

LEGISLATIVE ASSEMBLY

Tuesday 18 October 2005

Mr Speaker (The Hon. John Joseph Aquilina) took the chair at 2.15 p.m.

Mr Speaker offered the Prayer.

DEATH OF MR WILLIAM EVAN ALLAN

Ministerial Statement

Mr MORRIS IEMMA (Lakemba—Premier, Treasurer, and Minister for Citizenship) [2.15 p.m.]: I am sure that all honourable members will support me in paying tribute to the memory of William Evan Allan, able seaman, the last surviving Australian to see service in the First World War, whose death at 106 years of age has been confirmed by Veterans Affairs officials. William Allan was not the last of a few; he was the last of the many. He was the last of that glorious generation of young Australians who went valiantly and eagerly to fight in a terrible war. They fought in the service of their country and in the service of ideals of nationhood and elective democracy that had barely taken root in their homeland when they were called to defend those values on foreign soil.

As I said, William Allan was 106 years old. He was born in the last year of the nineteenth century and lived into the twenty-first century. That his fellow Australians grew and prospered during his lifetime, building a robust and vigorous democracy on this soil, owes much to the sacrifice and example of William Allan and all those who served beside him. Their ranks are diminishing steadily. Last year we farewelled Marcel Caux, who went to war at 16 and was awarded the Legion of Honour by the people of France. The records show that only John Campbell Ross of Bendigo, who enlisted in the Australian Imperial Forces in February 1918 but saw no active service before the war was over, is still among us. We remember them all with gratitude and pride.

Our sympathy, enriched by feelings of admiration, today goes out to the family and friends of William Evan Allan. He has joined the ranks of his fallen comrades. He is secure in the ranks of Australian heroes. We mourn his passing as we honour and celebrate the achievements of his generation.

Mr PETER DEBNAM (Vaucluse—Leader of the Opposition) [2.18 p.m.]: All Coalition members of Parliament join the Premier in lauding the service of William Allan. As the Premier said, he was from Victoria. Today he died at the age of 106, having been born in Bega in July 1899. He enlisted in the Royal Australian Navy as a boy sailor at the outbreak of World War I and served as a member of the crew of HMAS *Encounter* from 1915 until 1918. On the *Encounter* he sailed in the Pacific Ocean and the Indian Ocean, escorting troop ship convoys to Colombo. He took part in the search for the German raider *Wolf*, which was causing havoc among allied shipping. Mr Allan remained in the Navy for 34 years, serving again during World War II.

In 1928 an incident was recorded involving William being washed overboard from the focsle of HMAS *Australia* and spending three minutes in the water before being rescued. That is an extraordinary feat. I would not be surprised if it were longer than three minutes before the crew either turned the ship around or got back to him with a boat. In 1947 William retired, having attained the rank of lieutenant. As the Premier said, these men and women were an inspiration to all Australians. They have been the real community heroes for so many decades. We simply do not say thank you often enough for that 34 years of service to Australia by those who made a commitment to the nation for virtually the whole of their working lives. I join the Premier in saying that we are indebted to them all.

DISTINGUISHED VISITORS

Mr SPEAKER: I welcome to the gallery members of the Guangdong People's Congress Delegation, led by Professor Wang Ning Sheng, member of the Standing Committee of the National People's Congress, Vice Chairman of the Standing Committee People's Congress of Guangdong Province and Vice President of Guangzhou University of Traditional Chinese Medicine.

VARIATIONS OF PAYMENTS ESTIMATES AND APPROPRIATIONS 2005-06

Mr Frank Sartor tabled variations of the payments estimates and appropriations for 2005-06 under section 24 of the Public Finance and Audit Act 1983 flowing from the transfer of functions between the Department of Ageing, Disability and Home Care to the Department of Health.

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**.

Southern Tablelands Rail Services

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

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**.

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**.

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**.

Same-sex Marriage Legislation

Petition opposing same-sex marriage legislation, received from **Mr Barry O'Farrell**.

Anti-Discrimination (Religious Tolerance) Legislation

Petition opposing the proposed anti-discrimination (religious tolerance) legislation, received from **Mr Andrew Stoner**.

Kurnell Desalination Plant

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

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**.

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**.

Kempsey Water Fluoridation

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

Kurnell Sandmining

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

Royal Rehabilitation Centre Site Development

Petition requesting that Ryde City Council be the consent authority for the proposed development of the Royal Rehabilitation Centre site at Ryde, received from **Mr Anthony Roberts**.

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**.

Camphor Laurel Trees Eradication

Petition requesting the eradication of camphor laurel trees, received from **Mr Thomas George**.

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 **Mrs Judy Hopwood**.

Swansea Ambulance Station

Petition requesting the provision of an ambulance station for Swansea, received from **Mr Milton Orkopoulos**.

Willoughby Traffic Conditions

Petition requesting a regional traffic plan for the Pacific Highway at Willoughby, including a traffic study for Artarmon, 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**.

Grafton Bridge

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

F6 Corridor Community Use

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

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**.

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 cycleway, received from **Mr John Turner**.

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**.

LEGISLATION REVIEW COMMITTEE

Report

Mr Shearan, as Chairman, tabled the report entitled "Legislation Review Digest No. 12 of 2005", dated 18 October 2005, together with minutes of extracts regarding digests Nos 10 and 11 of 2005.

Report ordered to be printed.

QUESTIONS WITHOUT NOTICE

CROSS-CITY TUNNEL AND ROAD CLOSURES

Mr PETER DEBNAM: My question is directed to the Minister for Planning. Given that in 2003 as Lord Mayor of Sydney, he and Minister Scully signed the William Street tunnelling plans claiming it would be smoother in operation for road traffic, when will he accept his share of the blame for the cross-city tunnel crisis?

Mr FRANK SARTOR: This issue has been debated extensively. My role in my former life was to promote the full-length tunnel along the full length of William Street, and the Minister at the time agreed. He and I had some interesting debates about it. Beyond that I was not involved in the details and the consent process. I was involved in upgrading other parts of the city, which ended up being very successful, such as the Eastern Distributor. I am sure this one will be successful too.

ANIMAL CRUELTY

Mrs BARBARA PERRY: My question without notice is addressed to the Premier. What is the Government's response to community concerns about acts of aggravated animal cruelty?

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

Mr MORRIS IEMMA: Following a number of violent and unprovoked attacks on kittens earlier this year, which outraged and sickened members of the community, the Government set up a task force to consider changes to animal cruelty laws and procedures. The task force considered existing animal cruelty offences, the applicable penalty for those offences and how such offences may be prevented by early intervention. The task force also considered the recording of court results by New South Wales police on its criminal records system. Most of the current animal cruelty offences are found in the Prevention of Cruelty to Animals Act 1979. The task force was concerned primarily with offences that are committed with the intention of causing serious injury or death to the animal. As a result of the task force investigation, and in keeping with the strength of community outrage over the events of earlier this year, the Government will introduce legislation to create a new indictable aggravated animal cruelty offence in the Crimes Act 1900.

An offender will be charged with this offence if it was the offender's intention that an animal experience prolonged suffering, serious injury or death. Those who attack animals used by police for law enforcement purposes also will be charged with this offence. Honourable members will recall the murder of police dog Titan last year whilst on active duty. This is just one of a number of serious attacks on animals used by the police. In another incident a police dog was hit on the head with an axe. Violent demonstrators have thrown marbles under the hoofs of horses, causing them to slip and fall, and causing danger to the constable riding the horse. The Government intends that the penalty imposed for this aggravated offence will reflect the community's abhorrence of these crimes. The maximum penalty for these sickening crimes will be five years imprisonment.

The task force also found that when criminal charges were laid by animal welfare organisations, with no involvement by police in the investigation, any subsequent conviction could not be entered onto police criminal records. Accordingly, a further amendment to the Crimes Act will provide that when offenders previously have not been fingerprinted for an offence of cruelty or aggravated cruelty to an animal, an application may be made to the magistrate for a fingerprinting order. Those fingerprints will then link the person to an existing criminal record, or enable a record to be created. The likelihood of animal abuse escalating into more serious violence has been researched and well documented.

The task force examined research undertaken in New South Wales, the United Kingdom and the United States of America, which showed that those convicted of domestic violence, child abuse and other violent crimes sometimes have been convicted previously for committing offences relating to animal cruelty. The task force was informed that research in Australia and overseas found that if a child is cruel to animals this may be an indicator that the child has been subjected to serious neglect or abuse. Where serious animal abuse has occurred in a household there may be an increased likelihood of other forms of family violence. Sustained cruelty to animals by children has been linked to the increased likelihood of its escalation to violent offending behaviour against people as the child becomes an adult.

The introduction of the new offence under the Crimes Act will not affect the offences that currently exist in the Prevention of Cruelty to Animals Act. Those offences will remain unchanged. Animals are often victims, albeit silent victims, of violence. Unlike human beings, they are unable to give evidence against their attackers but that does not diminish their status as victims. The community demands that we are tough on these sickening, cruel and violent crimes against defenceless animals. The proposed legislation reflects this imperative. I trust it will receive the support of all members of this House.

KEMPSEY DISTRICT HOSPITAL MENTAL HEALTH FACILITIES

Mr ANDREW STONER: My question is directed to the Premier. Now that the North Coast Area Health Service has admitted that scheduled mental health patients were illegally admitted to Kempsey's voluntary mental health ward, will he now advise the House when he first became aware of the practice, and how many patients were involved?

Mr MORRIS IEMMA: I will obtain a report from the Minister for Health in relation to this matter.

Mr Andrew Stoner: That is what you said last time. You have had until now.

Mr MORRIS IEMMA: The Leader of The Nationals has asked this question before. I will obtain the detailed statistics he requires.

HIGHER SCHOOL CERTIFICATE

Mr KIM YEADON: My question without notice is directed to the Minister for Education and Training. What is the Government doing to improve student performance in New South Wales schools?

Ms CARMEL TEBBUTT: As I am sure many honourable members in the House are aware, for nearly 66,000 students across New South Wales this week marks the culmination of 13 years of schooling. Beginning yesterday and continuing until 11 November, these students will sit their final round of examinations that will in part determine their Higher School Certificate [HSC]. Over the forthcoming weeks students will attend one of 750 exam centres located across the State or those in Singapore, Indonesia and Malaysia, and they will complete, on average, six examination papers.

It is a challenging time for students and their families. I am sure that all honourable members join with me in wishing the class of 2005 all the best for the forthcoming weeks. The Higher School Certificate is a rigorous, widely supported and internationally recognised assessment program. What is more, as a result of initiatives undertaken by this Government, which will be familiar to you, Mr Speaker, I am sure, including the most extensive review of the HSC in its 30-year history, students have the opportunity to study courses that better prepare them for further study or for entry into the work force.

The program is now in its fifth year. One of the clearest trends to emerge is the growing number of students who are studying advanced courses. For example, since 2001, enrolments in the English Extension 1 and English Extension 2 courses have increased by 65 per cent and 85 per cent respectively. Almost half of all HSC students are now studying at least one science course, with the enrolments in chemistry, for example, having increased by 12 per cent since 2001. In this time of acute skills shortages, it is also pleasing to note that almost one in three students has added one or more vocational education and training [VET] courses to their academic program. It has to be said that this has had a positive impact on retention rates, as the report by Bert Evans showed last week. It has influenced students to the extent that six out of 10 stay on to year 12 because they have had the opportunity to do a VET course.

Irrespective of whether a student goes on to TAFE, university or directly into employment, the Government has put in place a Higher School Certificate which provides a clear statement of what a school leaver knows and can do. The Government is fully committed to the continuation of the Higher School Certificate. Our approach can be contrasted to that of the Federal Minister for Education, Science and Training, Brendan Nelson, who has been campaigning for some time for the replacement of the Higher School Certificate with an as yet undefined national examination. At a time when our students are sitting down to undertake their final examinations, I think it is a great shame that this issue has once again emerged in the media. Even the Prime Minister does not agree with his own Minister for Education, Science and Training.

The Prime Minister has expressed reservations about a national examination, saying that we should not just seek uniformity for its own sake. It will be interesting to know where members opposite stand on this issue. Do they support the Higher School Certificate? Do they support our students undertaking preparation for their Higher School Certificate? I have to say that on this occasion I have to agree with the Prime Minister. The ill thought out proposal put forward by Minister Nelson would undermine the integrity of our Higher School Certificate and it would limit the learning opportunities that are available to New South Wales high school students. It is a course of action that this Government will not support. I challenge the Opposition to come out and say where they stand on the Higher School Certificate.

The Government's approach to strengthening the rigour of the education system is embedded throughout the formal years of schooling. Not only are we seeing great results in terms of our students who are undertaking their Higher School Certificate but also this week we have seen the results of the 2005 Basic Skills Test. Those tests are being sent to schools across the State. This is an annual assessment of students' literacy and numeracy skills. We are seeing that, overall, the Basic Skills Test continued the excellent progress that was recorded in 2004. In particular the 2005 literacy and numeracy results for year 3 students are the best ever in a 15-year history of the Basic Skills Test. These excellent results are a tribute to the dedication and skill of our public schoolteachers and provide further evidence that the Government's literacy and numeracy strategy is working and is getting results. Our approach is about getting the basics right. Public education in New South Wales is in strong shape.

DESALINATION PLANT PROPOSAL

Mr PETER DEBNAM: My question without notice is directed to the Minister for Utilities. Given even his own colleagues acknowledge that he made mistakes and unnecessary compromises on his most recent major infrastructure projects, what compromises and community interests is he now negotiating away as part of Labor's \$2 billion desalination plant?

Mr CARL SCULLY: Yes, when one negotiates, one may compromise. Big deal!

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

Mr CARL SCULLY: To suggest that the Government has made too many, relative to the Coalition's projects, is offensive, insulting and untrue, and something that members opposite should bear in mind, because I am embarrassed for them. They have a shot at me and I think they show considerable gall by having a shot at my projects—all of which, I must say, I am very proud.

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

Mr CARL SCULLY: I am happy for all members opposite to drive to work down the Pacific Highway, or the Great Western Highway, or the Eastern Distributor, or the M5 East, or across the Woronora Bridge, or catch a bus along the Western Transit Way because I know they do not think, "Gee, didn't Carl stuff these up." No, they do not because they are so overburdened by their own stuff-ups. When those characters opposite travel along the projects that I have done over the past 10 years, they are thinking about the Port Macquarie Base Hospital, Luna Park, Eastern Creek and the airport line.

I am happy to be held to account relative to the Coalition's record because when the ledger is balanced and we are all done with public life, I reckon my tally will be a bit better than theirs. In relation to the desalination plant, it is true that I do not mind having a go and I do not mind telling members opposite that they can give me all the stick they like because I am going to continue to do whatever the public wants.

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

Mr CARL SCULLY: It is all about making a difference. The people of this city need a secure supply of water. If members of the Coalition think that I will cower in my office because of what I have copped from their wet lettuces because of one particular project, I have a message for them. I am happy to be involved in the desalination plant. We need to build it, and we need to provide a secure water source. The Government has set up an information line because I am conscious of the need for that. When I think of all the projects I have been involved in over the past decade and I look across the Chamber, I do not see one single member of the Coalition who has done more than organise a single set of traffic lights, issue a press release and ask me to come and open it for them. That is all they have ever done.

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

Mr CARL SCULLY: They say to me, "Please can you come up and open that slip lane and that roundabout and make me look good? I know you are on the other side of the fence." Come on! Each and every one of them has done that. I do not mind telling them that we have set up an information line, we will be sending out a newsletter and we will be issuing an environmental impact statement. We are well advanced in the tendering process. We have already gone down to three. In the next few weeks and months we will select two, and we will build the desalination plant.

Mr Steve Cansdell: Point of order: My point of order is that I would like the Minister to come up to Grafton.

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

DNA TESTING

Mr RICHARD AMERY: My question without notice is addressed to the Minister for Police. How is NSW Police managing the growth in demand for DNA testing?

Mr CARL SCULLY: I thank former police officer the honourable member for Mount Druitt for asking a relevant police question. I acknowledge he has had continuing interest in policing matters. NSW Police has embraced the use of DNA technology in police investigations and is leading Australia in DNA and forensic testing. Each year NSW Police identifies more than 10,000 people who leave behind traces of forensic evidence at crime scenes. This take-up of DNA technology as a crime-fighting weapon has led to an increase in the number of samples that need to be processed. The amount of funding allocated towards DNA analysis demonstrates the Government's commitment to funding smarter policing. In 2001-02 we spent \$2.3 million, in 2002-03 we spent \$2.9 million and in 2003-04 and 2004-05 we have spent more than \$4 million.

As honourable members would be aware, NSW Police submit forensic material to the Department of Health's Division of Analytical Laboratories. Police collect the material but it is analysed by the Department of Health for evidential purposes. The resulting profiles are uploaded to the NSW Police database for matching and reporting. Over the years the Division of Analytical Laboratories has provided, and continues to provide, an excellent service to NSW Police and, therefore, to our judicial system. However, the demands for forensic material are exponentially growing. There are many, many cases in which it is required to secure convictions. The number of forensic samples submitted for analysis grows by about 15 per cent a year, on average.

The Government has put in place a number of measures to deal with the growing demand. We have assigned NSW Police Forensic Services Group officers to triage the backlog; that is, culling completed cases and prioritising existing cases. The Government has allocated \$200,000 for three months of weekend overtime so the Division of Analytical Laboratories can focus on backlog cases, and has allocated an additional \$1.5 million towards reducing the backlog. Until recently only the Division of Analytical Laboratories had received accreditation from the National Association of Testing Authorities to conduct DNA testing.

