operate; in other words, if there was excessive grading. The grading of a road can be such that the speed limiter will not effectively restrict a truck to 100 kilometres an hour. As I understand it, the proposal is that the Roads and Traffic Authority [RTA] will advise the police of the location of excessive gradients, and if a driver travels at more than 100 kilometres an hour in one of those areas, that will be some defence. However, if the truck driver is fair dinkum he has a thing called a brake that he can apply if the truck starts to exceed 100 kilometres an hour.

The shadow Minister and Leader of The Nationals made a point about heavy vehicles being overrepresented in crash statistics. That is certainly true. Heavy vehicles comprise about 15 per cent at most of the traffic on the Pacific Highway, but they are involved in about 33 per cent of fatal accidents. These accidents are not always a truck driver's fault. In fact, statistics I have been given indicate that in about one-third of accidents the heavy vehicle driver is at fault, and in about two-thirds the other driver is at fault. Some RTA surveys that show that on our major freight routes almost 4 per cent of all heavy vehicles travel at more than 115 kilometres an hour. I am interested in that figure. As someone who uses the Pacific Highway a lot, my experience is that I would be surprised if it is as low as that; I would expect it to be higher.

I think this legislation is long overdue. It certainly will remove a problem the police have had in charging people who have tampered with their speed limiters. As we know, the computer systems on the truck



are tampered with by adjusting the gearing arrangements, the size of the tyres, and various other technical issues so that it appears as though the truck is only travelling at 100 kilometres an hour when in fact it is travelling at more than 115 kilometres an hour. It has been very difficult for the police to make an arrest and then mount a case, but this bill provides that if a truck driver travels at more than 115 kilometres an hour the presumption is that the driver has tampered with the speed limiter; otherwise the driver would not be able to travel at that speed. I think that is good legislation, bearing in mind that the maximum speed for trucks is 100 kilometres an hour.

A number of people have asked me why we will allow truck drivers to travel 15 kilometres over the speed limit. They say that is too much tolerance, that we should set a lower figure. They say that if we are serious about speed-limiting why do we give truck drivers a 15 kilometres an hour grace? I think that is arguable. I think we have all driven 5 or 10 kilometres an hour over the speed limit. If the roads are good it is probably not an issue, but if the roads are not good, or if you are on the 66 per cent of the Pacific Highway that has not been upgraded, it is a serious issue. I support the bill very strongly. I believe it is long overdue.

**Mr DARYL MAGUIRE** (Wagga Wagga) [8.18 p.m.]: The Road Transport Legislation (Speed Limiters) Amendment Bill will amend the Road Transport Safety and Traffic Management Act 1999 and a regulation made under that Act to make further provision with respect to compliance with, and enforcement of, requirements for the speed limiting of heavy vehicles. Much has been said in the debate to well and truly explain the intentions of that Act. I would like to put on record my acknowledgment of the trucking industry's efforts over the past 10 years to clean up its act. Peak organisations have been at the forefront in working with the relevant authorities to get their act together because of the terrible publicity and the horrendous accidents that were occurring that were subject to nightly television exposés about truck accidents, particularly on the Hume Highway. So I pay tribute to those industry leaders and say to them: For the work you have done so far, thank you. There is much more to be done, we all agree with that, but your effort should be commended.

The pressures on the trucking industry are known to all of us. Particularly through Staysafe, I have learned a great deal about the trucking industry. Through Staysafe I have had the privilege of attending many meetings relating to the trucking industry, and the Livestock Transport Association and the Australian Trucking Association, in particular, have invited me to be a guest at their conferences and a guest speaker at their recent regional event in Wagga Wagga. I came away from those events heartened to know that there was genuine interest and concern, and a willingness to pursue safety issues.

The Hume Highway, the main artery between Sydney and Melbourne, runs through my electorate and I have raised concerns about safety on the Hume many times in this House. When I learned that this bill was to be debated, I obtained a copy of the *Border Mail* of Friday 3 September 2004, which has an article listing tragedies on that section of road. It reported that in August 1998 a truck driver was killed in a truck-bus crash at Mullengandra; in October 2000 a truck driver died three kilometres north of Little Billabong Creek; in December 2000 a teenager aged 17 was killed at Lavington when his car and a truck collided; in April 2002 a car-truck collision one kilometre north of Kaitlers Road resulted in the death of a South Australian woman; in August 2002 a semi-trailer left the road near Table Top and a Melbourne man aged 48 died; and in October 2003 a 14-year-old boy died in Holbrook main street after being hit by a truck.

The article reported also that in January 2004 four members of the Allen family of Canberra died in a single-vehicle accident near Tarcutta. That incident highlighted some of the safety issues with the Hume that truck drivers regularly have to contend with. In June 2004 two truck drivers died after their trucks collided two kilometres south of Coolac, near Gundagai. In September 2004 three trucks collided near Table Top and one driver died. I drive along the Hume Highway regularly and, along with many other people, I try to avoid driving on it at night. Unfortunately, even after the efforts of the industry, the police and others, truck drivers regularly speed along that highway. The speed at which they pass one's vehicle is frightening. In addition, there are numerous incidences of life-threatening tailgating, a matter that should concern us all. Not all truck drivers are at fault. The great majority of them are good, honest and decent citizens who are earning an honest dollar. The bill is aimed at the cowboys in the industry who tamper with speed limiters and the companies that allow that to happen.

