

# LEGISLATIVE ASSEMBLY

Thursday 13 October 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.

## NSW OMBUDSMAN

### Report

**The Speaker** tabled, pursuant to section 31AA of the Ombudsman Act 1974, the report entitled "Annual Report 2004-05".

**Ordered to be printed.**

## PAY-ROLL TAX AMENDMENT (SUPPORTING JOBS AND SMALL BUSINESS) BILL

### Second Reading

**Debate resumed from 22 September 2005.**

**Ms PETA SEATON** (Southern Highlands) [10.02 a.m.]: I continue today to urge the Government to support the Liberal-National Coalition's Pay-roll Tax Amendment (Supporting Jobs and Small Business) Bill. I remind members that at the time the debate was last interrupted I was explaining the difference between Queensland's payroll tax rate as it stands now compared to a New South Wales payroll tax system as it would be implemented by a Liberal-National Coalition government, including our payroll tax cuts, which would make New South Wales at last competitive again with Queensland.

Even with Queensland's tax rate of 4.75 per cent being lower than New South Wales 6 per cent, New South Wales businesses will still be better off under the Liberal-National Coalition policy because Queensland's reducible threshold system, or deduction system, is such that for every \$3 of total taxable wages above the threshold, the Queensland threshold is reduced by \$1, and once total taxable wages in Queensland exceed \$3.4 million, there is no entitlement to a deduction. For example, under Queensland's system a business with total taxable wages of \$1 million would pay \$9,500 in payroll tax, whereas under the Liberal-National Coalition policy a New South Wales business with the same total taxable wages would pay only \$9,000. So a New South Wales business under the Liberal-National Coalition system would pay \$500 less payroll tax than in Queensland.

I bring to the attention of the House some other examples of where the Liberal-National Coalition policy will save New South Wales businesses relative to Queensland. For a \$900,000 payroll, in Queensland a business would pay \$3,167 and in New South Wales it would pay only \$3,000, a saving of \$167. For a \$1.35 million payroll, in Queensland a business would pay \$31,667 and in New South Wales only \$30,000. For a \$1.4 million payroll, in Queensland a business would pay \$34,833 and in New South Wales only \$33,000. For a \$2 million payroll, in Queensland a business would pay \$72,833 and in New South Wales under the Liberal-National Coalition policy it would pay only \$69,000. For a \$3.4 million payroll, in Queensland a business would pay \$161,500 and in New South Wales under the Liberal-National Coalition policy it would pay only \$153,000.

Queensland's 4.75 per cent rate is somewhat deceptive to those who do not have the time to look further into what it means. Queensland has a reducible threshold; although superficially Queensland has a lower rate, effectively its tax rate is about 6.4 per cent compared with New South Wales at 6 per cent. If we match Queensland's threshold of \$850,000, which under the Liberal-National Coalition policy we will, that puts New South Wales businesses way ahead. That is great news for all New South Wales businesses, and it is particularly good news for businesses in the Tweed, New England, Barwon and Murray-Darling areas. That is something that everyone in this House should support.

The provisions of this bill will enable businesses to hire more staff and still remain below the new threshold. According to the Illawarra Business Chamber, an average business in New South Wales employs

around 11 people before being subject to Labor's \$600,000 threshold. This policy will enable business owners to give pay rises to valuable staff they may otherwise have held back on in order to keep below the threshold. This means that people might be able to attract higher salaries and higher benefits, because the Liberal-National Coalition policy will not hold back businesses, and it will enable about 4,500 New South Wales businesses to avoid ever having to take on the extra paperwork of tax compliance because they will be below the higher threshold.

Presently, under Labor, New South Wales compares very badly with payroll tax regimes in other States. Let us compare them. In New South Wales, under Labor, there is a 6 per cent flat rate, with the first \$600,000 exempt; Queensland, 4.75 per cent rate, the first \$850,000 exempt, but on that rather deceptive deduction system; Victoria, 5.25 per cent flat rate, the first \$5,500 exempt; Tasmania, 6.1 per cent flat rate, the first \$1.01 million exempt; Western Australia, 6 per cent flat rate, like New South Wales, with the first \$750,000 exempt; Northern Territory, 6.2 per cent flat rate, the first \$1 million exempt; and in the Australian Capital Territory, 6.85 per cent flat rate, the first \$1.25 million exempt. The Liberal-National Coalition policy to reduce payroll tax will put New South Wales back into the game against our competitor States, particularly Queensland.

I would expect the first speaker for the Government on this bill to be the Minister for Small Business. He is not even in the Chamber this morning to listen to our argument. He needs to explain his public opposition to payroll tax cuts and why he dismissed this great opportunity for small businesses across New South Wales, including the Illawarra. I draw the attention of the House to a media release issued by the Illawarra Business Chamber [IBC] on 25 August 2005, which says:

The Illawarra Business Chamber has welcomed the commitment of the NSW Liberal/Nationals Coalition to increase the NSW payroll tax threshold to \$850,000 if elected to Government in March 2007.

The media release further says:

We have to address the growing economic divide between NSW and Queensland.

It is a shame the Minister for Small Business does not understand that and refuses to acknowledge that we are going backwards. The IBC press release continues:

Over the past 12 months Queensland has created 73,000 new full time jobs and has employment growth running five times the rate of NSW.

A detailed analysis of Australian Bureau of Statistics data recently commissioned by Illawarra Business Chamber in conjunction with Australian Business Limited revealed that payroll tax and workers compensation costs are over 70% more expensive in NSW than Queensland.

Mr Mark Grimson, the Chief Executive of the IBC, goes on to say:

I am of the view the most significant issue at the next State election will be the competitiveness of NSW. I welcome this commitment by the NSW Coalition which sends a very significant message to the businesses of the Illawarra.

I call on the Minister for Small Business to come into this Chamber and account for his opposition to cutting payroll tax. What has he got against cutting payroll tax and giving small businesses across this State, including the Illawarra, a break? I note that the honourable members representing the electorates of Camden and Macquarie Fields are here today, and the honourable members representing the electorates of Drummoyne, Penrith and Monaro were here earlier. I would like to see all those members speak in support of this bill because there is no doubt that businesses in all those electorates want to see State taxes cut. They know that payroll tax is a disincentive to further employment and business growth. They want cuts in payroll tax and workers compensation WorkCover premiums, as the Coalition has committed to do. I hope that Labor members will do the right thing and think about this legislation and resolve to vote with us. We want to support jobs and small business and reduce payroll tax. This is Labor's chance to show it is willing to represent the best interests of its constituents rather than the best interests of the Premier and the Sussex Street puppet-master, Graham Richardson. I look forward to the support of all members in this place who understand the importance of jobs and small business. I commend the bill to the House.

**Debate adjourned on motion by Mr Steve Whan.**

**RURAL COMMUNITIES IMPACTS BILL****Second Reading****Debate resumed from 22 September 2005.**

**Mr STEVE WHAN** (Monaro) [10.14 a.m.]: When I last spoke on this bill introduced by The Nationals, I said a key aspect of it is that it is not practical, and that bringing it forward is a stunt by The Nationals. The reality of experience over the years has been that National and Liberal parties, when in government, have had no concern at all about the impact on rural communities of measures they have taken. I referred previously to some of the things that were allowed to happen in the Monaro area during the last period of National-Liberal Government. I pointed out how the Greiner and Fahey governments made no effort to have rural communities impact statements to let the community know the impact of measures; for example, sacking 2,000 teachers and closing the Cooma railway. The bill is another attempt by The Nationals to put forward a measure that makes it look as though they are concerned about rural communities. In practice, as we have seen with the Federal Government—and no doubt it will be the case if The Nationals ever get another opportunity at State level—they do not care for or look after rural communities.

One Opposition member who spoke in the earlier debate spent a long time talking about this legislation but then talked for quite a number of minutes about truck weights in New South Wales. I was not too sure why we needed such an in-depth explanation of the impact of loads on trucks. It is an important issue, but his comments did not seem to relate much to this legislation. From what I can see, this bill will not have an impact in that area. In any case, in raising the issue the Opposition failed to acknowledge that part of the problem with weight limits on roads in New South Wales arises from the Federal Government's failure to help us fund the upgrading and strengthening of bridges on main roads to cope with the increased weights they want the trucks to carry. Once again we saw a Federal Coalition Government that did not put into practice the sorts of thoughts The Nationals were expressing in this place.

As a Country Labor member, I want to re-emphasise to the House that the Labor Government in New South Wales already does rural impact statements on measures that will potentially impact on those communities. They are done at the start of the process as the legislation is about to be considered by Cabinet so that Ministers can be cognisant of the impact of the measures. However, this measure suggested by The Nationals does not duplicate what we are doing. It is not as satisfactory as what the Government is already doing. There is no requirement in this bill for the work to be done to inform a decision by the Executive in Government. Rather it is something that will be shown to the House later on. As we all know, the Executive has a strong say in the measures that are determined, and not all measures end up coming to this Chamber as legislation. It is important to keep doing rural impact statements in the way the Government has been doing so that we are aware of the impact before Cabinet considers a measure.

Country Labor has shown over the past few years, certainly in the 2½ years I have been here, that we are the ones who are doing things in rural New South Wales. Two new hospitals are being built in the Monaro electorate. They were neglected for many years under the Coalition. A number of new road and school projects and those types of things are under way in the electorate, which also were neglected by the Coalition. The proof should be who actually delivers for rural New South Wales—not just who talks rhetoric in this place—and that is Country Labor.

**Mr ANDREW CONSTANCE** (Bega) [10.19 a.m.]: I support the Rural Communities Impacts Bill, which will require the preparation of rural communities impact statements and to specify the circumstances in which they are required. It is ironic that the inspiration for this bill came from the former Premier of New South Wales, Bob Carr, who, in 1996, was committed to undertaking rural impact assessments before Cabinet made legislative decisions that would impact on rural communities. The Opposition seeks to enshrine in legislation the requirement that rural communities impact statements be prepared in relation to a proposed bill, statutory rule, environmental planning instrument or decision.

The bill relates specifically to a number of key areas: first, to provide a detailed description of any costs that are likely to be placed on businesses in the rural community in order to comply with the relevant legislation and decision; second, an examination of the likely impact of those costs on development and employment in the rural community; third, special emphasis on the modelling of the likely impact on the rural community that would occur or remain five years after the legislation or decision is made; fourth, an examination of the likely impact of the proposed legislation on the social structures and wellbeing of rural communities; fifth, an

examination of the likely impact of the proposed legislation or decision on the availability of public transport, health services, education facilities, policing, courts, government advisory services and infrastructure provision; and, sixth, an examination of the likely impact on the natural environment, having regard to the need to balance economic and social wellbeing with environmental sustainability.

The provisions in the bill are particularly relevant to the coastal country electorate that I represent. In the past many industries would have benefited from a rural communities impact statement, in particular, fisheries management, the regional forest assessment process in the timber industry, native vegetation regulation, catchment management and local environmental plans, including the impact on a coastal development, and the economic, social and environmental wellbeing of the region. The development of a rural communities impact statement for fisheries management would have been of enormous benefit to coastal communities, and I know that the honourable member for Clarence agrees with that statement.

An example of that was yesterday when the fishing industry throughout this State received invoices with respect to shared management and there is no doubt that today that industry is in revolt. One co-operative has advised its members not to pay the amounts set out in the bills by the New South Wales Department of Primary Industries. The charges relate to environmental assessment—which was supposed to be a one-off payment but has now been made a recurrent charge—fishery monitoring charges and the share managed rental charges. The industry is facing poor management by NSW Fisheries and I cannot believe that the Government expects more money from fishermen, who cannot afford to pay these invoices. They are certainly making their anger very clear.

A rural communities impact statement would highlight the serious problems facing the fisheries industry because of poor management and the impact of the Fisheries Management Act on, in particular, the abalone industry and beach and estuary fishermen. It would benefit the industry to have a measure in place to identify the costs, fees and charges that people in the industry will be expected to pay. Indeed, the charges I have outlined are not the only charges imposed on fishermen. They have to pay costs with respect to safe food, workers compensation and so on. The fishing industry sends a strong message to the Government that it will revolt against these assessments. It also has expressed continuing angst towards certain fisheries managers. I have referred previously to the principal manager of commercial fisheries within New South Wales, whose activities should be scrutinised.

Fishermen are furious at receiving a bill for \$674, including charges that were supposed to be a one-off payment. It is little wonder that we seek the introduction of a bill requiring the Government to outline the impact of its decisions on small country and coastal communities. An impact statement would also be of great benefit to other areas, including infrastructure. Yesterday there was heated debate in this Chamber on the Princes Highway, but we must look at alternative transport and the impact that decisions by the Minister have on public transport in New South Wales, and I refer to CountryLink. The timetable for the Canberra to Sydney train service has changed. Previously, the bus timetable on the far South Coast hooked into the train service, but as a result of changes to the train timetable, people living in coastal areas no longer can travel to Canberra and Sydney within a 24-hour period. With a communities rural impact statement the Government could identify the significant impacts such changes would have on rural communities.

We would have preferred a rural communities impact statement to be in place prior to the merging of area health services, particularly in country New South Wales. The merger of the Southern Area Health Service with the Greater Murray Area Health Service was designed to remove duplication in administrative functions. However, an adverse effect has been a bureaucracy that oversees 47 hospitals throughout the south of the State and which covers one-third of New South Wales. That has significant impacts on rural communities, particularly the ability of health services to pay bills to suppliers. It also includes milk vendors, undertakers and suppliers of antibiotics, medicines, and sterilisation equipment. These functions are not being appropriately carried out at this time. If we take the merging of the Greater Murray Area Health Service with the Southern Area Health Service into the Greater Southern Area Health Service as an example of the creation of a larger bureaucracy, it becomes obvious that an impact assessment should have been carried out to forecast the outcome.

The Coalition's bill seeks to ensure that safeguards are in place to protect the social and economic wellbeing of small country communities. There is no doubt that some of the larger employers in country New South Wales, such as the clubs movement, would regard as crucial the carrying out of an impact assessment, especially in view of the poker machines tax implementation. If an impact assessment had been carried out, perhaps the Government would have realised the significance of the clubs tax in rural communities. One only has to have regard to the extent to which employment within the clubs sector has been impacted upon adversely

as a result of that decision to realise the importance of impact assessments. It would have added great benefit to the Cabinet's decision-making process for Cabinet to have known how many jobs would be affected by that tax, the areas in which the jobs would be affected, and which clubs would have been unlikely to be able to cope with the changes.

The Coalition wants to have impact statements in place, particularly in respect of rural communities, to ensure that Cabinet decisions are directed towards protecting and enhancing the social, economic and environmental wellbeing of rural communities. There is no doubt that decisions relating to the fishing industry, the clubs industry and the merging of area health services have impacted upon employment and processes of administration and management. It is pertinent for Cabinet to observe a legislative requirement when making decisions that will affect rural communities. This bill is about protecting the sanctity of the social, economic and environmental wellbeing of country New South Wales.

I highlight that a rural communities impact statement should have been made prior to the implementation of recent planning changes in this State. A process of community consultation in coastal communities has been taken away by the State Government in the name of critical infrastructure development. That is becoming an increasingly difficult problem for both local and State governments to manage. An impact assessment of planning changes would have provided a better insight into the effect the changes would have and their impact on employment, coastal development and environmental sustainability. If the legislative requirement provided in the bill had been in place prior to the implementation of planning changes, Cabinet would have benefited greatly from that process.

On three separate occasions the Government has tried to get right the implementation of native vegetation regulations, but continually fails to do so. Property owners are furious about the impact of that failure. The Government's failure is costing property owners across this State millions of dollars. Everyone recognises the need for greater care of the environment and protection of native vegetation, and impact assessment statements would address the imbalance of competing rights that currently exists. Existing use rights continue to be the cause of angst among many landholders.

I support the bill because it seeks to enshrine in legislation Bob Carr's commitment to assessing impacts of Cabinet decisions on rural communities before those decisions are implemented. This bill is about delivering what Bob Carr proposed. The Coalition wants to enshrine a legislative requirement for impact assessments to be carried out in the statutes, but it has taken the leadership of the Coalition to take action to achieve that. The Coalition believes that the passing of this legislation will be a critical step forward for country New South Wales and will ultimately benefit all people in this State.

**Mr ADRIAN PICCOLI** (Murrumbidgee) [10.35 a.m.]: I congratulate the Leader of The Nationals and Deputy Leader of the Opposition on the introduction of this very important private member's bill, which is intended to add a level of overview of legislation that is extremely necessary in New South Wales. Much of the legislation that is passed by the New South Wales Parliament and the Australian Parliament has a far greater impact upon rural communities than on urban communities owing to the lower density of populations and the greater distances that people have to travel to obtain services in country areas. Examples of those difficulties, which pertain to health services, educational services and telecommunications services, have already been mentioned, and they are the reasons that this legislation has been introduced. Those examples demonstrate that the impact of legislation upon rural communities is a factor that has not been taken into consideration in implementation. To those examples I add the impact of native vegetation regulations. As the Opposition spokesman for natural resources, I state on behalf of the Opposition our concern about the impacts of native vegetation regulations. I understand that new regulations are due to be implemented very soon.

I make the point that the foreshadowed regulations were due to be proclaimed in December 2004, yet in October 2005 we are still waiting. Plenty of farmers are waiting to get on with their businesses and are waiting for the regulations to be gazetted so that their applications for land clearing can be assessed, or, in some cases, reassessed. A farming family in my electorate owns a significant vineyard and has applied to remove approximately 10 cypress pine trees so that they can farm an eight-hectare block. They have other vegetation on the property. The property is situated approximately 500 metres from the Cocoparra National Park, which has approximately 10,000 hectares of protected vegetation. It is extraordinary that for the sake of a dozen pine trees, the further development of that property has been hindered.

Spring is a time when painting takes place in vineyards, but the property owners are still waiting for regulations to be approved by Parliament so that they can get on with the job. There are dozens and dozens of

similar examples throughout New South Wales, including property owners who want to remove trees to install a centre pivot irrigation system to improve the efficiency of water use. Because the regulations are not in place, they are unable to proceed, despite being prepared to replace two or three paddock trees with 200 or 300 trees to offset any vegetation impact that might be involved. Because of the strict rules that apply, they are unable to do that.

The Australian Bureau of Agriculture and Resource Economics [ABARE] report that came out a couple weeks ago said that the average impact of the native vegetation legislation was something like \$36,000 per farm in the area that ABARE surveyed. The impact on the higher end of adversely affected farms was well over \$1 million. So, the impact on farmers and businesses and on the communities that rely on them is significant but no socioeconomic or rural impact statement or assessment was done. This legislation was put in place—at whose behest I do not know but I assume by the green movement or whomever the Labor Party does its dirty deals with—without considering the impacts it will have on communities.

The legislation has produced perverse environmental outcomes. For all the posturing by the Labor Party and green groups over the native vegetation legislation and regulations, I can show them that they have had a negative effect. Right now people are clearing regrowth. They know if they do not do it in the next few years, this legislation will stop them from clearing that regrowth. That is not necessarily in the interests of the environment. It is in the interests of the farmers, because they do not want to be locked in by this inflexible legislation. They are doing things to protect their businesses.

The Government has not made a real attempt to engage farmers in the native vegetation process. But it has taken a commander-control approach, by passing regulations and then enforcing them, and if people do not comply with those regulations they are in all sorts of trouble. The Government should be taking farmers on board and asking them about the sorts of things they would like and would support to produce the environmental outcomes that we all want—the very things that would allow them to get on with their businesses, to make a profit for themselves and their families, and to support the businesses and the rural communities that they rely on.

Instead, the system that is in place, as the ABARE report says, is costing farmers and local communities substantial amounts of money. It is not just the ABARE report that was critical of this legislation. About a year and a half ago the Productivity Commission said that the native vegetation legislation was not working, it was not the right approach, it was hurting rural communities and farmers and was having perverse environmental outcomes, but the New South Wales Government has done nothing in response to that. That is just one example of how a rural communities impact bill would have assessed the impact of the native vegetation legislation and, I would have thought, influenced the Government in some way.

The other major area of natural resource legislation and a major concern for the Department of Natural Resources is water management, particularly ground water management. The impacts of the ground water sharing plans have been significant, as have the other water sharing plans such as the Barwon-Darling cap and its implementation. The impacts that will have on towns such as Bourke will be significant. Those sorts of decisions really need a rural communities impact statement to enable Parliament and the department to understand the impacts they will have on job creation in places such as Bourke. Bourke is doing okay because of irrigation, which provides employment for a lot of people, especially indigenous people, and that is a very important achievement. Anything that will severely impact on farmers' ability to use water will have significant economic impact.

That is not to say that a hard decision did not have to be made in Bourke. We all accept that hard decisions have to be made from time to time but it is important to understand the economic consequences of those hard decisions before they are implemented. It is one thing to know the economic consequences but you have to be prepared to do something about it. If one impact is the loss of a couple of hundred jobs, it is incumbent upon the Government to work out what it can do for the economy of a town such as Bourke. That is why a rural communities impact statement is so important. The impacts of the ground water sharing plans right through the Murray, the Murrumbidgee, the Lachlan, the Macquarie, the Namoi and the Gwydir will be very significant. I do not think the economic impacts have been properly considered.

At a more local level, a significant number of government decisions and legislative measures have had an impact on my electorate of Murrumbidgee. The honourable member for Bega made the point about the effect on his electorate of the amalgamation of the Southern Area Health Service and the Greater Murray Area Health Service. The Government and the Premier, when he was Minister for Health, thought it was a smashing idea. It

has proved to be a complete disaster. In recent times, the honourable members for Wagga Wagga, Bega and Burrinjuck, and I, have raised in the House and in our local media numerous examples of suppliers to new area health services remaining unpaid. Griffith hospital could not afford to pay the milkman. It could not afford to pay the supplier of the solution to sterilise surgical equipment, and that caused the cancellation of a day's surgery in Griffith. That had an effect right across the area health service, so goodness knows how many other days of surgery were cancelled as a result. If the area health service cannot pay the milkman and pay for sterilising solution for surgical equipment, what sort of trouble must that service find itself in?

This problem was forewarned when the current Premier made his grand announcement about the amalgamation of area health services. We have seen that problem develop following the creation of area health services, and we have seen it in numerous government departments. The larger these bodies are made in country areas, the more they cost, not less. They might be good structures in the city, where one service is relatively close to other area health services, but in the country they end up costing more. One current proposal is to have cluster managers for hospitals, so one cluster manager will be able to manage half a dozen hospitals. That is fine, but that one person will spend half his or her life travelling between half a dozen hospitals. Half of that person's time will be spent out of the office. The health service will have to employ a couple more assistants to do the job, but eventually the people employed in those hospitals will be reporting to the cluster manager. Over the years there have been so many examples of how that approach does not work, but the Government insists on doing it again and again. That is why it is finding itself in such a financial mess.

The new Minister for Health in the upper House had the hide to blame the public service for not paying the bills, by saying that it did not have the right processes in place. This is a problem not just in the Greater Southern Area Health Service, it is also a problem in the New England and western area health services. It is not just a computer glitch, it is a problem for health services right across New South Wales. It is scandalous that the Minister should blame the public service, but it is typical of the way the Government does things. When the trains do not run on time, it sacks the nearest transport public servant. When something goes wrong in health, it sacks the nearest health public servant.

It is about time this Government took some responsibility for its mistakes, and that is something it finds very hard to do. I know who will make the Government responsible for its mistakes, and that is the six million voters in New South Wales who have had to endure 10 years—12 years by 2007—of its constant mistakes. The Government has never admitted one of its mistakes. Some time ago a Minister famously made a very big mistake in a ministerial statement: Was he sacked? No, in fact, he was significantly promoted. That is the sort of internal accountability that the Labor Party has. However, in 2007 it will face the ultimate accountability test from six million people in New South Wales: they will really give the Government a scorecard.

**Mr STEVE CANSDELL** (Clarence) [10.50 a.m.]: It gives me great pleasure to talk on this important bill that was introduced by the Leader of The Nationals, Andrew Stoner. As usual it takes The Nationals, the true voice of country and regional New South Wales, to bring this matter to the fore. We ask, where is Country Labor? Where are the Independents?

**Mr Barry O'Farrell:** It is too early in the day.

**Mr STEVE CANSDELL:** Yes, it probably is too early. In 1996 the then Premier, Bob Carr, promised that any major changes proposed by government departments in rural New South Wales would be subject to a rural communities impact statement. That is another ironclad guarantee, and we know what they are worth because we know what happened with the Grafton bridge. A recent document from the Department of Primary Industries entitled "A Proposed Work Force Management Plan" contains several pages dealing with the carve-up of agriculture, fisheries and forestry in New South Wales as well as the proposed sale of a number of agricultural research stations. One station was at Grafton. That is an indication of the Minister's lack of understanding—he had none whatsoever—of the work carried out at agricultural research stations. In particular, the Minister had no understanding of the operation of the Grafton Agricultural Research Station.

The operation of the new super primary industries department, which encompasses agriculture, fishing and forestry, is virtually identical to that of the agricultural research station at Grafton. The station's fishery research included silver perch, its forestry research included hardwood plantations, and its agricultural research included weed control, beef research and soya crops, which is an alternate crop for sugar cane. But the Minister had no idea about that. It took the community as a whole to protest, to sign petitions, to write letters to the editors of newspapers, to write a continual stream of letters containing relevant information to the Minister's office, before the Minister's director went to the area to see what was going on. I do not know whether the Minister has visited Grafton; he may not know where it is—I will send him a road map.

However, the Minister's decision has been reversed. All that heartache and trouble could have been forgone if the Minister, or the Government, had carried out a rural communities impact statement on any readjustment within the department. That is just one example of the complete ineptitude of the Government and of its ignorance of what happens in country New South Wales. Many facilities in country New South Wales should be the subject of a rural impact statement—I have already mentioned the Grafton Agricultural Research Station and the Grafton bridge—including native vegetation, threatened species, the lock-up of State forests and timber resources. Many government decisions impact on country communities, including decisions about the poker machine tax, vendor tax, property tax, the Country Towns Water Supply and Sewerage Program, and training.

The building trades courses have been moved from country TAFEs to those in Sydney, Newcastle or Wollongong. CountryLink services have been quashed, including that from Casino to Murwillumbah. To just wipe a commuter rail service off the face of the earth demonstrates complete incompetence and shows a lack of respect for country transport services. Recently funding for the local business enterprise centres was scrapped. I am sure that many people, and especially the Government, do not realise the work carried out by business enterprise centres for local communities. On the North Coast there is a very high rate of unemployment. Many people try to set up new businesses; that is their only hope of employment. The business enterprise centres were their first stop, and basically their only help. There have been some mergers of centres, which has been inconvenient for those in smaller communities who have been forced to travel to Grafton to obtain the necessary services.

Funding to the breast screening program has been scrapped. This morning a Pink Ribbon Day breakfast was held in the Strangers Dining Room to highlight the importance of regular breast screening for women from the age of 40 years. The emphasis is now on breast screening for women aged from 50 to 70, and that creates a risk to women in the lower age group. In the country, that creates an even further risk because the specialists and services are not available in local hospitals. If someone has a problem and needs to be screened, they have to travel from Grafton or Lismore to Coffs Harbour, and that is difficult without the availability of public transport. Therefore, people put off being screened and in many cases they find that it is too late for conservative treatment.