I have good news for the House. Because we need to respond to the backlog of DNA analysis so court cases can be processed in a timely way, several independent commercial laboratories have now gained the necessary accreditation. This provides an opportunity for the Government to expand the sources whereby DNA material is analysed independently of the collection agency, being NSW Police. Recently Cabinet approved NSW Police conducting a three-month DNA outsourcing trial of volume crime and personal reference samples; that is using the additional \$1.5 million. Expressions of interest will be called nationwide in accordance with the Government's procurement guidelines.

As the trial will use actual, de-identified, crime scene exhibits, NSW Police will ensure that necessary quality control measures are in place. The trial will be evaluated to ascertain whether there are benefits to NSW Police outsourcing a proportion of DNA workload. The Government is committed to ensuring that New South Wales continues to be at the forefront of scientific policing and is working towards a long-term plan to meet the increasing demand for DNA analysis in the criminal justice system.

GAMING MACHINE TAX

Mr GEORGE SOURIS: My question without notice is directed to the Premier, and Treasurer. In view of the Labor Government's Treasury recommendation for a lower tax rate for clubs, why did the Labor Government gouge massive tax increases out of clubs, knowing that it undermined financial support for community groups, charities and sporting organisations?

Mr MORRIS IEMMA: The first point I make is that his own Opposition released the material he just asked about back in November 2003. It is good to see that he is working up the same question, recycling the same material that the Opposition released in November 2003. At that time the Treasury proposed a tax increase on poker machine profits that provided taxation exemptions for fewer small clubs, and it was to be phased in over three years. The Government considered that proposal, but in the end introduced a regime which exempted all clubs with annual gaming profits of up to \$200,000—that was in contrast to the Treasury proposal of 2003, which would have exempted only clubs with profits of less than \$100,000.

The Government also reduced the rate of gaming taxation for all clubs with annual gaming profits of up to \$1 million per year. Let us be clear about it. That is what happened. The Opposition released that material in November 2003, and the Government considered the proposal and went with an alternative one that provided more benefits for smaller clubs. Today the Opposition has recycled the same material, as if it were new. Is the Opposition now suggesting that we adopt Treasury advice? The Opposition position is now a long way away from the Treasury position. Of course, the Opposition's position is yet another example of how it simply said yes to every single interest group that knocks on its doors. It says yes to "cut a tax" or "increase expenditure". That is its current position. That is why its spendometer is skyrocketing; it is at \$16.8 billion, and going up at an extraordinary rate.

The Opposition cannot pay for all the promises it makes to every single interest group that knocks on its doors. Opposition members simply say yes to all, but it simply cannot pay for them. Is the Opposition's promise to the clubs a core promise or a non-core promise? Is the Opposition now saying that we should accept Treasury advice? The Opposition is a thousand miles away from any Treasury advice on that matter. This is yet another example of how everyone who knocks on the Opposition's door gets a "Yes". It says it will just ride out the increase in expenditure or write off the tax reduction. As I have said before, the Opposition will send the State bankrupt with its spendometer, which is going through the roof. It says yes to every single stakeholder or interest group. It is just yes, yes, yes.

The Opposition will reduce tax collection, increase expenditure—how will it pay for that? Maybe it will take a leaf out of John Howard's book and in the end its promises will be down to two categories: core promises and non-core promises. Maybe that is its new position, its new approach. The position has not changed, everyone is told yes. That policy has not changed, so maybe it will now develop a new position, the one we saw in 1996 from the Commonwealth, from John Howard, of non-core promises and core promises. That is probably where we will head with the Opposition, because there is no way that it can pay for the \$16.8 billion spendometer that is rising quicker than any new promises it will make.

RAIL CARRIAGES

Ms MARIANNE SALIBA: My question without notice is addressed to the Minister for Transport. What is the latest information on new rail carriages for intercity passengers?

Mr JOHN WATKINS: As honourable members would know, last Friday I took the precaution of removing 15 of the V-set class one carriages from the CityRail network. Those 15 carriages, which were the first of those V-sets to be purchased, were approximately 35 years old and currently operate on intercity routes between Sydney, the Central Coast and Newcastle, out to the Blue Mountains and down to the South Coast and the Illawarra. The decision to remove those carriages from service was prompted by the identification of some corrosion in the substructure of two carriages that were undertaking scheduled maintenance and renovation work. That corrosion in the substructure, which was not apparent through the normal maintenance program, became apparent when the floor was removed from one of those V-set carriages.

After the discovery of corrosion in the first two carriages another two carriages were inspected and they also showed some examples of deterioration. Following a briefing from RailCorp and the Independent Transport and Reliability Regulator, I directed that the remaining carriages immediately be locked off to passengers until they were removed from the network for further inspection. That occurred last Friday. I am advised that those carriages were progressively removed from service during the weekend, and work to examine those carriages is currently under way. Because of the location of the suspect material the cars need to be stripped down and inspected. That process will be undertaken carefully and thoroughly.

Yesterday CityRail implemented a revised operating schedule to accommodate the removal of those carriages by redistributing its rolling stock fleet to minimise the impact on commuters in the Illawarra, the Central Coast and the Blue Mountains. That redistribution means there will be a net loss of only four carriages to the network as a result of that decision. Whilst I appreciate that the decision will inconvenience some passengers, the safety of those passengers was paramount in making that decision. I have instructed RailCorp to do all it can to assist commuters during this period. I am advised that RailCorp has already implemented the following measures. It has distributed notices to commuters on affected services; it has put up posters outlining changes to services on all affected stations; additional staff, including transit officers, have been available at stations to assist commuters who may have questions about changes; and special announcements are made by train guards and station staff.

Buses are on standby at key locations to add to capacity if required and we are ensuring that toilets at stations along affected lines are open for commuter use. Safety is our number one priority. While engineers determined there was no daily operational risk, we made the decision to remove these cars from service until we know more. The New South Wales Government is committed to a large \$2.5 billion rolling stock acquisition program that will boost the safety, capacity and reliability of the CityRail network. In June this year we took delivery of the last of the 141 Millennium carriages, which are worth \$466 million. Work is nearing completion on the \$102 million project to provide 14 new Hunter rail carriages, with the first cars to be delivered in early 2006.

On 11 October this year I announced that tenders had closed for the delivery of the 498 airconditioned carriages that are part of that \$1.5 billion public-private partnership to replace the remaining non-airconditioned

carriages by the end of 2010. That is nine years ahead of the normal replacement schedule. Work is progressing well on the contract to deliver the 122 outer suburban carriages worth \$429 million. RailCorp has advised me that the 122 outer suburban railway carriages, or OSRCs as they are termed, are subject to undergoing initial testing in early 2006.

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

Mr JOHN WATKINS: I am further advised that the majority of those 41 carriages are on track to be delivered by the end of 2006, with all 122 carriages expected to be in service by mid 2008, as scheduled. That is a massive investment of more than \$2 billion on new rail cars. We will see more than 600 new rail cars and the retirement of 498 of the non-airconditioned carriages. From early next year there will start to be a major change to the quality of rolling stock currently available to serve the Blue Mountains, Illawarra, Central Coast, Newcastle and the rest of the CityRail network. Within five years we will start to replace more than one-third of the fleet. Commuters on the CityRail network will notice a difference and they will have the rolling stock that they deserve. This investment continues the proud history of New South Wales Labor governments in delivering improvements to the quality of rail services for local commuters. Let us look at the history books, a matter to which other honourable members have previously drawn attention. The Millennium train was delivered by this serving Labor Government.

Mr Barry O'Farrell: At what price?

Mr JOHN WATKINS: I have just mentioned that price. The Deputy Leader of the Opposition would have heard me do so if he had been listening.

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

Mr JOHN WATKINS: The Tangara train was delivered by the Unsworth Labor Government, the XPT was delivered by the Wran Labor Government, the Tulloch double-decker suburban carriages were delivered by the Heffron and Renshaw Labor governments, and the new cars that I just outlined in my answer were delivered by this Labor Government. Compare that strong history of Labor governments delivering for rail in New South Wales with the record of Coalition members. Whilst the Labor Government in New South Wales historically is delivering the rail infrastructure that the people of this State need and deserve, the same cannot be said of Coalition members. As I informed the House last week—the shadow Minister does not like hearing this, but he will—the most recent contribution of the mob opposite to rail in New South Wales was the airport rail link. Honourable members will recall that that was promised at a cost of not one cent of public money. It did not cost one cent; it cost the taxpayers of this State over \$800 million.

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

Mr JOHN WATKINS: Whilst answering this question about new rail cars it is timely to update the House about on-time running, which has been achieved since the most recent change to timetables on 4 September. The introduction of that new timetable over the past five weeks has progressed smoothly. There is no doubt that there has been a significant improvement to the on-time running being experienced by tens of thousands of passengers on the network. I am advised that on-time running in peak periods over the past five weeks has averaged at 94 per cent. Average on-time running week by week since the introduction of that new timetable is as follows: week one, 96 per cent; week two, 94 per cent; week three, 93 per cent; week four, 93 per cent; and week five, 95 per cent. However, as I have said, it is early days with the introduction of that new timetable.

The new timetable will not be accepted unless it delivers that type of result week in and week out, month in and month out for commuters who rely on our CityRail network. It is not a solution by itself but it has certainly brought about a different result for the travelling public. We have other measures in place, including the expenditure of a considerable amount of money on new rail cars, the clearways project and other expenditure on capital to complete the Epping to Chatswood rail link. Of course, the greatest change in our rail infrastructure for more than 80 years is the north-west new central business district and south-west rail link, which is currently being planned. This Government has made a real difference to the investment in the future of rail in this State.

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

Mr JOHN WATKINS: We must remember that none of these improvements—the new rail cars, the timetable—can occur without the efforts of the thousands of men and women who work for RailCorp in every corner of this State. They do an outstanding job, day in, day out, for the travelling public of this State. I take this opportunity to thank them for their enthusiasm and hard work. I will bring just one example to the attention of the House. Of course, we were all overjoyed to see Wests Tigers get up in the recent rugby league grand final but it was a fantastic win also for public transport. Some 75 per cent of the magnificent crowd at Homebush who behaved so well travelled to the game by public transport. Some 62,619 people travelled to and from game by public transport and CityRail carried more than 50,000 of them.

I was at the game to see Wests Tigers win, but perhaps more satisfying in some ways was catching the bus to Homebush to see how well the special event bus network operated. After the game I watched the trains come and go for about an hour and a half and witnessed the magnificent work of RailCorp employees, who moved 50,000 people professionally onto trains and out of Homebush station. It was an outstanding result for rail and for public transport as a whole. The Government will continue our investment in public transport because that is what the voters of this State deserve.

BANORA POINT SENIOR HIGH SCHOOL

Mr BRAD HAZZARD: My Speaker—

Mr Paul Gibson: In the beginning—

Mr BRAD HAZZARD: The honourable member for Blacktown was certainly not there in the beginning.

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

Mr BRAD HAZZARD: Mind you, the honourable member for Blacktown is more likely to be here at the end than many of his colleagues! My question is directed to the Minister for Education and Training. As the honourable member for Tweed told the House in June 2003, funding is available for the construction of a senior high school at Banora Point. Why has the Minister stonewalled parents and teachers who simply want to know whether their children who are already enrolled at Banora Point will be able to attend years 11 and 12 at their school?

Ms CARMEL TEBBUTT: The honourable member for Wakehurst refers to an issue that has received ongoing attention in the past few weeks, particularly in the local media. I point out that, despite the honourable member's representation, the reality is that there are different community views regarding secondary education in the Tweed Heads area. There is no consensus regarding Tweed River and Banora Point high schools. Tweed River High School is an established years 7 to 12 facility. Banora Point High School was opened in 2004 to cater for 800 students in years 7 to 10. It is currently taking students in years 7 and 8.

The Government has not changed its position on this matter. It indicated that it would look at a collegiate model but the reality is that discussions with the local community reveal not a lot of support for that model. That is very clear. The school communities are struggling to work out which school should offer the years 11 and 12 option and take a collegiate approach. I have asked the Department of Education and Training to provide further information on population and enrolment trends and about other issues that will impact on all schools in the area. I will make a decision on this matter as soon as possible. The Government is committed to ensuring that all students in the Tweed Heads area have access to top-quality education. It is in no-one's interests for Opposition members to pretend that there is a clear consensus of view regarding the future of secondary education in Tweed Heads when that is clearly not the case.

Mr BRAD HAZZARD: I ask a supplementary question. If there is no consensus in the community, it is up to the Minister for Education and Training to make a decision. When will the Minister back the promise by the honourable member for Tweed that there will be a senior high school at Banora Point? When will the Minister deliver on that promise?

Mr Richard Amery: Point of order: The question is obviously important to the honourable member for Wakehurst: that is why he put it on notice last Thursday. Therefore, the question the honourable member for Wakehurst asked today is out of order, as is his supplementary question. I ask, Mr Speaker, that you rule that the Minister's answer be taken as the answer to the question that the honourable member for Wakehurst put on notice last week.

Mr BRAD HAZZARD: To the point of order: The question I put on notice is not related directly to the issue that I raised with the Minister for Education and Training today. The Minister has been accused of being the disappearing Minister. Now she says that she will take a year to answer the question. On behalf of the people of the Tweed and Banora Point, I remind the Minister that she is in this House now. She should answer the question, meet parents and give them some promise about the future of their children. For heaven's sake, she should back the promise of the honourable member for Tweed!

Mr SPEAKER: Order! I do not uphold the point of order. There is a substantial difference between the question on notice asked by the honourable member for Wakehurst and the question he has asked without notice. The question on notice referred specifically to funding, whereas the question he asked today did not. However, the question asked by the honourable member for Wakehurst sought no information additional to that supplied by the Minister in her reply. Therefore, I rule that there is no supplementary question.

DEPARTMENT OF COMMUNITY SERVICES CASEWORKERS

Mrs KARYN PALUZZANO: My question is addressed to the Minister for Community Services. Can the Minister update the House on the new caseworker positions in the Department of Community Services?

Ms REBA MEAGHER: I thank the honourable member for Penrith for her question and acknowledge her ongoing interest in this important area of the Government's work. When will the honourable member for Davidson ask me a question?

Mr SPEAKER: Order! The honourable member for Davidson will cease interjecting and the Minister for Community Services will address the Chair. The honourable member for Davidson will resume his seat.

[Interruption]

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

[Interruption]

Mr SPEAKER: Order! The behaviour of the honourable member for Davidson is nothing less than disgraceful. I place him on two calls to order. I direct the Minister to address her remarks through the Chair.

Ms REBA MEAGHER: Protecting children is a concern for everyone in the community and is a priority for the Government. I am pleased to inform the House that the Government has selected 19 locations across the State to receive extra staff this financial year. Honourable members will be aware that the additional \$1.2 billion that the Government is investing in the Department of Community Services [DOCS] over five full years means an extra 875 caseworkers and upgrades to DOCS centres around the State. I am pleased to confirm that this year we are planning to hire an additional 150 caseworkers. They will be located in places such as Penrith, Mount Druitt and Campbelltown, which will mean stronger support for families across Sydney's west. The inner west will benefit from extra positions at Lakemba and Burwood. In the State's south-east there will be extra positions in Bega and Cooma. On the Central Coast there will be more caseworkers in Gosford and Wyong. In the State's west the Government will boost its front-line caseworker numbers in Deniliquin, Moree, Condobolin and Nyngan. Recruitment to those newly created positions is currently under way. Accommodation is ready at most sites.

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

Ms REBA MEAGHER: Those additional caseworkers come on top of the 150 extra caseworkers employed last year and the 173 extra caseworkers employed the year before that. However, additional caseworkers are only one aspect of the reform program. The Government is committed to improving the consistent quality of decision making as well as boosting its front-line capacity. Honourable members will be aware that the Ombudsman's annual report was tabled in Parliament last week. The Government supports the role of the Ombudsman to monitor the State's child protection system to guide further improvements. The Ombudsman's reports contribute to the reform process that will enable the Government to build the strongest child protection system possible. That is why this Government has announced an historic injection of funds that means 875 more caseworkers—who will be trained and properly supported with legal officers and psychologists to guide their professional judgments—improvements to systems, more early intervention programs and better support for families.

It will build a stronger, more responsive Department of Community Services. The Government's reform program is well under way. The Government thanks the Ombudsman for helping to identify areas where DOCS needs to continue to improve, and clearly more work is ahead. For example, the department needs to make greater use of formal care plans lodged in the Children's Court rather than rely on the informal undertakings of parents. The plans are legally enforceable and, if breached, allow DOCS to seek to remove children and place them in foster care. DOCS must also continue to strengthen its assessment of risk to children, which means that caseworkers take the entire family into account, rather than just respond to individual incidents in isolation. No Government has ever put more money into DOCS than this Government. The Government is committed to building a better, stronger and more responsive child protection system.

By contrast, nobody has less credibility on child protection than those opposite. Let us not forget that the Coalition promised to slash more than \$700 million from the DOCS budget at the last State election. The Opposition should hang its head in shame because its budget raid would have cut 675 child protection positions from the department and gutted the department, just like it did last time it was in office, when it slashed more than 1,000 child protection positions. In addition, the Coalition disbanded three police child mistreatment units at Flemington, Wagga Wagga and Campbelltown. On top of that, the Coalition closed 23 field offices in the State, including Campsie, Smithfield, Granville and Camden, just to name a few. On the other hand, this Government is investing like never before in building a strong responsive child protection system in New South Wales. The contrast between the Government and the Opposition could not be clearer.