I have attended hearings of the committee and heard of the horrendous speeds of trucks recorded by police. Obviously those trucks are not speed limited and their drivers and/or owners have total disregard for safety and the laws of this State. Much more needs to be done. I have detected a lot of goodwill among the corporations and the many truck drivers who are concerned about their safety on our roads at night. The Tarcutta truck stop is an important safety facility for the truck driving community that plies the Hume at night. The 2005-06 budget allocated funds for the provision of that truck stop, which will be a huge benefit for the truck drivers,

as will the provisions of this bill. I am sure that with the forecasted 50 per cent increase in the trucking industry in the next 10 years, facilities such as that truck stop will become even more important, as will legislation and the continued goodwill of the industry to comply with legislative changes and get rid of the cowboys in the industry. In recent hearings of the committee it was claimed that many accidents have resulted from speeding or reckless acts and from pressures placed on truck companies and/or truck drivers.

Since I became the representative for the Wagga Wagga electorate I have had the unfortunate duty of attending the annual national truck drivers memorial services held at Tarcutta, one of the most moving ceremonies I have ever attended; it is one of my most difficult duties. The families, children and friends of drivers who have lost their lives on our roads attend that memorial service, which was instigated about 10 years ago and was supported by the late, great Slim Dusty. The families are asked to come forward and place flowers on the memorial, to the mournful sounds of bagpipes, a sound that would move everyone in this place. In my speeches at the memorial service, I have said I will encourage State and Federal Ministers responsible for roads and transport to attend future services.

I encourage all members to attend at least one service and see the results of those unfortunate accidents. I am certain that some accidents are the result of speed and of unrealistic expectations upon the industry to deliver—at a price! Currently the committee is addressing those matters; and they must be addressed, because the number of families and children who have lost their loved ones is far too high. At the memorial service I sit with the officials and watch the families walk to the memorial with their flowers, in memory of their loved ones: it is a scene I will never forget. If this bill helps in some way to reduce the number of truck driver fatalities, I certainly support it wholeheartedly.

Companies are looking at implementing technology to monitor the speed of trucks, and that is the correct way to go. Although technology is available, some companies might thumb their nose at it or find ways around it. Whether it be speed limiters, global positioning satellites, or computer-controlled monitoring mechanisms that Caterpillar and other companies operate by satellite, the technology should be embraced and welcomed by the industry. Some companies have taken the initiative and insist that their drivers not tamper with the machines and not take up contracts that they cannot deliver on. But unrealistic expectations are impacting on drivers and their families. As I said, I acknowledge the goodwill of the industry and the leadership it has shown. I encourage the industry to do more, along with the Government and other players, to improve road safety in New South Wales, indeed in Australia, and to reduce the number of affected families at future Tarcutta memorial services.

**Mr GRANT McBRIDE** (The Entrance—Minister for Gaming and Racing, and Minister for the Central Coast) [8.27 p.m.], in reply: I thank the Leader of The Nationals and the honourable members representing the electorates of Drummoyne, Manly, Ballina and Wagga Wagga for their contributions to the debate on this bill. It would appear that some contributors either have been, or are, a member of the Staysafe committee. The Staysafe committee is one of the most important committees within this Parliament, on which all parties usually come together in support of the Staysafe initiatives that will be of benefit to the whole of the State. They do that in a great spirit of bipartisanship. I was a member of that committee, and that bipartisanship was displayed again tonight by Opposition members. I commend them for their total support of the bill.

The honourable member for Ballina asked why the limit was set at 115 kilometres per hour and not 100 kilometres per hour. The limit is based on the Australian design specifications, which are not under the control of the New South Wales Government. Within those specifications there is a certainty that a speed-limiting device is not working if it is detected at over 115 kilometres per hour. For these reasons the bill specifies the speed of 115 kilometres rather than 100 kilometres for an offence in relation to speed-limited requirements. There is no doubt that the transportation of road freight is an important part of the New South Wales economy. The Government is committed to maximising the economic benefits, but not at the cost of road safety.

It is a fact of life that heavy vehicles will continue to use New South Wales roads. In fact, with 80 per cent of Australia's interstate freight either originating from or travelling through New South Wales, it is crucial that they do so responsibly and safely. It is unacceptable that trucking operators put the lives of their drivers and other road users at risk by condoning, and even encouraging, speeding and speed limiter tampering. Responsible operators must have policies and systems in place to monitor the speeds of their vehicles. They must ensure that the vehicle speed limiter is functioning and that their drivers, who are acting on their behalf on the roads, observe all road safety laws, including speed limits.

For some time the New South Wales Government has been moving towards improved accountability for all those in the transport chain to ensure that they take appropriate responsibility for their actions and

inactions. The changes proposed in this bill are another step forward towards improved accountability and ensuring that not only heavy vehicle drivers but also those who employ or contract them, meet their responsibilities to the community. I therefore fully support the changes that the Minister for Roads has proposed, which will provide significant penalties for operators of heavy vehicles who do not ensure that their vehicles are appropriately speed limited. Through this bill it is hoped that heavy vehicle speeding will significantly decrease and lives will be saved on New South Wales roads. I commend the bill to the House.

**Motion agreed to.**

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

**TRANSPORT LEGISLATION AMENDMENT (WATERFALL RAIL INQUIRY  
RECOMMENDATIONS) BILL**

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

**Second Reading**

**Mr JOHN WATKINS** (Ryde—Minister for Transport) [8.32 p.m.]: I move:

That this bill be now read a second time.

One of the first of the major challenges the Government faced earlier this year was responding to the final report of the Special Commission of Inquiry into the Waterfall Rail Accident. As honourable members are aware, the Government provided a detailed response to Justice McInerney's report on 22 February. Of the 127 recommendations in the report, 114 were supported by the Government, 8 required further detailed review and 5 were not supported. The 5 recommendations not supported concern the regulatory framework around the Independent Transport Safety and Reliability Regulator [ITSRR] and do not affect the addition of any recommended new safety systems.