The Government did no research into enclosure permits before it made changes. This bill would have played a role in that decision-making process. Environmental impact statements should be on a par with social and economic impact statements or rural communities impact statements. We need a balance. Today, 99 per cent of farmers, fishers and forestry workers are environmentalists—they have to be, because they need to ensure that there is an industry for their children and their children's children, as their forefathers ensured for them. It is ludicrous to put environmental considerations clear of social and economic impact studies. They should work hand-in-hand to get an equitable result and, by considering community needs, to enable people to take greater ownership of the environment to ensure that their children are provided for.

Fisheries are in distress, not from overfishing but mainly because there is a drought on the land and a drought in the water. As soon as there is a big fresh flow in the river from rain, fish will be available. However, for the past four or five years there has been no continual rain, and that has caused stress on the fisheries. Virtually in the middle of a drought, fishers and their families are being hit with shared management charges, research and monitoring charges, fish stock research charges, Safe Food costs, workers compensation costs, and new crew regulations—regulations that will force struggling one-man shows to catch fish. On the first day of the recent prawn season one man from Grafton went out onto the Clarence and caught 30 kilograms of prawns. I think he was paid \$2 per kilogram for his catch, and that would not have paid for his fuel. He then had to completely overhaul one of the motors on his boat, which would have cost him thousands of dollars.

A fisherman operating alone cannot afford to put on other crew. If it is the Government's intention to squeeze all the fisherman out of the river it could go about that in a better way. It could offer fishermen some honour in their retirement, and offer fair dinkum buy-back packages that will allow them to move out of the industry with some respect. It will also give a better share to remaining fishermen. In the Clarence, 600 people rely on the fishing industry. Most of them are following on in the tradition of their fathers and their grandfathers. Most of them would like to think there is a future for their children, but they do not believe there is, because over-regulation has virtually forced them out of the industry. As I said, there is a drought on the land and there is a drought in the water.

The bill will ensure that the Government is fully aware of the impact of its decisions on the most vulnerable communities and country people. Many issues affect country people. The honourable member for

Murrumbidgee talked about the native vegetation and threatened species legislation and how the notorious State environmental planning policy [SEPP] 46 went from the sublime to the ridiculous. If a community impact study had been undertaken, that bill would never have been passed. It cost millions of dollars to enforce the legislation and then the Government scrapped it because it was flawed.

The Government's threatened species and native vegetation policies are flawed because it did not consult properly with communities and the relevant parties in the rural sector. The Government's policy to lock up our State forests and timber resources is there for one reason: to get green votes. The State forests and private property that have been logged for generations—some of them logged three or four times in the 140 years since logging started in the Clarence—are thicker and healthier than areas that have been locked up for 10 or 15 years by the National Parks and Wildlife Service. The logged forests are not overrun by feral animals or lantana and other weeds. Threatened species can be found in the logged forests because they are healthy forests. They have undergrowth and plenty of feed. There is plenty of protection for animals to scoot up trees. In the locked-up forests the animals get tangled up in jungles of lantana.

The Government introduced vendor and property taxes and increased the poker machine tax. It had to do a backflip on the vendor and property taxes. If it had researched the issues more thoroughly and listened to the arguments of The Nationals, our Liberal colleagues and the honourable member for Blacktown, it may not have introduced the taxes. The honourable member for Blacktown is a good, honest member who is true to his constituents. He nods in agreement with everything I say. The impact of the increased poker machine tax on communities may not be as apparent in the city, but in country areas there are very few businesses to hand out dollars to sporting groups and people in dire straits.

The clubs dig in and donate \$500 to help a little girl get to Sydney for specialist treatment. The clubs give money to their local junior soccer and hockey clubs and many others. The clubs dig in all the time for their local community and people in need. The clubs in country towns have been hit hardest by the increase in the poker machine tax. I commend the Coalition, in particular, the shadow Minister for Gaming and Racing, for the extremely good policy that was recently released and supported by the club movement. The Labor Party should come on board and support this good policy. We have plenty of memorandum of understanding forms available for the honourable member for Blacktown and other Labor Party members to sign. We can cross out "Nationals-Liberals" at the bottom of the page and put in "true honest Labor member". In that way the Labor members would be standing up for their local communities.

One issue that is close to my heart is the Country Towns Water Supply and Sewerage Program. In 1995 the Coalition Government provided funding of \$80 million per year to that scheme. Under this Government the funding was cut to \$50 million, to \$40 million, to \$30 million, and it then went back up to \$60 million. The concessions and subsidies have now been cut from 49 per cent to 29 per cent for smaller councils and from 29 per cent to 11 per cent for larger councils. These multimillion-dollar schemes are in place. All of a sudden the subsidies have been cut from 29 per cent to 11 per cent. Who will pay for the schemes? Local communities in areas of need, such as, the North Coast and other country communities that are struggling, will have to pay. I commend the bill to the House. I look forward to the true members of the Labor Party, particularly the honourable member for Blacktown, supporting the bill.

**Mr DARYL MAGUIRE** (Wagga Wagga) [11.05 a.m.]: I support the Rural Communities Impacts Bill, which is of great importance for country members and rural communities. I acknowledge and congratulate the Leader of The Nationals on introducing the bill. It has several requirements. Clause 10 provides:

Likely impact on rural communities must be disclosed to Members of Parliament before a Bill is considered by Parliament.

Clause 9 provides:

Likely impact of rural communities must be assessed before a Bill is considered by Cabinet.

Those provisions relate to transparency and honesty before legislation that will have an impact on rural communities is introduced into the House and members have an opportunity to debate it. The honourable member for Monaro suggested that documents are prepared by or for Ministers and Cabinet. Such documents are never seen by the people who are affected by the Cabinet decisions and subsequent legislation. They are kept secret. The Government is fixated on secrecy and hiding from the public the reasons for its decisions. The debacle of the cross-city tunnel is a classic example of a Government that will do anything to hide the details of its dirty work and the deals it has done behind closed doors. The public has to face the consequences. Ultimately, Joe Tripover, the Minister for Roads, and Captain Carl Chaos, the former Minister for Roads, will pay the price because the public will not be hoodwinked.

The bill provides for assessment of the impact of legislation on communities. I want to raise several points. The Government did not undertake an impact statement before introducing vendor duty and removing the \$317,000 threshold for payment of land tax. As the Hon. Michael Egan said, he just did it on the back of an envelope. The consequences of that decision are that renters will face a decrease in the supply of homes for rent and subsequently increased rents, and there will be reduced housing affordability. That is happening now; it is fact. Homebuyers, including first homebuyers, will be hit with inflated prices as the tax cascades into sale prices. That is happening now.

Businesses will pay increased rents and experience a reduced supply of commercial premises to lease. Investors will be financially disadvantaged with retirement savings eroded. That is fact. The New South Wales economy will suffer with investors and businesses taking their money elsewhere. We only have to read any metropolitan newspaper or the financial pages to see that that is fact. Investors are leaving the State at an alarming pace. If the then Treasurer, Premier and Cabinet had conducted an impact statement on the imposition of this tax—which affects both rural and city dwellers—perhaps they would have addressed the situation differently.

Returning to a regional focus, the major problem I want to highlight today relates to the decision by this Government—by the current Premier when he was Minister for Health—to amalgamate area health services. Complaints by constituents about the non-payment of bills and escalating hospital waiting lists appear, on an almost daily basis, in the *Daily Advertiser* and in regional newspapers in cities and towns in my electorate and the electorates of Bega, Burrinjuck, Murrumbidgee, Lachlan and Albury. That is the result of the decision by the Government to amalgamate area health services. At no time were regional communities given the opportunity to input into an impact statement about the effect or outcome of that decision. We were told various stories about how health services would improve. The former Minister for Health claimed that rural health would be a big winner from additional funding for additional operations.

I assure honourable members that, in fact, in New South Wales 7,069 fewer operations were performed in 2004-05 than were performed in 2002-03. As a result of the Government's lack of transparency and failure to be honest with the public, and its inability to conduct a proper impact statement, hospital waiting lists have once again skyrocketed and the number of procedures has declined. In the electorate of Albury in 2002-03, 2,207 procedures were performed and in 2004-05, 2,011, a drop of 96 or 4.3 per cent. That is just appalling! In Goulburn, in the electorate of Burrinjuck, 1,615 procedures were performed in 2002-03 and only 1,402 in 2004-05—213 or 13.2 per cent fewer. The honourable member for Burrinjuck has constantly raised this issue in the House, and with good reason when one sees these figures. At Griffith Base Hospital, in the electorate of Murrumbidgee, 1,158 procedures were performed in 2002-03 and only 1,050 in 2004-05, 108 or 9.5 per cent fewer procedures. In Leeton 109 procedures were performed in 2002-03 and 88 procedures in 2004-05, a decline of 19 per cent. It goes on and on.

At Wagga Wagga Base Hospital, a major referral centre for an area that covers almost one-third of New South Wales, 3,147 procedures were performed in 2002-03 and 3,076 in 2004-05. As I said earlier, day after day there are newspaper articles about this issue. The *Daily Advertiser* of Friday 13 May published an article on the front page under the heading "Yet more debt" detailing the fact that local businesses were not being paid. On Thursday 12 May that same newspaper published a front-page article under the heading "PAY UP." Again this week suppliers were complaining about not being paid—even the milkman is not being paid! I understand from sources that in fact the area health service is accumulating debt at the rate of \$400,000 per week. That is what I have been told. All we hear is the Minister saying it is the fault of the bureaucrats. Whenever there is bad news, it is the fault of the bureaucrats. At no time has the Minister stepped up to say he is responsible.

Accounts have been sent to my office with letters begging for payment because businesses are suffering. Look at this account! It dates back to 2004. It is very long, as honourable members will see. Ream after ream of paper has been sent to my office of accounts that remain unpaid by the area health service. When businesses deal with governments they should be confident that their accounts will be paid within the 45 days statutory obligation, but that is not happening. I know of one company that is owed \$300,000 and has put hospitals on a "stop credit" rating. A number of people who usually carry out urgent repairs in hospitals are refusing to do work for them. Telephone accounts, with \$27,000 owing to one supplier, remain unpaid. When those businesses ring—if the telephone is answered in Queanbeyan—they are told they will not be paid until about 14 October or later. That was happening up to two months ago.

They are just some of the things that are occurring because of this Government's lack of transparency, lack of due diligence, and apparent inability to be honest with the public. The Government has lurched from one

debacle to another and its actions are now coming home to haunt it. Let me move on to talk about the introduction by the former Treasurer of the poker machine tax, which led to a number of rallies outside Parliament House. The front cover of my favourite magazine, *Club Life*, which is sent to me and which I read religiously, has a picture of protesters from all over New South Wales. Their protest was the biggest ever seen outside the Parliament and included many eminent people. [*Extension of time agreed to.*]

The Chairman of Clubs New South Wales, Pat Rogan, a former member of this House and a terrific fellow, wrote of one rally:

Country clubs in particular should be singled-out for mention as well, many of whom left their clubs before dawn to travel great distances to reach Sydney in time for the rally. I have never felt prouder than when I stood before some 12,000-15,000 of our members and supporters in total unity against this unsustainable tax.

...

Why are we rallying in such numbers following an equally successful rally last year? Well, predicted job losses are regrettably already occurring. A survey of our top 500 clubs has revealed that 1,500 jobs have already disappeared. Prices are starting to go up across the State and services regrettably are being cut. We are a community-based movement.

He continued:

Now, I've witnessed a large number of rallies outside Parliament during my time as State MP but it's rare to experience a rally filling all of Macquarie Street from beyond Parliament House to North Hyde Park. Such rallies do indeed spell out a very powerful message which any Government would be extremely foolish to ignore.

This campaign will continue until such time as this Government is prepared to sit down with us in a sensible consultative manner to arrive at a solution. We are not going away, and the next stage of this campaign is to galvanise our 2.5 million members—

Many of them from electorates represented by honourable members opposite—

—who individually and collectively have so much to lose. And if you think, Mr Carr and Mr Egan, by introducing this tax immediately after you were re-elected you could get away with it—think again!

Them's fighting words! Once again, country communities, clubs and people are being impacted upon because the Government did not do its homework. It is just so simple. It is all in the legislation introduced by the Leader of The Nationals. In 1996 the then Premier said:

I want to make sure that the potential economic impact of changes is fully understood before State Cabinet makes a decision.

Well, the Government failed, and failed dismally. If the Premier is aware of the content of any study that has been carried out, he refuses point-blank to share that information with the people who are asked to support legislation—his own backbenchers, the people he depends on to elect him Premier. He is also being dishonest with them by not revealing the content of whatever study has been undertaken. The bill seeks to have enshrined in legislation that other members have access to the decision-making process, to enable them to understand what drives the Cabinet to make decisions, and to understand the fundamental basis on which those decisions are made and how they will affect the community.

The reason I have touched on city issues as well as country issues is that the decisions that affect rural communities also affect the people in city areas. Members may ask: Why is that? I will tell them. We see the results of the decisions that have been made over time, such as decisions regarding the loss of education departments, cuts to rail services, amalgamation of councils, amalgamation of area health services, and the list goes on. Since 1995 the Government has made many decisions that have severely impacted on country communities, such as those relating to land management issues, Crown roads reserves, and forestry issues. But those decisions have also severely impacted on people in city areas.

We read articles such as the one in the *Daily Telegraph* of Thursday 22 September headed "Sydney is full". Why is Sydney full? It is full because of the Government's incompetence and the way it implements its policies, which impact on rural communities and force rural dwellers to seek alternative means of employment and alternative opportunities, and therefore they gravitate to the city. Then we see pressure on the city with regard to housing, we see pressure with urban sprawl, and we see newspaper articles such as the one I have just referred to, which reads:

Sydney's urban sprawl has reached bursting point and should not be allowed to expand further, the state's peak planning body warns in a report urging an end to land releases.

That is the result of government incompetence. It is the result of a government that fails to do its homework and fails to plan. Part of the planning process with regard to all legislation is the preparation of a rural impact statement. Some legislation, such as the land tax and vendor duty legislation, affects both city and rural communities. Therefore these studies should be carried out not only in rural communities but, most importantly, in all areas. These decisions affect all people, and the Government should make the studies transparent. What is wrong with sharing that information? What is wrong with telling the honourable member for Blacktown how the poker machine tax will affect the clubs and pubs in his electorate? There is nothing wrong with that. There is absolutely nothing dishonest about it.

What is wrong with telling the Deputy Leader of the Opposition about the impact of land tax on his electorate of Ku-ring-gai? What is wrong with telling the honourable member for Albury about the impact of the amalgamation of the area health services in his electorate? The Government wants to hide the truth from those members. It does not want to acknowledge the real impact of those decisions, because it makes them for political gain. The Government makes the decisions that will protect its little nest egg and its interests, rather than serve the greater good of New South Wales. That is proven. I have visited areas right across New South Wales and people have told me that the decisions that are made in this place, behind the sandstone curtain, affect their communities. Yet time after time the Government simply refuses to engage with and support rural communities.

The bill should be embraced by members on both sides of the House. Government members should support it and vote with us. There is nothing wrong with honesty; honesty is the best policy. Transparency is important. Time after time the Auditor-General comments, in his reports to this place, on the inefficiencies of government and how the platform of government should be honesty and transparency. The bill will ensure that. It insists that members of Parliament have access to documents regarding legislation, just as Cabinet supposedly does. But, importantly, the bill requires that the material be transparent and accessible to all people in New South Wales. It should be available electronically—indeed, the bill says that—so people in remote areas of the State, when considering legislation such as the Native Vegetation Act, can read about its impact on their communities as assessed by the Government. The bill provides those sorts of measures, and that is why I support it. I urge Government members to vote with us in supporting the bill, to ensure that the people of New South Wales, particularly rural New South Wales, get a fair go.

**Mr GREG APLIN** (Albury) [11.24 a.m.]: I congratulate the Leader of The Nationals on the introduction of this important bill, the Rural Communities Impacts Bill, which affects regional and rural New South Wales, which so often are overlooked by this city-centric Government. In his second reading speech the Leader of The Nationals said:

This legislation is essential in terms of ensuring ... that the needs of rural and regional communities are taken into account by all governments. The bill codifies obligations that must be included in the government decision-making process.

He went on to say:

The bill will ensure that the Government is fully aware of the impact of its decisions on some of our most vulnerable communities and country people before decisions are made. It will require that a rural communities impact statement be prepared for any bill, regulation or environmental planning instrument that can affect rural communities.

Why is the bill so important? It is important because it will avoid the situation that we experienced on the border, in the electorate of Albury, when former Premier Carr met with the Premier of Victoria in a wonderful photographic shoot on the Bethanga Bridge, which straddles Lake Hume. In shaking hands, the two Premiers declared that henceforth there would be one city for the area, joining Albury and Wodonga. Interestingly, it was the first that the communities of Albury and Wodonga had heard of the official proposal. Naturally, without any planning, and without any impact statement, the announcement caused great consternation and resulted in great antagonism being stirred up between the two cities, which did not see that they had a combined future, particularly if New South Wales was prepared to sell out the local government of this State to that of Victoria.

As a result of that antagonism, the communities drifted further apart, and instead of growing as one region they decided to pursue their own economic agendas. In itself this was not bad but, unfortunately, because of the lack of planning, the lack of a rural impact statement, and the lack of Government announcements about the effect on rural communities, the Government was responsible for holding back the development of that area.

That is not the only time that developments in country areas have been held back. One of the major problems confronting rural communities—councils, developers, homebuyers and home builders—is the fact that the planning department has been so slow in responding to the needs of rural areas. This has been exacerbated

even further by forced amalgamations. In the electorate of Albury we are well aware that the former Hume shire was struck out by the stroke of a pen and broken up into smaller council areas, such that it was partially joined with Corowa Shire Council and amalgamated with the Culcairn and Holbrook shires to form the Greater Hume shire, and yet again part of it amalgamated with Albury City Council.

Moving on from there, it would have been wise if a rural impact statement had been undertaken and decisions had been made about the future of the people affected by breaking up the former shire. Important in this assessment would have been the realisation by government that new local environmental plans would have to be undertaken, that they should be expedited and, further, that they should be funded by the Government, or at least some assistance given. These amalgamated shires now face the prospect of operating dual, if not triple, local environmental plans as they struggle with the planning department to obtain a final universal plan. That in itself is a problem that has held back development, even more so on the border, where far too many potential developers contrast the options, the ease of development in Victoria, and the assistance given to developers, with the hindrances put in the way of development in regional and rural New South Wales.

An impact statement such as we seek through this bill would surely have taken into account all those issues and would have sought to press ahead the very benefits of developing and investing in New South Wales, something that this Government, unfortunately, does not process as vigorously as it should, particularly in relation to rural and regional New South Wales. One only has to look at an article in today's *Daily Telegraph* to see the correlation between the bill and the future of Sydney itself. Under the headline "Building Sydney of the future" the article relates poor transport and the inadequate regional development of this State to placing Sydney even more out of reach of future first home buyers. It quotes Professor Julian Disney, who spoke at the Planning Institute of Australia State conference yesterday. He said:

Greater investment in regional Australia was needed to lift the pressure on Sydney and ease the housing crisis.

He went on to say:

The answer to many of Sydney's problems depends on development outside of Sydney. There needs to be a lot more attention to regional development.

**Pursuant to sessional orders business interrupted.**

## **JOINT STANDING COMMITTEE UPON ROAD SAFETY**

### **Reference**

**Mr TONY STEWART** (Bankstown—Parliamentary Secretary) [11.30 a.m.]: I move:

That this House requests the Staysafe committee to inquire into motor vehicle smash repairs under the Preferred Repairer Network Scheme operated by the NRMA and IAG Insurance, and the risk to safety arising from:

- (1) repairers quoting for jobs by inspecting photographs of damaged vehicles rather than physically inspecting the damaged vehicle;
- (2) financial penalties if damage is later uncovered that was not apparent through the Internet photographs, possibly leading to cost cutting and unsafe repair practices;
- (3) use of second-hand vehicle parts, further compromising safety; and
- (4) the NRMA and IAG employing unqualified smash repair assessors to photograph and help administer vehicles for repair.

This motion is of great importance to every member of this House and to the community at large. Because of the recent introduction by NRMA Insurance and IAG Insurance of the Preferred Repairer Network Scheme public safety is now at risk. That is why the motion takes the unusual and, so far as I am aware, unprecedented step of calling on the House to request the Staysafe committee to urgently investigate motor vehicle safety concerns that seem to have resulted from the introduction of that ludicrous scheme. Many motor vehicle smash repairers who have chosen to participate in the scheme have had their arms twisted to do so because of the way the scheme is enforced. It is ridiculous and dangerous that they are forced to quote for jobs by looking at photographs on the Internet without being allowed to examine the vehicles. They must assess the damage and tender for the job. When they get to see the vehicles they could find additional damage. I will refer to that matter in more detail later. Smash repairers are concerned that the scheme gives rise to safety concerns because vehicles may not be properly repaired because of the narrowness of the scope of works in the Internet tender.

I lay upon the table for the information of honourable members a copy of a tender on the internet. It shows photographs of a Holden with front-end damage. There is no way that a smash repairer could gauge the

necessary repairs to that vehicle, but under the scheme repairers must tender for the job from the photographs and if the successful tenderer finds more damage, that is bad luck. A number of smash repairers have indicated their concern about the safety issues related to this scheme; they claim the quotation system is dangerous. Another example is that of a mid-2002 S-class Mercedes Benz which today is worth \$200,000 and has an insured value of \$105,000. The NRMA Insurance scope of works on the Internet claims the vehicle is suitable for recycled parts. If those recycled parts are not put in the vehicle during the repair process the tender sought by the insurance companies will not be met.

Would the owners of that three-year old Mercedes like it to be treated in that way? More importantly, what happens if the repairs are not up to standard? Every new car warranty stipulates that to maintain the warranty new vehicle parts must be used in any repairs because many vehicles require specialised parts for safety reasons. However, the Preferred Repairer Network Scheme advises tenderers to use second-hand parts. They have also been recommended for use on a 2005 Toyota Hilux in claim number CGNUR0505945. The Internet says that the vehicle is suitable for recycled parts. Why should this year's model of a contemporary vehicle have recycled parts? That is what NRMA Insurance and IAG Insurance demand by stealth from this scheme. If repairers do not comply they will not get the work and will be unable to stay in business. That is what they are facing.

A Concord smash repairer contacted me about claim number AHUCR0540269, which relates to a small truck that was damaged. The NRMA allowed that repair to go to tender without addressing a split in the tyre because it was not part of the quotation that was put on the web site. That unsafe vehicle is on the road today. This scheme leaves motorists and pedestrians in a precarious and dangerous position because of the cost-saving measures of the NRMA, which is trying to suck the industry dry. The industry employs 20,000 people in 2,200 smash repair shops across New South Wales. They are being forced to comply with a system that simply wants to cut costs and corners every step of the way just to make the shareholders happy. As far as I am concerned that is not only a shame, it is a scam and it is dangerous.

The obvious safety concerns emerging from this ridiculous system are compounded by the practice of penalising repairers who carry out additional work. A repairer may find that additional repairs are needed on a vehicle, perhaps in relation to underpinning or suspension problems, but if the problem is not shown on the photograph the repair work does not get done. If the repairer carries out the additional work and submits an extra quotation to NRMA Insurance or IAG, they are told that they will be penalised. They will lose money because financial penalties will be imposed when the repairer increases the cost of the original tender. When the repairer sees the car for the first time and realises that a problem might not be able to be repaired under the original tender price, he will submit a variation. Having increased the cost of the job that the NRMA or IAG believe was visible on the photos and described by the assessor in the scope of work—and additional damage could hardly be visible if it is underneath the vehicle—the repairer will be penalised a percentage of the additional cost of every job for the next 30 days. That means the repairer will lose money from each job he successfully tenders for as well as from the job for which he was penalised.

What will the repairers do? Unfortunately, to face reality, some of them will turn a blind eye to it. They will say, "I didn't see that underpinning damage, I didn't see that suspension damage, I didn't see that problem with the motor because it is not in the photograph." They will say, "I'm not going to get paid for it and if I submit an additional quote to NRMA Insurance or IAG, I'm going to lose out in the future and I will not be in business". Because of this ludicrous scheme many repairers are going down the tubes because they are standing up for their business rights and the safety of the community. They know that safety will be the price if NRMA Insurance and IAG are allowed to get away with this. Deaths will result from this scheme unless NRMA Insurance and IAG are made accountable. That is all I am asking for, and the Staysafe committee can do that by examining the precarious nature of this scheme.

**Ms GLADYS BEREJIKLIAN** (Willoughby) [11.40 a.m.]: I am pleased to say that the Opposition will support this motion. To this point the Opposition and the Government have taken a bipartisan approach to this issue. This incredibly important issue impacts on consumers, small business and the broader community. I acknowledge and commend the efforts of my parliamentary colleague the honourable member for Lane Cove, who has been a leading light in the debate about this issue and who has stood side-by-side with the smash repair industry since it arose. I also acknowledge the efforts of the shadow Minister for Fair Trading, the honourable member for Myall Lakes, who on previous occasions in this Chamber and elsewhere has also stood side-by-side with the industry. Although we are debating this motion today and the Opposition will not oppose it, I point out that a reference from the House is not required by the Staysafe committee. Notwithstanding that, the Opposition is more than happy to contribute to this debate because we believe this is an important issue. We are more than happy to continue to stand side-by-side with the smash repair industry.

The proposal by IAG—or its subsidiary, NRMA Insurance—will have a tremendous impact on safety, and because of that it is appropriate that we look particularly at safety issues. Ordinarily, I would not presume to tell a public or private organisation how to conduct its business, but in this case the consequences of the NRMA Insurance proposal—its impact on consumers, on the smash repair industry, on safety and on motorists—are enormous. For those reasons I stand side-by-side with my colleagues in asking the NRMA in the strongest possible terms to re-evaluate its position, to acknowledge that it cannot continue to conduct its business in the way proposed, and to review its web-based preferred repairer scheme. Among other things, the scheme will result in unsafe practices, with repairers cutting corners and people having inferior-quality, second-hand and potentially less-than-safe parts in their vehicles. For those safety reasons, amongst others, the NRMA must review its proposal.

Given the safety concerns that are being discussed this morning, we need to acknowledge that this issue is, in large part, one for consumers. Consumers will be sold short because under this scheme all other considerations, such as quality and labour, will not matter. The cheapest option identified on a web site will be successful. That is hardly an optimum situation when the safety of motor vehicles is involved. It is a retrograde step when the community and we, as decision makers, are making every effort to prevent further carnage on our roads. As well as issues related to safety, we need to consider the enormous impact this scheme has had on the industry. I want to remind members of an important point made by the shadow Minister for Fair Trading in debate on an earlier motion. He said:

It takes a lot of guts for small-scale repairers to stand up to the might of a public company because they invest all their capital in their businesses and work hard to maintain them while raising a family, and that is a big ask. There has been debate over whether this matter concerns consumers or competition. As the shadow Minister for Fair Trading, I believe that it is a consumer matter although I understand that it is being dealt with as a competition matter. I accept that arguments in favour of other categorisations will be advanced, but I maintain that it is clearly a consumer issue.

I want to briefly comment on the substantial smash repair industry in the electorate of Willoughby, and I am sure my parliamentary colleague the honourable member for Lane Cove will do the same in relation to his electorate. I have received a number of delegations in my electorate office from smash repairers and representatives of the Motor Traders Association of New South Wales. They are fearful for the future of the smash repair industry. Representatives of the industry explained to me that this NRMA-IAG introduced web-based tendering system will clearly lead to many of them shedding staff. Many of them are concerned about the future viability of their businesses.