Questions without notice concluded.

COMMITTEE ON CHILDREN AND YOUNG PEOPLE

Membership

Motion, by leave, by Mr Carl Scully agreed to:

That:

- (1) Michael John Daley be appointed to serve on the Committee on Children and Young People in place of Barry Joseph Collier, discharged; and
- (2) a message be sent informing the Legislative Council.

COMMITTEE ON THE OFFICE OF THE OMBUDSMAN AND THE POLICE INTEGRITY COMMISSION

Membership

Motion, by leave, by Mr Carl Scully agreed to:

That:

- (1) Steven John Chaytor be appointed to serve on the Committee on the Office of the Ombudsman and the Police Integrity Commission in place of Noreen Hay, discharged; and
- (2) a message be sent informing the Legislative Council.

BUSINESS OF THE HOUSE

Routine of Business: Suspension of Standing and Sessional Orders

Mr CARL SCULLY (Smithfield—Minister for Police, and Minister for Utilities) [3.35 p.m.]: I move:

That standing and sessions orders be suspended to provide that:

- (1) Government Business Orders of the Day No. 2 [Luna Park Site Amendment (Noise Control) Bill] and No. 3 [Residential Tenancies Amendment (Social Housing) Bill] be considered forthwith, followed by the motion for urgent consideration, the matter of public importance and private members' statements;
- (2) that two additional members be permitted to speak on the matter of public importance:

Member for Wakehurst	5 minutes
Member for Manly	5 minutes.

- (3) from the commencement of the matter of public importance until the adjournment of the House, no divisions or quorums shall be called; and
- (4) at the conclusion of private members' statements the House adjourn, without motion, until Wednesday 19 October 2005 at 10.00 a.m.

Mr ANDREW TINK (Epping) [3.35 p.m.]: This motion breaks the rules of this House so the Government can break the rules of the law and trample on the rights of people in northern Sydney who have taken lawful action against the Government in court to test their property rights. This is a lazy motion by a lazy government to break ordinary men and women who are trying to exercise their rights and stand up for their local entitlements as property owners. The Government has broken people with the property tax and it is breaking ordinary motorists by funnelling them into traffic tunnels in William Street. The Leader of the House seems to be totally oblivious to the traffic chaos in Macquarie Street every night.

This Government, after 10 years in office, is all about covering its serial incompetence by breaking the rights of ordinary people, whether they be motorists, property owners or people trying to go to the club for a little bit of entertainment. It does not matter where those ordinary people are in New South Wales, after 10 years this Government is intent on breaking them to cover its incompetence. The Cabinet has been reduced to a conga line of spivs and ordinary people who are of borderline competence. It really hurts when ordinary people become victims of an incompetent government. It is one thing to change the law to legislate prospectively to create a bad outcome—that is happening often enough—but it is another thing to legislate to take away the rights of people who are already appearing in court to try to protect their investment, lifestyle, families, and peace and quiet. The Luna Park Site Amendment (Noise Control) Bill is about that. The Minister for Tourism and Sport and Recreation is a disgrace.

Mr SPEAKER: Order! The Minister for Tourism and Sport and Recreation will come to order.

Mr ANDREW TINK: The last piece of Luna Park legislation the Minister for Tourism and Sport and Recreation introduced was such a dog's breakfast—it was so incompetently drafted—that she has had to introduce another bill to clean it up. It is incompetence piled upon incompetence.

Mr SPEAKER: Order! The Minister for Tourism and Sport and Recreation will come to order.

Mr ANDREW TINK: This bill cuts into the rights of people who have already taken action in a court of law. This Minister has not read her second reading speech.

Mr SPEAKER: Order! I call the Minister for Tourism and Sport and Recreation to order.

Mr ANDREW TINK: It is clear that this bill annihilates the rights of people who are already before the court and tries to overcome the incompetence of the Minister. She is now raving on like a mad woman across the Chamber. This bill reduces decibel levels. We could start with the decibel levels of the idiot who calls herself a Minister of the Crown.

Mr SPEAKER: Order! I call the honourable member for Epping to order. I remind him that when speaking in the House he should use language that is acceptable to the Chamber. I have already called the Minister for Tourism and Sport and Recreation to order. I call the Deputy Leader of the Opposition to order. I call the honourable member for Gosford to order. The Deputy Leader of the Opposition may not have been aware that I had called the Minister for Tourism and Sport and Recreation to order. I remind those in the public gallery that they are here as guests of the Parliament and should comply with the standing orders.

Mr ANDREW TINK: The bill is designed to stop action being taken in relation to the noise of people screaming. [*Time expired.*]

Question—That the motion be agreed to—put.

The House divided.

[*In division*]

Mr SPEAKER: Order! The honourable member for Gosford will resume his seat. During recent divisions I have had to remind members to take their seats a few seconds prior to the locking of the doors. I will

not take a lenient view of that behaviour in the future. Little by little the procedures of the House are being eroded and a stance has to be taken. I remind members that there are proper processes and procedures to be followed and that members should be seated appropriately when the doors are locked.

Ayes, 51

Ms Allan	Mr Gibson	Mr Pearce
Mr Amery	Mr Greene	Mrs Perry
Ms Andrews	Ms Hay	Ms Saliba
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 Watkins
Mr Chaytor	Ms Meagher	Mr West
Mr Collier	Ms Megarrity	Mr Whan
Mr Corrigan	Mr Mills	Mr Yeadon
Mr Crittenden	Mr Morris	
Mr Daley	Mr Newell	<i>Tellers,</i>
Mr Debus	Ms Nori	Mr Ashton
Ms Gadiel	Mr Orkopoulos	Mr Martin
Mr Gaudry	Mrs Paluzzano	

Noes, 35

Mr Aplin	Ms Hodgkinson	Mr Roberts
Mr Armstrong	Mrs Hopwood	Mrs Skinner
Mr Barr	Mr Humpherson	Mr Slack-Smith
Ms Berejiklian	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	<i>Tellers,</i>
Mr Hartcher	Mr Pringle	Mr George
Mr Hazzard	Mr Richardson	Mr Maguire

Pair

Mr Price

Ms Seaton

Question resolved in the affirmative.

Motion agreed to.

LUNA PARK SITE AMENDMENT (NOISE CONTROL) BILL

Second Reading

Debate resumed from 12 October 2005.

Mrs JILLIAN SKINNER (North Shore) [3.50 p.m.]: I lead for the Coalition on the Luna Park Site Amendment (Noise Control) Bill, which sets maximum permissible noise levels for Luna Park and prevents residents from taking legal action about the park being a public or private nuisance and about noise emanating from the park. I will give the House a little background to the bill. In February 1996 the Labor Government closed Luna Park after the Supreme Court restricted the hours of operation of the Big Dipper following a case brought by Milsons Point residents. I acknowledge their presence in the gallery today. Noise limits had been set

at 65 decibels maximum for residences by council and the Environment Protection Authority [EPA]. In 1997 the Luna Park Site Amendment Act broadened the range of permissible land uses to include entertainment uses, which included restaurants, functions, exhibitions, conventions, markets and theatres.

In March 1998 the Luna Park plan of management was prepared in consultation with the local community and adopted by the New South Wales Government. Page 19 of the plan of management stated that the objective for amusement rides was that they "do not impinge upon the environmental amenity of the area". In 1999 Metro-Edgley was appointed by the Labor Government to operate Luna Park. Since that time Luna Park has been developed under numerous development applications, most of which deviated from the original plan of management. In February 2001 the Minister for Planning became the consent authority for Luna Park.

If I do not race through the history, we could be here all night. I will highlight the parts of the development of that park that are relevant to the bill. On 31 January 2002 the Minister granted consent to development application [DA] 154-06-01, the stage one master plan DA and the stage two DA for phase C, which specified that, "The LA10, one hour noise level emanating from buildings and internal spaces shall not exceed 60dB (A) at any time, measured at the closest residential facade." There was a requirement to prepare an acoustic plan of management for subsequent development applications.

In June 2002 DA 201-06-02 was lodged for stage two DA phase E, including a statement of environmental effects, which included an acoustic plan of management prepared by Hyder Consulting. The acoustic plan of management states that, "The outdoor activities associated with the heritage outdoor rides and activities will not be able to operate so as to comply with the project-specific noise levels proposed by the EPA industrial noise policy." No noise limits are imposed under the acoustic plan of management on external rides.

On 11 March 2005 Protection of the Environment Operations (General) Amendment (Luna Park) Regulation 2005 was gazetted to exempt Luna Park from noise control and abatement provisions provided under the Protection of the Environment Operations Act 1997, subject to complying with conditions of certain development consents granted under the Environmental Planning and Assessment Act 1979—the DAs and the acoustic plan of management to which I referred. The Coalition has placed a disallowance motion on the Legislative Council notice paper, and it will remain there until the outcome of court proceedings are known.

On 31 October 2005 a Supreme Court hearing will commence into complaints lodged by Milsons Point residents about noise from three of the 15 permanent rides and one or two temporary rides, which are brought in for school holiday periods. The complaints concern screams, the mechanical noise of one ride—the Ranger—music emanating from loud speakers, and spruiking over personal address systems. I emphasise that the complaints are not about closing Luna Park and they are not about thrill rides—there are no complaints about other thrill rides; they are complaints about specific rides that are playing havoc with the lives of residents.

I have received copies of emails from residents to Luna Park advising that their sleep is being disturbed. The emails often come through at midnight, particularly on Friday and Saturday nights. I sympathise with the residents, some of whom are in the gallery, who cannot sleep. I am the mother of two sons who, fortunately, have grown out of techno music, but I understand how hideous it must be living with that thump, thump, thump and people spruiking on public address systems echoing up the cliff top to the balconies of residences.

I am speaking on the bill not because I have to, not because I have a simple obligation to a few residents of the area, but because I genuinely believe they have right on their side. The bill misrepresents the arguments against noise emanating from the park rides; it is outrageous. Contrary to Government claims that residents are complaining about Luna Park rides that always have been in the park, these rides have been relocated from the southern end of the park, where a cliff and trees acted as a natural sound barrier, to the open northern area, contrary to the plan of management, where traditionally there were no rides. The rides have been placed directly under residential balconies, one fewer than 20 metres away. It is clear that the bill is intended to stop these residents from taking court action.

I will explain to honourable members who may be interested and the Minister—I do not think she understands the problem—exactly where these rides are located. If one looks at Luna Park from this side of harbour one sees the Sydney Harbour Bridge, then the North Sydney Olympic swimming pool, then the face of Luna Park, then the traditional quiet rides, such as the Ferris wheel, then massive development, including an aboveground car park, then the Coney Island building, which was originally the boundary, and then, outside the original boundary on an area that was previously open space and disused railway lines, there are these rides. They are well outside the original envelope of Luna Park. They are well outside the area from which residents could be expected to put up with emanating noise.

As residents claim, these rides are located in a part of the park where there is no protection and no noise barrier to prevent the sound from echoing around the properties above. New section 19A is contentious. It defines a maximum permissible noise level of 85dB (A) ($L_{A10, 15\text{mins}}$), or, any other noise level that is prescribed by regulation. I have received advice from a number of expert acoustic consultants. On 12 October, the very day the Minister for Tourism and Sport and Recreation, Minister for Women, and Minister Assisting the Minister for State Development introduced the bill, Renzo Tonin and Associates Pty Ltd, well-known acoustic consultants, wrote to Minister. The fact that the letter was written that day indicates the astonishment and disgust that this legislation has evoked. The letter states:

I am absolutely amazed at the Government's response in preventing an action for nuisance by private residents living adjacent to Luna Park. I am an acoustic consultant with 26 years experience retained by those residents to assist them in their action.

The Luna Park Site Amendment (Noise Control) Bill 2005 ("the Bill") is a completely inappropriate way of dealing with a complex environmental noise issue. If all environmental conflicts are treated in this manner what do you think would be the result?...

My understanding of the appropriate way of dealing with environmental noise is based on an approach involving consultation, flexibility and the achievement of a feasible and reasonable result.

The Department of Environment and Conservation's Industrial Noise Policy sets out what I believe to be a reasoned method of dealing with complex environmental issues for industry...

Later the letter states:

... [the] Bill retains the noise limits imposed on noise emanating from buildings of 60dB (A). So what you [the Minister] are saying is that you are applying reasonable guidelines for noise from inside buildings but effectively once people step outside, they can make as much noise as they want. With respect, Minister, this is absurd.

A level of 85dB (A) is inappropriate for the following reasons:

1. It exceeds the background noise level in the immediate residential area by 35dB (A) or "background +35dB (A)" as it is otherwise known. The DEC standard for offensive noise starts at "background +5dB (A)". If 10dB (A) represents a doubling of noise volume then your standard is **8 times louder than what the DEC would normally permit**.
2. A level of 85dB (A) is more than 22dB (A) higher than the current Roads and Traffic Authority standard for a new collector road in day-time traffic and more than 27dB (A) louder than night-time traffic. There is no road in Sydney which would experience traffic noise at this level. In fact, this level of Luna Park noise would be **two to four times louder than any noise from any road** you would like to nominate in Sydney including any motorway in peak hour traffic.
3. A level of 85dB (A) is the level you would expect living next to a railway line but with non-stop trains operating over the entire time that Luna Park operates, typically from 10am to 6pm on weekdays and 10am to 11pm on weekends and midnight or later during summer school holidays.

In response to a request as to whether there is any comparable legislation, Barry Murray, a director of Acoustical Consultants, wrote:

I am not aware of any legislation of a similar form which relates to such high noise levels, being an L_{A10} of 85dBA.

I understand that the following legislation is of a generally similar form, but the noise levels relevant are generally lower:

- **Olympics 2000**—I have monitored noise levels from Sydney Olympic Park and the highest maximum noise levels at residential receivers are in the vicinity of 65dBA. The L_{A10} noise levels would therefore be in the vicinity of 60dBA. The noise levels from the Olympics would therefore have been substantially less than 85dBA referred to in the Bill ...
- **Mount Panorama**—The noise levels from major events at Mount Panorama are generally significantly less than the 85dBA referred to in the Bill. However, there are one or two residences fronting the circuit where noise levels during major events would be comparable to the 85dBA. Again, major events at Mount Panorama would only occur from time to time.

As we know, Luna Park goes from mid-morning to late at night, most nights of the week. The letter goes on to state:

- **Sydney Airport**—Although noise levels around the airport at residential areas would exceed maximum noise levels of 85dBA, the L_{A10} noise levels are substantially lower. The Federal Government has implemented a Noise Management Plan around the Airport requiring acquisition or acoustical treatment of residences above an airport level of ANEF 30. The untreated residences would therefore be affected by noise levels only up to ANEF 30. In the worst affected areas north of the airport, the ANEF 30 level is approximately equivalent to an L_{Aeq} level of 70dBA. The L_{Aeq} equivalent of the L_{A10} 85dBA referred to in the Bill is approximately 82dBA. Airport noise levels are therefore less than the level referred to in the Bill.

Because this is a complicated, technical issue, I point out that the 85dB (A) ($L_{A10, 15min}$) noise level referred to in the bill is a very high noise level for an environmental noise at a residential facade. That means that the 85dB (A) can be exceeded for 10 per cent of the 15 minutes measured, which is 1.5 minutes. As Mr Murray points out, the 85dB (A) is therefore higher than almost all other noises experienced by residents in New South Wales. His letter goes on to state:

... [the] *NSW industrial noise policy (INP)* prepared by the DEC recommends to noise criteria:

- Intrusiveness criteria: Background noise level + 5dBA, equivalent to 55-60dBA near Luna Park.
- Amenity criteria:
 - daytime 60dBA
 - evening 50dBA
 - night time 45dBA

These noise criteria are substantially lower than the 85dBA L_{A10} facade levels referred to in that Bill.

I also have advice from Louis Challis, AM, who is a very well-known and respected acoustics consultant and whose curriculum vitae is many pages long. He has received many awards and has registered patents. He is recognised Australiawide and has been engaged not only by the New South Wales Government but also by others to provide advice about acoustic and noise levels. He has responded to a number of questions. He was asked whether there is any comparable legislation with such limits, and his response states:

During my 40 years of practice, I have never observed or read or seen a criterion in legislation that would permit noise levels of this magnitude from commercial, licensed or other premises.

He was asked what a noise level of 85dB (A)(L_{A10}) means in lay terms, and his response states:

A noise level of 85dB (A) means that for 1.5 minutes of the 15 minute period the noise level may equal 85dB (A). However, this also means that significantly higher noise levels are typically measured by the L_{A1} , 15 mins will be produced and the $L_{A(max - 15 mins)}$ will both be considerably higher than 85dB (A).

The Minister for Tourism and Sport and Recreation should listen to what Mr Challis states next, because she made a mistake in her second reading speech—which was based, I presume, on incorrect advice from the department. Mr Challis states:

In simple terms, this means that peak noise levels as high as 100dB (A), (or more) may be produced during that 15 minute sampling period.

A noise level of 85dB (A) in lay terms is the equivalent of someone shouting at you from one metre away.