The Government's response required some legislative amendments, and these are contained in this bill. The bill is another step in the implementation of the Government's response to the report and is part of our commitment to the victims and their families, and the people of New South Wales to deliver a safer and more reliable rail system. The bill also makes changes identified in the legislative review of the rail safety legislation enacted by the Government in 2003. That review was tabled in this House on Tuesday 24 May. In November 2003 the Government introduced legislative reforms, which included the establishment of the Independent Transport Safety and Reliability Regulator.

The ITSRR was established to regulate the safety of rail operators and provide the Government with independent advice in relation to the reliability and safety performance of public passenger transport services. At that time, however, the Government was conscious of concerns that these reforms may pre-empt the final report of the Special Commission of Inquiry into the Waterfall Rail Accident. Therefore the Government committed to reviewing the 2003 safety legislation to consider the final report handed down by Justice McInerney in January this year. This has been done. The legislative review suggests a number of legislative changes to implement the Government's response to the report.

The Transport Legislation Amendment (Waterfall Rail Inquiry Recommendations) Bill 2005 will achieve a number of outcomes intended by Justice McInerney's final report. The bill will remove the Office of Transport Safety Investigation [OTSI] from the ITSRR and establish a new, statutory position of the OTSI Chief Investigator, who will be independent from the ITSRR. Consistent with recommendation 79 of the special commission of inquiry, the Chief Investigator will be given powers to initiate investigations into transport accidents or incidents. The Chief Investigator will be responsible for "just culture" type investigations of transport safety accidents or incidents. That means investigations are conducted for the purpose of advancing transportation safety—not to assign fault or determine civil or criminal liability. The Chief Investigator will report directly to the Minister for Transport.

The Chief Investigator of the OTSI will not be subject to ministerial direction and control in his investigative and reporting functions. The Chief Investigator will deliver his reports directly to the Minister consistent with recommendation 81 of the commission's final report. These investigation reports will continue to be tabled in Parliament. Consistent with recommendation 80 the bill provides for information-sharing agreements to be entered into between the Chief Investigator and the ITSRR to ensure that any findings made by

the OTSI can be quickly reported to the ITSRR. The bill provides scope for officers from the Federal agency, the Australian Transport Safety Bureau, to be involved in the investigation of rail accidents or incidents in New South Wales.

The bill also includes new provisions designed to reinforce the independence of the ITSRR. The ITSRR will no longer be required to seek the advice of the advisory board before it may exercise certain statutory functions. The bill removes the management role of the chair of the advisory board in relation to accident investigations. The Government did not support the recommendations for the complete abolishment of the advisory board. Instead, the board will be retained as a valuable source of expert advice to both the ITSRR and the Minister. The ITSRR now has greater autonomy in the exercise of its functions, but can at the same time seek advice from the experts on the advisory board.

The Government did not accept the recommendation that the ITSRR be removed from the Transport portfolio. As the Minister for Transport I am responsible for the safety and reliability of public transport in New South Wales and it is entirely appropriate that the regulator should report to me. The ITSRR makes a substantial contribution to the portfolio in terms of overall transport safety and, in particular, it allows for better co-ordination of safety policy across all other transport modes such as buses and ferries. The regulator reporting to the portfolio Minister is also consistent with international practice in jurisdictions such as the United Kingdom and Canada. A number of consequential amendments have also been included to support the above initiatives.

The bill sets out much more clearly the processes for the conduct of inquiries and investigations by the Chief Investigator. The separation of the OTSI and the ITSRR necessitated a number of changes to the existing provisions relating to inquiries. The legislative review defines an investigation as the gathering of physical, scientific and other evidence outlining the sequence of events leading up to and including an accident.

An inquiry is described as the conduct of formal process to obtain witness inputs, documentary evidence and other relevant materials, and may consider evidentiary material gathered by an investigative team. An inquiry will culminate in a report on the outcomes to the Government. The inquiry provisions are not new—both the Passenger Transport Act and the Rail Safety Act have had provisions for inquiries in relation to transport safety accidents or incidents. However, some structural changes were required to ensure these provisions work better with the new institutional arrangements for the OTSI's transport accident investigations.

The bill makes it clear that inquiries are part of the investigative process but are not always required. In most cases, transport accidents and incidents will only require investigation and report by the Chief Investigator without the need for the investigation to be elevated to the inquiry level. The Government will also retain the option of holding a special commission of inquiry or royal commission in relation to any transport accident. The new arrangements for transport safety investigations and the functions of the chair of the advisory board mean that new triggers for the calling of an inquiry are required.

This function needs to be separate to the ITSRR's compliance and enforcement role and the chair's investigation functions, which have been transferred to the Chief Investigator of the OTSI. The function also needs to be separated from the Chief Investigator, as his investigation may form part of the overall evidence to be submitted to any particular inquiry, much like a police investigation may constitute evidence at any coronial inquiry. Therefore the Minister will have the responsibility for calling inquiries. This is consistent with the inquiry model for mine safety investigations where the portfolio Minister can establish an inquiry into any mining accident. The Chief Investigator may recommend that an inquiry should be held. If ever there were a case when the Minister of the day did not agree, the reasons supporting that decision must be tabled in Parliament. This is a further protection of the independence of the OTSI.

The bill also includes a number of additional regulation-making powers in the Rail Safety Act and provisions clarifying the obligations of rail operators with respect to their safety management systems. Commissioner McInerney made specific recommendations concerning the need for regulations specifying requirements for safety management systems in recommendation 121. The amendments ensure that these requirements can be prescribed and, if necessary, supported by relevant guidelines made by the ITSRR. These new regulation-making powers will ensure that the ITSRR can prescribe standards applying to such matters as train communications, rolling stock, passenger security and safety, and rail infrastructure. The ITSRR will be able to provide more explicit guidance for industry as to the expectations of safety performance. Justice McInerney recommended that changes be made regarding rolling stock, data loggers and train communications. This bill provides a better basis for such regulations to be made and supported by prescribed conditions of accreditation.