I was given some information from local businesses about the impact this scheme is having on their employment potential in the local community. The 21 smash repairers in the Willoughby electorate and its surrounds who provided me with information had 143 staff. Collectively they have had to retrench 39 staff since the old NRMA contract expired. Of the businesses in question, 15 indicated they were prepared to close if steering of work continues and the planned NRMA contract goes ahead. Many of them told me about their individual circumstances. One letter I received said in part:

I am a motor mechanic and have been in business on the lower north shore for over 30 years. I have worked closely with the body repair industry for over 35 years, doing mechanical repairs. This work constituted approximately 25% of my business.

Referring to NRMA Insurance, the letter also stated:

If they are allowed to impose these contracts on repairers the demands on proprietors of body shops will lead to failure of many shops and a decline in working conditions in the remainder, which I believe will result in lower standard of repairs and a lower standard of working conditions. This will in turn result in more accidents and sickness in the overworked people in this industry. A lack of training and apprenticeships will follow and must lead to high cost in the long run.

I personally have seen a decline in volume of work coming from this side of the trade and at present am reviewing my staff levels as I know are others.

The smash repair industry is calling for the introduction of anti-steering legislation. They argue that such legislation, if passed, could prevent an insurer or other institution from recommending or directing policyholders to a specific repairer or supplier. I have carefully considered the representations from local smash repairers and I believe they are totally justified in highlighting the concerns they have raised. This debate has highlighted the impact that the NRMA's proposed arrangements will have on the safety of motorists. I strongly urge the NRMA to engage in constructive dialogue to address serious concerns in the industry.

For a long time the NRMA has had a reputation of promoting and supporting safety. Often when a public safety issue has been raised the NRMA has been vocal in a positive sense. I would hate to see that reputation tarnished for short-term economic gain. Trying to monopolise the smash repair industry to the

detriment of safety goes against what the NRMA has stood for. I have been a member of the NRMA ever since I started driving and I have always supported its position on public safety concerns. I ask NRMA Insurance, on safety grounds, to ensure that the 2,200 smash repairers throughout New South Wales continue to have a robust, competitive working environment.

At the end of the day that will provide the consumer with choice and confidence that the system of which they are part will maintain their safety and not leave them vulnerable to receiving second-hand parts or inferior service, because that is what will be forced on people by this new web-based system. Although I support the motion and I am happy to speak on the matter on every possible every occasion, I emphasise that a motion was not required for the Staysafe committee to investigate the matter. I would also like to know what the Minister for Fair Trading is doing. Last night in this House she said that she had written to the Australian Competition and Consumer Commission and others and was considering anti-steering legislation. I would like to hear the response of Government speakers to those comments.

**Mr KEVIN GREENE** (Georges River) [11.50 a.m.]: This problem dates back to the year 2000, when NRMA Insurance first proposed changing the way damage to vehicles is assessed and claims are paid. At that time I remember the smash repair industry holding a large meeting in Wollongong at which a number of issues, particularly safety, were raised. I recall pursuing the matter with the Minister for Fair Trading and the Australian Competition and Consumer Commission [ACCC]. Along with my Federal colleague I had a number of meetings with representatives of the smash repair industry to discuss the matter, but, unfortunately, the ACCC took no action. The matter died down for a while, although the Productivity Commission produced a report into the smash repair industry and a number of concerns raised here today were also raised during that inquiry.

I, too, could quote many examples of local smash repairers who will be seriously impacted by this stupid and unsafe system. Sadly, I cannot give examples because I fear repercussions to smash repairers if I do so. From experience of the smash repair industry in recent months and, indeed, over the past couple of years, the NRMA would take retribution against those I mention, who are running good businesses. The matter is of particular concern in my area because I have been advised that close to 70 per cent of the market share within the St George area is taken by IAG through NRMA Insurance; 70 per cent of the smash repairer businesses in my area is tied up with the NRMA. That puts them in a difficult situation, particularly as the NRMA can take away from good smash repairers their preferred repairer status within the industry. It has done so in the past and, basically, that prevents those businesses from taking on NRMA business.

It is abhorrent and unfortunate that I cannot refer to businesses in my electorate, who do an outstanding job. These are business men and women who, over the years, have built up strong client bases and goodwill within their businesses. Because of the system that the NRMA is trying to introduce, they will be utterly destroyed. Good business is based on service and is about working with clientele to build relationships. The NRMA is not interested in that, and it is not interested in smash repairers having a client base. The NRMA is seeking to destroy that client base and goodwill. A business can be sold with a client base but the NRMA is destroying that for smash repairers.

The quality of repairs that will be done under this ridiculous Internet tendering system will not be safe. Repairers cannot give guarantees when they are trying to quote over the Internet. Indeed, many have refused to do so because they rely on their reputations. They refuse to participate in this system, and I can understand that. It is also ridiculous that the NRMA is offering \$30.90 per hour for work on vehicles. It knows that figure cannot be achieved. The NRMA knows that the cost of repairs is more likely to be in the vicinity of \$90 per hour and that the work cannot be done for less. However, it is prepared to let smash repairers play with quotes as long as they comply with the system.

The NRMA is only interested in wiping out smash repairers. The proposal will backfire on the NRMA, and that will start in this House today. It also has the potential to backfire because there will be no smash repairers—certainly no quality smash repairers—left in the industry to do the work. The best example of how contentious this issue has become in the community relates to current elections being held by the NRMA, which has put riders in its election advertisements stating, "We are not related to NRMA Insurance". It is a sad indictment of NRMA Insurance that the NRMA motoring service organisation is seeking to distance itself from the insurance arm because it knows that what it is doing to the smash repair industry is wrong and, most importantly, it is dangerous. [*Time expired.*]

**Mr ANTHONY ROBERTS** (Lane Cove) [11.55 a.m.]: I take this opportunity to acknowledge the support of the honourable member for Wallsend, who is in the chair, for the smash repairers in his electorate.

The honourable member for Willoughby also works hard to support the smash repairers in her electorate; she is doing a fantastic job. I commend the honourable member for Bankstown for moving this important motion, which states:

That this House requests the Staysafe committee to inquire into motor vehicle smash repairs under the Preferred Repairer Network Scheme operated by the NRMA and IAG Insurance, and the risk to safety arising from:

- (1) repairers quoting for jobs by inspecting photographs of damaged vehicles rather than physically inspecting the damaged vehicle;
- (2) financial penalties if damage is later uncovered that was not apparent through the Internet photographs, possibly leading to cost cutting and unsafe repair practices;
- (3) use of second-hand vehicle parts, further compromising safety; and
- (4) the NRMA and IAG employing unqualified smash repair assessors to photograph and help administer vehicles for repair.

I want to relate a story to the House. A constituent of mine had her bonnet tied down by an NRMA Insurance assessor. The bonnet flew back across the windscreen and roof of her damaged car. She narrowly avoided a potentially deadly second accident less than a week after being told by an NRMA Insurance care and repair centre to drive to the insurer's smash repairer more than 30 kilometres away. She stated:

They don't care that I could have had a serious accident or died, or an innocent person could have been seriously hurt.

The new system is dangerous. One must wonder what sort of level of care and repair would lead to simply taping down the bonnet and telling the woman to drive to the repairer if she wanted her car fixed. I say now to Mr Hawker and others at IAG that this House will hold them responsible and will pursue them—and I will do so in this House to the full extent of the law—should a death result from this dodgy and useless repair system. They will be held responsible for every death, and that is what happened overseas when these sorts of dodgy practices were put into place. There will be deaths because of what IAG is doing and we will hold it personally responsible for those deaths and pursue it to the full extent of the law. This system is an absolute disgrace.

On the facts before us one would need to be an imbecile to insure with IAG or NRMA Insurance. People now realise this and are leaving IAG in droves to join other insurance companies that care and will not put dodgy second-hand parts into new vehicles. Examples of that were given earlier by the honourable member for Bankstown. I put on the record also a very good article in the *Manly Daily* by Sue Hoban. It was a response by James McCall from the Motor Traders Association [MTA] basically knocking on the head some of the rubbish IAG is putting out. One question that has been asked is, will quality suffer? Mr McCall stated:

You can measure cost, you can measure time. However, it is ridiculous to claim NRMA/IAG has measured service and quality. We have received an abundance of calls from consumers with complaints. MTA has spent enormous time making sure they are legitimate complaints. We have found many cases of unsatisfactory outcomes and have assisted the consumer in having the deficiencies corrected. About 70 per cent of repairers participating in IAG/NRMA's previous scheme have not signed the current agreement. The repairers who have signed and are attempting to work within the IAG requirements are under enormous pressure to complete the work they are being assigned. In reality there is not a lot of tendering happening as work is simply being allocated ...

It goes on to say, as a result, many of the repairs are slipshod. Many of the preferred repairers now were previously not preferred repairers of the NRMA. The NRMA is going to whoever will sign up. The consumer is being damaged by this ridiculous process. The Staysafe committee should look at this in depth. As the honourable member for Willoughby stated earlier, we cannot afford to waste time. We need action by this House in support of consumers and the people of New South Wales before we have a death or a number of deaths because of this insurance scheme. I commend the motion to the House. I look forward to receiving the report from the Staysafe committee. [*Time expired.*]

**Mrs KARYN PALUZZANO** (Penrith) [12 noon]: I support the motion of the honourable member for Bankstown. I also support what members on both sides of the House have said, both in this House today and previously. If IAG is offering only one price to smash repairers, why tender? If there is one price, one time manual and one payment manual, why tender? As I have said previously, quality and service will suffer. It is interesting that the honourable member for Bankstown also raised the variant cost. If smash repairers do not pick up something in their web-based tender but later wish to vary the tender, they will be penalised for 60 days. If they have under tendered by, say, \$500 and that \$500 is added to their tender price, that is rolled over for 60 days. So, if they are putting in extra tenders, it is their tender price plus their variant. IAG Insurance will not absorb that; it will be the smash repairers.

The honourable member for Georges River raised the issue of how much IAG wants to allocate in its contract. That is a set price of \$30.90 an hour. I have been led to believe by smash repairers I have spoken to that that set rate of pay is certainly not enough to conduct a safe business that will give people a quality service. When an apprentice earns, say, \$27 an hour, that does not leave a lot per hour for the business to make a profit. A lot of businesses, especially in Penrith, conduct a large proportion of their business with IAG or NRMA Insurance. One smash repairer I have spoken to had more than 85 per cent of the business with NRMA Insurance. He has subsequently resigned from the web-based system, at the risk of his business. He has also let go two of his apprentices and one of his car detailers. So, jobs have already gone. Another smash repairer has let two of his 11 apprentices go in this situation. It is a shame that safety may be in question, but jobs will be in question also.

The honourable member for Willoughby mentioned consumers' choice. In this system consumers can have a choice, but they have to pay. I was informed about a Lithgow resident who opted not to take that choice. She already had a relationship with a smash repairer at Katoomba but she could not go to that smash repairer. She went all the way from Lithgow to the care and repair centre at Penrith for her 20-minute appointment and was allocated a smash repairer in Leura. So, she went from Lithgow, past the person she had already done business with, to Penrith and then back to Leura. She did not have a choice. If she wanted a choice she would have had to pay. That is not a good thing.

It has also been noted that the motion refers to NRMA Insurance or IAG, not NRMA Motoring and Services, of which this year my family became gold members. The NRMA has been offering motoring services for a number of years. NRMA Motoring and Services is not in question; it is the insurers that people need to be aware of. The impact of this process on business is important, especially in Western Sydney. It is estimated that around 60 per cent or 70 per cent of the smash repair business in the electorate of Penrith is with the NRMA. The care and repair centre at Penrith operates only on weekdays between 8.00 a.m. and 4.30 p.m. If one cannot make the 20-minute appointment, one has to rebook. The centre is not available on weekends and is not offering a service to customers. The NRMA has its own time manual which, as I said before, has a set rate of pay. If it is a set rate of pay, why have a tender process?

**Mr TONY STEWART** (Bankstown—Parliamentary Secretary) [12.05 p.m.], in reply: I thank the honourable members for Willoughby, Lane Cove, Penrith and Georges River for contributing to this most important motion. As I said at the outset, it is important because it is about safety and saving lives. The NRMA Insurance and IAG Insurance scheme for third networking will lead and has led to unsafe practices because of cost-cutting to suit shareholders. Those unsafe practices may result, in extreme cases, in tragedies and deaths on the roads. Something has to be done about this. The best way, along with government initiatives already being undertaken by the Minister for Fair Trading—and I applaud the Minister for her promptness in investigating the anti-steering legislation and the fairness of the contract itself—is to involve the parliamentary Staysafe committee. The chairman, the honourable member for Blacktown, is tenacious at pursuing issues, as he has proven time and again. The Staysafe committee will use a fine-tooth comb to go over the NRMA's and IAG's activities with regard to this preferred repairer scheme that involves using the Internet for quotations.

I make the point strongly that NRMA Insurance and IAG Insurance are not part of the same company as the NRMA road service. They are different companies. To highlight that, the President of NRMA Motoring and Services, Alan Evans, and the chief executive officer of NRMA Motoring and Services, my namesake Tony Stuart, have taken the bold and unusual step of putting out a public statement to their members. It says:

Members are concerned and confused about the current dispute between NRMA Insurance and MTA Smash Repairers.

NRMA Motoring & Services is **NOT** NRMA Insurance.

I make that clear because NRMA Motoring and Services does a wonderful job. If it were involved in this, the motion would not be before the House today. The statement goes on to express concern about what NRMA Insurance has done. NRMA Motoring & Services is saying NRMA Insurance should be accountable for what it is doing and do the fair and reasonable thing by the general public. You cannot get any stronger proponents than Tony Stuart, Chief Executive Officer, and Alan Evans, President, of NRMA Motoring and Services. I applaud them for their activities and their continued good work for the community. This issue needs to be dealt with in an accountable framework. Previous speakers raised concerns about unqualified assessors. I have also noted this concern in my motion.

At least 70 per cent of the NRMA Insurance and Insurance Australia Group [IAG] assessors do not hold qualifications in the repair industry. Although they undertake assessments, which are fundamental to the

scheme, more than 70 per cent do not hold a current Motor Vehicle Repair Industry Authority [MVRIA] panel beater or spray painter licence. They do not hold the qualifications to assess the jobs for quotation purposes. It is ludicrous! It underlines the safety concerns that are involved in this stupid and dangerous scheme of preferred networking. They are cutting costs at the expense of safety. Mr Graham Winstanly, a member of the NRMA for 37 years, said in a letter to the NRMA:

Can anyone believe that accurate quoting on anything physical, let alone a smash repair, can be done by viewing the computer screen? Do the proponents of this system have even a vague clue of what happens at the coalface of the smash repair industry? Not so, it would seem.

He went on to say that his 81-year-old mother recently became a victim of the scheme and, as far as he is concerned, now has to face unsafe repairs. He said that the cheapest bidder is the one who wins and continued:

Life's experience has taught me that the cheapest is almost always the worst.

We have to deal with the worst, and the worst is coming out of NRMA Insurance and IAG. They have to be made accountable by the New South Wales Staysafe committee running a fine-toothed comb through their practices, finding the safety gaps and fixing them up.

**Motion agreed to.**

### **SOUTH SYDNEY PUBLIC EDUCATION**

**Debate resumed from 22 September 2005.**

**Ms KRISTINA KENEALLY** (Heffron) [12.12 p.m.], in reply: I thank honourable members who participated in this debate, particularly the honourable member for Bankstown, who put facts on the record to counter the baseless claims that the honourable member for Wakehurst made in his contribution. I appreciate that the honourable member for Wakehurst expressed support for Alexandria Park Community School, but clearly he researches his speeches by opening up recent editions of the newspapers and scanning for information. That is not a terrible thing. Newspapers can be a valuable source of information, but they should not be the sole source of information. Once in a while the honourable member for Wakehurst might like to do a bit of his own research.

Fortunately, the honourable member for Bankstown was able to provide the House with the correct facts about public education in the inner city. Fact one: The Sydney education region has increased enrolments this year by more than 690 students. Fact two: More than \$100 million has been spent on upgrading schools in inner Sydney. Fact three: The Commonwealth provides real funding increases for non-government schools only and continues to ignore the needs of the majority of Australian families who enrol their children in government schools. For five years in a row the Commonwealth Government has increased its per-student grants to non-government schools in real terms while grants for government schools have only reflected basic cost indexation. That means by 2008 the Commonwealth will provide, on average, \$5 for each non-government student compared with \$1 for each government school student.

The honourable member for Wakehurst also claimed that the schools that were amalgamated to form Alexandria Park Community School have been sold off and that the funding has gone into consolidated revenue. That is completely untrue. Add that statement to the pile of unsubstantiated claims the Opposition has made in this Parliament. If the honourable member for Wakehurst had taken some time to prepare for this debate, he might have found out what happened to the four school sites the Government used to create Alexandria Park Community School. Alexandria Public School and Cleveland Street High School have undergone a \$7 million refurbishment to create the two new campuses at Alexandria Park Community School. Waterloo Public School has undergone refurbishment to create the new Green Square school, which is an educational facility for students with behavioural and other challenges that make it difficult for them to attend a mainstream school. Redfern Public School is currently used for a range of community purposes and community groups, including Aboriginal sports programs, information technology [IT] and computer access for the local community, and preschool and childcare. In short, not one of these four schools has been sold off for private development. All remain in community use for various educational purposes.

Add this to the facts and achievements of this Government. This year we are spending a record \$10.2 billion on education and training in New South Wales, an increase of almost 70 per cent from 1994-95. We are spending on average \$9,678 for government school students, an increase of 83.5 per cent compared to

that spent in 1994-95. The Commonwealth Grants Commission says we spend too much on education. We are proud to spend this money on education. New South Wales has the highest paid public school teachers in Australia. Teacher salaries have increased 52.4 per cent between 1994-95 and 2004-05. We are well on track to meet our key election promise of reduced class sizes. Our target is to reduce class sizes to a statewide average of 20 in kindergarten, 22 in year 1 and 24 in year 2 by 2007. That is a substantial improvement on the 1995 figures when the average number of students in a kindergarten class was 24, 26 in year 1 and 27 in year 2. Our plan means that 1,500 extra teachers will be employed and 600 additional classrooms will be supplied.

The community in South Sydney has strong links to Alexandria Park Community School. The school supports its students through bus services and a range of interagency services, primarily Connect Redfern, which is located on site at Alexandria Park school and jointly funded by the Department of Education and Training, the Department of Community Services and NSW Health. The learning and welfare needs of students are further supported by homework centres, individual tutoring for senior students, a broad range of sporting and coaching opportunities and a daily breakfast program operated by the Red Cross. The local community is proud and supportive of Alexandria Park Community School and community members are active in a range of school activities. A positive and co-operative school climate has been created at the school and its growing enrolments clearly show that the community school concept was the right one for the South Sydney community. I commend the motion to the House.

**Motion agreed to.**

### **BUSHFIRES JUDICIAL INQUIRY**

**Ms KATRINA HODGKINSON** (Burrinjuck) [12.17 p.m.]: I move:

That this House:

- (1) notes that over 1,200 people in the Kosciuszko District have signed a petition calling for a judicial inquiry to investigate January's extensive bushfires in the Tumut, Brindabella and Snowy Mountain regions, particularly in relation to the causes of fires and the degree to which lack of hazard reduction measures by the National Parks and Wildlife Service contributed to the severity of the fires; and
- (2) condemns the Government for its treatment of those people affected by the bushfires.

In January 2003 lightning strikes from a severe electrical storm sparked 60 fires in dry, drought-affected southern New South Wales and the adjoining areas of the Australian Capital Territory. Over the coming weeks these fires spread rapidly, fanned by unusually severe weather conditions, and eventually burnt out a total area of more than 1.7 million hectares. In all, the 2002-03 fire season in New South Wales took three lives, destroyed 86 residential homes, damaged 28 homes and 188 outbuildings, and burnt 1,465,000 hectares of land, including two-thirds of Kosciuszko National Park and 30,000 hectares of private lands and significant areas of the Southern Alps. About 3,400 head of stock was lost, including horses, cattle and sheep and a koala colony. The loss of native animals in national parks was also severe.

The fires and associated firestorm that reached suburban Canberra on 18 January 2003 resulted in four deaths, the loss of 501 houses and damage to more than 300 houses, and burnt out 160,000 hectares, almost 70 percent, of the Australian Capital Territory. Several well-known Canberra landmarks, such as Mount Stromlow Observatory, were also razed. More than two years ago I called on this House to note that more than 1,200 residents of the Kosciuszko district had signed a petition calling for a judicial inquiry into the devastating bushfires that swept through the Tumut, Brindabella and Snowy Mountain regions, culminating in the tragedy that struck the Australian Capital Territory on 18 January in 2003. The petition specifically called for an investigation into the causes of the fires and the degree to which the lack of hazard reduction measures by the National Parks and Wildlife Service contributed to their severity. The petition also called on this House to condemn the Government for its treatment of those affected by the bushfires—I particularly mention the failure of public land management agencies to reduce the fuel loads that fed the fires.

I clearly recall the events of January 2003. Many of my local acquaintances, friends and members of my family and I were actively involved in combating the fires and making sure that the firefighters were cared for. Those fires passed within a few kilometres of my family's property. At this stage I wish to praise the unstinting efforts of the many firefighters, paid and volunteer, who toiled mightily to save lives and property. Their efforts are way above and beyond praise and this State owes them a debt of deep gratitude. I likewise praise the efforts of the many other people and organisations that helped the efforts—the State Emergency Service, the Red Cross, the Country Women's Association, Department of Community Services front-line staff, agencies from many different government departments, and many others.

They were all in there, as usual, pitching in to help during a massive crisis. In the situation that these gallant Australians found themselves, there was always going to be severe damage. It is my concern, and the concern of many others, many who were in the front line against these fires, that their job was made that much more difficult because of the land management practices of this Government. A fire depends on three elements: oxygen, heat and fuel. If one element is missing, there is no fire. The combination of these three elements is part of the first lesson given to trainee Rural Fire Service [RFS] volunteer firefighters and is commonly called the fire triangle. It is the way that each of these elements comes together that determines the intensity of any fire. The initial fires of January 2003 were caused by in excess of 100 lightning strikes across south-east Australia.

Nothing could have been done by any government or organisation to prevent the ignition of those fires. For several years south-east Australia had been in the grip of a severe, debilitating drought. This, coupled with below normal atmospheric humidity and cloudiness and prolonged high day-time temperatures over preceding months, placed most of the country under severe moisture stress. This moisture stress brought on an early curing of fuels and created the conditions for a severe fire season. The countryside was tinder dry and ready to burn. Information from the Bureau of Meteorology indicates that similar conditions had existed before the severe bushfire seasons of 1938-89 and 1982-83, which entered the terms "Black Friday" and "Ash Wednesday" into the Australian lexicon. No person or government can control lightning strikes or severe weather conditions.

The only side of the fire triangle over which we have any control is the availability of fuel. This is why the RFS and New South Wales Fire Brigades spend so much time during the approach of a fire season, warning property holders of the dangers of leaving large amounts of flammable material lying around buildings. It is a basic fact of firefighting that large amounts of dry flammable material directly equates to increased fire risk. It is a shame that the policies forced on the managers of our public lands by this tired Government, hostage to the extreme green movement, did not take into account this basic firefighting fact. Following the fires of January 2003 my office was inundated with locals demanding answers. They wanted to know why this Government had allowed historically high levels of fuel to accumulate. Based on the demonstrated track record of this Government, my constituents were very concerned that the Labor Party would try to ignore any lessons that were not part of its extreme green dogma.

Unfortunately, the events of the subsequent two years have shown the fears of my constituents to be correct. In response to the 1,200 signatures on the petition that I submitted, Labor Government Ministers said that there was no need for an inquiry. This tired and arrogant Government said that the coronial inquiry in the Australian Capital Territory, the McLeod inquiry, the House of Representatives inquiry and the Council of Australian Governments [COAG] inquiry would be sufficient to bring out any lessons learned, but I am going to tell honourable members a little about those. Two years later the reality is somewhat different. On 12 November 2003 the Minister for the Environment, the Hon. Bob Debus, dismissed the House of Representatives inquiry as a political witch-hunt, even before it had started, and refused to allow any New South Wales Government body to appear before it—an action that drew criticism even from Federal Labor Committee members who said:

Therefore this report has of necessity been written without the benefit of all sides to this debate having articulated their points of view or having this evidence tested.

Federal Labor Committee members further confirmed the importance of the evidence, criticising the lack of hazard reduction by the State Labor Government and saying that the lack of ability to test their evidence:

... does not detract from the honesty with which evidence was tendered, the personal integrity and expertise of individuals and organisations who have given it, and the quality of the scientific evidence that came before the Committee.

Anyone who listens to the news in the area around the Australian Capital Territory cannot but be aware of the continuing efforts of the Australian Capital Territory Labor Government to suppress and delay the Australian Capital Territory Coroner's report on the bushfires, which is widely expected to be very critical of the lack of effective hazard reduction. More than two years after four people died in the Australian Capital Territory, the families of the victims are still waiting for a report, which has been extensively delayed by the explicit actions of the Australian Capital Territory Labor Government. I note that the New South Wales Labor Government is so concerned about the possibility of criticism of its policies that it sought and gained permission to be represented by legal counsel at the Australian Capital Territory coronial inquiry. The McLeod inquiry, although primarily concerned with the fires in the Australian Capital Territory, came to the conclusion that:

The Inquiry is confident that more fuel reduction burning would have helped the authorities contain the fires that resulted from the lightning strikes on 8 January 2003.

Even the COAG Inquiry—which the Minister for the Environment characterised in this place on 12 November 2003 as having objective terms of reference; he also said it would actually consider some science and some facts—was critical, albeit in a muted fashion, about the policies of this Government, stating:

There is compelling evidence to show that a reduction in fuel loads in bushland environments will reduce fire intensity and modify fire behaviour. This is the only cost-effective way to achieve fuel reduction in large areas of the landscape.

In evidence tendered to these inquiries some interesting information was provided. In some areas fuel loads in national parks were found to be as high as 35, 40 or more tonnes per hectare. The captain of the Brindabella Rural Fire Service Brigade, Mr Peter Smith, told the McLeod inquiry into the Australian Capital Territory Bushfires that high fuel loads in national parks and plantations may have been responsible for the intensity of the wildfire that burned across land, which would not normally be capable of sustaining such intensities. Mr Don Knott, an RFS volunteer of many years experience in the Blue Mountains, said that high fuel loads hindered a fire containment operation for which he was responsible. He said:

Houses were at risk and some houses were damaged because the fuel levels were so high. They were so high simply because inadequate hazard reduction had been carried out.

These are only some of the many damning comments about the failure of this Government's policies, policies that force public land management agencies in New South Wales to act in a way that does not provide optimal protection for the safety of the public. What this evidence describes is a government policy that significantly contributed to the increased magnitude of the disaster that occurred during the 2002-03 bushfire season. Has the State Labor Government learned any of the lessons about the need for effective hazard reduction to optimise public safety? Apparently not. I recently received a letter from a landowner in the Tumut area. He said, in part: *[Time expired.]*

**Mr STEVE WHAN** (Monaro) [12.27 p.m.]: I oppose the motion, although I agree with some elements of the speech of the honourable member for Burrinjuck, in particular her opening comments complimenting and praising all those who volunteered to fight the bushfires in the region that I now represent. I did not represent the electorate of Monaro at the time of the fires. In a private member's statement shortly after my election to Parliament I referred by name to many of the people in the Rural Fire Service [RFS] from the Monaro region who had put in the effort and the voluntary work to fight those fires. I placed many of their names on the record. I reiterate that so many of them made a great effort—the RFS volunteers, the National Parks workers who fought the fires, people from various other community organisations and the firefighting teams from State Forests. They all put their lives on the line in order to fight those fires. Those people are valued in the community and I thank them once again.