Of course, honourable members have experienced that in this House, and know just how noisy that can be. The next point raised by Mr Challis stated:

With few exceptions those criteria are predicated on the basis that the maximum permissible noise emission level will not exceed the prevailing background noise levels by margins of between 5 or 10, 15, or generally at worst, 20 dB (A). The nocturnal background noise levels in the vicinity of Luna Park, at times when it is inoperative and producing no noise itself (or from its internal activities), typically lie in the range of 45-50 dB (A).

That means, of course, that 85 dB (A) is way over the top. Mr Challis was asked about assertions made by the Minister in her second reading speech. In response, he stated:

I have formed the view that the Minister who presented this speech has failed to understand the significance and/or desirability of adopting a two-pronged approach to resolve Luna Park's potential noise-emission and related problems in order to retain the Park as a heritage listed venue for public entertainment.

Best practice, good practice, quite apart from normal practice in such circumstances, would dictate that the developer should first apply "best available technology" to address each of the problems associated with the minimisation of noise from each offending noise source within the property. If that methodology were to be adopted, and was correctly applied, then the problems of noisy vocal output (screams, yells, shouts) from the people riding on the ... fairground equipment, could be more sensibly minimised. Specific noise emission limits should only be nominated after those noise reduction procedures are correctly implemented.

Regrettably, the Bill makes no mention of, or reference to, the desirability for the owners and/or operators of Luna Park to apply or investigate the feasibility of such technology and to thereby reduce the need, or obviate the need, for the Parliament's adoption of this Bill.

The approach that the Bill has taken is in sharp contrast to all the principles that have previously been adopted by the NSW Department of Environment and Conservation ... and would appear to thereby foreshadow a situation in which the very basis of the principles on which the **New South Wales Noise Control Act**, the **subsequent Protection of the Environment Operation**

Act and most if not all of the environmental laws that have been adopted by any NSW & other governments, are negated and/or circumvented.

In answer to a question relating to what these potential noise levels mean for the amenity of a person living near the Park, Mr Challis responded:

The adoption of this criterion means that people living near the Park will be subjected to noise levels that would not normally be permitted in any other residential situation in NSW by a Council, by a Court, or by the Government itself, if the pertinent environmental issues were to be assessed on the basis of existing maximum standards relating to permissible noise emission and environmental impact. In particular, the criteria must be related to the standards that have been currently adopted by the NSW Liquor Administration Board for licensed premises and related to the criterion of acceptability nominated by the POEA, which is defined by the definition of Offensive Noise in that Act.

Mr Challis concluded:

I am satisfied that the Government has erred, by attempting to provide what is, in effect an inappropriately and unjustifiably high level for what it perceives to constitute an acceptable controlled level of protection for noise emission from Luna Park. The Government has adopted a policy and a maximum noise emission criterion that are diametrically opposed to safe, sound, sensible and legally justifiable performance goals that would otherwise be imposed and adopted by the POEA and/or by the criteria already established and published by the relevant Australian Standards, and by its own Department of Environment and Conservation.

The crucial issue, and that which is the issue of greatest concern, is that this proposed Bill will deny an adversely affected individual, or group of individuals, who may already live adjacent to Luna Park, from exercising their current rights for justice under common law. The Bill would appear to create a group of landowners and/or developers who are above law, as currently enacted.

That opinion was expressed by Mr Louis Challis, one of the most respected noise consultants in this State. I turn now to what the Government has said about this matter. The Government has claimed that the bill is necessary to ensure the future of Luna Park and to stop what it calls "nuisance noise actions from residents". It has implied that these actions come from but a handful of residents, and suggests that they will send the operator broke. I have been to meetings of residents of the Luna Park precincts—Lavender Bay precinct and Bradfield precinct. Members of those precincts are present in the gallery today. Hundreds of people are represented by those precincts. I have led delegations from those precincts to meet with the responsible Minister. It is not only a handful of residents who object to these activities within the boundaries of Luna Park; thousands of residents are affected. The few who have made it to the gallery today represent those thousands. The Minister and the Government have suggested that these are only nuisance complaints. That is absolutely outrageous.

The bill denies citizens their right to natural justice. It removes their right to complain about the lack of reasonable amenity in their local neighbourhood. The Government justifies the bill on the basis that Luna Park's operators have always complied with their conditions of development consent regarding noise emissions. I repeat: There are no conditions within the development consent for the park. All the development conditions relate to noise emanating from inside buildings; they do not touch on external rides. The acoustic plan of management has no effective noise controls or levels in relation to the rides. The only noise limits contained in the development application relate to a 60 dB (A) limit on noise emanating from buildings on the site. No maximum or acceptable limit has been nominated for noise generated from rides, patrons or any other source external to those buildings.

The Government and Luna Park suggest that this bill is necessary to stop the park from going broke. It is claimed that is what will happen if those rides are somehow to be held accountable for the noise and are removed. We are talking about three out of 15 rides. Last week at a briefing with Mr Peter Hearne, representing Luna Park, local residents, my colleague the shadow Minister for Planning, the honourable member for Gosford and I were told that the rides and events and functions at Luna Park were profitable. In those terms it is highly unlikely that any action affecting three rides will make the park unprofitable. In addition, Luna Park developers have been provided with four key sites on the foreshores of Sydney Harbour for the peppercorn rents of \$1 each, that is, \$4 for four key sites. They have made a motza anticipated to be \$41 million out of the development of those sites.

Any suggestion by the Government, the Luna Park operators or anyone else that the quietening of three rides could in any way jeopardise the financial viability of Luna Park is simply laughable. Such a claim would be thrown out of court. As my colourful colleague the honourable member for Epping, the manager of Opposition business, said, the Government wants to rush the bill through this Chamber and the upper House today before local residents are able explain its implications to crossbench members. The Government is desperate to stop court action. The Government claims it will win that court action, although it knows it will not; it knows it does not have a leg to stand on. Residents are correct in their claims that these noise levels are unacceptable. Earlier I read to the House statements by a number of acoustic experts. They said these noise levels would be unheard of in any other legislation.

I want to make the attitude of the residents clear to the Minister. First and foremost the residents have never said that they want to end or close Luna Park; they have always supported Luna Park. Many of them have been long-time members of the Friends of Luna Park. They want what they were promised some years ago: a park that is a good neighbour. What a lie that turned out to be. They want Luna Park to be a fun park where the rides do not create havoc with their lives. They want Luna Park operators to address excessive noise from only three rides located at the northern end of Coney Island and they are taking Supreme Court action to achieve that. They want the operators to abide by the publicly exhibited plans for Luna Park, which clearly stipulated the area now housing these noisy rides as a "children's playground." All honourable members know that that conjures up quiet, gentle, dodgem cars, or perhaps a merry-go-round. It certainly does not mean loud spruiking on microphones or thump-thump-thump music. It also does not mean extremely noisy rides such as the Ranger.

Hundreds of residents bought apartments in that area based on plans that were exhibited by Luna Park and supposedly endorsed by the Labor Government. Their goodwill has been abused. Residents reject as absurd and deliberately misleading claims by the Government and Luna Park that legal action over nuisance noise threatens the viability of Luna Park. Such claims are clearly nonsense and completely absurd. They want the Parliament to reject this retrospective legislation, which they regard as a dangerous attack on the common law right of all citizens to access to the courts. They want the right that has been afforded to every other citizen in our supposedly democratic society, the right to have their claim heard in court. If this retrospective legislation is passed—it dates back to March 2004—the residents' legal action will be prevented from continuing and they will have no further recourse to the courts.

Apart from the Minister for Tourism and Sport and Recreation, only a few Government members are in the Chamber. I am sure they share my concern about governments having the ability to remove the citizens' rights. In future their constituents might need to exercise their right under the law to complain about excessive noise levels. Government members are muttering away to themselves in an attempt to hide the fact that they feel uncomfortable about this legislation. I hope that right-thinking people in marginal seats such as Port Stephens, for example, go to the Government and tell it that it is taking away their right to take legal action to address a serious wrong. I hope Government members vote with the Opposition in opposing this legislation.

Mr CHRIS HARTCHER (Gosford) [4.25 p.m.]: Luna Park is one of the great icons of Sydney, as is the Opera House and Sydney Harbour Bridge. Everyone in Sydney has fond memories of visiting Luna Park. However, that does not mean Luna Park is above the law or that it is entitled to a special legislative blanket when it breaks the law. This legislation is designed, first, to prevent retrospectively a well-advanced court case that is due to commence shortly from taking place. Second, the legislation is designed to validate retrospectively the noise levels that are being emitted now and may be emitted in future from Luna Park.

The first issue before the House is a profound one: the great principle as to whether people's legal rights can be taken away from them by a special Act of Parliament operating retrospectively. The second issue before the House is whether people who have purchased their properties in good faith are entitled to be protected against nuisance at common law, in this case excessive noise. Dealing with the first point, it is part of the great tradition of Labor governments that when faced with difficult situations they rush special legislation through Parliament, knocking away all fundamental common rights, if that is necessary.

In 1987 the Unsworth Labor Government dismissed Sydney City Council. There were ongoing disputes with Sydney City Council, the Labor Party had lost its majority on that council, it was unhappy with the way it was being controlled and it dismissed it. When councillors took action in court it was clear that the Supreme Court would overturn the dismissal as invalid. The Government called a special sitting of this Parliament and rushed legislation through the two Houses of Parliament in one day which validated the dismissal of Sydney City Council and overturning the court action. The judge was sitting in Macquarie Street hearing the case when people rushed into this House with copies of a special proclamation declaring that the Act had been signed by the Governor and proclaimed by the Government and, therefore, the court no longer had jurisdiction. That is the attitude of the Labor Party towards people's rights and the rights of Sydney City Council, the premier council in New South Wales.

It is even easier for the Government to trample on the rights of residents around Luna Park, Lavender Bay and North Sydney by introducing special retrospective legislation designed to take away their right to bring action in the courts for the common law tort of nuisance. The Labor Party never argues the merits of the case; it leaves it to other people to do so. The Labor Party uses brute force to crush its problems, and this bill is a perfect example of that. The Minister for Tourism and Sport and Recreation, the most hypocritical of Ministers, pretends that what she is doing is helping tourism in this State. She believes that by trampling on people's rights

she is boosting the image of New South Wales. She is saying, "Come to New South Wales and you have no legal rights. Come to New South Wales and you have no legal protection. In that great name of tourism"—or is it in the name of something other than tourism—"we will walk over those rights."

The Minister for Planning, the Hon. Frank Sartor, who is responsible for this legislation, is not even prepared to speak in this debate. He is the person who made the agreement with the owners; he is the person who steered this legislation through Cabinet. He is the person who, at law, is responsible for this legislation, but he does not dare to show his face in this Chamber to speak in debate on this bill. He is happy to publicly insult and humiliate Aboriginal leaders but he is not prepared to come into this Chamber, where he is responsible and accountable, and argue the merits of his own legislation. Instead he sends in his whipping girl, the Minister for Tourism—

Ms Sandra Nori: Point of order—

Mr CHRIS HARTCHER: —who is unable to take the slightest criticism and who is now attempting to take a point of order.

Ms Sandra Nori: This afternoon I have endured in good humour a number of insults; I believe they were unparliamentary insults. But I remind the honourable member for Gosford of a conversation we had last week during which I pointed out that I have carriage of this legislation because I have responsibility for the Luna Park Site Act as the Minister responsible for major venues. Apparently the honourable member does not remember that conversation. This is a pathetic attempt to downgrade the legislation. He does not even know who is responsible for what in this House.

Mr ACTING-SPEAKER (Mr John Mills): Order! There is no point of order. I remind the Minister for Tourism and Sport and Recreation that she has a right of reply at the conclusion of the second reading debate.

Mr CHRIS HARTCHER: The Minister for Tourism as been in this place since 1988 and she still does not know the parliamentary standing orders; she does not know that she has a right of reply. But that is the standard of intellectual competence that the Government offers the people of New South Wales. After 17 years the Minister does not know the standing orders of the House. It is no wonder the Government tramples people's rights when they have a problem!

The legislation seeks to deny people their common law right to bring action on the grounds of noise nuisance. The argument will be advanced that people moved to the surrounding area aware of the fact that Luna Park existed. Of course they did. But they did not realise or accept that noise levels would increase beyond that which is humanly tolerable. Luna Park was re-established in 1993 and 1994 following the fire of 1979. At that time I had the honour of serving as Minister for the Environment and was thus in charge of the Environment Protection Authority. In 1993 and 1994 we debated the question of what noise level would be permissible at Luna Park and agreed that 65 decibels was acceptable. I remember it clearly. This legislation is offering the people a noise level of 85 decibels, a massive increase in noise. That is not a one-third increase; it is a geometric rather than an arithmetic increase.

The Government allowed people to purchase and develop properties in the area in good faith. The Government took huge amounts of stamp duty from people when they acquired those expensive properties. It also took from them massive amounts of land tax under the so-called Robin Hood principle that allows the Government to levy that tax on properties worth more than \$1 million or investment properties. The Government also allowed North Sydney Council to charge high rates. Having done all that, the Government now has the extraordinary temerity to seek to deny residents the right to complain about excessive noise levels while introducing legislation that allows those levels to increase. The bill contains a special section that allows the noise level at Luna Park to exceed 85 decibels every 15 minutes for 10 per cent of the time. There could be no clearer violation of people's fundamental right to live in their homes in peace and security. Yet this Government is prepared to introduce such legislation in the House.

What defence will the Government offer for introducing this bill? First, we will hear a great story about tourism. Nobody denies that tourism is important but that argument is a clever smokescreen behind which the Government intends to do something evil. Second, we will then be told that those who oppose this legislation wish to see Luna Park closed. Nothing could be further from the truth. The issue is the management of noise at Luna Park; it is not about the existence of Luna Park or the management of the park per se. Residents are

concerned about the noise from spruikers and techno music and the management of noise from three particularised rides. That is the issue. This debate is about not the destruction of Luna Park but the control of noise at the park.

Third, the Government will use the jobs argument. It will claim that some 600 part-time and casual jobs at Luna Park are under threat. This morning on radio a carpenter was told to go on radio and say that his job would be in danger if this legislation were not passed by Parliament. No jobs will be in danger if this legislation does not pass because its failure will not lead to the closure of Luna Park. The people of Sydney as a whole and of Lavender Bay, North Sydney and Milsons Point in particular accept the existence of Luna Park. They ask only that noise levels at the park be such that human beings can tolerate them and live with them. We should revert to the noise level of 65 decibels that we approved in 1993-94, which is far less than 85 decibels. The roller coaster—it was called the Big Dipper then—violated that level and was ruled invalid by the Supreme Court in 1996.

The issues could not be more clear-cut. In this bill the people of New South Wales are faced with the same choice that will face them in March 2007. Do they support a Government that advocates ill-considered options and the denial of people's right to approach the courts? Do people support a Government that is prepared to deny them the right to live in peace or will they support an Opposition that believes in the court system, that has ever advocated the right of people to approach the courts lawfully and that supports people's right to live in peace in the security of their homes? Government legislation such as this is not unprecedented. In fact, it is almost a hallmark of this Government, which justifies such legislation with claims of job protection and for "tourism" reasons. That is a smokescreen.

The Government always offers some justification but at the end of the day there is some interest group—normally the trade union movement—with which it has done a cosy, private deal and that it has paid off. That was only too evident in recent revelations regarding the cross-city tunnel. It turns out that a tunnel that was supposed to benefit the people of Sydney will benefit the tunnel operators and, in fact, benefited the New South Wales Government to the tune of a \$105 million bribe. Nobody knew about that when the Government announced the cross-city tunnel project. That information has been dragged out of this unwilling Government, bit by bit.

What is the whole story regarding Luna Park? We do not know because it has not been revealed yet. The Government has simply made pious statements about tourism and jobs. But more information will be revealed—not in this Chamber, because the Government will use its majority to force the bill through. Opposition members will vote against it but the Government has the numbers, which it will use to push through the legislation. However, the Government does not have a majority in the Legislative Council and it does not have the power to push the bill through that House. The Opposition will ask questions in the other place that the Government does not wish to have asked. The Government will be forced to answer those questions in the Legislative Council because members with an independent voice in that Chamber will demand the whole truth and the facts, not simply the Government's version of them.

This legislation is wrong and repugnant to the ordinary principles of our society. It is a denial of people's rights to approach the courts lawfully and to live lawfully in their homes without being bombarded by nuisance noise. Rushing the legislation through the House is also a denial of fundamental democratic principles. The Opposition opposes this legislation and we will continue to do so strenuously.

Mr MICHAEL RICHARDSON (The Hills) [4.40 p.m.]: As the honourable member for Gosford so ardently proclaimed, the Opposition opposes the Luna Park Site Amendment (Noise Control) Bill on a number of grounds. It astounds me that a Government that prides itself on its environmental credentials would introduce a bill that tramples on and ignores the rights of ordinary people to this extent. The bill entrenches a noise level of 85 decibels [dB (A)] which, according to the National Institute for Occupational Safety and Health, is injurious to health. The Labor Party was spawned by the union movement. However, the Government is prepared to entrench in this legislation a decibel level to which it would not submit ordinary workers. The Government says that this is good enough for the residents of Lavender Bay; that occupational health and safety legislation deals with workers. According to the Government, the people of Lavender Bay do not count.

The Minister for Tourism and Sport and Recreation made one fundamental error in her second reading speech. She said that the bill stipulates that the maximum permissible noise level of 85 dB (A) must not occur for more than 15 minutes, but that is not the case. The bill allows the maximum permissible noise level of 85 dB (A) to be reached for a period of 15 minutes, 90 seconds of which—that is, 10 per cent—the noise can be at any

level. It could be significantly higher than that—so high that it could break eardrums, but that is okay according to this bill. That is what this bill will entrench. One can imagine the attitude of the residents of Lavender Bay towards a piece of legislation that will cause them so much pain and inconvenience.