The bill makes a number of other amendments as a consequence of the legislative review. These amendments clarify the regulatory responsibility for safety in other transport modes and make changes in relation to the membership and functions of the Transport Advisory Group [TAG] established under the Transport Administration Act. The current requirements provide for the TAG to be chaired by the chair of the ITSRR Advisory Board. Given that the chair no longer has a separate statutory role other than being part of the advisory board, this is no longer appropriate. The bill provides for the TAG to be chaired by a person appointed by the Director-General of the Ministry of Transport. This is consistent with the statutory role of the TAG in relation to the setting of performance standards that transport operators are required to comply with.

Reporting requirements have also been modified. The TAG will report to the Director-General of the Ministry of Transport. This is appropriate, given the TAG's advisory role in relation to the setting of performance standards for contracted transport service providers. The bill has been drafted with key input from the ITSRR and consultation with industry and employee representatives. I thank the ITSRR for its guidance in this matter. I also thank my staff members who have been involved in the process. The amendments proposed in the bill represent a more workable framework for the delivery of the key safety recommendations of the Waterfall commission of inquiry. I commend the bill to the House.

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

### **PETROLEUM (SUBMERGED LANDS) AMENDMENT (PERMITS AND LEASES) BILL**

#### **Second Reading**

**Debate resumed from an earlier hour.**

**Mr ADRIAN PICCOLI** (Murrumbidgee) [8.45 p.m.]: Members of The Nationals and the Liberal Party oppose the Petroleum (Submerged Lands) Amendment (Permits and Leases) Bill as we have not had sufficient time to consider it. Given what I would call the corrupt nature of this Government and the way it receives donations and the like, so far as we are concerned there could be any number of reasons why the Government introduced this legislation. I have had a look at the bill, which does not comprise too many pages. However, these types of legislation are always the ones we have to worry about the most. The Government conducts fundraising events every Friday night at which hundreds of thousands of dollars are donated to the Labor Party.

Why did the Government introduce this legislation? I am not necessarily suggesting that this is one of those pieces of legislation that we should have to worry about, but we do have parliamentary procedures in this Parliament. Legislation is introduced, Ministers make second reading speeches, and bills then lie on the table for five days to give Opposition members, crossbench members, Independents, Greens and members of the community an opportunity to look at them and ensure they have no concerns. We would be abrogating our responsibility if we allowed this legislation to pass, unopposed, without properly considering it. It is our responsibility to ensure that the Government upholds standing orders and the well-established rules in this Parliament, and gives members of the Opposition and the community an opportunity to examine the legislation.

It might well be that this is just an innocent piece of legislation. I understand that all the States are enacting similar legislation. As I said earlier, we have parliamentary procedures in this place. Why has the Government not given Opposition members an opportunity to examine the bill? Has it been too busy? In the past few weeks that this House has been sitting we have not sat late on one night. It is not as though we have been overwhelmed by legislation. I saw an article in a local paper that made a reference to the former Minister for Agriculture, the Hon. Richard Amery. The article, which was entitled "Missing in action", referred to the fact that he had made only two speeches this year, or over the past few years.

Obviously he has plenty of time to draft legislation if Government members are too busy to do so. The Government has had plenty of opportunity to introduce this legislation, and to brief the Deputy Leader of the Opposition in the other Chamber and brief me. The Government has had a pretty slack legislative agenda, and the Minister does not appear to me to be too busy, but only now has the Government introduced this legislation. As I said earlier, it would be an abrogation of our responsibilities if it were enacted without being challenged. The Minister introduced the legislation, and he should give us five days to consider it and make a decision about it. However, as the Government has not given us the five days, the Opposition will oppose the bill.

**Mr NEVILLE NEWELL** (Tweed—Parliamentary Secretary) [8.49 p.m.]: I support the Petroleum (Submerged Lands) Amendment (Permits and Leases) Bill. Completed in 2000, the national competition policy

review was conducted as part of a national review of legislation governing exploration and development of offshore petroleum resources. The terms of reference of the national competition policy review were to identify any restrictions on competition. Unsurprisingly, the review was to disregard any restriction that could be shown to be in the public interest, such as safety and environmental concerns. That is alarming to many people, including Government members. Obviously we are concerned about that, but that is the way the Federal Government has structured and is running its national competition policy today. We have already seen what the national competition policy has done to the dairy industry, and will do to the poultry industry; the Federal Government has withdrawn tens of millions of dollars from the State Government in penalties. The terms of reference for the review also required a focus on reducing compliance costs on business where feasible. The minor amendments in this bill will implement recommendations from the national competition policy review.

During 1967 the Commonwealth and State governments entered into an agreement relating to the exploration for, and exploitation of, petroleum resources on the Australian continental shelf. The agreement resulted in the enactment of the Commonwealth and complementary State legislation. So it is astounding to hear the shadow Minister announce that the Coalition will oppose the bill. This is little more than an opportunity for the shadow Minister to pretend that he is doing his job. He should call the Federal Minister, Ian Macfarlane, who will have carriage of this complementary legislation in the Federal Parliament, to find out what it is about. He should also do some research. The Commonwealth legislation has been amended in similar terms to those being presented in this bill. Other State jurisdictions have either amended their Acts accordingly or are in the process of considering amendments.