I wish to respond to the arguments raised by the honourable member for Burrinjuck that were more politically focused, particularly her criticisms of the Government with regard to what has happened since the fires. The New South Wales Coroner has held inquiries into the fires, and there is an ongoing coroner's inquiry in the Australian Capital Territory. However, as the honourable member for Burrinjuck said, it must be extremely frustrating for the people who have been awaiting the outcome of those inquiries that they do not seem to be heading towards a conclusion in the near future. I can certainly understand the frustration that people have expressed about that. The New South Wales Coroner made a number of important findings. In particular, he looked at some of the criticisms that were made about the responses to some of the fires in the Brindabella Range and at McIntyre's Hut. The New South Wales Coroner said:

I am of the view that to have sent firefighters into the Brindabella Range on the afternoon of the 8 January 2003 would be contrary to all the basic fire fighting knowledge and would have placed professional and volunteer firefighters in potentially grave danger.

That was a point that the Government made immediately in response to the Federal parliamentary inquiry, which seemed to suggest that firefighters should have been sent to more hazardous situations. I certainly reject that view, because I believe that our first priority must be to ensure the safety of our volunteers. Since those fires the Government has listened to many local comments about hazard reduction and fire trail maintenance. In the south-east of the State there has been a huge amount of hazard reduction over the past two years, particularly in the South-east Forest National Park. Last year hazard reduction was carried out in the Mt Darragh Road area, and this year hazard reduction was carried out in the Bemboka area. However, obviously hazard reduction must only be carried out when conditions are right.

We have listened to the responses of the Rural Fire Service brigades in the Snowy Mountains area, where communications improvements have been made. We have upgraded the fire control centre at Berridale at

the request of the Rural Fire Service members there, and a new fire control centre is currently being built in Cooma. It will be a fantastic facility, and the State Government has provided a substantial amount of funding for it. Unfortunately, The Nationals in this place often display a narrow view on national parks issues; indeed, they often engage in a real national parks bash. It seems that the Opposition rarely compliments the very hard work that national parks workers do in managing national parks, fighting fires, and ensuring that our parks are great places to visit. I want to reiterate that this Government values the work those people do, and we think they do a great job.

The Nationals seem to imply that all bush, in whatever ground, can be treated in the same way. You cannot simply hazard burn every bush area every year, every two years, or whatever. There are some bush areas, such as the Alpine ash areas around Kosciusko National Park, where the landscape would be changed forever if hazard reduction were carried out too frequently. Those trees need 200 years or so to mature and produce seeds. If more frequent hazard reduction were carried out in those areas, the species of the areas would be killed off and the nature of the landscape would be changed. All bush needs to be managed differently, with different regimes of hazard reduction management.

I acknowledge that the honourable member for Burrinjuck did not raise this aspect today: In the past there have been calls for a return to grazing in some of the high country, which I reject. We need to bear in mind why Kosciusko National Park was established in the first place. William McKell went there, had a look around, and saw the incredible erosion that was occurring because of the poor management and grazing practices at the time. The back-to-the-future types of proposals that we often hear really are not helpful.

The National Parks and Wildlife Service has responded to the suggestions that were made after the last bushfires, and I believe that was important. At that time I said we need to ensure that we listen to positive viewpoints rather than one narrow perspective. Members opposite seem to suggest, as they often do, that only one view is valid in this process. This year the National Parks and Wildlife Service has undertaken more work to ensure readiness for the upcoming fire season. I am informed that 148 hazard reduction burns were completed, covering more than 36,000 hectares on parks and reserves and approximately 5,000 hectares on lands neighbouring parks. A further 11,500 hectares were treated by other mechanical means, such as slashing. Over the past five years, record levels of hazard reduction burns have been carried out.

This clearly shows that the National Parks and Wildlife Service responds seriously to the need for hazard reduction and properly managing bush fire-prone areas. Hazard reduction burning is a complex process. It is not just a matter of lighting a fire at any time of the year. As the honourable member for Burrinjuck acknowledged, for several years prior to these fires we had very serious drought conditions and it was rare to experience weather conditions in the southeast region that were conducive to hazard burning. This makes it very difficult for the National Parks and Wildlife Service to manage bushfire-prone areas.

Is important to ensure that a hazard reduction burn does not get out of control and cause damage. In this debate we must compliment the people who worked hard to ensure that the New South Wales fires were controlled as well as was possible to reduce the impact on property. On behalf of the this side of the House I place on record our sympathy for the tragic impact of the fires on the suburb of Duffy and other suburbs around Canberra. I grew up in the suburb of Duffy. In fact, I used to ride my bike and play in the forest—

**Madam ACTING-SPEAKER (Ms Marie Andrews):** Order! Opposition members who wish to hold conversations should do so outside the Chamber.

**Mr STEVE WHAN:** It is a real shame that the Sydney Liberals have absolutely no interest in listening to the debate about this important issue, which the honourable member for Burrinjuck has raised today, but instead engage in the childish tactic of seeking to distract my attention and involve me in debate on a completely different issue. It is indicative of the standards of members opposite. I will return to what I was saying. Members on this side of the House again express their sympathy and support for the people of Duffy—

**Mr Barry O'Farrell:** Point of order: As a member who represents a community that was devastated by fire because of a lack of hazard reduction, I am aware, more than the amateur opposite, of the effect of a lack of hazard reduction in our national parks. My electorate is bordered by national parks.

**Madam ACTING-SPEAKER (Ms Marie Andrews):** Order! The Deputy Leader of the Opposition knows as well as I do that that is not a point of order. The honourable member for Monaro has the call.

**Mr STEVE WHAN:** The Deputy Leader of the Opposition also knows it is disorderly of him to wander into this Chamber and raise a point of order when he has not participated in the debate. He is simply trivialising the fact that earlier during my contribution he was attempting to distract me by engaging in loud conversations in the Chamber. I will not be distracted from the point I am making, which is that this Government manages its national parks well. It will take note of the evidence of what happened in 2003 and make sure that that sort of event does not occur again. But we will do it in a proper and well-managed way. [*Time expired.*]

**Mr ANDREW HUMPHERSON** (Davidson) [12.37 p.m.]: I support the motion moved by the honourable member for Burrinjuck and indicate that the Opposition strongly supports the 1,200 signatories to the petition concerning this issue. Importantly, we support the efforts of the Rural Fire Service firefighters and the many thousands of people who live in the area that stretches from Canberra to the Snowy Mountains. They know full well that the bushfires of several years ago were far more extreme, intense and damaging than they should have been. The blame for that lies, in large part, in the Government's failure to prepare for and adequately respond to the fires, and its refusal to accept responsibility. A judicial inquiry should be conducted into the cause of those fires and the factors that contributed to their severity. Significant factors were a failure to hazard reduce, particularly in the Brindabellas and at McIntyre's Hut, and a failure to respond promptly and adequately. Local knowledge, preparedness of resources in the immediate area and the views, opinion and experience of volunteers were ignored.

The Opposition also condemns the Government for its failure to take into account the people who were affected by this fire, particularly those in the Kosciuszko and McIntyre's Hut areas, where the intensity of the fire was so extreme. Let us not forget that the McIntyre's Hut fire started in the Brindabellas in New South Wales and that the failure to address it for up to 10 days saw it expand in extreme weather conditions and move into Canberra. It killed four people and destroyed 500 homes, but I do not believe the lessons have yet been learned.

The honourable member for Monaro very selectively quoted one small aspect of the New South Wales coronial report that stated that firefighters should not be at risk. Of course they should not be placed at risk but when the fire at McIntyre's Hut commenced, firefighters should have had available aerial support, but the Government chose not to use that. They would not also have been at risk if, as the Coroner said, strategies to reduce the fuel load in the Brindabellas "should have been foreseen". The Government did not respond and address those high-fuel loads. Fuel loads were the source of the problem. When lightning struck and caused those fires in the McIntyre Hut area the Government was aware from that time. Locals wished to commence responses to the fire, and had done so, but they were told to stop. Their views and advice were ignored and the fire was controlled from a remote location.

The strategy was to let the fire burn, and the outcome was that four people died and 500 homes and enormous resources and infrastructure were destroyed in the Australian Capital Territory. The coronial inquiry into the fire in New South Wales was a very superficial exercise. People made submissions but had little opportunity to present them. The two or three day limited inquiry intended to cover up the responsibility of the National Parks and Wildlife Service and the Rural Fire Service. The Australian Labor Party in New South Wales and the Australian Capital Territory sought to close down the ongoing two-year coronial inquiry conducted in the Australian Capital Territory by trying to compromise the Coroner, Maria Doogan. If adequate outcomes do not emerge from that coronial inquiry and there is no freedom to make warranted criticisms against the New South Wales Government, a Coalition Government will reinitiate either a coronial inquiry or a judicial inquiry to make sure that blame is placed where it is due.

There was a failure of the National Parks and Wildlife Service, government policy, and the Rural Fire Service to take into account local knowledge and experience and respond properly in New South Wales. If there had been a quick response to the fires in early January 2003 they could have been tackled on the ground, with support from the air with aerial firefighting resources—fixed wing aircraft that were available in the region. The fires would have been brought under control quickly or extinguished, and history would have been very different. This Government has had a deliberate policy approach, as a result of which enormous damage and loss has occurred. A proper investigation should be conducted and if it does not come out of New South Wales or the Australian Capital Territory, the Coalition will conduct it to ensure that blame is laid at the feet of those who deserve it.

**Mr DARYL MAGUIRE** (Wagga Wagga) [12.42 p.m.]: I support the motion moved by the honourable member for Burrinjuck and I join with her and the honourable member for Davidson in acknowledging the great

work of volunteers and people who risk their lives to protect our communities. The January bushfires resulted in the loss of four lives and 500 homes in Canberra. The fire began in the Kosciuszko National Park. A House of Representatives select committee inquiry heard evidence that the devastation could have been avoided if not for the vested interests of a powerful strand of green policies. Some 438 submissions were received by the inquiry about hazard reduction and the systematic removal of ground fuel by controlled burning in winter months.

Three fires converged on Canberra. According to the CSIRO, their temperature was 1,000 degrees and they produced 1000,000 kilowatts per metre of energy. The amount of greenhouse gas that was emitted during the burning of three million hectares was equal to all of the greenhouse gases emitted by every car and every truck in this nation for 12 months. The electorate of Wagga Wagga includes Tumbarumba, areas of Kosciuszko National Park, Khancoban, Cabramurra, et cetera. The result of the fires is still haunting in the alpine ash forests and on the roadside. The fire burnt at unbelievable temperatures that scorched the earth.

The honourable member for Monaro quite rightly said that bands of alpine ash cannot be burned every year. In a cold climate it needs to be done in the cooler months. It was done for thousands of years by the traditional inhabitants of that land. Alpine ash accumulates eight tonnes of litter per hectare in 2.3 years, 15 tonnes in 5.4 years, and a total average of 26 tonnes per hectare. Even though the fires have devastated the region, the department needs to constructively manage hazard reduction in those forests because it will happen again. It is happening as we speak. The Auditor-General's report entitled "Managing Natural and Cultural Heritage in Parks and Reserves: National Parks and Wildlife Service", dated June 2004, stated:

Managing reserves requires that judgments be made about the condition of natural and cultural heritage and decisions taken as to what is, at least, an acceptable standard.

The 1,200 petitioners asked this Government to take responsibility for its action and explain in an inquiry what happened and what went wrong. The Auditor-General continued:

In our opinion the Service has yet to:

- clarify what constitutes success in reserve management
- develop an adequate information based to measure its success.

Consequently the Service cannot reliably determine how well it conserves and protects our natural and cultural heritage.

In my electorate the results of the management of the service are charcoal black and ruined forests that in some places have no animal life—the loss of the spotted quoll and the destruction of other species—and no heritage huts. The brave volunteers who worked on the fires, who should not have been put at risk, were crying at the screams of animals being burnt to cinders because of the inaction of this Government and its policies. Since this Government came to office it has created some 40 per cent more reserves, totalling 639. I support the honourable member for Burrinjuck and the 1,200 petitioners and many more people who want answers, results, and better management practices implemented to ensure that the parks and the people and the communities that surround them are protected.

**Mr MICHAEL RICHARDSON** (The Hills) [12.47 p.m.]: I support the motion moved by the honourable member for Burrinjuck. It calls for a judicial inquiry to investigate January's extensive bushfires in the Tumut, Brindabella and Snowy Mountain regions, particularly in relation to the causes of fires and the degree to which lack of hazard reduction measures by the National Parks and Wildlife Service contributed to the severity of the fires, and it condemns the Government for its treatment of the people affected by the bushfires. Fire is a part of living in this country. When Cook sailed up the East Coast he described it as being a land of fire, and it was, because the Aborigines used fire to manage the bush. They burnt the bush on a regular basis. They understood very clearly that some ecosystems required more frequent burning than others, and that some required no burning at all.

The honourable member for Monaro mentioned Kosciuszko National Park, which is what this motion is all about. The fires that the honourable member for Burrinjuck is referring to not only destroyed 500 homes in Canberra, not only took lives, but also destroyed an enormous amount of the high country forests—to an extent that we have not seen in our lifetime and has not occurred during European occupation of this country. One only has to drive along the Snowy Mountains Highway to see the devastation, death and destruction that those fires wrought in the high country. The snow gums that have been destroyed along the Snowy Mountains Highway will probably take something like 200 years to regenerate. Some of the Alpine ash forest that has been destroyed may take 150 years to regenerate. Members will recall the exhibition that I sponsored earlier this year in the

Fountain Court, of photographs taken by National Parks Association member Diane Thompson. She clearly understood the ability of our country to regenerate but I know she was also very concerned about the length of time that some of those ecosystems will take to fully recover.

The honourable member for Monaro said that the amount of regeneration that is occurring is amazing. Unfortunately, the regeneration is occurring from the ground up. A snow gum takes 200 years to grow to maturity; so we are talking about shoots that are coming up from the ground taking 200 years to recover. That is the reality of the fires in the Kosciuszko National Park. It is instructive to look at the area of national park burnt during the term of this Government. Going back to 1997-98 and considering an area of 35,000 hectares hazard reduction burnt in 1994-95—the last year of the Coalition Government—the Government reduced that area to 9,601 hectares. In 1999-2000 the Government had reduced the hazard reduction burnt area to 6,752 hectares. In 2000-01 the area increased only marginally to 19,733 hectares. The area that was burnt in the national park wildlife estate from bushfires in 2002-03, at the time of the Kosciuszko bushfires, was some 1,002,068 hectares, or nearly 17 per cent of the national park estate. I think that shows how neglecting this very important procedure—I will not call it hazard reduction burning, I will call it prescribed ecological burning—can affect the national park estate and the survival of ecosystems and animals. The Government stands condemned for its lack of fire maintenance in our national parks.

**Mr TONY STEWART** (Bankstown—Parliamentary Secretary) [12.52 p.m.]: I move:

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

"this House:

- (1) thanks all the volunteer Rural Fire Service and other firefighters who fought the January 2003 bushfires; and
- (2) notes that the Government and the National Parks and Wildlife Service have taken on board the lessons of 2003 and are committed to continuing appropriate and thorough hazard reduction in national parks."

**Mr Andrew Humpherson:** Point of order: The primary part of the motion related to the petition. The amendment is far broader. It is beyond the leave of the motion, and therefore is out of order.

**Madam ACTING-SPEAKER (Ms Marie Andrews):** Order! I do not uphold the point of order. The amendment moved by the Parliamentary Secretary relates to bushfires, the subject matter of the motion.

**Ms KATRINA HODGKINSON** (Burrinjuck) [12.53 p.m.], in reply: The Government continues to run, run, run away from this extremely important issue, which is of great significance to the people of southern New South Wales. The honourable member for Bankstown—who may have fought bushfires in the south of the State, I do not know—has moved a very generic and fanciful sort of amendment to what was a very serious and dedicated motion concerning the people of the southern part of this State, particularly Kosciuszko National Park.

Madam Acting-Speaker, I am somewhat bemused by your accepting the amendment and I am sure that the people in the southern part of the State will be quite disgusted that the Labour Government has once again tried to run away from its responsibility in relation to this extremely significant event that happened in that part of the State a couple of years ago. I thank the members who contributed to the debate, prior to the Parliamentary Secretary's obnoxious amendment, and I commend the honourable member for Monaro for the seriousness in which he addressed his concerns.

I acknowledge the contributions to this serious motion by the honourable member for Monaro, the honourable member for Davidson, the honourable member for Wagga Wagga and the honourable member for The Hills. The honourable member for Monaro raised the important issue of hazard reduction. The Government has consistently said there was no chance to burn off and that there cannot be a burn off every few years, but it is important that maintenance is done in a proper manner. At the peak of its heat, the bushfire in the south of the State reduced everything in its path to a fine white powder: the fauna, the wallabies, the spotted qualls, the magnificent old trees and the brumbies. The signs throughout Kosciuszko National Park and up into the Brindabella that say "No Fires—Protect Our Wildlife" were warped with the heat; all the letters were burnt off them. It was extraordinary. There was a mass of white ash everywhere; it even contaminated our rivers. The amending moved by the Parliamentary Secretary shows no compassion and no recognition of, or regard for, the people in the south-east of the State who experienced this incredible trauma.

The honourable member for Davidson said that fuel loads were responsible for the severity of these fires. The honourable member for Wagga Wagga referred to the hundreds of submissions from the Kosciuszko

community to the House of Representatives inquiry and highlighted how quickly fuel loads build up in the alpine ash territory. He mentioned also the many heritage huts that were lost in this devastating, traumatic event. The honourable member for The Hills spoke about our heritage and the traditional care and maintenance of the Australian bush by the Australian Aborigines. That is an important point, because they used to burn off the land when the time came to do so.

We could continue this debate for days because so much of the south-east part of the State was destroyed by these horrendous fires. Lives were lost and stock and properties were destroyed. Indeed, people are still coming to grips with the severity of what happened during this traumatic event. It is disgraceful that a Labor member of this place deems the matter to be of so little significance that he would seek to denigrate the motion by amending it in a way that no longer reflects the devastating effect of the fire on the Kosciuszko region and the people of that region. [*Time expired.*]

**Amendment agreed to.**

**Question—That the motion as amended be agreed to—proposed.**

**Mr ANDREW HUMPHERSON:** Pursuant to Standing Order 157 I ask that separate questions be put on paragraphs (1) and (2) of the motion as amended.

**Paragraph (1) of the motion as amended agreed to.**

**Question—That paragraph (2) of the motion as amended be agreed to—put.**

**The House divided.**

**Ayes, 48**

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

**Noes, 34**

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

**Pair**

Mr Price

Mr Armstrong

**Question resolved in the affirmative.****Paragraph (2) of the motion as amended agreed to.***[Mr Speaker left the chair at 1.14 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** and **Mr Andrew Tink**.

**Alstonville Bypass**

Petition requesting that the Alstonville Bypass be completed by the end of 2006, received from **Mr Donald Page**.

**South Coast Rail Services**

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

**Southern Tablelands Rail Services**

Petition opposing any reduction in rail services on the Southern Tablelands line, received from **Ms Katrina Hodgkinson**.

**Inner Sydney Light Rail**

Petition requesting the development of an integrated light rail network through inner Sydney, received from **Ms Clover Moore**.

**Blacktown to Richmond Night Bus Service**

Petition requesting a bus service from Blacktown along the Richmond line between midnight and 5.00 a.m., received from **Mr Steven Pringle**.

**Murwillumbah to Casino Rail Service**

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

**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**.

**Mid North Coast Airconditioned School Buses**

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

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

Petitions opposing the proposed anti-discrimination (religious tolerance) legislation, received from **Mr Steve Cansdell**, **Mr Andrew Stoner** and **Mr Kim Yeadon**.

### **Jervis Bay Marine Park Fishing Competitions**

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

### **Same-sex Marriage Legislation**

Petitions opposing same-sex marriage legislation, received from **Mr Graham West** and **Mr Kim Yeadon**.

### **Unborn Child Protection**

Petitions requesting mandatory statistical reporting of abortions, legislative protection of foetuses of 20 weeks gestation, and availability of resources for post-abortion follow-up, received from **Mr Graham West** and **Mr Kim Yeadon**.

### **Shoalhaven River Water Extraction**

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

### **Kurnell Desalination Plant**

Petition opposing the construction of a desalination plant at Kurnell, received from **Mr Malcolm Kerr**.

### **Kempsey Water Fluoridation**

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

### **Wagga Wagga Electorate Schools Airconditioning**

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

### **Model Farms High School Hall**

Petition requesting the provision of a school hall for the Model Farms High School, received from **Mr Wayne Merton**.

### **Colo High School Airconditioning**

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

### **Campbell Hospital, Coraki**

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

### **Breast Screening Funding**

Petitions requesting funding for BreastScreen NSW, received from **Mr Steve Cansdell**, **Mr Andrew Fraser**, **Mrs Judy Hopwood**, **Mr Wayne Merton** and **Mr Andrew Stoner**.

### **Coffs Harbour Aeromedical Rescue Helicopter Service**

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

**Lismore Base Hospital**

Petition requesting action to ensure that Lismore Base Hospital remains an accredited centre of excellence, received from **Mr Thomas George**.

**Isolated Patients Travel and Accommodation Assistance Scheme**

Petition requesting that the distance criteria for patients to qualify for the Isolated Patients Travel and Accommodation Assistance Scheme be lowered to 100 to 150 kilometres, received from **Mrs Shelley Hancock**.

**Mental Health Services**

Petition requesting increased funding for mental health services, received from **Ms Clover Moore**.

**Caritas Mental Health Service**

Petition requesting the redevelopment and expansion of the Caritas mental health service, received from **Ms Clover Moore**.

**Muswellbrook Midwifery Program**

Petition requesting the implementation of a community midwifery program in Muswellbrook, received from **Mr George Souris**.

**Kurnell Sandmining**

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

**Old Western Road Commercial Development**

Petition opposing the proposed land development on the existing line of the Old Western Road for commercial and recreational purposes, received from **Mr Paul Gibson**.

**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**.

**Hawkesbury Electorate Youth Transport Services**

Petition requesting affordable transport options for youth in the areas of Maraylya, Scheyville, Oakville and Cattai, received from **Mr Steven Pringle**.

**Recreational Fishing**

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

**Crown Land Leases**

Petition requesting the withdrawal of changes to the rental structure of Crown land leases, particularly enclosed road permits, received from **Ms Katrina Hodgkinson**.

**Water-Access-Only Property Policy**

Petition requesting a review of the water-access-only property policy, received from **Mr John Brogden**.

**Willoughby Traffic Conditions**

Petition requesting a regional traffic plan for the Pacific Highway at Willoughby, received from **Ms Gladys Berejiklian**.

### **Edinburgh Road, Willoughby, Traffic Conditions**

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

### **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**.

### **Nowra Bypass**

Petition requesting an appropriate bypass for Nowra, after community consultation, received from **Mrs Shelley Hancock**.

### **Barton Highway Dual Carriageway Funding**

Petition requesting that the Minister for Roads change the Roads and Traffic Authority's priority for Federal AusLink funding for the Barton Highway to allow the construction of a dual carriageway, received from **Ms Katrina Hodgkinson**.

### **Tumut River Junction Bridge**

Petition opposing the indefinite closure of the Tumut River Junction Bridge, received from **Ms Katrina Hodgkinson**.

### **Road Tunnel Air Filtration**

Petition asking the Government to ensure that all Sydney road tunnels are fitted with air filters, 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**.

### **Forster-Tuncurry Cycleways**

Petition requesting the building of a cycleway in the Forster-Tuncurry area as shown on plans of the State coastal cycle way, received from **Mr John Turner**.

### **Shoalhaven City Council Rate Structure**

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

### **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**.

## **COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION**

### **Report**

**Mr Jeff Hunter**, as Chairman, tabled report No. 9/53, entitled "Handling of Health Complaints in Other Jurisdictions", dated October 2005.

## QUESTIONS WITHOUT NOTICE

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### CROSS-CITY TUNNEL

**Mr PETER DEBNAM:** My question is directed to the Premier. Now that he has begun to adopt parts of the Coalition's rescue plan for the cross-city tunnel, when will he adopt the rest of our plan, including a freeze on all future road closures and traffic funnelling measures?

**Mr MORRIS IEMMA:** I am pleased to provide the following information for the Leader of the Opposition. First I will deal with his supposed five-point plan, in a couple of respects. In relation to the notion of a congestion tax—I do not recall which point it is, but it is there—I am pleased that the Leader of the Opposition included it in his five-point plan, because two years ago a congestion tax was ruled out by Premier Carr, and it was ruled out by roads the former Minister for Roads, Michael Costa, and it was again ruled out on Tuesday.

**Mr Peter Debnam:** Point of order—

**Mr SPEAKER:** Order! The Leader of the Opposition could not possibly take a point of order—

**Mr Peter Debnam:** My point of order relates to standing order—

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

*[Interruption]*

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

*[Interruption]*

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

**Mr MORRIS IEMMA:** It was ruled out by the Government on Tuesday. Following that, the Opposition brought in its five-point plan, which still referred to a congestion tax. There is no congestion tax. It has been ruled out three times. The first time it was ruled out was two years ago. I am glad the Leader of the Opposition is keeping abreast of the issues. It was ruled out two years ago, and it was confirmed again on Tuesday—no congestion tax. In relation to a toll-free period, that is not a rescue plan but a plan that will cost the State huge amounts of dollars. I inform the House, as the Government did yesterday, that advice from the RTA confirms that it has no contractual entitlement to impose a toll-free period on the operator. At no time did the RTA or the Government rule out or refuse a toll-free period

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

**Mr MORRIS IEMMA:** The Government has always wanted to enter into discussions with the company to obtain a better deal for motorists and to encourage it to take a more customer-friendly approach to motorists. I am pleased there has been some progress and improvement today as a result of those discussions. The company has announced a toll-free period for three weeks. That result is from dialogue and discussion with the company and encouraging the company to take an approach that encourages motorists not alienates them.

Yesterday I answered a question from the Leader of the Opposition, and I am happy to answer it again today: There was no rejection of a toll-free period. It was a matter for the company, not the RTA or the Government. The clear advice of the RTA is that it has no contractual entitlement to force a toll-free period so the Government has encouraged the company to look at incentives to encourage motorists to use the motorway. Today's announcement is a step in the right direction. Further advice from Treasury is that if the Government were to adopt the Opposition's approach of simply rushing in and throwing money at the operator, it would cost taxpayers \$850 million.

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

**Mr MORRIS IEMMA:** The Opposition's approach is to rush in, tear it up and throw the money at them. The Government's approach is to seek a better deal for motorists, encourage the company to get changes and a better deal for motorists.

**Mr SPEAKER:** Order! The Leader of The Nationals will come to order.

**Mr MORRIS IEMMA:** The Opposition wants to throw \$850 million at the problem. The Government will continue to encourage the company and maintain dialogue with it on the issues that have arisen as a result of this motorway.

### **BILAL SKAF SENTENCE REDUCTION APPEAL**

**Ms TANYA GADIEL:** My question is addressed to the Attorney General. Will the Attorney General update the House on a High Court appeal in the Western Sydney gang rape case?