The Noise Center of the League has produced a facts sheet on noise to give people an idea of the noise levels they are subject to each day. For example, a power lawnmower has a decibel output of between 65 and 95 dB (A); an electric shaver, between 50 and 80 dB (A); a vacuum cleaner, 85 dB (A); a hairdryer, 85 dB (A); an alarm clock, between 65 and 80 dB (A); a tractor, presumably for ploughing or other activities, 90 dB (A); a food mixer or processor, between 80 and 90 dB (A); a blender, between 80 and 90 dB (A); a truck, 90 dB (A); and a disco, 110 dB (A). Extraordinarily, at Luna Park such noise levels will be permitted for up to 90 seconds out of every 15 minutes.

In her second reading speech the Minister claimed that the provision protects the ongoing operation of Luna Park and that precedents include the Olympics Arrangements Act 2000 and the Mount Panorama Racing Act 1988. The difference between Luna Park, the Olympics and the Bathurst races is that Luna Park operates 52 weeks of the year; the Olympics were held for only two weeks and the Bathurst races occur once or twice a year. The Minister said this bill is about the ongoing operation of Luna Park virtually 365 days a year. The bill will not provide any respite for the residents of Lavender Bay who will have to endure noise levels up to 120 or 130 dB (A) for 90 seconds out of every 15 minutes at any time during the operating hours of Luna Park. I challenge any honourable member to suggest that that is reasonable or to say that he or she would not fight for the rights of his or her constituents if such a piece of draconian legislation were introduced that impugned their rights in such a way.

In her second reading speech the Minister claimed that the bill creates legislative certainty for the operators of Luna Park and residents in the area. It certainly does. It will consign them to a future that none of us would want to dream of, a sort of living hell by the water. Many residents have saved all their life to acquire their expensive real estate and have looked forward to a reasonably quiet and peaceful retirement. That will not happen if this bill is passed. The Minister made it clear that this bill is being introduced because on 5 April 2005 four plaintiffs commenced action in the Supreme Court and alleged that the operation of Luna Park constitutes a nuisance. I cannot understand why the Minister is not prepared to allow the court proceedings to continue and why she has pre-empted the court proceedings. She claims that it is about the survival of Luna Park. Does that mean she thinks the residents have a 90 to 95 per cent chance of winning their case? Is that why she has introduced legislation to over-ride any decision the Supreme Court of New South Wales—not the Local or District courts—might make? If so, it is an absolute disgrace.

Not only does this bill prospectively seek to over-ride a Supreme Court decision, but new schedule 2, part 3 makes it impossible for residents to sue or seek court relief on the basis of past noise emissions from the use of land within Luna Park. The bill is retrospective as well as prospective. The Opposition strenuously opposes retrospective legislation as it is unfair and, in this case, inappropriate. The honourable member for North Shore in her eloquent contribution to the debate referred to the history of the Luna Park site. She said that under the previous Coalition Government a noise level of some 65 dB (A) was put in place, which was reinforced and upheld by a decision of the Supreme Court in February 1996. In fact, the hours of operation of the big dipper were restricted as a consequence of it exceeding the 65 dB (A) noise level.

On 31 January 2002 the Minister granted consent to a development application of the stage one master plan, which specified that the A10 one-hour noise level emanating from buildings and internal spaces should not exceed 60 dB (A) at any time measured at the closest residential façade. Once again, 85 dB (A), which is not the maximum level that will be reached under this legislation, is six times that level. It is absolutely extraordinary. That level is greater than one might find near any highway, unless one were to stand right next to the exhaust system of a truck or a noisy motorcycle. Luna Park will operate from 10.00 a.m. to 6.00 p.m. on weekdays, from 10.00 a.m. to 11.00 p.m. on weekends, and until midnight or later during summer school holidays. One can imagine the dread with which Lavender Bay residents would be facing school holidays with the prospect of those sorts of noise levels disturbing their peace and quiet, the enjoyment of their homes and their sleep, night after night. This is the sort of noise level one would anticipate if one bought next to an airport.

The Minister says this bill is about the survival of Luna Park. The Government has been running the line that Luna Park has been there since 1935, which is true, and the residents came along subsequently so they should not complain; they should just shut up about it. However, the rides in question have been moved onto old railway land on the northern part of the site. They are right under the doors, windows and balconies of Lavender Bay residents. It is completely wrong and a misconstruction on the Government's part to suggest that these

residents would have known what was coming. It is like the people who bought along the M2 route. That route was determined in the 1950s, and while it took more than 40 years for the road to be built, anyone who bought a house near the route would have known what to expect. I bought a house in Beecroft in 1979 200m from the route. I remember walking down to Cheltenham oval, where the expressway route was, and saying, "I think we are far enough away. It's not going to affect us."

The residents of Lavender Bay would not have had that opportunity. If they had looked at where the rides were at Luna Park and said, "We're far enough away, that won't affect us", it would have meant nothing. The rides have been moved. If this bill goes through it will change the ground rules for everybody in New South Wales. The precedent it will set—the ability of a government to steamroll the rights of ordinary men and women, hard working Australians who have saved for their homes—is an outrage. It is a disgrace, and totally without precedent in my 12 years in this place. The Opposition strenuously opposes this bill. The honourable member for North Shore supported the previous legislation. She stood here and supported her community, but also supported Luna Park. She said it was an important asset for the people of Sydney. However, honourable members will understand why she is outraged about this issue. She has been leading the charge against this outrageous legislation on behalf of the Opposition and her constituents. We hope that the crossbenchers in the upper House will join us to defeat it.

Ms CLOVER MOORE (Bligh) [4.54 p.m.]: I oppose the Luna Park Site Amendment (Noise Control) Bill for four main reasons: the bill removes people's rights to take action in court over noise nuisance; there has been no consultation on the bill; the bill's provisions are retrospective, to overrule processes currently before the court; and the bill allows noise limits that exceed those allowed by the Environment Protection Authority [EPA]. The bill has been introduced because residents in North Sydney have some hope of winning their case against the Luna Park proprietor in regard to noise levels. This bill is retrospective to 30 March 2004. It allows higher levels of noise for Luna Park than the Government's policies would allow.

The EPA noise guidelines make it quite clear that a maximum noise level of 85 decibels is excessive. It is roughly equivalent to being beside heavy truck traffic, and slightly lower than a pneumatic drill. The Government uses the A10 standard for noise measurement, meaning that for 10 per cent of every 15-minute period, the noise can be this loud. In other words, 1½ minutes in every 15 minutes, day and night. The EPA advises that a noise is considered intrusive when it is more than 5 dB (A) above the background noise measured over 15 minutes. Background noise is around 50 to 60 dB (A), so the Government is allowing noise to be 30 decibels above this. It is quite extraordinary that we are dealing with this legislation.

I am an inner city representative, as is the Minister for Tourism and Sport, who introduced the bill. For two decades it has been Federal and State government policy to encourage urban consolidation. People living close to the city in high densities expect some measure of amenity as a result of responsible government and council action. Yet a Minister who represents such an area has introduced a bill that will destroy the peace and quiet and amenity of the people adjacent to Luna Park. It is quite shocking and irresponsible. It is useful to compare the situation that this bill will impose with the responsible standards established by the EPA to assess whether noise is offensive, whether people's amenity is being affected and whether they are being provided with the adequate peace that we all expect in our living conditions.

The questions we must ask to see whether this bill is in keeping with standards established by the EPA are: Is the noise loud either in an absolute sense or relative to other noise in the area? The answer is yes. Is the noise well above the background noise level? Yes. Does the noise include any tones, impulses or fluctuations in volume? Yes. Does the noise occur at times when unreasonable interference with comfort or repose occurs or is likely—for example, during evenings or at night? Yes. How often does the noise occur—hourly, daily, monthly? The answer is hourly. Is the volume, duration or character of the noise typical of the type of activity in question? Yes. Is the noise affecting or likely to adversely affect people's activities—for example, conversation, reading, studying, watching television or sleeping? Yes. Is the noise typical of activities conducted in the area? The answer is no. It is clear that the noise is offensive and intrusive, and the people and Council of North Sydney have every right to try to stop this from happening.

This bill arose because of the current action before the Supreme Court alleging nuisance from noise, based on the standards set by the EPA, and seeking to stop three permanent and two temporary outdoor rides, as well as seeking damages. The Government argues that the park is operating in accordance with its conditions of consent, but it is not certain that the current court action will fail. The bill prevents legal proceedings over noise provided that noise does not exceed 85 decibels for more than 15 minutes. It is extraordinary that this Parliament seeks to impose this legislation on people living responsibly in high-density buildings in the North Sydney area.

The fact that the bill is retrospective is a further indictment. The object of this bill is to amend the Luna Park Site Act in relation to noise emissions from the site, set a maximum permissible noise level for future noise emissions, and protect past and future noise emissions not exceeding a maximum permissible noise level from legal proceedings and other noise abatement action. It provides that neither past emissions nor future noise emissions not exceeding the maximum permissible noise level are to be taken to constitute a public or private nuisance. I conclude with the words of Mayor Genia McCaffery who said:

I can understand that the government may take away people's rights to protect national security or major tourism, but I'm not sure why the government would take away resident's rights to protect a commercial operation. Again we must ask, why is the government giving this developer such extraordinary treatment?

And why, we must ask, are no other Government members seeking to defend this disgraceful bill?

Mr DAVID CAMPBELL (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [5.00 p.m.]: I am sure that the Minister for Tourism and Sport and Recreation, who has carriage of the Luna Park Site Amendment (Noise Control) Bill will soon be in the Chamber to reply. It seems to me that the bill is entirely defensible and appropriate. Many people throughout the State who have grown up going to Luna Park and who have taken their kids to Luna Park continue to want to go to Luna Park to enjoy it for what it is: a fun park, a place where they can have fun with their kids on a day out, have a ride and enjoy themselves. The bill seeks to ensure that people from regional parts of the State can enjoy Sydney as a tourist. The bill seeks to increase employment in the city and provide today's kids with the opportunity to do things that generations of kids did before them: go to Luna Park just for fun.

Ms SANDRA NORI (Port Jackson—Minister for Tourism and Sport and Recreation, Minister for Women, and Minister Assisting the Minister for State Development) [5.01 p.m.], in reply: Much of what has been said in debate on the Luna Park Site Amendment (Noise Control) Bill indicates a misunderstanding about it. The honourable member for Gosford made one correct statement among many inaccurate ones. He was right in saying that the bill was profound. He, together with everyone else, says that no-one wants to see Luna Park close. Sometimes difficult decisions have to be made. It is too easy for those opposite to say they do not want to see it closed, but they do not want to support the bill that will ensure its continuation. No-one would ever want to be seen to oppose the continuation of Luna Park, but it is irresponsible of people in this Chamber to say, "We don't want to see Luna Park close down", knowing full well that the Government and everyone who wants to support Luna Park has three choices.

The first choice is to do what I did last week and introduce legislation. The second choice is to go down the path of the former Coalition Government, to which the honourable member for Gosford referred in such glowing terms and which cost the taxpayer more than \$50 million. I will give the Opposition, the former Coalition Government, the courtesy of saying that at least it tried to keep Luna Park open. Unfortunately, its business model was completely flawed. Some \$50 million plus—\$54 million or \$57 million—later the former Coalition Government finally realised that the taxpayer could not continue to fork out. The Government should not be in the business of running fun parks. The third choice is to let Luna Park close.

Faced with those dilemmas, what was a responsible Government to do? I do not like the way the Opposition glosses over the 600 jobs that would be lost. The 600 people employed at Luna Park pay for their food, feed their kids and pay their rent with money earned from those jobs. Let us not gloss over that as a figment of the Government's imagination. They are real people with real jobs and real incomes, and they have to be taken into consideration. The argument of Luna Park promoting tourism was dismissed. What do people think Luna Park is, apart from a fun park? It is an attraction. Apart from all the kids who go to Luna Park, visitors from interstate and overseas are attracted to it also. Luna Park is a piece of living heritage. Do we want to see it open? Do we want to see it continue? Those opposite should not be hypocritical. If their answer genuinely is yes they should support the bill.

The acoustic plan of management that was adopted as part of the development application stated in black and white that Luna Park could operate at a noise level of 85 dB (A). That was the rule. Has anything changed? No. Does the bill call for 80 dB (A)? Does the bill call for 90 dB (A)? No, it calls for 85 dB (A). The bill merely enshrines in legislation what always existed to make absolutely clear the rules, and the conditions of consent and operation. In 1997 the House unanimously decided to have one more go at returning Luna Park—the icon, the living piece of heritage, the job creator and the tourist attraction—to the people. However, we decided to do it differently to the way in which the former Coalition Government did it. We said, "We can do this at no cost to the taxpayer." The bill that diversified permissible uses at Luna Park passed unanimously through the House, as it should have.

The legislation was passed in a neutral environment whereby an operator could come in down the track to operate Luna Park successfully. A couple of years later the proponent came along. Last year a 6,000 tourist package set down for 2006 was lost to Luna Park because of newspaper articles and concern that the park might be closed down due to court cases and rumblings to that effect. On some days the operators of Luna Park can track that an article appearing in the paper suggesting that the park is having trouble with noise leads to cancellations. People ring up about their Christmas parties and office parties and say, "Are you still going to be there? What's happening? Should we cancel?"

How can anyone operate in that environment? How can someone who has been given conditions of consent and conditions of operation, spent \$70 million doing up the place and operates within those conditions of consent find themselves in court? So far they have spent \$1 million on unscheduled legal fees. Who will do business in this town if, having got consent, having been given permission and having operated within that consent and within the limits they still find themselves subject to disruption and court cases? This cannot be allowed to continue. No-one has been able to say, not even North Sydney Council when it measured the noise levels emanating from Luna Park, that it has been in breach because it has not.

Mrs Jillian Skinner: They have. They've got a report.

Ms SANDRA NORI: They have not been in breach.

Mrs Jillian Skinner: They've got a report.

Ms SANDRA NORI: They have not been in breach of their consent. Let us talk about the Ranger, which is the ride that is causing most of the problems. They have spent \$200,000 to encase the mechanical engine to make sure—

Mrs Jillian Skinner: It's causing problems.

Ms SANDRA NORI: According to the residents, but it is not the mechanical noise because they have spent \$200,000—it has been an engineering world first—to completely reduce the mechanical noise emanating from the Ranger. We all know that it is the screams from people enjoying themselves on the rides that the residents complain about. I am sorry, but it is a fun park; I am sorry, I cannot make people mute. It is simply not reasonable to expect that operators can be taken to court every five minutes. If they move a ride five centimetres one way, they may be taken to court. If they move a ride five centimetres the other way, they may be taken to court. If they change a ride and put in a new temporary ride, they may be taken to court. That cannot continue. Let us not forget what led to the closure of Luna Park the last time—the tort of nuisance. No-one wanted to see Luna Park go, but by a death of a thousand cuts and that iteration, the commercial viability of Luna Park was gone and the park had to close. This Government is introducing and supporting this legislation to ensure that we have an icon, a job generator and a tourist attraction.

I turn now to retrospectivity. There is no doubt about what this bill will do prospectively, but the Opposition and the residents are wrong—perhaps the residents have given thought to this and perhaps they have not—because there is no way that this legislation will change the current case in the manner that people are suggesting. The legislation will not dismiss the current case. All that it will do is change the underpinning legislative regime relating to the control of noise. The effect of the legislation is that although the court may not be able to order a change in the hours of operation of the rides or ban them, damages will be available. I do not think that point has sunk in yet.

The legislation is not retrospective in the way the Opposition has suggested, but there is no doubt that prospectively the bill will provide the clarity that people need to know what is and what is not permissible. If Luna Park is in breach, the tort of nuisance can still be invoked, either by individuals or the council, but it will be very clear that Luna Park will have to breach the threshold that is included in the legislation.

I wish to respond to something I thought I heard the honourable member for The Hills say. It is possible that I misheard him, but I thought he told the House that a hair dryer, a vacuum clean and a blender all create noise levels of approximately 80 to 85 dB (A). Is he serious? I should just dismiss his contribution to this debate. Is he seriously saying that the residents and the honourable member for North Shore are concerned about a noise level of 85 dB (A) creating a problem—noise that is equivalent to a hair dryer, a vacuum cleaner or a blender? I ask myself why North Sydney Council allowed the conversion of commercial properties and the incremental development of residential areas closer and closer to the Luna Park site.

Mrs Jillian Skinner: Because they believed the original plan of management—the 1998 plan of management.

Ms SANDRA NORI: Let me tell the honourable member for North Shore that there is nothing in a development process to limit an operator, provided the operation is consistent with the permitted decibel levels, moving the rides around if they want to, but the proviso is that the total noise emitted does not exceed the permissible use of the site. It is with pleasure that I have introduced the bill. It will provide a secure outcome for Luna Park, for the people who enjoy it, and for the tourism and heritage icon that it is.

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

The House divided.

Ayes, 48

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

Noes, 32

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

Pair

Mr Price

Ms Seaton

Question resolved in the affirmative.

Motion agreed to.

Bill read a second time.

Ms SANDRA NORI: I seek leave to move the third reading of the bill forthwith.

Leave not granted.