The New South Wales Act regulates exploration for, and exploitation of, possible offshore petroleum resources within three nautical miles of the coast. These amendments will establish uniform exploration and permit requirements within the New South Wales and Commonwealth jurisdictions. It is acknowledged that the New South Wales offshore petroleum industry is small, with the State having only one current exploration permit. Further, there are no exploration permits pending assessment, or any potential projects that may be impacted by the bill. The amendments to the Act are prospective and will not apply to permits awarded before 1 January 2006, and subsequently will not detrimentally affect the current permit holders' rights. I commend the bill to the House.

**Ms ALISON MEGARRITY** (Menai—Parliamentary Secretary) [8.53 p.m.]: I support the Petroleum (Submerged Lands) Amendment (Permits and Leases) Bill. The bill has the potential to improve competition and reduce compliance costs within the offshore petroleum exploration industry. The amendments reflect recommendations made by the national competition policy review into Australian legislation governing the offshore petroleum industry across Australian jurisdictions. I support the bill's objective of reducing potential compliance costs for the lease holder. When a company makes a discovery that it considers is not commercially viable to develop in the short term, but is likely to become viable within 15 years, it may retain title to the discovery through the award of a retention lease. Currently, the holder of a retention lease can be requested to conduct a commercial viability assessment of the discovery twice within a five-year lease.

This re-evaluation may require work to be carried out additional to that required by the lease conditions. This could include reinterpretation of existing data and further simulations—both costly and time consuming. This has been determined to be excessive. Accordingly, the bill proposes a maximum of one review per five-year lease. This is considered adequate to demonstrate to the regulator whether the discovery remains uncommercial or not. These reforms will not have major implications for New South Wales. However, consistent State and Commonwealth legislation sends a positive message to the offshore exploration industry. I commend the bill to the House.

**Mr KERRY HICKEY** (Cessnock—Minister for Mineral Resources) [8.55 p.m.], in reply: I thank the honourable member for Tweed and the honourable member for Menai for their contributions to this debate. Since the 1967 agreements reached between the Commonwealth and States to co-operate, the offshore petroleum industry is regulated by complementary legislation. The national body of legislation has been reviewed in accordance with competition policy and was found to be substantially free of significant anti-competitive elements. However, the review recommended some minor amendments to the existing legislation. The bill reflects those recommendations, and mirrors changes already made to the Commonwealth Petroleum Submerged Lands Act 1967. Although these relatively minor changes will have little impact, nevertheless they will improve competition in the offshore petroleum exploration industry.

These amendments will limit the number of times a lease can be renewed. This will free up leases quicker for other exploration companies, yet continue to protect the existing rights of the current permit holder.

Further, the bill will reduce the compliance burden upon retention lease holders. With these amendments, the regulator will be limited to requesting a maximum of one re-evaluation of the commercial viability of the discovery within the five-year lease. As such, the amendments should be supported by all honourable members. I am surprised that the Opposition spokesman expressed concern because the Hon. Duncan Gay received a briefing note on these minor amendments today. I am concerned that the Opposition has shifted such a dynamo as the honourable member for Murrumbidgee into this House. He has excelled himself in expressing concern about legislation that has been mirrored by the Commonwealth.

The honourable member's friend, Ian Macfarlane, is a wonderful man. This bill simply mirrors his legislation. I have grave concerns about whether there will be another change to the leadership of The Nationals. Everyone knows that the honourable member for Murrumbidgee is keen to become the Leader of The Nationals, to the point that he spends as much time as possible in Sydney to rally the troops. We know that The Nationals are city focused. Frankly, the honourable member needs to be on the coast to rally support for The Nationals. That is the bottom line of the Coalition's opposition to this bill. As the bill mirrors the Federal legislation, and as there are no significant consequences of this bill, I commend it to the House.

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

**The House divided.**

**Ayes, 45**

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

**Noes, 33**

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

**Pair**

Mrs Perry

Mr Merton

**Question resolved in the affirmative.**

**Motion agreed to.**

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

## **BUILDING PROFESSIONALS 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)) [9.10 p.m.]: I move:

That this bill be now read a second time.

The Building Professionals Bill comes as a further demonstration of the Government's commitment to improving the quality of building in the State. The 2002 Campbell inquiry into the quality of buildings, conducted by a committee of this Parliament, concluded that the building regulatory system in New South Wales was complex, poorly co-ordinated, poorly understood, and lacking in professional rigour. The inquiry recommended increasing the Government's role in regulating builders and other practitioners in the building industry. In 2003 the Government established the Home Building Service to deal with complaints against licensed builders and tradespeople who carry out residential building work. This bill will establish the Building Professionals Board and, in so doing, extend the Government's building reform program to now include certifiers—the people who check the regulatory compliance of building and subdivision work.

The reforms outlined in the bill will significantly improve our regulatory and administrative framework for certifiers in New South Wales and, ultimately, will help ensure the safety and quality of all building work. In January 2004, as a prelude to the bill, the Building Professionals Board was established administratively within the Department of Infrastructure, Planning and Natural Resources. The department now accredits more than 170 private certifiers. Last year the Government successfully completed its first action against a private certifier for professional misconduct. In the New South Wales Administrative Decisions Tribunal this certifier was found guilty of professional misconduct for setting aside fire safety provisions in a backpackers' hostel in Sydney. The potential threat to life and property caused by that certifier's actions clearly demonstrates the importance of a strong regulatory framework for accrediting and disciplining certifiers as proposed in the bill.

The bill introduces major improvements to the accreditation system and complaints investigation process for private certifiers. The major benefits of the bill include the creation of uniform professional standards for private certifiers, a simpler regulatory system, and stronger measures to protect the safety and property of the public. Four existing accreditation schemes and accreditation bodies will be replaced by one system of accreditation. An independent statutory body—the Building Professionals Board—will be created. Its primary role will be to accredit, audit and investigate complaints against all private certifiers in New South Wales. In addition, the bill expands the sanctions available against private certifiers found guilty of unprofessional conduct. New emergency suspension powers will be introduced, and tough conflict of interest provisions will apply. Accreditation and disciplinary details about every certifier will be made available to the public so that people can make informed choices about using a certifier.