**Mr BOB DEBUS:** All honourable members are aware of the awful circumstances relating to the vicious sexual assaults upon several young women by the offender Bilal Skaf and others some five years ago. Honourable members are also aware that the trials in which brave young women testified about their ordeal generated the most widespread anger, fear and an outpouring of concern. With their families they continue to bear the pain of what happened five years ago. When the New South Wales Court of Appeal delivered a series of judgments in mid-September and reduced sentences for several of the perpetrators I undertook to seek advice on whether an appeal could be pursued in the High Court of Australia.

I received three eminent legal opinions: from the Director of Public Prosecutions [DPP], the Solicitor-General of New South Wales and the Crown Advocate who, in turn, represented the victims during the proceedings in the Court of Criminal Appeal. The Crown Advocate advised me that there is an arguable case for an appeal based upon the Court of Criminal Appeal decision to substitute its own views for the sentencing judges as to what constitutes a worst category offence of aggravated sexual assault. Accordingly, I have instructed him to seek leave to appeal to the High Court of Australia the decision of the Court of Criminal Appeal that led to reduced sentences.

The honourable member for Epping and, before him, the honourable member for Gosford have been more than shrill in criticising the Director of Public Prosecutions and his office over the years, yet the Office of the Director of Public Prosecutions has strongly championed this case to date, and nobody should forget that. During his tenure, the DPP has overseen a revolution in support for victims and witnesses and that is something that will never be acknowledged by those opposite. The victims and the public owe the DPP and his office a very great debt for the dedication, professionalism and compassion that they have brought to this matter. Nevertheless, the basis for seeking leave to appeal is that, for the first time in my years as Attorney General, the Crown Advocate has proffered a different opinion to the DPP on a criminal law question. It was not a wide division but one that has justified my decision.

**Mr SPEAKER:** Order! The Leader of the Opposition will come to order and show some leadership. He will remain silent while the Minister is speaking.

**Mr BOB DEBUS:** I believe it is appropriate to clarify the extent to which the higher courts are able to replace the views of a sentencing judge—a person who is in the unique position of hearing all of the evidence in any particular case—with their own views. I do not intend appealing any other matter and I made it clear in my remarks earlier today that I mean it. My office will not function in the way the honourable members representing the electorates of Epping and Gosford have frequently argued that it should operate. Unlike them, I believe, and I continue to hold dear, the principle that prosecutorial decisions should be made by persons detached from the political process. That is a vital separation.

**Mr Andrew Tink:** Point of order: My point of order is that he had no intention—

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

**Mr Andrew Tink:** The only reason there is an appeal on—

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

*[Interruption]*

**Mr SPEAKER:** Order! The honourable member for Epping has made a habit of interrupting the proceedings of the House, under the guise of taking a point of order, whenever he does not like a Minister's

answer. The Chair will no longer tolerate those antics. The honourable member for Epping will resume his seat. I place him on two calls to order.

**Mr BOB DEBUS:** The trouble with the honourable member for Epping is that he cannot take yes for an answer! I was speaking of the essential principle of the separation of prosecutorial and political decisions. That separation underpins public confidence in the justice process, even though it is sometimes stupidly portrayed as a barrier to justice.

**Mr SPEAKER:** Order! The Leader of the Opposition will show some leadership and stop using slang language in the Chamber. His behaviour so far in question time has been nothing less than disgraceful.

**Mr BOB DEBUS:** The appeal decision does not offend that principle of supporting the separation between the political and prosecutorial arms of the State, nor should it be seen as a precedent. It is based upon the advice of the Crown Advocate.

**Mr SPEAKER:** Order! The honourable member for Epping will keep quiet.

**Mr BOB DEBUS:** I have been mindful of the anxiety that ongoing active consideration of these matters causes victims and their families. I do not want to convey to them that the challenge will succeed. Obviously, it has risks. But seek to challenge we shall, in accordance with my promise some weeks ago, to leave no stone unturned in support of the interests of those brave young women.

#### LANE COVE TUNNEL

**Mr ANDREW STONER:** My question is directed to the Minister for Roads. Given the Falcon Street ramp is nowhere near the Lane Cove tunnel, will the Minister now rule out the planned \$1.20 toll, or is this just about revenue raising in response to his budget crisis?

**Mr JOSEPH TRIPODI:** We do not know what the Leader of the Opposition is holding in his hand but it looks like it is his brain, and it is empty.

*[Interruption]*

**Mr SPEAKER:** Order! As I said earlier, the behaviour of the Leader of the Opposition during question time has been nothing less than disgraceful. He is a new leader, but the Chair will not respond to the old ploy he has used of deliberately misbehaving in the hope of being removed from the Chamber and thereby attracting publicity. I ask him to be a little more sophisticated in the way he approaches his task, to show some leadership and to behave like the Leader of the Opposition.

*[Interruption]*

**Mr SPEAKER:** Order! I place the honourable member for Gosford on three calls to order. Respect for the people of New South Wales and for the standing orders of this House should be uppermost in the minds of members. Although I am loath to reward members for their misbehaviour and give them publicity by directing that they be removed, I will take them to task for disgracing the standing orders of this House, which will celebrate its 150th anniversary next year. I ask members to honour the principles of members both past and present by upholding the standards of the Chamber.

**Mr JOSEPH TRIPODI:** I am happy that the Opposition today has not made another announcement that will cost us another \$850 million, such as the announcement it made yesterday. The \$1.1 billion Lane Cove tunnel is under construction. This project consists of twin 3.6 kilometre tunnels linking the M2 at East Ryde with the Gore Hill freeway at Artarmon. When it opens, the tunnel will cut travel times to the Sydney central business district by up to 15 minutes. The Lane Cove tunnel will provide an express connection between the M2 in Sydney's north and the Harbour Bridge. north-facing ramps at Falcon Street, North Sydney will enable traffic from the northern beaches and Neutral Bay to use the Gore Hill freeway and the M2.

Expressed in today's dollars, a toll of \$1.20 is proposed for cars using the north-facing Falcon Street ramps. I am advised that the Roads and Traffic Authority consulted with many groups, including community liaison groups and Lane Cove, Ryde and Willoughby councils, on the project. The project was also extensively advertised in the major Sydney dailies and in local newspapers. The Lane Cove tunnel went through a rigorous

environmental assessment in 2001 and 2002, which included the public exhibition of an environmental impact statement. This statement contained details of proposed changes to traffic conditions and the proposed tolls. The Opposition members at the time were completely asleep and are now trying to catch up.

### CROSS-CITY TUNNEL

**Mr PAUL PEARCE:** My question without notice is directed to the Premier. What is the latest information on developments with the cross-city tunnel?

**Mr MORRIS IEMMA:** I can advise the House that in addition to the toll-free period announced by the operator of the cross-city tunnel for 24 hours, which is a step in the right direction, further improvement and incentives can occur. The company has offered and will instigate a three-week toll-free period. In addition it has also decided to waive registration and administration fees for day passes purchased by casual users of the tunnel, and that will apply for the foreseeable future. Further, the operator has removed both the deposit and licence fees for e-tags purchased before the end of this year. There will be no licence fees charged for those who obtain a tag before the end of the year for a period of six years. As I stated earlier, this is a step in the right direction, and there is room for further improvement in this deal for motorists. The Government will continue dialogue with the company on issues concerning the motorway to get the best deal possible for motorists.

We have worked hard to find a workable, lawful compromise and a deal for motorists rather than adopting the Opposition's careless idea of simply rushing in, tearing up the contract and throwing large sums of taxpayers' money at the operator. We will continue to encourage the motorway operator to work co-operatively with motorists and we will continue the dialogue with it to further look for ways to improve this deal for motorists. I can also inform the House that our aim is to ensure that never again will we allow a situation to develop when changes to roads are implemented where people feel that they have not been consulted or that they have been taken by surprise. The Government will examine all aspects of the processes that have been undertaken with a view to improving those processes wherever possible. I also inform the House that I welcome the Auditor-General's proposal to undertake a full review of the contract. This is part of the Government's approach in being transparent and accountable in this matter.

Yesterday—I think it was part of the Opposition's five-point plan—the Opposition again called for more documentation to be released publicly. It is interesting that the Opposition did that because a 300-page deed of agreement has been available for a very long time and in fact was made available to the Parliament two years ago. The Leader of The Nationals was reading the 300-page deed of agreement yesterday. Perhaps he did not understand what he was reading. That 300-page deed of agreement is in addition to a 64-page contract summary that has been available for a number of years. In contrast to the approach of the Opposition, we will continue to work with the operator to obtain the best possible deal for motorists in this matter.

### KINGS CROSS MEDICALLY SUPERVISED INJECTING ROOM

**Mr ANDREW CONSTANCE:** My question is directed to the Minister of Police. Given the drug dealer as seen on *A Current Affair* on Tuesday evening was still working Kings Cross streets around the injecting room two hours ago, will the Minister now admit that the Government has given Kings Cross drug dealers effective immunity from police action?

**Mr CARL SCULLY:** Once again they use *A Current Affair* for their source of sitting-around tactics. They say, "We cannot use the morning newspapers. Hold for five minutes, press play" and they watch the previous night's *A Current Affair*. I invite honourable members opposite to watch that program because it was very unfair. The tenor of the question is that the police are expected to hound people using this centre. We will not do that. Honourable members opposite were never comfortable with their previous leader's position in supporting the Government's views on the drug injecting room. This new regime is vehemently opposed to this particular centre.

I spoke to the deputy commissioner because I am concerned, just like everyone else. This program tries to pretend that police are somehow soft on crime there. Police are profoundly offended by that aspersion. One shot shows a particular officer, who has driven up, got out, obviously had something to do and the angle of the camera suggests that somehow he might not be directing his attention to the particular problem. There is also another shot of two officers walking along the street. One cannot see how close they might be and, therefore—dot, dot, dot, dot—police are soft on drug dealing in that particular part of the neighbourhood. The police and I find that join-the-dot journalism pretty tacky and offensive.

**Mr Andrew Tink:** For goodness sake, arrest the dealer.

**Mr CARL SCULLY:** I am happy to give the honourable member for Epping a briefing.

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

*[Interruption]*

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

**Mr CARL SCULLY:** The assistant commissioner and the commander responsible for that area are offended by the assertion that they are soft on crime. This is not a no-go zone.

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

**Mr CARL SCULLY:** We are not going to cop this sort of nonsense. I have an assurance from the police that they regard this sort of allegation quite seriously. They have rounded up these drug dealers in Kings Cross, and the local member knows that. Many people and dealers have been arrested.

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

**Mr CARL SCULLY:** If their commitment in the House today is that there will never ever be drug dealing while they are in government, that is farcical. We do regard this as serious and if people are dealing in drugs and ought to be dealt with by the police, they will be rounded up and arrested. But we are not going to let the Opposition hound the people who should be dealing with this. The number of drug overdoses has substantially fallen and lives have been saved as a result of this facility. I will again be talking to the deputy commissioner and conveying to him the Government's view that if people are going to be dealing in drugs anywhere in this State, they need to be rounded up and they need to be arrested.

#### **RURAL FIRE SERVICE FUNDING**

**Mr GERARD MARTIN:** My question without notice is to the Premier. How is the Government supporting Rural Fire Service brigades across New South Wales?

**Mr MORRIS IEMMA:** I inform the House that the Government has tripled funding since 1995—up 175 per cent—to support rural fire services. This year we are investing more than \$140 million to ensure that our volunteer firefighters are well prepared for the bushfire season, with money for first-class equipment, first-class stations and fire control centres, and vital training and operational support. This year the Government will spend \$27.5 million on 200 new and high-quality second-hand bushfire tankers; \$47.5 million in equipment, maintenance and operating costs; and \$3.4 million to build and upgrade stations and fire control centres.

Some of the regional centres in which this money will be invested include the North Coast with \$21 million, the Upper Hunter with \$17 million, the Central Coast with \$5 million, the Blue Mountains with \$3.5 million, and the Illawarra and South Coast with \$13 million. This investment is vital because this State has experienced its warmest winter on record, with poor coastal rains from Sydney all the way to the Queensland border. That means that we face the real prospect of a severe bushfire season. In fact, the start of the bushfire season has been brought forward in 30 high-risk local government areas.

Last week's fires on the Central Coast and North Coast showed what may well be in store for New South Wales, with temperatures in the mid-thirties and more than 400 firefighters battling blazes in the Great Lakes district, Lake Macquarie, Cedar Creek, Taree and Guyra. We thank them for their courage, professionalism and hard work. With unprecedented funding levels in investment, world-class equipment and a winter spent carefully training, preparing and back-burning, our Rural Fire Service is well placed to continue its excellent record in protecting New South Wales, particularly in the long, hot summer that lies before us. I take this opportunity to again thank firefighters for the tremendous contribution they make, their hard work and professionalism, and I wish them well in the tough months ahead.

#### **GRAIN HARVEST SCHEME**

**Mr IAN SLACK-SMITH:** My question is directed to the Minister for Roads. Given that grain growers are struggling to recover from the worst drought in 100 years, will the Minister now follow Queensland's lead and implement a grain harvest scheme that allows farmers to efficiently transport their grain to receiver points?

**Mr SPEAKER:** Order! The honourable member for Murray-Darling will come to order. The Minister has the call.

**Mr JOSEPH TRIPODI:** As always with all issues confronting grain growers and other parts of industry, the State Government is happy to listen to the issues they raise, to consider them and progress the matter. It is very difficult for the State Government to be able to deliver to the expectations of industry when the Federal Government does not care about the infrastructure needs of industry. The Federal Government has a \$13.6 billion surplus, yet it does not invest that in the road network.

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

**Mr JOSEPH TRIPODI:** The Federal Government had that opportunity through the Auslink negotiations. However, through that process it actually imposed on New South Wales \$298 million more, costs it used to bear, but now they have been imposed on the State of New South Wales, its motorists and taxpayers. When the Federal Government does not care about investing in infrastructure in this country, it makes it very difficult for a State government to do so.

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

**Mr Ian Slack-Smith:** Point of order: My point of order is relevance. Are we following the Queensland lead or not?

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

**Mr JOSEPH TRIPODI:** With a Federal Government that takes \$13 billion in GST from the State of New South Wales and only gives \$10 billion back, and with a formula that subsidises the activities of Queensland, it is very difficult, in light of those constraints imposed by the Federal Government, to be able to deliver for industry the way we would like to.

### RURAL MENTAL HEALTH SERVICES

**Mr PETER BLACK:** My question without notice is directed to the Minister Assisting the Minister for Health (Mental Health). What is the latest information on the Government's plan to deliver better mental health services to country people?

**Mr Donald Page:** Point of order: Standing Order 137 (3) (c) says it is not permissible to ask a question that calls for announcement of government policy. There is a good reason for that. That is, the announcement of government policy or government plans is done by way of ministerial statement to enable the Opposition equal time to respond. I ask you to ask the honourable member to rephrase that question so it is not in breach of Standing Order 137 (3) (c).

**Mr Carl Scully:** To the point of order: The question asked for the latest information on the Government's plans. That is clearly within the orders of the House. That sort of question has been asked for decades.

**Mr SPEAKER:** Order! Although there is some validity in the point of order taken by the honourable member for Ballina—

**Mr Andrew Tink:** Uphold it then!

**Mr SPEAKER:** Order! I call the honourable member for Epping to order for the third time. In this instance I do not believe what the honourable member for Ballina said is correct. As the Leader of the House has indicated, the Minister has been asked to provide additional information on the Government's plan for the provision of mental health services to country people.

**Miss CHERIE BURTON:** I thank the honourable member for his continuing interest in mental health issues. Yesterday, the Premier outlined a new partnership that will deliver better mental health services to older people in Sydney's south-west. Today I can inform the House about initiatives we have in place to deliver better mental health services to the people of country New South Wales. The Government takes a deliberate and targeted approach to delivering mental health services. Our innovative ideas have produced results, and today I

am pleased to inform the House of the success of the Rural Mental Health Critical Care Program. The program was trialled on the mid North Coast and delivered better results for country people in crisis.

The pilot is a package of services including a 24-7 mental health triage service; the introduction of mental health clinicians in the emergency department; round-the-clock telephone access to a psychiatrist and specialist health workers and assistants to escort and transport patients from the emergency department to the appropriate hospital. This program was deliberately designed to deliver results, improve access to care, improve safety for staff and patients and improve co-ordination between emergency agencies, including the police and ambulance. The evaluation report of this pilot shows significant improvement in access to mental health services in the country and the delivery of safe services for consumers and staff, all but eliminating the need for police to be involved in inter-hospital transfers.

The program has been so successful that I can inform the House that we will roll out this initiative across country New South Wales. The Government has allocated \$2.7 million this year to set up the program across rural New South Wales and \$7 million a year to deliver the program from 2006. Our targeted approach to better delivering mental health services in country New South Wales does not end there. The drought and the associated economic pressures in rural communities have resulted in an increase in mental health problems. Families in the country are doing it tough. They deserve support, and they will continue to get it from this Government.

**Mr SPEAKER:** Order! The Minister will be heard in silence.

**Miss CHERIE BURTON:** I can inform the House today that the Government has committed an additional \$60,000 to provide support to drought-affected families. The funding will be given to the Centre for Rural and Remote Mental Health to continue programs that are helping country families through this challenging time—programs like the mental health seminars the farmers, their families and communities that have been developed and delivered by the centre. These seminars are arming rural workers with knowledge about mental health problems to reduce the stigma of mental illness. We are also providing mental health first aid training, targeted at rural workers who have close contact with farmers and their families.

The training improves the capacity of rural communities, identifies triggers of mental illness associated with the drought and teaches effective responses. It provides people with the skills and confidence to deal with someone in a mental health crisis; identifies when referral is appropriate and reduces the stigma associated with mental illness. So far, this training has been delivered in areas most severely affected by the recent drought, including Dareton, Coleambally, Queanbeyan, Dubbo and Armidale. Ninety-six people have been through the training and more is planned. The Government will continue to improve mental health services across the State. I put on record the Government's thanks to the hardworking team at the Centre for Rural and Remote Mental Health. Through them we will continue to develop innovative ways to deliver better mental health services for country people.

## WATER RECYCLING

**Mr DAVID BARR:** My question without notice is to the Premier. When will the metropolitan strategy for recycled water be announced?

**Mr MORRIS IEMMA:** On 14 September I gave the House a comprehensive update on the Government's planning for water recycling. At that time I pointed out that over the past 10 years we have doubled the amount of water recycling, from around 7 billion litres to 15 billion litres a year. Sydney already boasts the country's largest residential recycled water scheme at Rouse Hill and the country's largest industrial recycling scheme at Bluescope at Port Kembla which I can inform the House will be opened shortly. Plans are well under way to double our water recycling effort to 30 billion litres by the year 2010. These plans are worth \$345 million and we can and should do even more.

The Government's metropolitan water plan identified further recycling possibilities. These possibilities add up to 96 billion litres a year—up to 24 billion litres through the use of recycled water in new release areas, up to 32 billion litres of recycled water to irrigate farms and up to 40 billion litres of recycled water for environmental flows. The Government is currently studying the feasibility of these ideas. I assure the honourable member for Manly that we will be announcing a new water recycling strategy shortly.

I also take the opportunity to update the House on other aspects of our metropolitan water plan. The Minister for the Environment today announced the awarding of tenders for two major projects worth nearly

\$100 million, projects that not only help to secure our water supplies but also send a signal that New South Wales is serious when it comes to water recycling and the infrastructure required for it to occur. These are important new projects. The first project is a new pumping station at Prospect Reservoir, a \$56 million investment. The pumping station will supply Sydney with up to three weeks worth of water in the event that Warragamba has to be taken off line due to quality or maintenance issues. The idea is to pump water out of the Prospect Reservoir, which is currently used infrequently, and transfer it to the Prospect water filtration plant for distribution to homes and industry. The project will require underwater excavation involving specialist divers. About 30 people will be employed for the duration of this important project.

Our other big initiative is to start construction of the deep water access pipes into the bottom of Nepean and Avon dams. This is a \$43 million investment which could provide another six months worth of water in times of extreme drought. Work begins on this project in the next month. These two projects join our other big water projects already under way. The deep water access pipes at Warragamba—a \$48 million project—are well advanced, with contractors working round-the-clock deep underground preparing to blast the 2-metre wide tunnels. These projects are the biggest water engineering feats since Warragamba Dam was finished in 1960. Our \$780 million water infrastructure plan is running on time and on budget. We are investing the big dollars required to improve our infrastructure and water supply.

### AIRPORT RAIL LINK

**Mr ALAN ASHTON:** My question without notice is to the Minister for Transport. What is the latest information on the airport rail link?

**Mr JOHN WATKINS:** I wish to update the House on what is undoubtedly one of the worst decisions by a Liberal-National Government in the history of New South Wales—the airport rail link. When first mooted in April 1991 by the then Liberal Minister for Transport, Bruce Baird, the airport rail link was sold to the public as being fully funded by the private sector and requiring not one cent of public money. Unfortunately, that commitment was absolutely wrong. It is worth looking at the history of the matter. By 18 March 1992—less than one year after mooted the idea of an airport rail link—the projected cost to government had ballooned to \$60 million. I repeat, \$60 million in one year. By January 1994 it was \$130 million. By August 1994 it had blown out to \$240 million. The Coalition Government had promised that the project would be at no cost to the taxpayer. Despite this cost blow-out, a report on the bungled project in the *Sydney Morning Herald* of 10 August 2000 quoted Bruce Baird as having said:

It is a first rate project—we are taking none of the risk and all the project's profits are at a capped level.

Minister Baird said the Government was taking none of the risk, even though it cost the taxpayer \$240 million. The staggering ineptitude of Opposition members when pulling together this deal eventually resulted in a government outlay in excess of \$700 million. That is \$700 million of taxpayers' money for a project that was supposed to be financed entirely by the private sector.

**Mr SPEAKER:** Order! I call the Minister for Police to order.

**Mr JOHN WATKINS:** As late as 2000 they were still claiming the project as a Coalition accomplishment.

**Mr SPEAKER:** Order! The Minister for Police will stop calling out. I call the Minister for Police to order. I call the honourable member for Epping to order.

**Mr JOHN WATKINS:** The Deputy Leader of the Opposition, who had been the chief of staff to the Minister for Transport Bruce Baird, told ABC radio in May 2000:

I am very proud of the airport rail link. It was a Coalition achievement.

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

**Mr JOHN WATKINS:** They call \$700 million of taxpayers' money a Coalition achievement. It does not end there. Receivers were appointed to the Airport Link Company [ALC] only months after the airport line commenced operations on 21 May 2000. The receivers, faced with the task of recovering massive liabilities, immediately pursued claims against RailCorp for failing to meet contractual performance benchmarks it never had any hope of achieving. The performance benchmarks agreed to by Opposition members were set impossibly high and were impossible to achieve. The benchmarks were imprecisely defined, extraordinarily complex and, even on their most logical interpretation, too difficult to meet on the complex CityRail network. Compounding

these difficulties, the Opposition had also agreed to disproportionate compensation and termination provisions, subjecting the taxpayers of New South Wales to unnecessary compensation liabilities.

The Government has had to sort out the mess left by the Liberal-National Government. Following the collapse of the Airport Link Company and the resulting claim against RailCorp, the Government set about renegotiating the stations agreement with the receivers. I am pleased to be able to inform the House that these negotiations have now reached resolution, with the Government agreeing to a revised stations agreement for the airport line. The revised stations agreement settles the outstanding claims against RailCorp and sets out a more balanced and achievable performance regime for the remaining period of the stations agreement.

RailCorp is to pay ALC \$106 million to settle claims for breaches of the unrealistic performance obligations under the original stations agreement. This settlement figure will be funded by paying ALC 85 per cent of train fare revenues that RailCorp receives for travel to and from the airport stations. There will be no up-front payment. RailCorp will continue to pay 85 per cent of fare revenues on the line to ALC until the settlement amount is extinguished. While the use of taxpayers' funds for this settlement is regrettable, the bungling of the Opposition members and their predecessors meant it was unavoidable. With the total cost to government now in excess of \$800 million, I wonder whether the Deputy Leader of the Opposition is still proud of that project, which he claimed to be a great success. It cost over \$800 million of taxpayers' money.

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

**Mr JOHN WATKINS:** The settlement has been subject to extensive government and independent scrutiny. Clayton Utz has provided written legal advice that the settlement is a reasonable commercial compromise, given the background and the legal risks RailCorp would have faced if the dispute resolution process under the original stations agreement was allowed to run its course.

**Mr SPEAKER:** Order! The Minister for Police will come to order. The honourable member for Gosford will come to order.

**Mr JOHN WATKINS:** When last in Government, the Coalition's parting gift to the people of New South Wales was the airport rail link. It cost the poor taxpayers of New South Wales more than \$800 million. The Coalition's economic credentials are pure fantasy.

**Questions without notice concluded.**

### **SPECIAL ADJOURNMENT**

**Motion by Mr Carl Scully agreed to:**

That the House at its rising this day do adjourn until Tuesday 18 October 2005 at 2.15 p.m.

### **CONSIDERATION OF URGENT MOTIONS**

#### **"Made in Australia" Trademark**

**Mr DAVID CAMPBELL** (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [3.37 p.m.]: This motion is urgent because of the uncertainty among many small business operators in this country about their ability to continue to use the term "Made in Australia". This motion should be urgently heard because an application to IP Australia to reserve the words "Made in Australia" is pending. It is important that this House sends a clear message to the Commonwealth that it would be inappropriate for an individual to have the trademark name "Made in Australia". As the application is pending, it is a matter of urgency that we debate this issue and send a message to the Commonwealth.

#### **Department of Community Services Child Protection**

**Mr ANDREW HUMPHERSON** (Davidson) [3.37 p.m.]: There is no greater priority or responsibility for government than to protect children who are at risk of harm. Children who are known to the Department of Community Services have died because of ineffective processes. This Government, the Minister for Community Services and previous Ministers for Community Services have failed dozens of children in this State who are now no longer with us. In recent months they failed six-year-old Rose, of Cattai, and three-year-old Desiree, whom the Coroner made findings about yesterday, and many dozens of other children in recent years. The Minister is not sufficiently interested in this matter to be present in the Chamber.

There is no greater urgency or responsibility of government than to ensure that care and support is available when it is needed. Every year 215,000 people ring the Helpline to notify the Government that they are concerned about children who are at risk of harm. The Government should step in and assist, support and protect those children. Time after time, the Government has failed to do so. One Minister after another has given

assurances, promised that the system would change and said that more resources are being spent, but the outcome is the same. Week after week, month after month, year after year children are dying and this Government is doing nothing about it.

**Mr Milton Orkopoulos:** You gutted DOCS!

**Mr ANDREW HUMPHERSON:** Listen to the debate. Which is the greater priority for the people of New South Wales, the welfare of young children or the other matter that has been proposed as urgent? There is no greater responsibility of government than to protect children who are at risk of harm. Let me make this very clear distinction today and see where honourable members on both sides of the House stand on this issue.

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

**Mr ANDREW HUMPHERSON:** We have failed as a community and the Government has failed in its direct responsibility to protect children who are known to be at risk of harm. The Minister refuses to comment on these cases when they arise individually over time. The Minister invariably says, "I will await the outcome of the coronial inquiry." Well, there was a coronial inquiry in one case, and it made a number of findings. The Coroner made some damning comments in relation to the Department of Community Services [DOCS]. The case file in respect of three-year old Desiree was closed, and only two days later she died as a result of neglect and lack of supervision. The Coroner said this child would probably not have died if DOCS had done its job properly—if the Government had done its job properly. The Coroner said:

There is also no doubt that when one examines the circumstances of Desiree's death and the involvement of the Department of Community Services it has to be said that the system of notification, risk assessment and appropriate action has failed this child. However, appropriate intervention may have resulted in her not being at a time and a place that facilitated this tragedy.