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

Ms SANDRA NORI (Port Jackson—Minister for Tourism and Sport and Recreation, Minister for Women, and Minister Assisting the Minister for State Development) [5.23 p.m.]: I move:

That standing and sessional orders be suspended to allow the third reading of the Luna Park Site Amendment (Noise Control) Bill to be moved forthwith.

Mr CHRIS HARTCHER (Gosford) [5.24 p.m.]: We are witnessing a classic Labor Party device to ram a bill through the House. Members opposite are not interested in the subject matter of the debate. If asked, no member opposite could state what bill we are debating. All they know is that, having been introduced and read a second time, the bill is to be rammed through the third reading without due process of the House. What does this bill do? First, it denies the fundamental legal right of people to approach the courts. One of the great fundamentals of Australian society is that people who have a genuine grievance are entitled to approach the courts and seek redress.

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

Mr CHRIS HARTCHER: How extraordinary that members of the left wing of the Australian Labor Party [ALP], who claim to support processing environmental matters, should now vote for a bill that denies the processing of environmental matters. The right wing of the ALP is well known for its total opportunism. No-one expects the Minister for Roads or the honourable member for Wollongong to do anything but ram through this bill, but we had hoped that the Minister for Aboriginal Affairs would support due process where the environment was concerned. The honourable member for Liverpool, who cries crocodile tears every time the environment is violated, is quite prepared to vote for the denial of the people's right to go to court, the denial of the right of people not to be subjected to a massive noise barrage.

The underlying justification for that is tourism, or jobs; and that is what they pretend that this is about. However, the underlying justification is that the residents of the Luna Park precincts do not vote for Labor. The North Shore is not held by the Labor Party, and, therefore, the Labor Party will ride over the wishes of those residents. They would not dare adopt that attitude in Leichhardt or Marrickville, but they do adopt that attitude on the North Shore. If one does not vote Labor one has no legal rights! The people are to be denied the right to go to court. The last time that was done, effectively, was under the Unsworth Government, which sacked Sydney City Council in 1984.

Lord Mayor Clover Moore would remember that Sydney City Council dared challenge the Unsworth Government in court and that the Labor Party rushed legislation through this House to deny the Supreme Court action being brought by councillors of Sydney City Council. As the Unsworth Government died, it denied people their rights. As the Iemma Government dies, as it sinks into the political oblivion, wracked with its cross-city tunnel, hundreds of millions of dollars in budget deficit, hospitals in chaos, roads that go nowhere, and trains that cannot run as well as they ran in 1930, it has only 18 months to go before the day of liberation dawns and we have our first—

Mr SPEAKER: Order! The Minister for Aboriginal Affairs will contain his enthusiasm.

Mr CHRIS HARTCHER: Before we roll into Nirvana in 18 months time, the Iemma Labor Government is rolling over people, it is denying people the right to approach the courts, the right to take action to protect their environment, the right to protect their homes. How extraordinary that the peoples' party, the party that believes in the right of people to live in their own homes, would pass special legislation to deny them the right to take action against noise bombardment. A noise level of 85 dB is 10 dB higher than the noise generated by a helicopter landing at Pyrmont, and 20 dB higher than the original level approved for Luna Park. We remember the hypocrisy of the Minister for Tourism and Sport and Recreation, who represents the electorate of Port Jackson, when she screamed about a helicopter landing at Pyrmont at 75 dB. She now supports 85 dB at North Sydney. Do not vote Labor— *[Time expired.]*

Question—That the motion be agreed to—put.

The House divided.

Ayes, 46

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

Noes, 33

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

Pair

Mr Price

Ms Seaton

Question resolved in the affirmative.**Motion agreed to.****LUNA PARK SITE AMENDMENT (NOISE CONTROL) BILL****Third Reading**

Ms SANDRA NORI (Port Jackson—Minister for Tourism and Sport and Recreation, Minister for Women, and Minister Assisting the Minister for State Development) [5.37 p.m.]: I move:

That this bill be now read a third time.

Mr CHRIS HARTCHER (Gosford) [5.37 p.m.]: I move:

That the motion be amended by leaving out the word "now" with a view to adding "on 1 April 2007".

The date 1 April 2007 is appropriate because that is the day all Government Ministers will be going to the Governor to hand in their resignations. Nick Dyer, the excellent Liberal mayor of Leichhardt council—that council now has a Liberal mayor—will take the seat of the Minister for Tourism. At the end of the Iemma Government every Minister will be out of office as they head down to Government House to hand their resignations to the Governor. Nothing would trigger the end of the Iemma Government more than its attempt to force legislation through this House denying the fundamental right not only of people on the North Shore but

also the people of New South Wales. Labor's days are numbered and the Iemma Government's days are over. The date 1 April 2007 will be this Government's swan song.

Question—That the words stand—put.

The House divided.

Ayes, 47

Mr Amery	Mr Gaudry	Ms Nori
Ms Andrews	Mr Gibson	Mr Orkopoulos
Mr Bartlett	Mr Greene	Mrs Paluzzano
Ms Beamer	Ms Hay	Mr Pearce
Mr Black	Mr Hickey	Mrs Perry
Mr Brown	Mr Hunter	Ms Saliba
Ms Burney	Ms Judge	Mr Sartor
Miss Burton	Ms Keneally	Mr Stewart
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>
Mrs Fardell	Mr Morris	Mr Ashton
Ms Gadiel	Mr Newell	Mr Martin

Noes, 31

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

Pair

Mr Price

Ms Seaton

Question resolved in the affirmative.

Amendment negatived.

Motion agreed to.

Bill read a third time.

RESIDENTIAL TENANCIES AMENDMENT (SOCIAL HOUSING) BILL

Second Reading

Debate resumed from 12 October 2005.

Mr ANDREW FRASER (Coffs Harbour) [5.47 p.m.]: The Opposition does not oppose the Residential Tenancies Amendment (Social Housing) Bill. However, we will raise some concerns that have been brought to

our attention by the Tenants Union of New South Wales and Shelter New South Wales, in particular. Although I am loath to do so, I shall read onto the record a number of questions from the North and North West Community Legal Service Incorporated, which in June this year wrote to the Minister for Roads in his former capacity as Minister for Housing outlining 30 questions about the bill and other housing matters. As the Minister for Housing will be aware, the Minister for Roads has a reputation for not responding to correspondence. The legal service has not received a response and its questions raise some issues that the Minister for Housing may like to address on behalf of the Government when she replies to the second reading debate.

I indicate at the outset that the Opposition, like the Government, believes many public housing residents in New South Wales who could well afford to pay market rent for their government-owned Department of Housing properties have not had the incentive in the past to move to the private rental market. I suggest that in some cases that is an abuse of privilege. I cite the case of a fellow on the North Coast who recently won \$1 million in the lottery and who is quite happily camped, on a lifetime agreement, in a three-bedroom Department of Housing property that would be better provided to a needy family. I hope that the legislation, properly enforced, will dramatically reduce the public housing waiting list in New South Wales, which currently comprises 70,000 people.

The limit of the proposed moderate income level for a single person is \$550 per week; for a single person with two children, \$735 per week; for a couple without children, \$695 per week; and for a couple with two children, \$880 per week. In any circumstances it would be deemed fair for a couple on similar wages to pay 30 per cent of their income to repay a mortgage to give them a better start in life. In many cases, especially in regional and rural New South Wales, people pay far more than 30 per cent of their income to maintain a mortgage, to provide bread and butter and to put food on the table for their children and dependents. I understand that under the legislation, which will affect 25 per cent of tenancies in New South Wales, people on an income above that will be asked to move into the private sector so that public housing is freed up for the most needy.

The title of the bill clearly demonstrates that this legislation is about providing social housing to help those who have no place to go. Prior to being elected to this House I had a caravan park, and I saw many families on low and meagre incomes who permanently lived in caravan parks. The majority of them, both elderly and young families, could not obtain Department of Housing accommodation and had been on the waiting list for a numbers of years. The waiting list for some 15,000 people between Newcastle and Tweed Heads is now 12 to 15 years. It is the responsibility of members of Parliament to ensure that people are given an opportunity to better themselves by providing them with public housing. Arguments will be put forward in the Legislative Council by the Greens that this legislation may disadvantage those people. I fervently believe that this bill provides an opportunity for the Government and the legislators of this State to send a message that we do not want to disadvantage those people. Any person who believes they may be disadvantaged by being moved onto a market rent may appeal against the decision and have it reversed by the tribunal if the appeal is upheld.

I am concerned about water charges. Most regions have faced water restrictions for some time because of the drought. Even Coffs Harbour, which has an annual rainfall of 72 inches a year, is permanently on level 1 water restrictions because of its growth. The problem is that not every Department of Housing home is metered. I appreciate that the initial levy forecast by the previous Minister for Housing and the former Premier was about \$4.80 to \$5 per week. The Minister clearly indicated in her second reading speech that it will be \$2.40 and \$3.90 per week respectively for people at different levels of income, with or without children, and limited to 4.1 per cent of their market rent. If, for example, 50,000 units of housing out of 138,000—I suppose there would be more—at \$1,000 per unit had to be metered, \$50 million would be provided. It would be far better to put that into additional housing stock so that the waiting list could be reduced. I am concerned that someone in a metered home, paying a market rent or a rent proportioned to a maximum of 30 per cent of the income of the household, could have a water bill, without excess water, in the vicinity of \$700 per year.

I have spoken to many families with a mum, dad and two children whose bill is \$680 to \$700—not for excess water—for an average three-bedroom home. If their neighbours in a similar Department of Housing home pay \$2.40 or \$3.90 per week it is plain that the original family is at a disadvantage because they live in a metered home. Anyone in a Department of Housing home or any other house has to pay for their electricity or the telephone. I believe in the user-pays principle, especially in this time of drought. We need to promote the responsible use of water, and to do that families should be made to pay for what they use. At the same time, there has been criticism of the fact that people paying \$2.40 per week in premises that are not metered may take the attitude that because they are paying for it they will use it. The danger of that attitude is that it will run down water stocks in New South Wales. The Government should conduct a proactive campaign advising families that

paying \$2.40 or \$3.90 per week does not give them carte blanche to water the lawn day in, day out, night in, night out and use as much water as they want.

Another example is two identical units of housing, one with a younger couple who shower daily and pay \$2.40, \$3.90 or whatever it might be per week, and the other with an elderly lady or gentleman who has home care to assist with bathing perhaps only three times a week and who will obviously use less water than the couple. I ask the Minister to address those issues because animosity will develop between tenants under different tenancies. The Tenants Union and Shelter have suggested a number of amendments, including the deletion of proposed section 19A. For the reasons I have outlined I do not support that proposed amendment.

They also suggested a guideline to provide that on the anniversary of the commencement of the provision relating to water, the guidelines be reviewed and that the Energy and Water Ombudsman report to Parliament to give us some idea of how successful the new regime is in reducing water usage. They ask for the amount of money the department collects to be compared, for example, to the water bill that has to be paid. The units may not be metered individually—normally the block is metered—and the department is responsible for paying the relevant water authority. I do not know whether the Minister would amend the legislation to ensure that the Energy and Water Ombudsman conducts a review at the end of 12 months or whether she will acknowledge the problem and indicate that she is prepared to report back to the House.

I am also concerned that some years ago—I think in 2000—the Government told the people of New South Wales that it would increase rents of Department of Housing tenants by 1 per cent per annum for five years until it was 25 per cent of household income. The idea was to use the money generated by the increases to improve maintenance. I do not know whether anyone has toured a Department of Housing estate lately. I suggest the estate at Dubbo is one that members could have a look at. I have had reason to visit that estate in the past 12 months. Members should look at the lack of maintenance with Department of Housing areas in my electorate. Sometimes the problem is a dry-rotted window or tiles falling off a bathroom wall. More specifically, I have had numerous complaints from across New South Wales, especially from Western Sydney, that there has been no response when tenants have phoned the Department of Housing to ask it to fix leaking pipes or taps. It was not until the tap was literally running continuously that the Department sent someone to rectify the problem.

It was a little hypocritical of the Government to promise to spend that 5 per cent on maintenance. We asked questions of the Minister during the estimates committee about how much money was collected over a five-year period at 1 per cent per annum and how much was invested in maintenance. At this stage we have not had a response. On two occasions the Auditor-General's reports to this House have slated the Department of Housing for its lack of attention to maintenance. One sees some of these properties in news stories. In some cases, fences are in a poor state of repair and parents are extremely concerned that young children could wander onto roads or get lost. The department has been fairly slow to react right across the State. I am not singling out one area. Generally there is anecdotal evidence—and I suggest there is hard evidence as well—that the maintenance program is inadequate. The Government is the landlord and as it provides premises to social housing tenants it has a responsibility under the Act to rectify the damage in premises. Bearing in mind the financial circumstances of many of these people, the Government probably has a greater responsibility than a normal landlord.

I have raised a number of fair questions. A real commitment is needed from the department. In the period of six years from 18 July this year rental agreements will increase by 10 per cent. In real terms rents will increase by 50 per cent on what was being paid in 2000. Many tenants cannot afford those rents. Many of them will be looked after under the measure in the legislation that provides that they can appeal and will not be unjustly treated. The point was raised with me at tenants forums at Campbelltown and Coffs Harbour recently that these rents should be based on net income, not gross income. Let us consider the \$40 difference between a couple on \$695 a week and a neighbour who is single with two children and receiving \$735 a week.

When members consider the cost of raising two children and putting them through school, and giving them extra activities such as school excursions, visits to the zoo or some other entertainment once a month, they will realise that \$40 a week will not cover those costs. There is inequity, and those families could suffer under this policy. I know there are appeal rights, but I believe there will be a lot of appeals to the tribunal and a backlog will develop. During private discussion I suggested to the Minister that perhaps we should consider a new form of tribunal that could deal with these problems fairly and quickly on a localised basis so that the process does not become strung out and people are not left in limbo.

As I said at the outset, I have a number of questions from the North and North West Community Legal Service Incorporated that were addressed to the previous Minister. Unfortunately, I am not able to table these

questions. The Minister should have a copy of them as they were sent to the previous Minister's office in June, but there has been no response. I ask the House to bear with me while I put the questions on the record. I ask for an assurance from the Minister that if she cannot respond to these questions during this debate she will provide a written response. The questions are:

1. Will the Department urgently consider cancelling the whole concept of, or at the very least, raising the 'moderate income' level to a minimum of \$55,000 per annum for a couple with two children to at least meet Treasurer Costello's identified income at which families are still struggling, i.e. \$55,000 per annum; lift the couple with no children 'moderate income' level to \$45,760; the single parent with two children 'moderate income' to \$45,760; and the single person with no children to a 'moderate income' level of \$36,140?
2. Will the Department consider phasing in the additional 5% to be paid in rent once the 'moderate' income level has been reached over a period of twelve months rather than imposing an instant 20% increase in rent the moment a Tenant reaches the 'moderate income' threshold?
3. Will the Department guarantee that the levels of rent, now set 25% of below 'moderate' income (itself a 39% increase over the past few years) and 30% of above before tax 'moderate' income, will not rise again—ever?

That is a hard one, but I put it on the record. I do not think anyone could give that guarantee. The questions continue:

4. Will the Department please clarify their position on moving a single parent out of public housing into the private rental market if she/he returns to work once the youngest child turns 6 years of age?
5. Will the Department please clarify what will happen to the partner of a Tenant if the primary lease holder dies when that lease was established prior to fixed term leases being introduced?
6. Will the Department please clarify who will hold the tenured lease when a partnered couple split up if their lease was established prior to the introduction of fixed term leases?
7. What will the Department do to ensure that a woman and her children who are escaping domestic violence are not removed from a tenured lease and placed onto a fixed term lease as a result of leaving the family home for their own safety?
8. Will the Department send a copy of the quarterly water bill to Tenants who are being charged for actual water usage so they are able to verify the validity and accuracy of the charges?
9. What does the Department have to say regarding the apparent discrimination between Tenants who are in metered dwellings and who are, therefore, paying for all their water usage compared with those in unmetered dwellings?

That is a question I also posed. The questions go on:

10. How does the Department intend to handle the inevitable conflicts that will arise out of the above discrimination between Tenants regarding their water payments?

That is another point I raised. The next question is:

11. Will the Department allow discounts on the water bill charged to an unmetered dwelling if one or more of the occupants is absent from the dwelling for a significant period during any particular quarter whether they are on holiday, visiting relatives or perhaps on an extended stay in hospital?

I know the Minister gave an assurance that anyone with medical problems can apply to have the charge for water reduced or removed altogether. Once again, that is a genuine question put forward by the North and North West Community Legal Service Incorporated. The questions continue:

12. Will the Department be charging water to Tenants who are on old leases that state that they are not to be charged for their water or only to be charged for 'excess' water usage?
13. What safeguards will the Department put in place to ensure that water theft is minimised in both individually metered and collectively metered dwellings?
14. What concrete safeguards will be put in place to ensure that a Tenant cannot have their tenancy terminated under the Disruptive Tenant Law unless they have been offered appropriate support to save the tenancy, as opposed to MOUs with other departments to which no-one is held accountable?
15. How will the Department ensure that they, and those who constitute the Tenancy Support Teams, operate in a transparent manner and are accountable for their professional support for Tenants in need of additional help to maintain their tenancy?
16. What safeguards will the Department put in place to ensure that a Tenant is not caused to move into the private rental market before they are able to cope with its demands mentally, emotionally, physically and financially?