I am pleased to report that there is broad industry and stakeholder support for the establishment of the board. Supporters of the legislation include the Housing Industry Association, the Australian Institute of Building, the Association of Accredited Certifiers, the Australian Institute of Building Surveyors, and the Professional Surveyors Occupational Association. Like the Government, they see major benefits in creating a single accreditation body for certifiers and in the independence of the board. The Department of Infrastructure, Planning and Natural Resources has run consultation sessions with key stakeholders while developing proposals to create the board and more recently on a draft of this bill. These sessions have involved private certifiers, local government, developer groups and professional associations representing engineers, building surveyors, land surveyors and planners.

The Government is committed to accrediting council certifiers so that all certifiers in New South Wales are subject to equivalent competency standards. However, the impact on council services, particularly for rural and regional areas, needs to be carefully worked through in greater detail with local government. Therefore, at this stage it is proposed to limit the board's accreditation and disciplinary powers to private certifiers. The board will continue to audit local councils in their role as certifying authorities. Findings on the conduct of council certification will continue to be referred to the Department of Local Government and to the council concerned. Together with the review of building licensing announced by my colleague the Minister for Fair Trading, these initiatives demonstrate that the Government is serious about strengthening public confidence in our building regulation framework and, ultimately, in protecting the New South Wales community.



I turn now to the provisions of the bill. Part 2 deals with accreditation, which is a certifier's licence to practice. The Building Professionals Board will accredit certifiers to issue certain certificates for developments under the Environmental Planning and Assessment Act. Accreditation will be based on the certifier's qualifications, skills, knowledge, and experience. The board will assign the certifier's level of accreditation fitting with their competence. Annual renewal of accreditation is retained from the current systems of accreditation. This will allow the board to ensure that private certifiers have current professional indemnity insurance and are up to date with changes in the industry. Continuous improvement is built into the accreditation system, which means that renewal of a certifier's accreditation will be dependent on them undertaking ongoing professional training each year. The Department of Infrastructure, Planning and Natural Resources is already discussing new education courses for certifiers with educational institutions.

The bill requires the Government to produce a single accreditation scheme setting out the qualifications, skills, and experience requirements for all accredited certifiers. The scheme will update and replace several existing accreditation schemes. The potential for certifiers to shop around for more lenient accreditation requirements, and the overlap between the existing schemes, will be eliminated. The Institution of Engineers Australia, the Professional Surveyors and Occupational Association, and the Planning Institute of Australia—the professional associations that administer existing accreditation schemes—have been working closely with my department to develop the new accreditation scheme. Representatives from unions, accredited certifiers, the Australian Building Codes Board and local government have also been involved.

The bill provides for the scheme to be publicly exhibited. I expect this new scheme to be exhibited within the next few months. The commencement of the accreditation aspects of the bill will be delayed until the new scheme is in place. This will allow for an orderly transition from the current systems, and time for accredited certifiers to become familiar with the new legislative and accreditation requirements.

Any decision to limit or prevent someone from working in their chosen profession is a serious matter. For this reason, any decision of the board in relation to a private certifier's accreditation will be contestable in the Administrative Decisions Tribunal. In most cases the board will be required to give the certifier the opportunity to make submissions on any proposal to downgrade, condition, suspend or cancel their accreditation. However, a direct right of review by the Administrative Decisions Tribunal will also apply on these decisions.

Public access to information on accredited certifiers will be improved under the proposals in the bill. The board will be required to maintain a public register of all accredited certifiers, with details of their level of accreditation and any conditions on their accreditation. Work is already well under way on improving the department's existing web-based register for that purpose. My colleague the Hon. David Campbell stated in his 2002 report that the building regulation system in New South Wales should rely on the three core pillars: responsibility, accountability, and liability. The Building Professionals Bill has been underpinned by those principles. The system proposed is tough, but it is fair.

The bill quite properly places the regulatory roles of accrediting and investigating complaints against private certifiers into the hands of an independent statutory authority, responsible to the Government. Professional associations will be able to focus on their traditional roles of representing and promoting their profession, rather than being in the difficult position of investigating and disciplining their peers. The Building Professionals Board will have a maximum of eight members and will be responsible to me as Minister. I will ask the board to ensure that resources are particularly focused on investigating complaints and conducting audits, as recommended by the Campbell inquiry.

Parts 3 and 4 of the bill deal with disciplinary proceedings and the investigation of certifying authorities. The board will have the power to investigate complaints and audit private certifiers and councils who act as certifying authorities. The bill provides for any person to make a complaint about the professional conduct of an accredited certifier. Many of the complaints that the Department of Infrastructure, Planning and Natural Resources presently receives are from councils or from a neighbour to a particular development. Often the complaint is that the building work does not comply with the development as approved by the council. For example, that the required fire safety measures are not in place, that the building may be taller than the approved plans, or that required noise attenuation measures are not met.

The potential impact of an illegal development can range from threatening life and property, to annoyance or a reduction of a neighbour's amenity and the normal use and enjoyment of their land. A certifier who approves building work that clearly does not comply with a council's development consent is in breach of

the Environmental Planning and Assessment Act. Under the provisions of this bill the certifier may also be guilty of unprofessional conduct. If the action is relatively minor—for instance, a mistake—the bill provides that the certifier may be cautioned or reprimanded by the board. If the matter is more serious, the certifier may be allowed to continue his work but only on more straightforward buildings. In the most serious cases the certifier's licence to practice—his accreditation—may be withdrawn by the board. They are the situations the board will deal with but with increased and more effective powers.