One child died. The Department of Community Services was in a position to assist but closed the file. I do not blame the caseworkers; I blame the Government for its policies and the department for its approach. The Ombudsman's report details numerous cases of child deaths, numerous examples of DOCS failing in its role and responsibility. The Ombudsman highlighted one case where, tragically, the son of a drug-abusing mother died at the age of two months. DOCS not only failed to act on 15 reports of risk to the child and his five-year old sister, but did not once visit the family over a period of 2½ years. There were 15 reports to the helpline from people concerned about the welfare of a child and not once did DOCS visit that family.

There was no face-to-face contact by DOCS. When the file was closed without action the department had no idea where the older child was. That is the usual format; that is what we are getting from DOCS today. It is not good enough for the Minister to say that calls to the helpline are being answered more quickly. It is not good enough for the Minister to be absent from this debate and refuse to contribute to it. It is not good enough to say it is all about resources, because it is not. The Ombudsman found that a lack of communication failed this child. The process has failed and at the end of the day the Government has a responsibility to protect children. *[Time expired.]*

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

**The House divided.**

**Ayes, 50**

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

**Noes, 36**

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

**Pair**

Mr Price

Mr Armstrong

**Question resolved in the affirmative.****"MADE IN AUSTRALIA" TRADEMARK****Urgent Motion**

**Mr DAVID CAMPBELL** (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [3.51 p.m.]: I move:

That this House:

- (1) condemns the Federal Government for failing to adequately protect the iconic term "Made in Australia";
- (2) notes the devastating impact approving an application to trademark "Made in Australia" would have on Australia's export market; and
- (3) notes the confusion this move would create with consumers wishing to buy Australian-made products.

I wish to bring to the attention of the House a serious issue that potentially could undermine the efforts of small business to earn this State valuable export dollars. In recent days it has come to my attention that an application has been lodged with the Federal Government agency IP Australia to trademark the term "Made in Australia". It is beyond belief that this type of application can even make it past the Federal Government's front door. But unfortunately it has. How is it that great iconic Aussie names can even be available for trade marking? How is it that the Federal Government is unable to safeguard our right to use the label "Made in Australia"? It is time the Federal Government acted to protect great Aussie icons. We need to remind the Federal Government of the impact that losing the "Made in Australia" label would have on our growing export market.

We also need to consider the confusion this move would create among consumers wishing to buy Australian-made products. An application to register such a generic and commonly used phrase as "Made in Australia" is frivolous and without merit. As such, applications like this should not even see the light of day. Under trademark registration laws, once the registration of such an application is approved—and "Made in Australia" registered—no product that has been manufactured in Australia could display that label. If that were to occur, the manufacturer would infringe the intellectual property rights of those who own the trademark. The Iemma Government is cautioning that we cannot just assume that attempts at trademarking a generic name like "Made in Australia" will not pass the registration process.

If the application slips through and the trademark is registered, small Aussie-owned and operated companies that take pride in their Aussie-made status will no longer be able to make that claim. The Iemma Government is calling on the Federal Government to change the rules and knock back such frivolous applications. We must review the way we process trademark applications, and I will come back to this point. I am sure that all members, including the honourable member for Drummoyne, share my concern that such an application was even put on the table for consideration. If this application slips through the cracks and the

trademark is registered, the impact on businesses, especially in the export market, will be devastating. This is an unbelievable plan that could cost us millions of dollars in import substitution.

Imagine the impact that losing the "Made in Australia" label could have on our growing small business export market. The enormous economic value of "Made in Australia" would be transferred into the hands of one business. If we lose the chance to brand products that are domestically made, how will consumers ever know where products were manufactured? All this at a time when my colleague the Minister for Primary Industries is pushing for improved rules on country of origin labelling. Every week mums and dads in countless grocery market aisles across the country are trying to do the right thing by buying groceries that they know are made right here in Australia. But if food manufacturers are denied the chance to brand their products "Made in Australia", how can we ensure that valuable consumer dollars stay put in this country?

But this is not the first time Aussie icons have come under assault. Honourable members may recall that last year the American company Deckers Outdoor Corporation tried to ban Aussie manufacturers from using the name "ugg". Ugg boots have warmed the feet of Aussies for generations. They are a unique Aussie icon. Yet we faced a brazen attempt by an overseas company to seize the term "ugg". The ban on the use of "ugg" cost thousands of dollars in court action and lost revenues. The anguish is not over yet. The owners of Uggs-N-Rugs are still awaiting a final determination to resolve their struggle. But I commend them for the courage they have shown. Bronwyn McDougall from Uggs-N-Rugs informs me that they are hoping their case comes to a conclusion in the next few weeks, with a positive outcome.

But these are not isolated attempts to bend intellectual property rules to deny small businesses the chance to grow and succeed. Earlier this year two Sydney mothers incurred the wrath and might of a major multinational company, Time Warner International. Their small Sydney home-based business was threatened with legal action by Time Warner because, according to Time Warner, the business was using logos that were very similar to some Time Warner cartoon characters, known as the "Powderpuff Girls". This small business, owned by two Sydney mums who wanted to promote child safety and children's products, was warned off its important work through heavy-handed legal threats. The mums told me that legal action could have led to the possible destruction of stock costing up to \$60,000, with legal costs adding up to \$100,000.

As the Minister for Small Business, I know how important intellectual property rights are. But the rules should not be twisted to squeeze small businesses and deny them a future. Whenever one tries to engage the Federal Government on these issues, one is always met with silence—or a wall of excuses. The Federal Government makes constant plays to take over responsibility for anything that moves in this country, whether it be industrial relations, education, or our ports. Yet when it comes to taking action or being accountable for things that are its responsibility, the Federal Government always drags its feet. When petrol prices in this country soar, the Federal Government fails to act. When small businesses are heavied by anticompetitive big business practices, the Federal Government is deaf to their concerns.

And when our Aussie icons are targets for takeover, the Federal Government never steps in to act. As always with the Federal Government, it is all care and no responsibility or accountability. The buck always stops with someone else. It appals me to think that Federal Government inaction could spell the end of important Aussie icons. Its refusal then and now is lame, and it threatens the livelihood of Australian manufacturers and workers. Small businesses should have confidence in the registration system. They should be satisfied in knowing that frivolous trademark applications that threaten their livelihood will never pass the front door.

The New South Wales Government believes that the Federal Government should reform trademark processes to ensure the protection of generic names. The Government wants a simple process, one that heads off applications that should never be made. The Government stands by the contingent of small and large businesses that want to produce home-grown products that proudly bear the words "Made in Australia". This Government invests greatly, working with small businesses to boost their capacity to export. We cannot overlook the devastating impact an approval of this kind would have on Australia's export market.

Allow me to provide the House with a breakdown of export activity currently in place to provide assistance to Australia's growing export market. It should be remembered that many of those companies export products that proudly display the "Made in Australia" label. The Government actively works with local companies to promote their capabilities to buyers who might purchase imported goods and materials, and strongly supports the efforts of the Industry Capability Network [ICN], New South Wales, which works extremely hard to ensure that Australian-made products replace imports. During the year New South Wales companies received orders valued at \$196 million, which, without ICN support, would have gone to overseas suppliers.

The Government has put in place another critical initiative designed to support businesses at each stage of the export process. The Government's New Export Opportunities Program provides \$1.3 million annually to assist firms to acquire the planning, knowledge, skills and connections to enter and succeed in overseas markets. Through the Government's efforts during 2004-05, 77 companies were assisted to undertake export preparation and develop market-entry strategies. In addition, 191 companies participated in 17 group trade missions and market visits, and 35 individual market visits to 20 countries. The companies reported sales of \$3.9 million during the missions and visits and a further \$82.1 million is projected in the ensuing 12 months.

The Federal Government needs to act swiftly to put this matter to rest. It is time the Federal Government took the concerns of small business seriously. I call on the Federal Government to make changes to the trademark process to make sure intellectual property rights are not abused. This means giving IP Australia the right to refuse applications that are frivolous and a waste of the money and resources of taxpayers. Of course, it is incumbent on honourable members opposite to ensure that they show their support for the small business sector and those who export by supporting this motion to ensure that "Made in Australia" remains a generic term.

**Mr ANDREW FRASER** (Coffs Harbour) [4.01 p.m.]: I move:

That the motion be amended by leaving out paragraph (1).

It is somewhat sad that the Minister for Small Business play politics with paragraphs (2) and (3) of the motion, which every honourable member of this Parliament and the general public would agree with. In his discourse the Minister said it is highly unlikely that this application is likely to succeed. IP Australia is the Australian Government agency responsible for administering the trademark legislation. Before any trademark can be registered, it must be examined in light of the Trade Marks Act 1995. Applications are assessed against a number of criteria and legislative tests. One of those tests is whether other traders have a legitimate need to use that trademark in the ordinary course of their business.

The Minister said that dozens of businesses, from primary producers to the manufacturers of Corn Flakes, or any other product, have a legitimate right to use "Made in Australia". Will the Minister make a submission to IP Australia? Will the Minister encourage other businesses in New South Wales to make a submission? As shadow Minister for Small Business, and living in a regional area, I will put in a submission to IP Australia and urge it to reject this application. It is unlikely that trademarks that other traders need to use can be registered without the owner establishing substantial evidence that demonstrates that a descriptive phrase has been used in the marketplace to such an extent that consumers associate it with that trader in particular, which would be impossible in this case. Once accepted, all applications are subject to a three-month period of opposition. That period allows parties who believe they have an interest in the trademark to initiate opposition procedures if they wish. Once the three-month period has passed without any action, the trademark owner pays the registration fee and the trademark is registered. It is highly unlikely in this case that there would be no objection.

**Mr David Campbell:** It is still possible.

**Mr ANDREW FRASER:** It is still possible but I suggest it would be about as thin as or thinner than a cigarette paper. The Minister just wants to play politics. The Minister should get on with his job and look after small business in New South Wales. Recently in an estimates committee the Minister was asked whether he was aware that 50 small businesses per month were being wound up by WorkCover Australia.

**Mr David Campbell:** Talk to the motion.

**Mr ANDREW FRASER:** The Minister talked about small business generally, so I will. The Minister said he was unaware of the leaked document the Opposition had. It was not a leaked document. The Minister should ask his staff to read the company notices in the *Sydney Morning Herald* each day to ascertain how many businesses are being wound up by WorkCover each day. Three weeks ago there was an average of 15 per day, something the Minister has not mentioned. At the estimates committee the Minister said he was unaware of any State issues. I wrote to all Chambers of Commerce and asked them to advise me of any issues that may be of concern to them. I draw his attention to a three-page reply I received from the Erina Chamber of Commerce, a copy of which I am happy to provide to the Minister, which states:

1. Workers Compensation Premiums

Workers compensation premiums in this state (in comparison to Queensland and some other states) are excessive. They are excessive because we have a scheme that continues to pay people weekly benefits way past two years, often indefinitely. It is a scheme that is different from Queensland, where employees are moved onto social security benefits after a two-year period if

they have ongoing injuries. The amounts of money that the NSW schemes pays after the two year period are comparable with the Centrelink payments ...

Worker compensation is killing small business in New South Wales. The letter continues:

2. NSW IR System Changes

We appreciate the good work that the Howard government is doing in allowing small businesses to negotiate with their employees and come to an agreement in the form of an Australian Workplace Agreement. The beauty of this process is that it allows the business and the employee to come to an agreement whereby they no longer have to consider awards.

Some of the businesses within our Chamber have up to six different awards governing their workers' entitlements. This is absolutely prohibitive. Even some small businesses have three different awards, all with different allowances, pay rates and classifications governing their entitlements. What this means is that many employers are often mistaken as to their obligations and structure their business around pay rates which may not be applicable. It is only when the employee makes a claim pursuant to these complex awards three or four years down the track that the employer becomes liable to pay money for which he or she has not been able to bill clients in the interim.

Can we have a parallel system in NSW to cover sole traders and partnerships?

The Minister needs to answer that question. The letter continues:

3. The Burden of Compliance

This compliance takes the form of the recent bill, being the Workplace Surveillance Act. They are using a sledgehammer to crack a nut. There was an incident several years ago involving one employee in one workplace. In response, they have introduced legislation that imposes significant obligations upon all workplaces in NSW prior to them monitoring staff using the employer's own computers. This system is guaranteed to protect employees who are doing the wrong thing.

The letter from the Erina Chamber of Commerce, to whom the Minister is supposed to be talking continues:

4. Payroll Tax

The ongoing burden of payroll tax is obvious, and is a significant imposition on businesses within our area. In addition, the OSR is very aggressive in dealing with relatively small businesses regarding the use of contractors. The law is very complex. However the reports we receive are that the OSR officials bully, threaten and intimidate business owners during audits.

5. Contractors -v- Employee ...

At present, employers often do not know whether they are engaging a contractor or an employee. In NSW there are five different tests for who is an employee and who is a contractor.

**Ms Angela D'Amore:** Come on!

**Mr ANDREW FRASER:** You should talk to your business community. You have not! The letter continues:

There are separate tests for:

- Payroll tax,
- Workers compensation,
- Superannuation,
- Industrial relations, and
- The common law general test.

A very small minority would be aware of one or even two of these tests, let alone all five. Accordingly, these complex rules leave small business stranded on the wrong side of the law. This makes law-breakers out of decent, well-intentioned people.

The honourable member for Drummoyne should listen to this; she might like to respond. It goes on:

Unfortunately, the current government of NSW has absolutely no regard for small to medium businesses. It deals with small business in the same way as large enterprises; yet they have entirely different needs and resources. It continues to impose endless levels of compliance on small business.

The net effect of this is that it is a very significant deterrent to people wanting to risk their house on securing an overdraft to start a business. It acts as an even greater deterrent to small business hiring people. The effect of this is to force people in regional areas such as the Central Coast to travel to Sydney to look for work.

It is hypocritical of the Minister to raise this issue, because in his own discourse he admitted that it is highly unlikely that anything will happen. He has failed to respond to the Erina Chamber of Commerce in relation to issues it raised with him. Let us talk about the small businessman, a tree lopper on the Central Coast, who has been presented with a bill for \$444,000 for workers compensation because he was not advised that the F factor

has doubled in the past 12 months. He has made no allowance for that. He will go out of business because of the Minister's lack of attention to detail in the legislation that the Government has imposed on small business. This morning I spoke to a fellow at Campbelltown who has a \$67,000 workers compensation bill because of a claim worth something like \$2,000.

Let us talk about the F factor. Let us talk about Lindsay Brothers and other firms that are leaving New South Wales and going to Queensland, which the Minister claims is an urban myth, because Government overregulation and the compliance costs are forcing them out of the State. As I said earlier, no-one in this House—or, I suggest, anywhere else in New South Wales or Australia—would argue with the second and third paragraphs of the Minister's urgent motion. The first paragraph is petty politics. To use the vernacular used by the Minister for Planning, the Minister should get off his fat backside, go out and visit small businesses in New South Wales and assist them to do business. He should not assist his colleague in the other place in closing more than 70 businesses a month because of WorkCover prosecutions. The Minister is a disgrace and he should not have the right to comment on small business in New South Wales. [*Time expired.*]

**Mr NEVILLE NEWELL** (Tweed—Parliamentary Secretary) [4.11 p.m.]: This matter is urgent because it impacts directly on every country community within Australia, and it certainly affects businesses in the far North Coast area. I would have thought the honourable member for Coffs Harbour could have spent a little more than 30 seconds on the subject of the motion. He could have spent a little more time speaking about the impact this particular change would have on businesses in his electorate and other places on the North Coast. As the shadow spokesman for small business he sadly neglected industries within his own area. The success of an application to trademark "Made in Australia" would have a strong impact on small and regional businesses. Potentially it could affect every small country community across the nation. It is another example of the Federal Government's careless disregard for small business. It highlights how the Commonwealth is failing Australians, whether they live in country or urban centres. It is yet a further example of a failure by The Nationals and the Liberal Party to protect the interests of Australians.

The trademark "Made in Australia" must be protected by the Commonwealth. The Federal Government agency, IP Australia, must have the power to stop iconic national identities from becoming registered trademarks. It is shameful that we have reached this position. What next? We will have a company taking out an application to trademark the name "Australia"! The label "Made in Australia" is simply not available for trademarking, and that should not even be considered. IP Australia must be given the power immediately to reject frivolous applications such as this; it should not get anywhere near the gazettal stage. My Nationals colleagues on the North Coast must demand immediately that their Federal counterparts act swiftly to protect not only this trademark but others that are equally essential to our nation's economy. It is unbelievable that we should attempt to draw the Federal Government's attention to the need to protect the basic Aussie trademark.

This matter is urgent because the success of this application would have a devastating impact on our export markets. It is not hard to understand the effect the loss of the label "Made in Australia" could have on small businesses, particularly those on the North Coast. But the honourable member for Coffs Harbour would not talk about those businesses. He would not even acknowledge industries such as the sugar industry, which markets its sugar in Australia and in some cases overseas, that would not be able to use the "Made in Australia" logo on its products. The tea industry is burgeoning and Madura Tea at Cabarita would not be able to use the "Made in Australia" trademark. That would have a great impact on its export and domestic markets. Coffee production is another growing industry that is worth a substantial amount of money to the North Coast. Carool Coffee and other coffee companies would not be able to use the logo "Made in Australia". It is absolutely ridiculous. One or two wineries are in the same position. I thought the honourable member for Coffs Harbour might be interested when I mentioned that industry!

Other industries would be affected. Brookfarm at St Helena produces a wide range of gourmet macadamia products, including macadamia muesli and macadamia oils. Pam Brook is presently developing export markets for her products and she would be devastated. The Byron Bay Cookie Company and the Byron Bay Chilli Co. are both exporting and developing more international markets. They are able to do that because they have "Made in Australia" stamped firmly on their products. Another example is our well-known wildlife photographer Steve Parish, who has developed an extensive range of products using his amazing local bush photos. Those products include books, cards, calendars and playing cards, all of which are endorsed and taken up by the tourism industry because they are stamped "Made in Australia".

**Pursuant to sessional orders business interrupted and motion lapsed.**

## PRIVATE MEMBERS' STATEMENTS

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### TRIBUTE TO MR TED McDERMOTT

**Ms KRISTINA KENEALLY** (Heffron) [4.15 p.m.]: Today I pay special tribute to Ted McDermott, a wonderful, generous man who gave his time, talents, energy and enthusiasm to the people of South Sydney, particularly those of Beaconsfield and Zetland. Ted passed away in 2004, and last weekend the Beaconsfield community gathered at Beaconsfield Park in his honour to dedicate a local clubhouse in his name. Ted McDermott was one of those rare gems that provide the spark that turns a neighbourhood from being a mere geographical description into a real community. In a history of South Sydney, published in 2001, Ted described the community as a place where one would walk down the street and say hello 15 times from home to the shop. Ted was instrumental, along with Sara Harriott, in establishing Neighbourhood Watch in Beaconsfield.

Ted and Sara realised that young people needed to be engaged and encouraged to take responsibility for the community in which they lived, so they started Junior Neighbourhood Watch as well. That junior program, the first of its kind in Australia, provided facilities, activities, sports and social opportunities for young people in the Beaconsfield-Zetland area. Ted was also known to young children throughout the neighbourhood as Santa Claus, and in the December heat on Christmas morning he would put on the red coat, the beard and the boots and climb on the back of a trailer, accompanied by a police escort and a speaker system, and drive through the streets of Beaconsfield and Zetland distributing lollies to the children. Ted's wife, Freda, bought the lollies in bulk and, with her friends, bagged them for the children, who knew Santa had arrived when they heard *Santa Clause is Coming to Town* out on the street.

I live only two blocks from Ted and Freda's house and my two boys love racing out to see Santa and the police arrive on Christmas morning. Today Ted's son Steve and grandsons Joel and Rowan continue that great tradition. Ted and Freda are the most supportive people one could meet. They are staunch Australian Labor Party [ALP] supporters who never miss an election, and they knew everyone who came to vote at the Beaconsfield booth. They opened their home and their hearts, and extended friendship and support to young people, particularly those in the ALP. I can testify that a visit to Ted and Freda always brought a smile to my face and ensured that I left their home feeling optimistic about what could be done in the local community.

Last weekend the Beaconsfield community, led by Reverend Keith Mascord of the Green Square Community Church in Beaconsfield and a group of residents who have formed a community group called Green Square Active, put on a Big Day Out in the Park at Beaconsfield Park. The focus was as Ted would have liked it—it was on children. There was face painting, jumping castles, organised games and music, as well as opportunities to explore the fire engine, the ambulance, and the police crime prevention van. Ted's family was there—Freda and their children Steve, Lynnette, Jan, Terry and Tracey, and their grandchildren. The highlight of the day was the renaming of the clubhouse at the park, where the Junior Neighbourhood Watch met, after Ted McDermott. Lord Mayor Clover Moore unveiled the plaque, and I thank the City of Sydney, the Lord Mayor and Councillor Tony Pooley for their support of this community initiative.

It is a measure of the esteem in which Ted was held that the event was also attended by Deputy Mayor Verity Firth, the Federal member for Sydney, Tanya Plibersek, and the Redfern Police Local Area Commander, Catherine Burn. I want to thank the organising committee for their work in putting together this great community event, and acknowledge Keith Mascord, Michael Comminos, Belinda Clark, Vivian Wilding, Sara Harriott, Amanda Hanson, Judy Mascord, Wayowa and Martin Telfer, John Morrison, Jeremy Chan, and Freda, Steve and Jann McDermott. The Big Day Out in the Park, a great community event focusing on young people, was a fitting tribute to a man who gave his life to his community, Ted McDermott.

### MORUYA HIGH SCHOOL

**Mr ANDREW CONSTANCE** (Bega) [4.20 p.m.]: Tonight I outline difficulties with infrastructure at Moruya High School, a wonderful school filled with terrific people seeking to achieve amazing things in education. From time to time the school community—students, teachers, the parents and citizens association and administrative staff—experiences a number of difficulties with the state of the school buildings and grounds. Recently I had a meeting with the parents and citizens association and several teachers which enabled me to gain an insight into their concerns and what is happening at the school. It is wonderful to walk into a school and see happy faces, and that was true of Moruya High School. However, a number of important problems need

addressing. The school's sick bay is situated in the foyer next to the administrative office and the principal's office. That is completely unacceptable, as it is separated only by a small screen. A number of students were in the sick bay at the time of my visit.

The meeting I attended was held in the school staffroom during lunchtime, which meant that teachers had to eat elsewhere. The room has been converted so that it can be used as a classroom, which means that teachers lack privacy when they speak to individual parents. The school has a student population of 750 and during the last year that figure has grown by 150. The school buildings and grounds are not able to cope with that growth in numbers. That is also the case elsewhere on the far South Coast. For example, the school buildings at Ulladulla High School do not meet the needs of students.

I took the opportunity to visit a number of classrooms at the school. A storeroom had been converted into a classroom, which is used for year 12 students. The special needs area has three staff and three assistants but does not have a staff room. That is unacceptable, given that teachers may wish to assist students during lunch breaks. The state of the toilets was also a matter of great concern. Parents stated that students do not want to use these facilities, and the demountable toilet facility in the special needs area is extremely poor. The facility does not have any ventilation, either natural or via an exhaust fan. Indeed, teachers have to use hygienic masks.

The Department of Education and Training and the Minister must take steps to rectify the problem. The basic maintenance of the school needs improvement, and more demountable classrooms are needed to cope with the significant increase in student numbers. Indeed, additional school buildings should be constructed. The school bus area is also unacceptable. I call on the Minister to provide these facilities as an acknowledgement that the Eurobodalla shire is one of the fastest-growing areas in Australia. Colin Walters from the regional office is well aware of the problems being faced by the school and I hope that action is taken in the near future.

#### **MANGROVE MOUNTAIN COMMUNITY TECHNOLOGY CENTRE**

**Ms MARIE ANDREWS** (Peats) [4.25 p.m.]: The first community technology centre [CTC] to be established on the Central Coast is located at Mangrove Mountain in the Peats electorate. I would like to provide the House with some background on its establishment. It has often been said that good things are sometimes born out of disasters. That is certainly true of the Mangrove Mountain Community Technology Centre, which became an important part of the renewal program for the mountain districts community following the devastating outbreak of Newcastle disease in 1999. During some of my visits to remote areas of our State as a member of various policy and parliamentary committees, I took particular notice of a number of community technology centres. I could not help but think what a wonderful idea such a centre would be for the Mangrove Mountain area.

I approached the honourable member for Granville, the Hon. Kim Yeadon, who was then the Minister for Information Technology, for assistance in establishing the first community technology centre on the Central Coast. I am grateful to the former Minister for his positive response to my request. He was unswerving in his support for the Mangrove Mountain centre and I wish to place on record my deep appreciation to him. It was, of course, important to ascertain the degree to which the community would support the centre prior to its establishment. A community steering committee was set up and, in partnership with the Mangrove Mountain community worker funded by the Premier's Department, a community survey was undertaken. Of the 334 responses received, 98 per cent supported the establishment of a community technology centre.

In October 2002 I was able to announce that \$215,000 had been allocated under the highly successful CTC@New South Wales Program, an initiative of the New South Wales Government, to enable the main centre at Mangrove Mountain, together with a number of outreach centres, to be established. In addition, \$80,000 was allocated through the Premier's Department for an appropriate building for the centre, with Gosford City Council contributing \$20,000. The CTC opened its doors in the upgraded heritage-listed former Rural Fire Service building in Waratah Road, Mangrove Mountain, on 6 September 2004, with the official launch taking place on 4 March 2005. Training programs commenced on opening, with in-house courses starting in October with the help of TAFE Outreach.

Three outreach facilities have now been established, with Spencer opening in November 2004, Mount White in July 2005 and Somersby in August 2005. All the outreaches are equipped with the latest computer hardware, high-speed Internet connection multifunction centres and a full suite of software. It is pleasing to be able to report that the local communities have warmly embraced the CTC and outreach facilities. Some of the activities running at the CTC@Mangrove Mountain are a seniors computing club with over 45 members, a

LAM Gaming Club with Friday gaming nights being regularly sold out, and, more recently, business consulting services. The CTC has been successful in securing funding through the New South Wales Department of State and Regional Development's Towns and Villages Travelling Experts Program to host a workshop for local business entitled "E-Marketing Workshop".

The success of the CTC@Mangrove Mountain is due in the main to the enthusiasm of the centre manager, Marnie MacDonald, and a number of local residents who played a pivotal role in the centre's establishment. Many of those residents continue to take an active interest in the centre's operations and expansion. I would like to pay tribute here to Ed Morris, Janet McKelvey, Catherine Hyatt, Joe Alexander, Alan Johnson, Rod Kinniburgh, Ruth Carter, Cathy Luci, Nick Mason, Keith Arango, Nic Luntungan and Margaret Pontifex. If I have omitted anyone, I apologise for inadvertently doing so. There are now at least 55 CTCs operating throughout New South Wales and I acknowledge that they play an integral role in ensuring that regional and rural communities are not left out of the information society. That is certainly true of the CTC at Mangrove Mountain, and I wish it well for the future.