17. At what level of authority within that Department will the decision be made that a Tenant is ready to move into the private sector?
18. What period of time will the Department deem reasonable for a Tenant to have held a paid job before causing them to move into the private rental market?

I know that in her second reading speech the Minister talked about casual employment, but someone may be put into a job for a six-month trial period before the job becomes permanent. Those sorts of issues must be taken into account. The questions continue:

19. Will the Department take into account the tenuous nature of the job market due to the casualisation and centralisation of the work force [I do not agree with that, but I will put it on the record] before causing a Tenant to move into the private rental market?
20. When the Department deems that a Tenant is ready and able to move into the private rental market, what inducements and penalties does it intend to put into place to ensure that this happens?
21. Given that the Department is to raise rents for Tenants on a 'moderate income' to 30% of their income or market rent, will the Department be taking into account the quality of the property and state of its maintenance, fixtures and fittings, installation, fencing, etc. before doing so?

That is a valid question, especially in relation to my earlier comments on maintenance. The next question is:

22. Given that the Department will be re-evaluating its rents annually to more accurately reflect market rent, will the Department equally reduce its estimation of the value of that market rent according to the quality, or lack thereof, of the property?
23. What does the Department intend to do to support Tenants in expanding their options so that they do not need to take measures that may not be in their best interests in the longer term to hold onto their public housing lease?

Once again, that is a valid question and it was put forward at a number of forums I attended. There is a question mark as to whether someone would weigh up the value of full-time employment or move to a better job on the basis that taking that extra or better position could jeopardise their public housing position. I will not read question 24.

25. What additional support systems does the Department intend to establish to assist and support the Tenant population that will increasingly be compromised of those who are chronically ill, mentally and/or physically disabled, frail elderly, very young or very large families given that there will be fewer and fewer Tenants available to assist who are not disadvantaged in this manner?
26. What if any considerations will be made to housing homeless people currently living in parks, streets and beaches around the state of NSW?

I acknowledge that, in conjunction with the honourable member for Bligh, the Minister is somewhat more proactive than the previous Minister, as I noted yesterday, in trying to take off the streets some of these people who have no reason to live on the streets of Sydney. I think they are living on the streets because of mental illness. It is extremely tragic to see the people outside this building or on the bridges and in the streets of Woolloomooloo. As a community we must consider the ramifications of the Richmond report, which put those people on the street. The questions continue:

27. Would the dept consider the needs of those persons who need supported accommodation ie those suffering from mental illness?
28. Will the dept consider the need for hostel style housing for temporary accommodation instead of using motels and caravan parks?
29. The dept needs to increase its stock in the emergency housing section. Some families have been living in cars and tents. What will be done to assist these people into a more permanent solution to their housing problems?
30. How can it be determined that those already disadvantaged will not be further disadvantaged by these anticipated changes?

It probably is difficult for the Minister to provide answers to all those questions in her response, but I ask that she ask her department to look at the correspondence. I am more than happy to make another copy of it available to her so that the questions, which are valid across New South Wales, can be responded to directly. I am absolutely thrilled that the Minister has moved to enshrine responsible behaviour agreements in the legislation. Far too often every member of this place who has Department of Housing tenants in their electorate would have one or more tenants whose behaviour is absolutely unacceptable to everyone else in the neighbourhood. I commend the Minister for answering my call to intervene in Dubbo and personally remove tenants. In about 15

minutes the Bulman family will feature in *Today Tonight*, a program in which they featured not all that long ago. They physically assaulted their neighbours. From the video footage I and the rest of the nation saw there are probably grounds for police to charge Mrs Bulman, if not other members of the family, for physical assault on the woman and her husband.

Yesterday, when the Bulman family appealed their eviction, the eviction order issued by the department was overturned. The Bulman family is going back into the same neighbourhood. I know that they have been very successful in convincing people that they were the injured party even though seven or eight families have left the area and people from all over New South Wales have had contact with the family. However, the tribunal saw fit to overturn the eviction order, which was absolutely justified on the basis of the video evidence. We need assurances that acceptable behaviour agreements are enforceable: when people play up and trash houses they will be evicted. I know that moves are afoot to increase from 60 days to six months the time a tenant has to vacate a property. I know, having had a caravan park, that if you gave a troublesome tenant three months, or whatever the required time might be, washing machines would be smashed and amenity blocks would be destroyed as a payback.

We saw the amount of damage caused to the property in Dubbo prior to the family being evicted from those premises. Even though the legislation says the department has the right to recover damages, I doubt whether it has ever partially or fully recovered the cost of repairing that type of damage. We must send a clear message through acceptable behaviour agreements that public housing is a privilege, not a right. I know that more than 98 per cent of people living in public housing treat it as most people would treat their own homes, but the 1 or 2 per cent of people who treat public housing as a right have absolutely no regard for their neighbours or the property. We need an absolute assurance from the Minister that such people will not be tolerated, that they will not be allowed to live in housing subsidised by the taxpayers of this State, and that they will not get away with trashing the property or making life difficult for their neighbours or anyone else in the community. We must send a strong, clear message that their behaviour will be tolerated no longer.

The legislation indicates clearly that acceptable behaviour agreements will be part and parcel of any new agreements. Although I am extremely critical of the department for its lack of maintenance over the past five or 10 years, I am extremely critical of tenants who can cause such damage that maintenance in some areas had to be reduced because other properties required a large number of repairs. I have not seen the footage, but I know that last night *Today Tonight* ran a story on public housing properties that were trashed—one place was burned. It comes down to management. The Minister could do far worse than set down criteria to ensure that tenants who engage in unacceptable behaviour are dealt with by departmental officers immediately and that properties are not left vacant and not held for people who may be in gaol or who may live with someone else.

In New South Wales there are many public housing tenancy properties in which the tenant is not in residence. Sometimes the properties are sublet or people have been allowed to live there with the knowledge of the tenant. A full audit should be undertaken to ascertain who is living in the 138,000-odd public housing properties in New South Wales. Local officers of the Department of Housing need not only to be empowered but also to be directed to ensure that people who live in Department of Housing properties constitute the market that the department is intended to capture.

I acknowledge the Minister's public statements that she was brought up in a public housing estate. I believe that people living in public housing estates are good solid citizens and that many of them are hardworking people. I do not believe that they are second-class citizens. Some public housing tenants need public housing through no fault of their own. Perhaps they have a physical or mental disability that prevents them from earning adequate income and entering the private rental market. Clearly, we have a responsibility for those people. This bill is a step in the right direction. I hope that the Minister will monitor its implementation closely.

I compliment the Minister on her response to my correspondence in my capacity as a local representative and as a shadow Minister. I have not only received prompt responses via correspondence, but I have received telephone calls from the Minister's office in response to urgent issues. I appreciate that and I am sure that honourable members whose constituents experience similar problems are also appreciative. The care taken by the Minister is like a breath of fresh air when compared to the arrogant, non-responsive attitude adopted by the previous Minister for Housing, Mr Joe Tripodi. I do not say that lightly. I do not enjoy tipping buckets on people. However, I sent almost 70 letters to the previous Minister and received acknowledgements to only 11 of them. I despaired, knowing the vital importance of many of the issues to tenants. I was disappointed in the manner adopted by the previous Minister. However, I genuinely compliment the current Minister on the approach she has taken so far.

I ask the Minister to address the issues I have raised in her reply. As the Minister will appreciate, the legislation has been circulated in the past week but many issues may arise in the future. I thank organisations such as Shelter New South Wales, the Tenants Union of New South Wales and the North and North West Community Legal Service for their input and representations. I apologise for being unable to accept some of the amendments that have been proposed. The intention of the legislation is good. I will monitor its implementation closely. I will stay in touch with the interest groups that have contacted me. I will bring their concerns to the attention of the Minister in the usual manner. I reiterate that the Opposition will not oppose the bill.

Ms CLOVER MOORE (Bligh) [6.22 p.m.]: While I share the Government's concern to ensure that social and public housing is provided to those who are most in need, I am concerned about the impacts of these proposals on current public housing tenants, people on the waiting list for public housing and those who will need public housing in the future. I raised these concerns with the former Premier in early June. I remain concerned that the Residential Tenancies Amendment (Social Housing) Bill will remove security of tenure for social housing tenants and signal a major shift from longstanding policy for accessible affordable housing. The result of that will be unnecessary distress and anxiety for the great majority of tenants who will continue to need social housing throughout their lives.

The majority of social housing tenants, particularly those entering tenancies at present, are likely to require help with housing for many years. I am concerned that jumping through hoops each year—or every three years or five years, or, if they are lucky, eventually every 10 years—to prove that they still need help will divert disadvantaged tenants from efforts to get back on their feet. This policy may sound good on the surface but it could have significant consequences for social housing tenants when it is implemented.

The Australian Housing and Urban Research Institute [AHURI] published research in 2004 which identified that public housing across Australia is being cannibalised because of cuts to Commonwealth funds, deferred maintenance becoming due, a reduction in operating income and an increase in costs, leaving State housing agencies having to sell off existing stock to maintain existing homes. AHURI warned that public housing would be in crisis within 10 years, and I raised this concern last year in the Parliament.

This occurs in a context of falling Commonwealth grants for public housing, for which I condemn the Commonwealth Government. That decrease is likely to continue under the current Federal Government while rent receipts continue to fail to cover the cost of public housing, while the State Government continues to borrow in the current year's budget to pay for a backlog in maintenance, while the demand for social housing is at a record high level and while housing affordability is at a record low level. The plan to review market rents annually will result in rent increases for the 10 per cent of public housing tenants who pay market rents. Some of these tenants will choose to enter the private rental market, depriving the Department of Housing of income from unsubsidised rents.

Other tenants who pay market rent tell me that they are unable to leave public housing because they cannot save enough money to cover the costs of moving and entering the private rental market, and they are concerned about security of tenure in the private market. These tenants say that they will struggle to pay annual increases in rent, and I am concerned that this will lead to rental arrears, eviction and homelessness. I am concerned also that the plans to increase the rental contribution of public housing tenants whose income is considered moderate will cause significant financial hardship. This will discourage tenants from getting and keeping employment, and improving their financial situation. Under this plan, tenants entering public housing after July 2006 will be punished for gaining employment or improving their circumstances because they will be subject to increased rent and insecure leases or they may become ineligible for public housing at the end of the lease. This will discourage disadvantaged people from taking greater responsibility for improving their financial situation. These tenants may be forced back into the private rental market where instability and higher rents may lead to severe financial hardship, loss of employment and homelessness.

Social housing tenants should be encouraged to improve their financial situation by being given incentives to move along a pathway toward more independence, including private rental or home ownership. A positive pathway of steps from public housing to home ownership requires significant planning for affordable housing including strong legislation and planning controls to increase the development of affordable housing, incentives for public tenants to improve their financial situation, schemes to help public tenants enter the private rental market and maintain their tenancies, and Government assistance to help low income earners to purchase homes.

In a number of respects, the proposed sections do not address the stated intention of the legislation and I will move to have them deleted. I cannot support this bill because it will remove security of tenure for social

housing tenants; allow landlords to unilaterally change the terms of tenancy agreements; provide for rent hikes to cover water charges where there are no water meters; allow landlords additional powers to transfer debts from previous tenancies; enforce ghettos of the poorest, most disadvantaged and most vulnerable in public housing; and allow rent increases with little notice, regardless of capacity to pay. I foreshadow that I will move an amendment to delete new section 9A, "Extension of terms in standard form to existing social housing tenancy agreements" from the bill. This new section would unfairly allow all existing tenancy agreements to be altered unilaterally by the landlord. Tenancy agreements are a form of contract and one party should not be in a position to decide unilaterally to change a contract—sometimes many years later—that has been made with another party.

The change inherent in the new section is unnecessary, given that the intention of this bill is to provide fixed term agreements to replace continuing tenancy agreements for social housing tenants. This means that the agreements can be reviewed and updated as they expire, and new terms can be added or alterations can be made at that time. Further, the Department of Housing already amends its arrangements with tenants through changes to its policies. The provision for anti-social behaviour agreements already provides for the power to apply specific conditions to individual tenants when problems have been identified. It is not necessary to change all tenants' agreements in response to concerns that relate only to one tenant. I foreshadow that I will move to delete new section 19A from the bill, which is ostensibly about charging tenants for their water usage. The provision will result in a rent hike for social housing tenants and cannot be seen to be anything to do with conserving water.

Tenants who have contacted me are concerned about how they should be charged for water usage. I share their concern that it is unfair to charge public tenants for water usage when they have little control over the devices installed in their homes. Advocacy organisations such as the Council of Social Service of New South Wales [NCOSS], Shelter New South Wales and the Tenants Union have also identified this as poor policy. While I strongly support measures to save water, this provision runs contrary to the user pays principle as there is no link between water usage and charges. The new section provides that tenants in unmetered premises can be levied a charge for water usage that is linked to their rent or income, not to their water usage. Tenants who live in accommodation without individual water meters, such as the high-rise buildings in Surry Hills and Redfern, which are in my electorate of Bligh, are concerned that charges will not be distributed fairly amongst tenants and that some will be forced to pay for the excess water use of others. This is a disincentive for people to reduce their water usage. Indeed, it may be an incentive for some tenants to feel that they should use more water to "get their money's worth".

Since 1995 the Act has provided that the standard form of tenancy agreement obliges tenants to pay for water according to the metered amount they use. That seems fair. Some Department of Housing tenants use water from their units or taps in common areas to clean and maintain common areas and gardens. Tenants who contribute to their community in that way should not be penalised. It is important that water used to maintain and clean common areas is not charged to tenants. I am concerned that the proposal would allow those water charges to be levied in advance. There is no process for review or scrutiny of equity, and no assessment of the impact on tenants. Payment of water charges in advance demonstrates the lack of any link to water usage.

The Government's concern to encourage water conservation would be better achieved by providing water-efficient appliances and equipment, rainwater tanks, grey water recycling and individual meters so that tenants can monitor, control and be responsible for their water use. The current proposal appears to be a backdoor rent increase. I know from my contact with social housing tenants that they live mostly on the edge of poverty and have to count every cent. I cannot support this measure, as it appears to be simply another way to collect rent.

I foreshadow that during the Committee stage I will move to delete new section 19B from the bill. It has been stated that this new section is necessary to enable landlords to recover debts from previous fixed-term tenancies. However, the Tenants' Union and Shelter New South Wales have informed me that landlords can already pursue debts under section 53 of the Residential Tenancies Act. Those organisations have informed me that any debt owed by current tenants do not become civil debts when the tenant is in continuing occupation, notwithstanding renewed fixed-term leases. In addition, there has been no consultation with the community, affected tenants or their representative organisations about this matter. That is poor policy. Tenants should be included in the development of important decisions that affect their future.

Under new section 63B notice of termination may be given on the ground that a tenant is not eligible for social housing. New section 63C sets out the eligibility assessments of social housing tenants. While these

provisions are consistent with the Government's announced plan for reshaping public housing, I remain concerned that they will entrench the "housing of last resort" role, is the role into which public housing has been put. The original vision of housing for people has been whittled away, and will be removed completely. The announced new eligibility criteria will mean that only the poorest and most needy people with multiple problems will be allowed into public housing, entrenching public housing as welfare housing and constructing ghettos with concentrations of people with serious problems. That is contrary to the Government's stated policy of improving social mix and will add to the stigma associated with public housing.

People who apply for public housing in future will be required to meet income criteria and to demonstrate that they need support services to live independently or that they cannot rent in the private market for some other reason. I am concerned that they will not receive the help and support they need when they are allocated public housing. While the joint guarantees of service and memoranda of understanding between the Department of Housing and other agencies has improved interagency communication, many Department of Housing tenants with high support needs are not getting the help they need to live independently, maintain their tenancies and reduce the impact their problems have on surrounding residents. The shocking lack of support for people with a mental illness has been repeatedly exposed and, along with prison, social housing is at risk of becoming a new form of asylum. Additional resources are needed to ensure that people who need help get assistance, and the Government must guarantee that those provided with accommodation get the help they need—not just a roof over their head, which they cannot maintain or manage independently.

New section 63D provides for a review of decisions to give notice on the ground that a tenant is not eligible for social housing. I foreshadow that I will move to delete subsection (6) of new section 63D, which seeks to limit the concept of procedural fairness to a very specific and simplistic concept of justice. Where this is in dispute, the question should be decided on the facts of the matter rather than the landlord being presumed to have afforded procedural fairness.

I foreshadow that I will move to amend new section 63E to allow for a notice period of six months for the termination, rather than the proposed 60 days. In order to be eligible, social housing tenants must be on a low income, have been unable to secure housing in the private market and live with significant health or welfare-related difficulties. If they are able to afford and locate alternative accommodation, there should be a reasonable period of transition to allow them to prepare for renting in the private market. I understand that the Western Australian public housing authority, which also reviews tenancies according to continuing eligibility, allows tenants six months to find alternative accommodation.

The Minister stated in her second reading speech that the Government wants to provide for the Department of Housing or other social housing landlords to gain possession of rented premises for the purposes of redevelopment. However, new section 63F is not limited to those circumstances and would allow the landlord to force tenants to move as it pleases the landlord. I am concerned about that power and believe that it should be limited to specified circumstances so that it meets the landlord's need for access when buildings need to be renovated or upgraded, but does not allow tenants to be moved at will. [*Extension of time agreed to.*]

Moving home can be a stressful experience, especially when one is forced to move due to the landlord's needs. I will move to amend that new section to restrict the circumstances under which tenants can be required to move. I foreshadow that I will move to delete subsection (8) of new section 63G, which has similar concerns to those I raised about subsection (6) of new section 63D. Where procedural fairness is in dispute, the question should be decided on the facts of the matter, rather than the landlord being automatically presumed to have done the right thing.