The matters that constitute unsatisfactory professional conduct will be expanded. New grounds of unsatisfactory professional conduct are also created: contravening a law relating to the functions or obligations of an accredited certifier; failing to comply with a statutory or other duty or contractual obligation relevant to an accredited certifier's functions; breaching a term or condition of accreditation; failing to comply with a board or tribunal order or with an investigatory requirement without reasonable excuse; wilfully misleading or obstructing the board in its disciplinary proceedings; and other improper or unethical conduct relevant to the duties of an accredited certifier. The certifier will have a right of review of the board's decision on a disciplinary matter in the Administrative Decisions Tribunal. As is usually the case with investigating the conduct of professionals, more serious matters—matters of professional misconduct—will be determined by the Administrative Decisions Tribunal. The tribunal will have the full range of sanctions available to it, but with the addition of fines up to \$110,000, ordering the accredited certifier to pay to the complainant compensation up to \$20,000, or suspending or cancelling the certifier's accreditation.

The possibility of an accredited building certifier having a conflict of interest is also of concern. In some circumstances, an accredited certifier's relationship with a developer or building design consultant has the potential to seriously undermine the integrity and objectivity of the certifier's role and their decisions. Certifiers are public authorities. The regulatory work of checking the compliance of building or subdivision with regulations and accepted standards should not in any way be affected by involvement in designing the development. At worst, this can amount to self-certification. The bill introduces a new conflict of interest provision to prevent private certifiers from certifying the design or construction work completed by a person in the same or a related company.

The Administrative Decisions Tribunal identified those problems in relation to an action for conflict of interest successfully brought by the Department of Infrastructure, Planning and Natural Resources in 2004. In that case the certifier had assisted to put together a development and construction proposal for the developer, and then certified the development. To better reflect the seriousness of that type of offence, the penalty for conflict of interest will be increased from a maximum of \$22,000 to \$33,000. Certifiers cannot participate in designing a building or development that they will later certify. To provide more certainty for certifiers and developers on the difference between design and compliance advice, the bill allows for circumstances to be prescribed in regulations as being or not being related to design. The Department of Infrastructure, Planning and Natural Resources will be consulting with industry and other stakeholders during the preparation of the regulations.

Certifiers make decisions that could seriously affect life and property. They decide whether a building is fit to occupy and assess the fire safety of buildings. Effective investigation powers are needed to ensure high standards of competence and professionalism within the certification industry. Where allegations are made of unprofessional conduct, including breaches of building code requirements, the board needs to obtain evidence to prove the breach and prevent the certifier from continuing to practice in that way. The board's investigation powers are dealt with in part 5 of the bill. It will have power to enter premises and obtain information in connection with an investigation.

The Department of Infrastructure, Planning and Natural Resources has had some difficulty in obtaining information from certifiers when a complaint is lodged. Sometimes the certifier may be the only person with the relevant information. The bill proposes that people under investigation will not be able to withhold information on the ground that the information may incriminate them. However, information obtained in this way will be inadmissible in criminal proceedings. I note that the privilege against self-incrimination has been waived in several other Acts, including the Protection of the Environment Operations Act 1997 and the Legal Professions Act 2004.

The board will be required to give an accredited certifier the opportunity to comment on any complaint allegation made against them to the board. In addition, the certifier will be given 28 days to comment on the board's investigation report should the board decide that the matter warrants investigation. The certifier may be invited or required to attend a meeting to consider the complaint. The current system of sanctions against private

certifiers for unsatisfactory professional conduct is slow and cumbersome. This bill removes the need to obtain the certifier's consent to a sanction for unsatisfactory professional conduct. Without this consent, current accreditation bodies can only dismiss the complaint or go through the costly and time-consuming exercise of seeking a decision in the Administrative Decisions Tribunal.

In addition to the currently available sanctions—which include cautions, reprimands, placing conditions on accreditation, ordering the undertaking of specific education or reporting to the accreditation body—the board will be able to impose fines of up to \$11,000. This range of powers is consistent with similar professional licensing bodies such as the Board of Surveying and Spatial Information, the Home Building Service and the New South Wales Architects Registration Board. The power to immediately suspend the accreditation of a certifier was recommended by the Campbell inquiry in 2002. Through this bill the board will have emergency powers to suspend any accredited certifier if it considers this necessary to protect the property or safety of any person. The suspension must be followed by a full investigation into the matter, and the decision to suspend will be reviewable by the Administrative Decisions Tribunal.

Existing penalties that apply to accredited certifiers are retained. These include practising without holding the required insurance, acting beyond the scope of one's accreditation, accepting a bribe and making false representations in relation to the issue of certificates. The existing penalty for unauthorised issue of certificates by an unaccredited person is also retained. The bill creates a new offence where an accredited certifier fails to notify the board of particular events, such as suspension of their accreditation in another jurisdiction. A private certifier's failure to notify their client of a change to their accreditation which will prevent them from executing their duties will also be an offence.

The bill removes the anomaly where actions for even minor matters must be taken in the Administrative Decisions Tribunal following an audit of a private certifier. Instead, the same disciplinary provisions will apply whether the investigation originated from an audit or a complaint and, where appropriate, the board can deal with the matter. Accreditation bodies are now unable to release specific details of accredited certifiers found guilty of unsatisfactory professional conduct. Under the bill, the board will be required to publicise disciplinary action against accredited certifiers. This power is in line with other jurisdictions, such as the Victorian Building Commission, which publishes disciplinary decisions in their industry bulletin.