### **PUBLIC DENTAL HEALTH SERVICES**

**Mr RUSSELL TURNER** (Orange) [4.30 p.m.]: Today I want to talk about a group that has been formed in Orange, the Rural Dental Action Group. Earlier today I gave notice of a motion on this issue, but given that I will have little chance of speaking to that motion in this session of Parliament I am taking the opportunity during private members' statements to enlighten the House about some of the work the group is doing and to remind members about the lack of dental facilities for regional people. The Rural Dental Action Group was established in Orange on 13 August 2004 at a well-attended public meeting that I attended. Some of the aims of the group are to identify and find solutions to problems being encountered by members of the community in accessing services provided by public dental clinics throughout rural Australia, to inform all levels of government of their findings and ensure government commitments are met and adequate services are provided in future, and to lobby all levels of government to ensure university intake numbers are increased to train sufficient numbers of dentists to adequately service the community through public and private dental services.

I will repeat what I highlighted earlier today. For every 10,000 people in the south-eastern areas of Sydney there are 8.2 dentists, in northern Sydney there are 6.3 dentists per 10,000 people, and for every 10,000 people in Western Sydney there are 3.2 dentists. For most of the remainder of New South Wales that figure varies between 2.9 and 2.4 dentists per 10,000 people. Sadly, in the Far West of New South Wales there is only one dentist per 10,000 people. That is a sad indictment of this Government and previous governments as well. The brochure of the Rural Dental Action Group states "Healthy Mouths Essential for Healthy Bodies". I could not agree more. It also says, "All Australians need healthy mouths and bodies." I would add that all Australians deserve healthy mouths and bodies. Unfortunately, that is not always the case. The group's brochure contains the figures I have just given. It also contains some other figures, all of which were published in the *Sydney Morning Herald* in February 2005. The brochure also states that in countries of the OECD the average number of dentists is 5.6 per 10,000 head of population. Large areas of New South Wales, including parts of Sydney, are even below the level of OECD countries.

It was apparent at a meeting of the group that I attended that one of the problems is the refusal by the State Government to acknowledge its responsibility to fund public dental services. It continues to blame the Federal Government because at one stage the Federal Government provided temporary funding and the State Government believed that funding would be ongoing. The New South Wales Government does not accept its responsibility, as all the other State governments in Australia do. Another issue is the general lack of qualified dentists and the number of dentists graduating from our universities. That is where I acknowledge the Federal Government could take a far more active role, as it has done in increasing the number of general practitioners in regional New South Wales. It should be ensuring that more dentists get through our system, and it should encourage them to practice in regional Australia.

From time to time people come to my electorate office to talk about having to wait for two to three years to get urgent medical treatment for their mouths. I am sure other members have the same experience. I cannot understand why our mouths are treated differently from the rest of our bodies when it comes to health and treatment. The medical profession and most other people acknowledge that if one has a healthy mouth one is more likely to have a healthy body as well. If one part of the system, the mouth, runs down it is more likely that other medical problems will ensue.

**Mr NEVILLE NEWELL** (Tweed—Parliamentary Secretary) [4.35 p.m.]: I commend the honourable member for Orange for bringing to the House his concerns about the availability of dentists, particularly in rural areas. I concur with his remarks about a healthy mouth leading to a healthy body. That is so for anyone in our community. I also note his pertinent comments about the need for sufficient dentists to be trained and the role the Federal Government has to play in that. The impost of the higher education contributory scheme is one factor that makes it difficult for young people to go into those types of professions; it discourages many of our young people from going into the course of their choice. No doubt that has led to many potential dentists choosing other professions. Nevertheless, we continue to remind the Federal Government of the need for the training of more dentists and other health professionals.

#### **NORTHERN RIVERS CATCHMENT MANAGEMENT AUTHORITY**

**Mr NEVILLE NEWELL** (Tweed—Parliamentary Secretary) [4.36 p.m.]: Once again I bring to the attention of the House the Northern Rivers Catchment Management Authority, a driving force in natural resource management in the northern rivers region. The Northern Rivers Catchment Management Authority [CMA] covers an area from Camden Haven in the south through to my electorate on the Queensland border and west to the tablelands—in other words, the entire eastern catchment of the northern section of the State. The Tweed River is one of nine major rivers within that CMA. The board is made up of an independent chair, Dr Judy Henderson from Repton on the North Coast, Jack Beetson from Rollands Plains, David Donnelly from Glen Innes, Robert Quirk from Duranbah, Julie Woodroffe from Gleniffer and Sally Wright from Armidale.

Their individual experience in farming and natural resource management provides outstanding strategic direction for the allocation of State and Federal government funding for on-ground works. During the 2004-05 financial year a total of \$17,863,124 was allocated to the Northern Rivers CMA from the Natural Heritage Trust, the National Landcare program, the environmental services scheme, the State's sustainability trust and the State Government through recurrent funding. State Government funding of almost \$22 million was recently added as the Northern Rivers share of \$148 million worth of resources and staff to be transferred over four years from the former Department of Infrastructure, Planning and Natural Resources offices to the new Department of Natural Resources.

The CMA has been successful in developing targeted projects for on-ground works, such as the New South Wales sugar industry Code of Practice. I attended the launch of that booklet last week with the chairman and president of the New South Wales Cane Growers Association, Neil Gregor and Graham Martin, the chair of the Northern Rivers CMA, Judy Henderson, and CMA members Sally Wright from Armidale, Robert Quirk from Duranbah and David Donnelly from Glen Innes. The other two directors were unable to join us at the launch. I was pleased to be present at Chick Park on Stotts Island where more than 50 local farming and community representatives were in attendance for the launch of the Code of Practice.

Every month Northern Rivers CMA board members hold a two-day meeting in a different location within the Northern Rivers region. On the second day of the meeting a field trip is organised to look at natural resource management works that are being undertaken. It is also an opportunity for the board members to meet and discuss natural resource management issues with local landholders, Landcare networks, local government councillors and staff, industry representatives and environmental organisations. Also, we were honoured to have in attendance Bruce Chick, a living treasure on the North Coast after whom the park was named.

Groups represented at the launch included Condong Landcare, Upper Duroby Creek Landcare, Fingal Head Coastcare, Eungella Landcare, Rowlands Creek Landcare, Pottsville Community Dune Care, Hastings Point Dune Care, Carool Landcare and Adcocks Road Landcare. As well, there were avocado growers, oyster farmers and worm farmers, and representatives from the Department of Environment and Conservation at Murwillumbah, Bananas NSW, Condong Sugar Mill, Friends of Wollumbin, Tweed Heads Environment Group, the Department of Primary Industries (Fisheries), Caldera Environment Centre, the Department of Primary Industries (Agriculture) at Murwillumbah, Far North Coast Weeds and Tweed Shire Council.

The New South Wales sugar industry recognised long ago that primary producers have a duty of care to the environment and need to take reasonable measures to ensure that sugar cane is grown and produced in a way that minimises any impact on the environment. The purpose of the Code of Practice is to establish best management practices for all aspects of farming operations in order to maintain a sound and profitable industry. I commend the sugar industry for the work it has done over the years. Robert Quirk's leadership in this area has been exemplary. The New South Wales sugar industry has a good environmental record. Many cane farmers participate in projects to manage the natural resources on their properties, such as the Trees for Cane Farms

project. The Northern Rivers CMA and the New South Wales sugar industry are to be congratulated on the development of an environmental Code of Practice, which will assist the cane industry to manage natural resources more effectively.

### **PREMER GRAIN PRODUCERS**

**Mr GEORGE SOURIS** (Upper Hunter) [4.41 p.m.]: A number of grain growers in the Premier district have suffered the potential loss of their grain crops for the past season as a result of Creasy Grain Enterprises entering receivership five weeks ago. Five Premier families have their grain stored at the Creasy silo at Premier, which is between Quirindi and Gunnedah. The receiver is claiming ownership of the grain. I do not need to explain in length to the House the consequences of the success of the receiver's claim. The grain growers, five local families, will be denied their livelihood for the year, they will be placed in the line-up of unsecured creditors and they will face the prospect of very few cents, if any, in the dollar as repayment.

My Federal colleague the Hon. John Anderson, the Federal member for Gwydir, has a greater role to play in this matter as corporations law and the law of receivership and liquidation are within the Federal jurisdiction. I understand that New South Wales Farmers and the Grain Growers Association have taken an interest in this matter. Local farmers can ill afford to lose a crop, a season's produce, through white collar mismanagement. They face enough risks with the weather, climate, pests, bushfires, locusts, mice, international prices and exchange rates without having to face this difficulty at a time when they were looking forward to receiving a financial reward for their year's labour.

The ongoing title to this warehoused grain, pending its disposal or sale, is a matter of legal dispute between the receiver and the growers. In my opinion, the legal character of the grain is similar to grain on consignment or in storage rather than grain whose legal title has passed from the growers, who have not been satisfied financially for their product. The growers are faced with the prospect of engaging legal counsel to seek injunctive relief and to claim title for the grain. With little resources, these farmers need help to fight their legal battle. I ask the Minister for Primary Industries, the Minister for Fair Trading and the Government to take an interest in this matter and offer any assistance possible. Only seven days are left to intervene injunctively. I call on the Government and the Ministers to take an interest in this matter. The matter, which is within the responsibility of their portfolios, is of great social and personal consequence to these people. I offer them my support and I ask the Parliament to do likewise.

**Mr NEVILLE NEWELL** (Tweed—Parliamentary Secretary) [4.46 p.m.]: I acknowledge the contribution by the honourable member for Upper Hunter on this issue and his concern for the growers of Premier and the impact on their financial affairs. I offer him my support and I will approach the Ministers in an attempt to gain assistance for these farmers. I am unsure of the legalities of the matter he has put before the House, but it is important that we do all we can. It seems to come down to legal argument on the contracts as to where legal title for the grain resides.

The matter the honourable member has raised is a reminder to New South Wales farmers and others to consider the nature of the contracts they enter into so that they do not lose control of their grain or produce until they have received payment. The Department of Fair Trading is seeking to address these types of issues. We need to be cognisant of these matters, particularly as we will see more of these cases following the deregulation of this and other industries. Unfortunately, that is what happens in a free enterprise economy. Therefore, it is important we address this issue as soon as possible.

### **CANTERBURY DOMESTIC VIOLENCE PROACTIVE SUPPORT SERVICE**

**Ms LINDA BURNEY** (Canterbury—Parliamentary Secretary) [4.47 p.m.]: I pay tribute to an amazing service in Campsie in the Canterbury electorate. I congratulate the Canterbury Domestic Violence Proactive Support Service on its successful bid to obtain \$11,000 from the Minister for Police, who responded very positively to the request for funding. The service comes under the auspices of the Sydney Women's Counselling Centre, headed by Kristin Dawson, which works in collaboration with the Canterbury Domestic Violence Liaison Committee of Canterbury City Council. One week ago I had the pleasure of handing over a cheque on behalf of the Minister for Police to representatives of the centre and Canterbury Mayor Robert Furolo. The service provides a unique system called the yellow card system, which is operated in collaboration with NSW Police and the services I have referred to.

The yellow card system links victims of domestic violence with a local domestic violence support worker and with police. It is an information service. Police work with the person who has been the victim of

domestic violence. They are given what is called a yellow card, which provides information and the incentive for the victims, mostly women and children, to seek support and a way out of those awful situations, some of which are almost unspeakable. This is particularly important in an area such as Canterbury because it is especially useful for women who may come from a different language group, culture or religion where domestic violence is certainly an issue but is perhaps swept under the carpet.

Additionally, the system has a follow-up service which has the capacity to provide victims of domestic violence with assistance through the network of police and support agencies, as well as legal processes. The service provides practical assistance to women when they are most vulnerable, and it is great to see police working collaboratively with the service to ensure the best outcome possible for victims. There is not a recurrent budget for the yellow card system; it is the subject of year-to-year funding and the services involved need to seek funding in order to keep the service operating. That is why I am so grateful that the Minister of Police appreciated the importance of providing this funding to that service.

I have met women who have been assisted and I have met the police officer involved in the yellow card system. I am in awe of the Sydney Women's Counselling Centre for the amazing job that centre does in the Canterbury-Bankstown local government area. The domestic violence support worker position is funded for 20 hours per week through the Community Development Support Expenditure Scheme but, as I said, unfortunately it is an annual scheme. I will conclude by saying that domestic violence is an issue that touches most families and most people in some way, either because they are victims or they know people who have been victims of domestic violence. I congratulate everyone who has been involved in the yellow card system. It will get every ounce of support from me and, I am sure, the New South Wales Government because it provides such a valuable service.

### **WOMEN'S DOMESTIC VIOLENCE COURT ASSISTANCE SCHEME NETWORK**

**Mrs JUDY HOPWOOD** (Hornsby) [4.52 p.m.]: My contribution this afternoon will also be about domestic violence. I draw the attention of the House to the Women's Domestic Violence Court Assistance Scheme Network, which operates in the Hornsby area. The network formerly operated in a wider area, but, unfortunately, funding is no longer provided in the North Sydney area, despite many pleas to this Government for a continuation of that funding. I pay tribute to Josie Gregory, the Co-ordinator of the Women's Domestic Violence Court Assistance Scheme Network, and her team, who work tirelessly to make sure that the network provides essential services to women who are victims of domestic violence. Josie Gregory met with me in my office recently and raised various concerns. She followed up that visit with a letter, which I would like to read onto the record. The letter is dated 15 August and it states:

Please allow me to introduce you to the Women's Domestic Violence Court Assistance Program (WDVCAP), and more specifically to Hornsby Women's Domestic Violence Court Assistance Scheme (WDVCAS) and the WDVCAS Network.

The Hornsby Women's Domestic Violence Court Assistance Scheme (WDVCAS) has been operating for Nine (9) years. Over that time we have seen 6,727 women and children. These statistics are under-estimated as we do not record all clients seeking information due to lack of time and resources. Our WDVCAS is one of the 33 WDVCAS that operate in New South Wales, which together form the WDVCAS Network. The WDVCAS Network works across 55 courts. In the past 12 months the WDVCAS Network has assisted approximately 35,000 women.

We come to you at this crucial time with a number of pressing concerns, including:

#### **Location of WDVCAP**

As you are aware there have been shifts within the Premier's Department and simultaneously, concerns have been raised by the Violence Against Women Specialist Unit since their move to the Department of Community Services from the Attorney General's Department. There has been conjecture about potential shifts of WDVCAP's location within the state government. The WDVCAS Network has grave concerns about this and categorically does not support any change in departmental location, preferring to remain within the Legal Aid Commission. Domestic violence is a crime, it is not a welfare matter, therefore, it needs to be handled within the criminal justice system. The concerns are:

If WDVCAS becomes part of DoCS, will women use the Scheme?

Will the stigma associated with DoCS stop women from reporting DV?

DoCS' historic significance e.g. women's concerns for their children could be a deterrent to contact WDVCAS

If there is any basis to this conjecture, the WDVCAS Network is highly concerned that they have not as yet been included in consultation around this, and request your support in ensuring that any future discussion and decision making about the future of WDVCAP, includes representatives from the WDVCAS Network.

The need for formal recognition of the WDVCAP as part of the criminal justice system

The WDVCS Network and also each individual Scheme needs to be formally recognized by the existing criminal justice institutions, including the Police Service and Local Court systems, as an integral part of the criminal justice system in the area of domestic violence. Please support the WDVCS Network in their call for a formal document of recognition, as well as practical, ongoing recognition through the use of existing protocols (including Police Standard Operating Procedures, and the Attorney General's Department Safety Protocols for Courts). Further to this, we ask for your ongoing support in calling for the creation of other necessary protocols and policy working across the Police service, Court systems and the WDVCS, in the future.

#### Concerns around the Domestic Violence Court Intervention Model (DVCIM) Pilot Program

The WDVCS Network is becoming increasingly perplexed due to the lack of consultation with and inclusion of representatives of the WDVCS Network or the WDVCS in planning committees for the DVCIM Pilot Program. As the aims and work of the DVCIM Pilot Program are very close to those of WDVCS, the WDVCS Network would be pleased to provide ongoing expertise and knowledge to the pilot. The WDVCS Network also has many concerns around this Pilot Program that need to be aired and resolved before implementation occurs. For the sake of the WDVCS and the DVCIM Pilot Program, the WDVCS Network requests your support in ensuring the WDVCS Network is invited into the consultation and planning process. Possible problems that need to be addressed within the pilot are:

- Possible duplication of service
- Legal Aid Commission's expectation of increase in supported hearings
- Inconsistency with workers if charges are not laid straight away
- Could create tension between WDVCS and Victims Assistance
- Could create confusion with women, court, police etc.
- DVCIM is not utilizing expertise of WDVCS and its infrastructure, due to exclusion from process, consultation and contribution

I call on the relevant Minister to look at the concerns of this fantastic network and take some action. *[Time expired.]*

### TRIBUTE TO MR JOHN PAUL MITCHELL

**Mr ALAN ASHTON** (East Hills) [4.57 p.m.]: Tonight I pay tribute to the life of John Paul Mitchell of Carinya Road, Picnic Point, a constituent and very good friend who passed away on Friday 30 September. John Mitchell was also a friend of many in the Labor Party and other left-wing and trade union movements. He died early on 30 September and his family held a simple funeral for him on Friday 7 October. John was diagnosed with cancer about five weeks before he died and his condition deteriorated rapidly. He had only a very brief chance to spend some days at home before his admission to Braeside Hospital at Fairfield for the last four days of his life.

I had known John since I was a young kid—five or six years of age—in Picnic Point in the late 1950s, early 1960s. He was a pioneer, as was his wife. The part of Picnic Point that I lived in at that time had no kerbs or gutters, no footpaths and no sewer, but it is now one of the most prized suburbs in Sydney. I am sure John would have found that quite ironic. He was born in 1929, when the Depression began. We all know the history of that time. Indeed, it would have formed much of his character. He left school at the age of 14. I think at one stage he was put in Mittagong Boys Home. Doing what boys would do if they were sent there, he ran away. When he was caught and sent back, he enjoyed some time there and took on certain responsibilities. I think that set the pattern for his life as a true believer in the working class, and that certainly was carried on to his children and his grandchildren.

John's son, Paul Mitchell, a good friend of mine still today, joined the Panania branch of the Labor Party on the same day as I did, in the early 1970s, and he has remained an active office-holding member of the party ever since. He holds a position in the Menai electorate and in the Hughes Federal Electorate Council area. John's wife, Berenice—who is better known as Berri—has been ill for many years. I know that John did all he could to look after her during her illness. Berri was eight years older than John. John had another passion, a passion that I share: a love for the Volkswagen car and Kombi. John had a sense of humour. His blue 1970s Kombi is still parked outside his house today.

John and Berri Mitchell lived in a small home in Carinya Road, Picnic Point, and brought up their family there from the 1950s. Indeed, Berri still lives there. Pioneers like John Mitchell need to be remembered because, as I said, the area has changed so much in terms of its demographics and its income base. I wish to pay tribute to Berri, who will now, unfortunately, have to cope without John's love and support. I also pay tribute to Berri's daughters from a previous relationship, Lenore and Carmel, who are also friends of mine, and John and Berri's two sons, Paul and Vincent. John took responsibility for Berri's children as though they were his own. Let us be honest about this. To marry someone eight years older than you was not common about 40 years ago.

John was a committed left-winger and unionist all his life. During his working life he had been a labourer, a builders labourer, a rigger, a tyre fitter, and a crane driver. He was always a unionist and often a job

site delegate. He marched at May Day gatherings and attended peace marches. I can remember the moratoriums when I was a kid. He believed in social justice, in organising industrially, and in the simple idea that working people in all countries have never had a reason to be at war with each other. These views contrasted sharply with the views held in Australia during the Menzies era. I can remember people going up and down the street whispering to me and others, "You've got to watch the Mitchell's, they're Communists." That was people's thinking at that time.

Heaven knows what John would have thought about the Federal Government's proposal about what it euphemistically calls WorkChoices. John has passed on his world view and his politics to his children and grandchildren. Although John was a critic of our great party at times when we traded short-term electoral success for the party's ideals, John always supported the Labor Party, and we know that his family are and will remain activists in the party. I wish to pay a final tribute to John Mitchell and his family.

### AUSTRALIAN AERIAL PATROL

**Mrs SHELLEY HANCOCK** (South Coast) [5.02 p.m.]: I wish to highlight the diverse range of services provided to the communities of the Illawarra and South Coast by the Australian Aerial Patrol [AAP] and the challenges the service currently faces. The AAP is an organisation that is well known for its longstanding and valuable community contribution, and it has never directly benefited from State Government funding contributions for its operations and activities. For more than 50 years the service has provided to the communities of the Illawarra and South Coast effective aerial surveillance utilising fixed-wing aircraft. Highly trained and experienced volunteer crews maintain vigilance over beaches, waterways and bushland areas, caring for the community and called on by various government departments to provide general reconnaissance.

The AAP assists Police, Fisheries, Waterways, and the National Parks and Wildlife Service, and is kept busy providing search and rescue platforms for lost swimmers, lost fishermen, lost bushwalkers, and lost vessels. In addition, as we approach the summer months the AAP becomes a familiar sight as it patrols the coastal areas to survey the presence of sharks along the hundreds of kilometres of unpatrolled and patrolled beaches south of Sydney. This is the only service of its kind in the area, and it must be noted that despite the services provided by the AAP, it actually continues to exist due to the generosity of local councils and donations from the community and corporate sponsorship. The aerial patrol's quick response minimises, in many cases, the extent by which a recreationalist's life might be endangered. The cost-effectiveness of its fixed-wing platform facilitates the necessary protocols for police and others to task the aerial patrol to emergencies and then, if necessary, determine the most appropriate method of retrieval. This is a cost-effective resource ideally suited to its community role, with aircraft covering larger areas in quicker times at a fraction of the cost of rotary aircraft.

In the late 1990s the Australian Aerial Patrol expanded its service to the regional coastal and inland centres of New South Wales. As a member of the New South Wales Voluntary Rescue Association, the AAP provides aerial training to primary combat agencies that are frequently called on by the aerial patrol to crew aircraft for regional emergencies. The AAP's contribution to the community in terms of active flying operations is in excess of 500 hours per year, with no charge whatsoever to the community or the tasking authority. However, the patrol's annual operating costs are now approaching \$700,000 a year, yet the service continues without assistance from the New South Wales State Government.

However, Government members, particularly the Illawarra Labor members, have from time to time met with the Australian Aerial Patrol's managers and over many months and years have pledged their support for the service. Promises and pledges for support have been made, particularly over the past three years. But last week, despite those promises and pledges to support the Australian Aerial Patrol, regrettably the Minister for the Illawarra essentially turned his back on the service and reneged on all previous commitments of the Government to support the service. I now call on the members for Wollongong and Illawarra to work within the Government and come up with a solution to the dilemma currently faced by the AAP. I know they are concerned about the potential loss of the service in their area and, unlike the Minister for the Illawarra, have shown interest in the service and continue to indicate their support for it. I hope those members and the Government will continue to discuss the situation regarding the AAP over the next few weeks and months.

The services provided by the Australian Aerial Patrol must not be lost to the communities of the South Coast and Illawarra. For a relatively small amount of funding from this Government, the service will be able to fly along the coastal and regional areas in the business of rescue and the business of saving lives. About a week ago I was privileged to visit the service to have a look at its operations. We are used to seeing the red aeroplanes fly up and down the coast. The patrol provides a valuable service to swimmers in the ocean. If patrol

members spot a shark, they are quickly there on the spot to warn swimmers of the dangers. Of course, these dangers prevail at the moment. Indeed, anecdotal evidence suggests that the size of sharks has increased over the last couple of years due to protection of the species. Sharks are also becoming a danger at Sydney beaches. I hope that the Government, working in co-operation with the Australian Aerial Patrol, can come up with a solution. Recently the patrol had to cut its service to Sydney, and I know that many people are very concerned about the loss of that service. We hope, however, that with lateral thinking the service can be maintained in the Illawarra and on the South Coast, because it is a valuable resource that we cannot do without.

**Mr DAVID CAMPBELL** (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [5.07 p.m.]: It is unfortunate that the honourable member for South Coast should so clearly misrepresent my position as the Minister for the Illawarra and the position of my colleagues the honourable members representing the electorates of Kiama, Illawarra, Wollongong and Heathcote. Indeed, we have had some discussions with the Australian Aerial Patrol. As a group we indicated that we would raise with the Government opportunities for funding the service, and we had done that. The facts are that about 18 months ago the Government provided substantial funding to the Australian Aerial Patrol to bail it out of its financial problems.

As a consequence of the efforts of Illawarra Labor members, the Government has come to an arrangement, together with the Premier's Department, that where New South Wales Government agencies task the Australian Aerial Patrol to respond to emergency situations or particular issues, the organisation will be paid on a fee-for-service basis. I make the point that the shark patrol activities of the Australian Aerial Patrol have never been funded by a State government but have always been funded by local government. This long-term and well-respected charity has sought on its own accord to move to a more professional organisation and to employ some significant and highly paid management. As a consequence, the structure is top-heavy and takes money away from the efforts of volunteers who have been there for a long time. I point out that, through negotiations with the Premier's Department, when the Australian Aerial Patrol is tasked by police, for example, or any other government agency a fee-for-service basis will apply. The aerial patrol has withdrawn shark patrol services from Sydney because local government in Sydney refuses to share that service, as councils on the South Coast have done for years.

#### **BRIDGE STREET WHARF, BIRKENHEAD POINT, CLOSURE**

**Ms ANGELA D'AMORE** (Drummoyne) [5.09 p.m.]: It has come to my attention that on the morning of Friday 7 October the City of Canada Bay Council closed the Bridge Street wharf at Birkenhead Point, with a view to reviewing its functions following unauthorised private boat owners docking at the wharf in the evening. Each day 17 State-run ferry services run from that wharf, but the council alleges that a number of unauthorised private boat owners have been docking at that wharf in the evening and causing some amount of noise.

I have sought advice from the Water Police, the police, the Maritime Authority and Sydney Ferries, and I understand that at no point were those authorities notified by the City of Canada Bay Council of concerns about the wharf in the evening. I am shocked and disappointed that the council unilaterally, without any consultation, decided to close the wharf. That short-sighted decision means that a total of 17 ferry services have now ceased, nine in the morning peak period and eight in the afternoon peak period. Obviously council has been unable to deal with unauthorised boat owners using the wharf in the evening, but closing the wharf during the day is not the answer to curbing this behaviour. Closing the wharf with no consultation at all only inconveniences 150 Drummoyne commuters.

I note that the wharf is next to the Birkenhead shopping centre and that a number of businesses benefit from the ferry service. If council cannot resolve the problems at the wharf I will intervene to assist commuters and convene special meetings with the relevant government authorities to tackle this problem. Canada Bay Council should pay due respect to our local police officers, who do a very good job of running operations when councils, State members of Parliament or government departments highlight antisocial behaviour.

I am appalled that council has taken this knee-jerk response instead of looking at more appropriate ways to address issues that are affecting our local residents. As the member for Drummoyne I call on the council to immediately reopen the wharf for Sydney Ferries Corporation services only, introduce measures along with our local area command and police officers to crack down on any antisocial behaviour impacting on businesses or residents, particularly out of hours, and adequately consult with local residents, ferry commuters and Sydney Ferries about the problems at the wharf. I note that the council did not conduct any consultation prior to closing the wharf and that Sydney Ferries was simply notified by facsimile on Thursday 6 October that the wharf would shut down the next morning, Friday 7 October.

As the member for Drummoyne, I have written to residents about a public meeting at which a maritime officer will be present to discuss the concerns. I call on council to immediately reopen this wharf and manage any antisocial behaviour the wharf attracts out of hours. It is simply unacceptable that Canada Bay Council has closed a second wharf in two months. I understand that the Drummoyne wharf was closed because urgent repairs were needed to be carried out on it—which council had not undertaken in eight months, as instructed by the Maritime Authority—but to close a perfectly good wharf that meets the standards, because of allegations of incidents in the evening, is simply unacceptable. Public transport is an exceptionally important issue in the electorate of Drummoyne, which is fortunate to have five wharves and bus and rail services.

I thank residents who have written to me following the budget this year to advocate for increased services. The Government has already delivered a number of services to Cabarita wharf. I made representations to the Minister on behalf of Mrs Hatherley of Drummoyne to increase services to Birkenhead Point—which will be very difficult with the wharf closed. The council has not signalled when it will reopen the wharf, and that is why I am taking immediate action. I thank residents who have already signed petitions and written to me in relation to this matter and their absolute disgust at the actions of Canada Bay Council. It is one thing to say that a wharf needs to be serviced, but a wharf should not be closed for a reason that can be resolved. I call on council to work with me as the State member of Parliament and with State government departments to ensure that the wharf is reopened as quickly as possible. I want to ensure that the Minister for Transport delivers good, upgraded ferry services to the State seat of Drummoyne.

### PLANNING DELAYS

**Mr GREG APLIN** (Albury) [5.14 p.m.]: If there has been one thing that has frustrated local governments more than any other it has been the moribund nature of planning departments. City and shire councils, developers, builders and families wanting to make a start on their homes have all been scathing in their assessment of the State planning department. The more experienced in dealing with these matters have described the department as a shambles, and that telling portrayal may well have been the reason behind recent staff departures. These serious allegations are the culmination of years of delays in the application process. There have been reapplications, inquiries, reminders, more inquiries, letters to the department, letters to the Minister, meetings with local members of Parliament, more enquiries. What has been the result? Statements that the material is on the Minister's desk awaiting signature. There must have been so many local environment plans [LEPs] on the Minister's desk that it was impossible to locate the pen and ink to sign the documents.

In the following few minutes I will detail the frustration felt by people in the Albury electorate: frustration that this Government has impeded the development and growth of regional areas simply because of inefficiency and lack of concern. The *Border Mail* of 29 September 2005 ran an article headed "Time's up for AWC projects." It started by saying that red tape had strangled plans for a new light industrial park on the edge of Albury and for 200 home sites. It stated:

The Albury-Wodonga Corporation wanted to start developing both sites in 2000 but the New South Wales Department of Planning, Infrastructure and Natural Resources took four years to finalise the matter. The Government finally gazetted them on August 5 but it was too late for the corporation, which was told in June to cease creating new subdivisions.

Chief executive Brian Scantlebury was disappointed the gazettal had not come earlier, because the land will now have to be sold as large undeveloped parcels some time in the future. The corporation ordered environmental studies in 1999 but the paperwork for a planning amendment became bogged down, and in 2004 the corporation asked the then planning Minister to expedite a rezoning. The department finished the paperwork in July this year but it was too late to address the shortage of land for factories and warehouses. I was intrigued, therefore, to hear the Premier inform the House on 11 October that the Government had made progress in a drive to get more investment and more jobs by streamlining the planning process. This is a breakthrough at last and something to be encouraged.

Earlier I made reference to the piles of local environmental plans—they were like stalagmites—awaiting signature on the Minister's desk. It appears that the new Minister has brought his own pen and ink and has started signing. But the cost of years of delay has been huge. The Government did not listen to the anguished cries for help from homebuilders like Neil Smith of Corowa. The mayor of Corowa Shire, Councillor Gary Poidevin, predicted that the start of his ninth term as mayor would involve some trying times with the hold-up of the shire's new local environmental plan. He said, "When we get the new LEP, I see it as a wonderful time for expansion. A lot is being held back at present." The council is being frustrated by the Government in relation to planning.

The LEP was adopted in 1989 and reviewed in 2003, with consultation being carried out with the community and Government agencies as required. The document was submitted, drastically changed by the regional office, and sat on the Minister's desk awaiting signature. Corowa Council needed some action so in May this year it requested a spot re-zone amendment to the 1989 LEP. The department replied that it was not in favour of this practice as shire-wide LEPs were being prepared and would receive the focus of resources. Is it any wonder that councils get frustrated, all the more when they see potential developers comparing opportunities and concessions in neighbouring shires in Victoria, weighing up the planning delays and making decisions which impact negatively on Corowa and New South Wales?

I might add that as a result of the amalgamation process forced on councils, it would have been logical for all affected councils to have received funding and priority in the development of new LEPs. It may be five to seven years before Corowa Shire Council will have one LEP in place for the shire. The frustration is also expressed by the wider community. Business Corowa Mulwala Howlong, which is a community committee, wrote of its concerns regarding the ongoing delay in approving Corowa shire's amended LEP. The chairperson, Terry Chubb, stated, "These unnecessary delays are having major impacts on economic and social development throughout the Corowa Shire."

He continued by stating that the delays were stagnating employment, deterring new residents, creating an artificial housing shortage and price increases, frightening off investment—both private and commercial—and reducing business sustainability by jeopardising expansion and population growth. Effectively, the Government was holding housing estates, industrial development and tourism development to ransom. Mr Chubb called for the new department of planning to establish less complicated and convoluted planning procedures and paperwork. I welcome the indication by the Premier that the planning process will now be streamlined, because it has been ironic that the New South Wales Government spoke about regional development but did not provide an adequate planning process to actually permit it to occur.

### WEEDBUSTER WEEK

**Mr MATTHEW MORRIS** (Charlestown) [5.19 p.m.]: This week, 8 to 15 October, is Weedbuster Week across not only New South Wales but the entire nation. Last weekend I had the pleasure of launching Weedbuster Week for New South Wales in Glenrock Reserve. The launch at the Scout camp in Glenrock was attended by many community people who collectively represented various parts of the Hunter region, and an array of environmental volunteer groups. I place on record my personal thanks to Shane Frost, Barry Ableson, Kim Hignell, John Le Messurier, and the State weedbuster co-ordinator, Mary-Lou Lewis. These people co-ordinated the launch and made the day very rewarding.

Launching Weedbuster Week in Glenrock Reserve is also recognition of the tremendous environmental work that has been undertaken in this beautiful part of the world. Many in the Hunter region recognise the significance of Glenrock Reserve and the important role that Glenrock plays in the biodiversity of our environment. The extensive works carried out in Glenrock—to remove weeds and regenerate the natural environment—is to the credit of the Thursday working groups, who are all volunteers. This group has done a fantastic job in revegetating many parts of the reserve for the benefit of all, and I thank all of them.

Weedbuster Week is when we promote environmental awareness and thank the thousands of community organisations and volunteers who contribute many hours of their time to improving our natural environment across this great State of New South Wales. Weedbuster Week commenced in New South Wales as Weed Awareness Week in the 1980s. It is now a national event, with activities in all States. I am pleased to remind the House that the New South Wales Government provides \$7.6 million per annum in grants to local councils and public authorities. The Government has also invested \$13 million this financial year for research, the development of biological controls, and regulations.

We often do not appreciate the cost to the community of weed problems, which is about \$400 million annually. By comparison, salinity receives a much higher level of recognition yet costs the community around \$200 million per annum. With urban growth steadily increasing, it is important that we acknowledge the environment we live in and assist in preserving and enhancing it. During the launch of Weedbuster Week I also presented two community awards to acknowledge the efforts of those in our community. The first award went to the Thursday working group, which was accepted by Mr John Le Messurier, and the second award went to Mr Bob Trounce for his many years of contributing to our environment.

In the Hunter we do not need to look too far to see the positive impact our volunteers are having in removing a variety of weed species and restoring the natural environment. Glenrock is but one example. Others

include Galgabba Point and Flaggy Creek, also well-known sites for the work of our community. The future holds more challenges for us all, with many areas across the State still needing attention. Weed species are very persistent and will often grow in places where other plants will not. Weeds are fast growing, they strangle out the native vegetation, and they change the dynamics of our natural settings. Collectively we must persist, educate and support our communities in the fine work they do in tending to our bushland, parks and reserves.

Weedbuster Week is an important opportunity to thank all volunteers across our communities for their contributions and to wish them all every success in their future work. We acknowledge the tremendous time and dedication that each of them give and we thank them for the contribution they make towards the beautiful environment that we all enjoy.

**Ms LINDA BURNEY** (Canterbury—Parliamentary Secretary) [5.24 p.m.]: I thank the honourable member for Charlestown for his private member's statement and for reminding the House of Weedbuster Week. I know that people, particularly those from country regions, will understand what an enormous problem so many introduced species of weeds are creating not only in the city but also in country regions and in inland river systems. I visited the Gwydir wetlands a few weeks ago and there is an awful weed there called lupia. It was brought to Australia as, of all things, a no-mow lawn. It is now destroying huge swathes of the north-west of the State. There are also problems with woody weed right through the western area. Just recently I went out to the Hawkesbury to look at the problems caused by introduced species. Many of these species have escaped from goldfish bowls, from nurseries and, unfortunately, from our backyards. I thank the honourable member for Charlestown for reminding us of the research that is being carried out on biological controls, as well as the great work done by many volunteer bush regeneration groups right across our State.

#### **NAMBUCCA HEADS SKATE PARK**

**Mr ANDREW STONER** (Oxley—Leader of The Nationals) [5.26 p.m.]: On behalf of the youth of Nambucca Heads, the Valley Skaters Association [VSA] is having a long and difficult battle to get a skate park. A skate park for Nambucca Heads was originally proposed in 1988. At a meeting of parents, skaters and community members at Gordon Park, 40 locals voiced the need for a skate park in the area. As a result, the VSA was formed in the mid-1990s, with the vision to establish a skate park in Nambucca Heads. The VSA is a dedicated bunch of 20 to 50 skaters and young people, as well as adults such as Jenny and Richard Ellis from Coastal Curves Surf Shop, local Anglican Minister David Hanger, youth workers Ellen Huntly, Nancy Corbett, Chris Hewgill, Sue Harvey and Kevin Smith, and many others too numerous to mention.

The VSA has seen many other skate parks built in nearby towns such as Kempsey, Coffs Harbour and Bellingen, and even in smaller centres such as Valla Beach and Urunga. Throughout this long process the VSA has been established as a committee with Nambucca Shire Council. It has met regularly, held elections, kept minutes, sent letters, raised \$20,000 in funds, and followed the processes to obtain council's permission for a skate park at Nambucca Heads. The membership of the VSA over this time has included young people from all walks of life ranging from 14 to 28 years of age.

Since 1988 the VSA and local youth have had many promises for, but also delays with, the Nambucca skate park, so much so that they now, sadly, believe it will never be built. For example, in 2000 the council plan of management for Bellwood, a suburb of Nambucca Heads, cited two months as a timeline for construction, whilst a July 2001 council letter to the VSA cited the same timeline for construction after obtaining approval from what was then the Department of Land and Water Conservation. Sadly, there is still no skate park facility for young people at Nambucca Heads. The main stumbling block has been the location. Bellwood Park has always been the preferred site of the VSA. Other sites have been explored by council and the VSA, but Bellwood Park has consistently come up as the most suitable location preferred by young people and their parents.

Opposition from residents, isolation, and the location being close to dangerous roads have been a feature in favour of the other locations put forward. Bellwood Park remains the site preferred by young people, youth workers, and many in the community. The then Department of Land and Water Conservation had approved the location of a skate park at Bellwood Park, but still nothing has happened. The VSA regards Bellwood Park as a safe environment for young people to skate. It is a family park where skaters, as part of families, can enjoy their recreation with adults close by. Bellwood Park has toilets, water, shade, shops, transport, and swimming to cool the skaters down after a hot skating session. Community members, parents, businesses, church groups, youth groups and young people support the site. Indeed, 79 support letters were supplied for a council meeting on 17 March this year to consider a development application for the skate park, and only four letters opposed the development.

Bellwood Park is an area of significance to the Gumbaingeri people, and the Valley Skaters Association and community would like to show their respect by consulting with elders before any skate park goes ahead. They hope to incorporate the local Aboriginal community's name, murals, et cetera, to bring the project together in a spirit of reconciliation. However, despite a passionate case being put forward for approval of the Bellwood skate park at its March meeting, Nambucca Shire Council did not approve the development, voting five to four against it. The VSA is at a loss to understand why council's decision was contrary to the advice of the Department of Infrastructure, Planning and Natural Resources and council staff.

The VSA will continue with its application, but many of its young people involved have left, questioning the value of following this process. Despite council's decision, a locally made skate park movie was shown at the local cinema for Youth Week in April and 215 young people attended. The movie, which was organised by local skaters, parents and youth workers, depicted local skaters street skating at local shopping centres, schools and roads. Recently I met with the VSA, which presented me with petitions containing around 500 signatures in support of the Bellwood skate park. In August I wrote to Nambucca Shire Council suggesting that the project be resurrected and the issues worked through, but I have not received a reply. I note that the VSA has also written to the Minister for Local Government and asked him to investigate whether the project can be moved forward. [*Time expired.*]

### AFRICAN AUSTRALIAN YOUNG ACHIEVERS AWARD

**Mrs BARBARA PERRY** (Auburn) [5.31 p.m.]: This past Saturday I was invited to the eighth Annual African Australian Young Achievers Award ceremony, celebrating the Day of the African Child. The Friends of Sierra Leone Incorporated established the young achievers award in 1998 as a means of recognising the achievements of young African Australians in various fields, such as sport, education, community service, and the arts. This year they joined forces with the Day of the African Child event, which was pioneered by Francis Sankoh, Adama Kamara, Muniatu Kammih and others from the Sierra Leone youth group in 2001, with the support of the refugee youth worker from the Auburn Migrant Resource Centre and the multicultural unit in the State office of the Department of Education—particularly Michael Harmey.

A further intention, which is essentially at the heart of what the organisers have in mind, is to encourage, inspire and pay tribute to the spirit and contribution of African children and youth in general. In keeping with this aim, over the past eight years a number of other organisations have joined in the celebrations, including the Service for the Treatment and Rehabilitation of Torture and Trauma Survivors, the Auburn Migrant Resource Centre, the Auburn Community Development Network and the African Communities Council. This is also a valuable opportunity for those outside the African community to develop an appreciation for the difficulties and hardships faced by young African Australians. In spite of my growing awareness of their issues, I am always left with a newfound sense of compassion and respect for the resilience and determination of these young people in daring to dream big and putting themselves to work to see their dreams come to pass.

As honourable members would no doubt be aware, the continent of Africa has been ravaged by a gruesome array of both natural and man-made disasters, including famine, AIDS, and the most horrifically imaginable civil wars and attempted genocides. It is no small testament to the strength and resolve of these young people that, in spite of having been subjected to such cruel realities, they have kept alive the spark of their own humanity, and live with so much passion and determination to create a better future for themselves and their families. This irrepressible spirit was no more evident in the events that inspired the Day of the African Child, which was celebrated in conjunction with the awards ceremony. In 1976 the Deputy Minister of the Department of Bantu Administration in apartheid South Africa ordered school boards to use Afrikaans as the only language of instruction in schools.

The announcement was made against the backdrop of profoundly derogatory remarks such as "Natives must be taught from an early age that equality with Europeans is not for them", and was to come into effect just before the examination period. These unfair conditions naturally caused anxiety among the native students, who were afraid of failing. In response, a peaceful demonstration was staged. Tragically, it ended with police firing tear-gas canisters and live rounds into the crowd of 10,000 students, resulting in numerous deaths and many more injuries. In commemorating the events of that fateful day almost three decades ago, I could not help but think of how blessed we are to live in a country where we take for granted such basic rights as the right to an education and the right to be equal under the law.

I also reflected on how easy it is to become slack and to fail to do our very best with the opportunities, rights and provisions that we inherited merely by being born in Australia. A further reason for my honouring

young African Australians today is that they provide us with a powerful reminder of the importance of living with an appreciation of what we have and the passion to dream and become all that we can be.

I wish to use this opportunity to pay tribute to the young African Australians of Western Sydney and the African community in general, including the many non-refugees who have come to our shores. I congratulate all the winners on the night. I encourage all young people who have not yet been recognised to take heart and continue pursuing their dreams in the knowledge that a bright future is ahead, and that they have a faithful friend and ally in our wider community and the Government of New South Wales. I would also like to use this opportunity to commend chairperson Hawa Mansaray, Sarjoh Bah of the Auburn Migrant Resource Centre, Yvonne Ola-Roberts, Binneh Conteh, Alice Batty, and all others for their heart and commitment to African Australians and wider community.

**Ms LINDA BURNEY** (Canterbury—Parliamentary Secretary) [5.36 p.m.]: I respond with heartfelt admiration to the private member's statement of the honourable member for Auburn about the young African's awards and the Day of the African Child. The honourable member for Auburn has many recent African migrants in her electorate and I know that her work with this community is not just because she is a member of Parliament; her belief in social justice, humanity and rights is obvious from her contribution. One of the most salutary experiences I have had since becoming a member of Parliament was when I attended a primary school where three African boys from Sierra Leone aged 12, 10 and about 5 years were students. I could not help but be moved that only the 12-year-old boy had known life outside a refugee camp. As the honourable member for Auburn said, the compassion, respect, resilience, humanity and importance of rights cannot be ignored by any of us.

### SENIORS CARD

**Mr WAYNE MERTON** (Baulkham Hills) [5.37 p.m.]: I have been approached by a number of constituents who have expressed concern at the delay in receiving their Seniors Card. I am proud to state that I was part of the Coalition Government that introduced the Seniors Card into New South Wales on 1 July 1992. Over the years many senior residents of my electorate have expressed their thanks for the introduction of this card, particularly self-funded retirees who have scrimped and saved for retirement, only to discover that they are not eligible for any government assistance as the cost of living continues to rise.

A Seniors Card gives concessions to permanent residents of New South Wales aged 60 years and over who do not work more than 20 hours a week in paid employment. These concessions cover public transport, entry into museums and art galleries, and enable cardholders to obtain discounts from various business houses. Over the years it has been the custom for people approaching their sixtieth birthday to submit their application for a Seniors Card so they receive this valued card on their sixtieth birthday. For example, my constituent Joan Longhurst, of North Rocks, applied for her Seniors Card prior to her sixtieth birthday in 2004 and received it on her birthday.

Geoff Nix of Bella Vista, a Baulkham Hills suburb, also applied for his Seniors Card prior to his sixtieth birthday in 2003. He received the card for his birthday. However, Joan's sister, Carole, was informed by Seniors Card staff that her recent application could not be processed until her birthday and she should then allow 21 days for it to be received. The Seniors Card office then issued an interim card to her with the advice that her Seniors Card would be forwarded later. The situation was similar with Geoff Nix's wife, Marjorie. He approached the electorate office on his wife's behalf and representations were made to the Minister, with advice being received on 9 September that an interim card would be issued. As of today's date, Marjorie Nix is still waiting for this interim card. Her birthday was 4 September.

Carole Longhurst makes a pertinent point. She stated that it is hard to understand in this computer age why the information cannot be put into the computer with a request to produce a card on the person's sixtieth birthday, when he or she is eligible for the Seniors Card. She also points out that it seems to be a waste of taxpayers' money to have a temporary card issued when an original could be sent if staff could put applications into the computer prior to a person's sixtieth birthday. I would have thought that if a person is eligible to receive a Seniors Card when they turn 60, that card should be received on that date.

Some residents have queried whether the Government is using the delay to ensure that seniors pay the full fare on public transport in an effort to assist the black hole in the Labor Government's budget. I would ask that the Minister investigate this situation. There is no doubt that our seniors have worked hard over the years. The fact that today Australia is a successful nation has a lot to do with the fact that in years gone by people

worked extremely hard. Apart from the Seniors Card, some people do not seem to get many benefits from government, so they look forward to receiving the Seniors Card and they are anxious to utilise it, to get out and about and take advantage of the benefits of the card and thus save money.

I find it almost unbelievable that there seems to have been a change in policy by the Government. In 2003 and 2004 people were able to apply for a Seniors Card prior to their sixtieth birthday. It now appears that the policy of the Government is that people cannot apply for a Seniors Card until they turn 60. In that case, as I said, the card does not arrive until some 21 days later. During that period it is impossible for them to take advantage of the benefits and savings provided by the Seniors Card, and therefore they spend money that could be used for other necessities. I ask the Minister to look at this matter urgently so that these people can be helped. *[Time expired.]*

### SEMIAUTOMATIC HANDGUNS

**Ms CLOVER MOORE** (Bligh) [5.42 p.m.]: Tonight I want to speak about an issue of great concern to the people I represent: semiautomatic handguns. I start by calling on the New South Wales Government to ban all semiautomatic handguns, and to work with other States and the Commonwealth to set strong controls to prevent handgun violence and crime. With a Churchill Fellowship, Samantha Lee of the National Coalition for Gun Control researched handgun violence in Australia, the United States of America, the United Kingdom and Canada, and her report was launched in April. Titled "Tackling Handgun Violence in Australia", it raises serious issues about handgun violence. Regular reports of shootings highlight the need for action. Current handgun laws are inconsistent and inadequate, with eight different sets of laws and definitions. While semiautomatic long arms were banned in 1996, revolvers, pistols and derringers are still legally available, and are being used to kill, injure and steal.

There are about 300,000 handguns in Australia. About 10,000 more are imported each year. About 2,000 of them come into New South Wales. We do not know the exact figures because each State uses different definitions, and there is no tracing of deactivated or inoperable handguns. The New South Wales Government should carry out an independent assessment of the New South Wales Registry to ensure that it is effective and compatible. The National Firearms Registry is eight separate State and Territory systems, which are not linked or compatible, and it lacks a national data standard. The New South Wales Government could help standardise data, and co-operate with other States and the Commonwealth to build one system.

Firearm-related deaths have dropped by nearly half since controls were introduced following the 1996 Port Arthur massacre, but the Australian Institute of Criminology says handgun-related deaths have increased over this time, and 55 per cent of firearm-related homicides in 2002-03 involved handguns. The New South Wales Bureau of Crime Research and Statistics reports that "shoot with intent" offences involving handguns—where the victim was not killed—have also steadily increased. More than half of these offences occurred in public places, where more people are at risk of death, injury and trauma. So far this year there have been more than 20 drive-by shootings in New South Wales. Suicide accounts for more than three-quarters of firearm deaths. The suicide rate fell by nearly half between 1991 and 2001, demonstrating the success of long arm bans.

While suicides with hunting rifles or shotguns have declined, more people are killing themselves with handguns. The figure has risen from 4 per cent of deaths in 1991 to 13 per cent in 2003. Theft of legally owned handguns is a serious concern, with an average 4,000 firearms reported stolen in Australia each year. More than one-fifth are handguns, and 81 per cent are stolen from private homes, although there is a disturbing trend of handguns being stolen from security guards. The report "Tackling Handgun Violence in Australia" also concludes that security guards carrying handguns creates a public and occupational safety hazard from death and injury from these handguns. That report shows that security guards carrying guns does not prevent robberies or deaths, and I urge the Government to stop security guards carrying guns, particularly semiautomatic weapons.

Semiautomatic handguns are legally available, despite their capacity to kill quickly and be concealed. The most powerful handguns such as the Austrian Gluck, which is reported to be the handgun of choice for criminals, are still being imported or stolen from police. The Smith and Wesson .38 revolver, which is used for the majority of gun crime in the United States of America, is available here, as is the easily concealed derringer. Longer barrel handguns, which allow more accurate shooting over distance, are also available. Replica, deactivated, converted and imitation handguns, and access to ammunition, are all poorly controlled. The Government has left this avenue open for criminal use of handguns. More powerful handguns are in the pipeline, with reduced recoil, faster "draw", "self protection" guns marketed to women, and lightweight titanium, and laser sights to increase accuracy.

This research shows that criminals use the most powerful weapons available, preferring large calibre handguns that can be easily concealed. They prefer new guns, and they steal them from the gun-owning public. Experience in the United States of America shows us that the wide availability of firearms goes with high rates of gun crime and firearm death. Handguns were responsible for nearly all of that country's terrible school and high-profile shootings. Most of them belonged to family or friends who owned them legally. In response to the 1996 Dunblane massacre, the United Kingdom banned all handguns, resulting in a dramatic drop in firearm-related suicides and homicides. The New South Wales Government should examine this policy as a model for action. Gun control is not complete. I urge the Government to ban all semiautomatic handguns, including deactivated, replica and converted guns, to work towards national standards and national legislation, and to develop new strategies to reduce the number of handguns available and the level of handgun violence.

### **SPECIAL EDUCATION CLASSES**

**Mr RICHARD TORBAY** (Northern Tablelands) [5.47 p.m.]: On a recent visit to Inverell I met Sharon and Wayne Hilton, the parents of 12-year-old Jeremy, who has a moderate intellectual disability. Jeremy is one of the success stories to emerge from our education system's special education classes. His experience offers a salutary lesson on the need to retain strong levels of support for children with disabilities in State schools. In his kindergarten special education class at Ross Hill Primary School Jeremy performed so well that he was transferred into mainstream classes in years 1 and 2. His mother told me that during that time he sat under the table on most school days, made virtually no progress, disrupted classes with tantrums and was extremely distressed. He was placed back into a special education class in year 3 and has made spectacular progress ever since. He can now read and write, use a calculator, has developed excellent computer skills and will enter high school mainstream classes next year, needing only minimal support. His parents are very proud and were relieved that as a result of his education he will be able to find a job and live independently. That is what Jeremy wants to do.

I believe we should bear Jeremy's story in mind as the Government considers its policy of reconsidering resources for special education for children with disabilities and drafts more of those students into mainstream classes. On the face of it, there are benefits in integration if the parents approve and the students can manage in a more competitive environment. There are social benefits too, as it is good for students of all abilities and backgrounds to mix more easily and reach a greater understanding. However, forced integration against the wishes of parents has the potential to disrupt mainstream classes, place too much pressure on teachers and, more importantly, prevent students with disabilities from developing their full potential.

Next year Ross Hill Primary School, a great school, expects to have an enrolment of 11 to 12 special needs students. Under the new policy of one teacher and one teacher's aide per 10 students, there are concerns that two students with disabilities could be integrated into mainstream classes against their parents' wishes. That would lead to the loss of one special needs teacher and a teacher's aide, who are currently employed at the school's special needs unit. Recently I had the opportunity to visit this magnificent unit. The range of disabilities in the current class of 11 includes three students who are not toilet trained, one who behaves violently, and another who can have up to 60 seizures an hour. Others suffer from autism, Down syndrome and disabilities which require individual attention if they are to make any progress. Can these children make progress? The answer is undoubtedly yes, but only if the teachers are allowed to teach and not become under-resourced babysitters.

I place on record my thanks to Mr Peter Pickett, Director of the School Education Office in Armidale, who held a meeting with parents and staff at Ross Hill Public School this week. The parents are seeking an assurance that no students with disabilities will be forced into regular classes. Should the number of students with disabilities exceed 10 next year, as is anticipated, they want the school to retain two special education classes and current staffing levels. I ask the Minister for Education and Training to give her support to this position and not force integration against the wishes of the parents. A degree of flexibility is required, as the students' degree of disability and progress in their education varies. There is plenty of evidence that when special education teachers have the time and resources to give their students individual attention, many can make remarkable progress. I urge the Minister to ensure that the Government supports them properly to continue this important work.

**Ms LINDA BURNEY** (Canterbury—Parliamentary Secretary) [5.52 p.m.]: I am sure the honourable member for Northern Tablelands has made his own representations, but as Parliamentary Secretary assisting the Minister for Education and Training I will ensure that his remarks are brought to the Minister's attention. As an old chalkie I could not agree more with his comments.

**Private members' statements noted.**

**The House adjourned at 5.52 p.m. until Tuesday 18 October 2005 at 2.15 p.m.**

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