The publication of disciplinary matters will send a strong message to certifiers and the building industry of the important role that certifiers hold as public authorities, who help to ensure public safety. It will help protect the public from unprofessional operators and educate other certifiers about the correct exercise of their regulatory functions. The Environmental Planning and Assessment Act will be amended by this bill to clarify that funds from the Planning Reform Fund can be used to partly fund the operations of the board. This will be in addition to the board's accreditation and other fees. The board will help to ensure that the strategic planning work, which the Planning Reform Fund is also directed at, is actually delivered on the ground. Development application fees will not be increased as a result of this proposal.

The Building Professionals Bill 2005 envisages a single, independent body—the Building Professionals Board—having the responsibility of promoting standards of competence and professionalism across the certification industry. The board will be well placed to work with government agencies, professional associations, the education sector and the development industry to promote higher building standards. The accreditation of council certifiers, which will be the subject of further legislation following consultation with local government, will extend these very important reforms to the local government sector. The community should have greater confidence in building quality and safety as a result of this bill. I commend the bill to the House.

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

## **SURVEYING AMENDMENT BILL**

### **Second Reading**

**Debate resumed from 24 May 2005.**

**Mr ADRIAN PICCOLI** (Murrumbidgee) [9.33 a.m.]: The Coalition will oppose the Surveying Amendment Bill. We have not had an appropriate amount of time to consider the contents of the bill or the Minister's second reading speech. We have not had an opportunity to discuss the bill in shadow Cabinet or in the

joint party room. It would be inappropriate not to call a division on the second reading of this significant bill. When notice was given a couple of weeks ago that the bill would be introduced, I, as the Opposition spokesman on Lands, gave some details to a couple of surveyors who registered concerns with me about the proposed bill. The Coalition has had less than 24 hours in which to consider the bill and the surveyors have not had any opportunity to look at it. We have not had the opportunity to consider it but, more importantly, the industry has not had an opportunity to consider it. This bill could adversely affect the livelihood of surveyors.

It would be inappropriate for the Coalition to support the bill. We may not necessarily oppose the bill if we were given the five days to consider it. But the Government does not have the decency to give us five days, which is standard practice and procedure in this Parliament. It shows the arrogance of the Government when it ignores procedures of this Parliament that have been established over many years. In a democracy the Government introduces legislation and gives every member of Parliament an opportunity to consider it and to consult with their electorate. Every member has surveyors in their electorates. They should have an opportunity to consult with their constituents about the legislation so that they can make a decision as to whether they will support it.

We will oppose the bill. The Government is hopeless. What is the big hurry? They have had a few weeks of Parliament this year in which to introduce this bill. They cannot complain about having had to introduce too much legislation because we have not seen much legislation come through Parliament. There are 760 general notices from members of Parliament. They cannot complain about being too busy because they have done nothing. As I have said in this Parliament before, and I am sure I will say again before 24 March 2007, this Government can be summed up in three words: lazy, lazy, lazy.

**Mr NEVILLE NEWELL** (Tweed—Parliamentary Secretary) [9.36 p.m.], in reply: The Surveying Amendment Bill seeks to make a number of miscellaneous amendments to the Surveying Act 2003. These amendments will provide greater flexibility in the work of surveyors and the administration of surveys and also provide stronger disciplinary measures. The work carried out by our surveyors is important to the overall integrity of spatial information in New South Wales. Surveys provide the reliable and accurate spatial reference system that underpins land information and mapping systems in New South Wales. Surveyors are overseen by the Board of Surveying and Spatial Information of New South Wales. The board is constituted under the Surveying Act 2002 and has been in operation in one form or another since 1837. The board provides for the registration of land and mining surveyors and the regulation of surveys, and advises the Minister on spatial information.

This legislation aims to clarify certain issues in order to provide the best possible legislative framework for surveyors in this State. The bill proposes to include a definition of "spatial information" in the Act, and to permit the Board of Surveying and Spatial Information [BOSSI] or the Surveyor-General to appoint a surveyor to complete various tasks on behalf of another surveyor who cannot do so and to require surveyors to correct errors in surveys undertaken by them. It allows the powers and functions of the Surveyor-General to be delegated in cases of illness or absence to another qualified person or persons, for example, the Chief Surveyor, the Manager of Cadastral Management Unit or the Manager of Cadastral Integrity. Further, the bill allows for nominations to BOSSI to be drawn from a wider range of industry associations and to provide more flexible arrangements regarding the composition of advisory committees to ensure broad representation in this growing industry.

The bill will assist BOSSI's administrative planning by requiring the earlier payment of a surveyor's annual registration fee and strengthen BOSSI's complaint procedures by permitting complaints against surveyors to be dealt with in accordance with the "Policy for the Consideration of Complaints against Surveyors", issued by BOSSI. Further, the bill will retain disciplinary rights against a surveyor who removes his or her name from the register of surveyors to avoid investigation and to protect the board's investigatory and disciplinary procedures from actions in defamation. The bill will improve the legislative framework within which surveyors carry out their important role. I thank all honourable members who have participated in the debate. Regrettably, I understand Opposition members will oppose the second reading of the bill. Nevertheless, given the quality of the debate by members on both sides of the House, I am sure this legislation will be well received by industry and elsewhere. I commend the bill to the House.

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

**The House divided.**

**Ayes, 46**

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

**Noes, 33**

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

**Pair**

Mrs Perry

Mr Merton

**Question resolved in the affirmative.****Motion agreed to.****Bill read a second time and passed through remaining stages.****SPECIAL ADJOURNMENT****Motion by Ms Diane Beamer agreed to:**

That the House at its rising this day do adjourn until Thursday 26 May 2005 at 10.00 a.m.

**The House adjourned at 9.50 p.m. until Thursday 26 May 2005 at 10.00 a.m.**