My concerns about subsections (2A), (2B) and (2C) of new section 64 relate to the restrictions placed on the Consumer, Trader and Tenancy Tribunal, which, I understand, currently has discretion in all proceedings to make an order to terminate a tenancy if it is satisfied, as stated, "that, having considered the circumstances of the case, it is appropriate to do so". I will move to amend that section to reinforce the independence and discretion of the tribunal and to ensure impartial oversight of social housing providers. I share the concern of Shelter New South Wales and the Tenants Union that subsections (2B) and (2C) of new section 64 would limit the tribunal's discretion, and prevent review of the social housing landlord's decisions. I support the current provision that allows the tribunal to act as an independent arbiter. I do not support the reduction in the capacity of the tribunal.

Although social housing landlords will wish to keep their rents aligned with market rates during the relatively long-fixed terms proposed, I am concerned that new section 132 (4), in allowing social housing

landlords to increase rents during the term of a fixed-term agreement, will also diminish protection for tenants. Providing this opportunity may also lead to other landlords seeking a similar provision, with this precedent risking a loss of security for all tenants. I am concerned that social housing tenants on low incomes will suffer hardship if they are not given adequate notice of rent increases, and time to adjust to paying increased rent. A number of tenants have raised concerns with me about the need for a transition period when their rent has been increased after they obtained better-paid work.

The Government's plan for reshaping public housing, which this bill seeks to realise, may raise extra funds in the short term, but the reducing numbers of tenants paying market rent will lead to further decreases in operating income for the Department of Housing. The department will again be forced to sell off housing just to fund the maintenance of current stock. I am concerned that the Department of Housing needs increased and secure operating funds, and that this bill and the plan for reshaping public housing does not address those fundamental concerns. At the same time, the bill could result in significant impacts on low income and disadvantaged social housing tenants who rely on social housing because they have no capacity to rent in the private market. I have many public housing tenants in my electorate, as do many other members of this House. I believe that they are some of the most disadvantaged people in our community.

For a couple of decades the policy has been to concentrate people of serious disadvantage—whether economic disadvantage, health disadvantage or social disadvantage—into public housing. The estates have serious problems. I have attended many meetings with my tenants since this bill has been in the public domain. They are seriously concerned about the impacts on them; they are very disadvantaged people and vulnerable to panic. From what I have outlined, it can be seen that there is a real reason for them to be concerned, long term, about the Government's ability to provide affordable housing for the most disadvantaged in our community. The Government should look seriously, again, at this bill and accept the amendments that I will move in Committee.

Miss CHERIE BURTON (Kogarah—Minister for Housing, and Minister Assisting the Minister for Health (Mental Health)) [6.40 p.m.], in reply: The Residential Tenancies Amendment (Social Housing) Bill will implement the New South Wales Government's reshaping public housing plan, which was announced by the former Premier in April this year. These reforms to the Act are critical in that they focus squarely on those most needy in our community. Let me respond to the issues raised earlier by the shadow Minister. Under these reforms the allocation of housing to those most in need is paramount. At the expiration of the tenants' lease the tenants will need to be assessed and if that need no longer exists, the lease will not be renewed.

In relation to water, people on metered properties who suffer hardship from the amount of water they use, for example, the elderly, the disabled or those on dialysis, may apply for the percentage rate. Unmetered charges track closely to the composition of a household because charges are tied to income, and around 90 per cent of public tenants rely on Centrelink. The figures I gave of \$2.40 and \$3.90 were for a single pensioner and a pensioner couple respectively. In relation to water conservation, the department initiated a retrofit program that is currently available to tenants. The current program with Sydney Water will see a planned take-up of 20,000 dwellings.

These reforms will also enable the Government to deliver its \$2.7 billion program to build 30,000 additional homes over the next 10 years. The Government opposes the amendments foreshadowed by the honourable member for Bligh as they are based on a desire to continue the old, unsustainable foundation of public housing. It is based on life tenure. By attempting to amend new section 14A, the entire tenure of the reshaping public housing strategy would be undermined. The bill is about housing those in need. The honourable member for Bligh frequently referred in her contribution to those who are most in need, that is people suffering from a mental illness, those with disabilities, the elderly, young homeless people, and young families.

Proposed section 9A is a necessary element of the new tenure regime of leases based on length of need. We must match need with housing and do it consistently. We cannot have some tenants with lease conditions that are less rigorous than those of others. That would lead to nothing other than friction, and it would be unfair. The honourable member for Bligh opposes water charging. Water charging matches current responsible usage of water. Our proposals to charge for water are based on responsibility and equity. The honourable member for Bligh calls for the deletion of new section 63B, which would again undermine the new needs-based intention. The same could be said for her proposal to omit new section 63C.

The approach of the honourable member for Bligh to social housing would result in the continuation of life tenure. The Government's approach to social housing elevates other important criteria and matches them much more closely to need. The honourable member for Bligh opposes proposed section 63D, which is an

important tenant appeal mechanism. It is transparent and credible and should be supported. The honourable member for Bligh rightly highlighted the fact that the social housing sector faces large sustainability challenges. I again draw her attention to the reshaping reforms that are aimed squarely at the concern expressed about ongoing sustainability. I commend the bill to the House.

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 to 4 agreed to.

Ms CLOVER MOORE (Bligh) [6.44 p.m.], by leave: I move my amendments Nos 1 to 14 in globo.

No. 1 Page 3, schedule 1 [2], lines 10–18. Omit all words on those lines.

No. 2 Page 3, schedule 1 [3], lines 19–35. Omit all words on those lines.

No. 3 Pages 4 and 5, schedule 1 [4] and [5], line 1 on page 4 to line 5 on page 5. Omit all words on those lines.

No. 4 Pages 6–8, schedule 1 [12], line 8 on page 6 to line 30 on page 8. Omit all words on those lines.

No. 5 Page 8, schedule 1 [12], lines 31–38. Omit all words on those lines.

Insert instead:

63F Notice of termination may be given on ground that tenant offered alternative social housing premises

A landlord under a social housing tenancy agreement may give notice of termination of the agreement (the *existing agreement*) to the tenant on the grounds that:

- (a) the landlord has offered to enter into a new social housing tenancy agreement with the tenant in respect of alternative premises to the premises the subject of the existing agreement, and
- (b) the landlord has determined that the premises the subject of the existing agreement are to be redeveloped or renovated.

No. 6 Page 10, schedule 1 [12], lines 14–18. Omit all words on those lines.

No. 7 Page 12, schedule 1 [15], lines 1–28. Omit all words on those lines.

Insert instead:

[15] Section 64 (2A) and (2B)

Insert after section 64 (2):

(2A) The Tribunal, on application under this section by a landlord under a social housing tenancy agreement who has given notice on the grounds referred to in section 63F, is to make an order terminating the agreement (*the existing agreement*) if it is satisfied:

- (a) that the landlord has offered to enter into a new social housing tenancy agreement with the tenant in respect of alternative premises to the premises the subject of the existing agreement, and
- (b) that the landlord has determined that the premises the subject of the existing agreement are to be redeveloped or renovated, and
- (c) that alternative premises (which may or may not be the same as the alternative premises in connection with which the notice was given) are available for occupation by the tenant, and
- (d) that, having considered the circumstances of the case, it is appropriate to do so.

(2B) In deciding whether or not to make an order under subsection (2A), the Tribunal is not to review the landlord's reasons for making the offer concerned.

No. 8 Page 13, schedule 1 [25], lines 27–30. Omit all words on those lines.

No. 9 Page 14, schedule 1 [27], lines 13–25. Omit all words on those lines.

No. 10 Pages 14 and 15, schedule 1 [27], line 31 on page 14 to line 2 on page 15. Omit all words on those lines.

No. 11 Page 16, schedule 2.1, lines 3–8. Omit all words on those lines.

No. 12 Page 16, schedule 2.2, lines 9–15. Omit all words on those lines.

No. 13 Page 16, schedule 2.3, lines 16–21. Omit all words on those lines.

No. 14 Page 16, schedule 2.4, lines 22–25. Omit all words on those lines.

I have moved these amendments for the reasons I gave earlier.

Amendments negatived.

Schedules 1 and 2 agreed to.

Bill reported from Committee without amendment and passed through remaining stages.

CRIMINAL PROCEDURE AMENDMENT (PROSECUTIONS) BILL

CRIMES AMENDMENT (ROAD ACCIDENTS) (BRENDAN'S LAW) BILL

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

CONFISCATION OF PROCEEDS OF CRIME AMENDMENT BILL

Message received from the Legislative Council returning the bill with an amendment.

Consideration of amendment deferred.

[Madam Acting-Speaker (Ms Marie Andrews) left the chair at 6.47 p.m. The House resumed at 7.30 p.m.]

CONSIDERATION OF URGENT MOTIONS

Rice Industry

Mr PETER BLACK (Murray-Darling) [7.30 p.m.]: Last night and this morning have been most unsettling for our rice industry because of a decision that was made yesterday. We are refusing to cop the \$26 million fine that has been established by the Commonwealth Government if we continue to support the vesting arrangements. I remind the House that in previous debates we have recognised that the rice industry in the electorates of Murray-Darling and Murrumbidgee provides 8,000 jobs and an annual turnover of \$800 million. Those two electorates provide 98 per cent of Australia's rice crop. The Commonwealth Government now says—and this is a decision made by the New South Wales Cabinet yesterday—that if we continue to support the vesting arrangements it will fine us \$20 million. Nothing could be more urgent today than this matter. I challenge The Nationals to vote with the Government to bring this matter on and properly discuss it.

We have seen the persistent failure of successive Nationals Ministers for Agriculture to address this matter. We have seen the persistent failure of the honourable member for Murrumbidgee—Australopithecus Murrumbidgee Encephalitis—to support us in this matter: a \$26 million fine, on which the Federal Liberal Party is supporting The Nationals. This morning the rice industry approached the following Federal members—and, by the way, not one of them was a Liberal—Nick Minchin, who has already been down to the Riverina; Peter McGauran; Kay Hull, who was a magnificent member for Riverina, and it is a pity some of her colleagues did not stand up for the rice industry in the same way she has—and that is coming from me; and Mark Vaile, whom I knew in another time as the shadow Minister for Roads. In my view, Kay Hull is one of the few decent Federal Nats in this State, probably because she was the deputy mayor of Wagga Wagga—she had a background in local government.

This matter is urgent because, despite all the toing and froing today and yesterday, on 1 September I had the pleasure of taking our new Premier down to Deniliquin. We toured the rice mill, where we had a presentation and said we would support the rice industry at the State level. Nothing has come from the State or Federal Nationals, with the exception of Kay Hull, who I remind the House crossed the floor on the subject of

Telstra and who also, ironically, supported me on the issue of exceptional circumstances drought assistance for rice growers and got into trouble with the infamous John Cobb because of it.

The rice industry has had enough of the drought, and now, apparently after the drought, it is the Commonwealth Government's turn. We have said no to a fine of \$26 million. It is up to The Nationals to do something about this. The National Party used to be the regulators and they are voting for the abolition of a single desk, which the entire rice industry has voted to maintain. They have seen the vertical integration of the rice industry, which has been most important. This has all been sold down the river today by the Federal Nationals, who do not care, and a State Nationals member who will not stand up for his own people. That is why this matter is urgent. We have the most efficient rice industry in the world standing up to heavily subsidised crops in places like Thailand and California. This motion is urgent because the New South Wales Government decided yesterday not to cop the \$26 million fine, and as of this morning we still do not have a decision from the Commonwealth Government or The Nationals as to what they are going to do about our support for the single desk.

Respite Care Services

Mr PETER DEBNAM (Vaucluse—Leader of the Opposition) [7.35 p.m.]: Let us talk about something that is urgent. I gave notice of a motion this afternoon which states:

That this House condemns the Iemma Government for cutting funds and betraying families who depend on respite care for the profoundly disabled.

This motion is urgent because this week is Carers Week. The Government has sold down the drain any sense of compassion or care. Honourable members opposite should understand what the Government is doing. This motion is urgent because of the Premier's words on 2 August:

My light on the hill, my long-term ambition, my point of passion and conviction is to commit myself to making progress on three special areas of social policy—public and affordable housing, mental health and the care and assistance for the disabled. These are matters of simple decency.

Those were the words of the Premier on 2 August. The motion is urgent because of what the Minister for Disability Services, John Della Bosca, said in the upper House on 13 September. He stated:

The important thing to understand in respect to the provision of respite services is that they are in fact a critical means of preventing people requiring eventual full-time accommodation services because of family burnout and fatigue, and that the inability to get respite eventually means people will need more permanent accommodation.

Last Friday, when he was sprung for betraying families, he said:

The closure of respite services at Greystanes will be delayed until the end of February next year.

That was a Government press release on 14 October. We should listen to what families want the Government to talk about. What is Greystanes? Why is it urgent?

Mr Gerard Martin: I know all about Greystanes. I have been at meetings with them all week while you've been on your yacht, Commodore Peter.

Mr PETER DEBNAM: the honourable member for Bathurst should know about it but he does not; he has betrayed them. Greystanes has provided a number of different services for the past 30 years. It is currently home to 30 profoundly disabled young people, who live there permanently. There are rooms allocated for respite care, for families who need to drop off their child to have a break for a day or two. There is also a day care service where the young people go to have fun, paint, listen to music and do other activities. The Government's plan is that by 21 October—Friday of this week—the 30 permanent residents will move into seven group homes in the community, the respite service will close and day care will be the only service left. At present only three people have been offered respite care at Marsden, near Ryde. People from Bathurst, Dubbo and Orange have not yet been offered anything.

Many are convinced that the only way to get any help after 21 October is if they abandon their child at Greystanes or another institution to force the Government's hand. Two families have already done this. The honourable member for Bathurst has betrayed families and profoundly disabled kids. That is not surprising because the Government is doing this day after day. That is why my motion is urgent and why Labor is under such pressure in the community. The community just cannot stand to think of Labor having another four years in government.

If honourable members opposite did not watch *Stateline* on Friday or Saturday, they should get a copy of the tape and have a look at the damage caused by the Premier and the Minister, not only to the people of New South Wales but to the reputation of the Australian Labor Party. They should talk to Catherine Murray, Sally Mannering and also John Ryan, the shadow Minister, who has pursued this issue while Government members have been asleep. The point he made is that the Government's hollow promises on Friday actually gave hope to a lot of people who, in fact, will get none under this Government.

Question—That the motion for urgent consideration of the honourable member for Murray-Darling be proceeded with—put.

The House divided.

Ayes, 45

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

Noes, 28

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

Pair

Mr Price

Ms Seaton

Question resolved in the affirmative.

RICE INDUSTRY

Urgent Motion

Mr PETER BLACK (Murray-Darling) [7.51 p.m.]: I move:

That this House:

- (1) recognises the important contribution the New South Wales rice industry makes to the national economy, providing 8,000 jobs and an annual turnover of \$800 million;

- (2) notes the threat of the Commonwealth's National Competition Council to impose a \$26 million penalty on New South Wales if the rice industry is not deregulated;
- (3) condemns the Federal Government for its failure to support the New South Wales rice industry; and
- (4) urges The Nationals to join the New South Wales Government in calling for the Federal Government to intervene.

What a disgrace that The Nationals decided not to vote on the urgency of this motion. An even greater disgrace is that the honourable member for Murrumbidgee did not vote. He is in Parliament House but he did not vote in the division. It is an absolute disgrace. The honourable member for Murrumbidgee is not representing his constituents—in fact, he is ignoring them. Where is he? Where is Australopithecus Murrumbidgee encephalitis? He is not in the Chamber.

Mr Daryl Maguire: Point of order: Contrary to standing orders, the honourable member for Murray-Darling is casting aspersions on another member. For the record, the Labor Party requested a pair and the honourable member for Murrumbidgee was paired at Labor's request.

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

Mr PETER BLACK: That is irrelevant. We are talking about rice, which is grown in the electorate of the honourable member for Murrumbidgee. It is a disgrace that he is not in the Chamber. On 1 September I took our new Premier to Deniliquin and we toured the rice mill. We were addressed by two great people: Laurie Arthur, the President of the Ricegrowers Association, and Jerry Lawson, the boss of SunRice. Guess what? We said that the New South Wales Labor Government supports the rice industry. That approach is completely different from what we have seen tonight from The Nationals and the honourable member for Murrumbidgee, who is somewhere in the building dogging the debate. There is no other explanation for his absence. I have a media release headed "Disbelief at Decision to Deregulate Rice Industry", which states:

Laurie Arthur today expressed his disbelief at the decision to deregulate the domestic market for rice.

He is absolutely correct. There have been three inquiries into the rice industry and each one has come up trumps. New South Wales has the most efficient rice industry in the world and we are able to compete at an international level. Rice is heavily subsidised overseas. My motion calls on the House to:

recognise the important contribution the New South Wales rice industry makes to the national economy, providing 8,000 jobs and an annual turnover of \$800 million.

The New South Wales rice industry is divided between the electorates of Murray-Darling and Murrumbidgee. Let us be fair dinkum about this. About 98 per cent of Australia's rice crop is produced in New South Wales—half in my electorate and half in the electorate of Murrumbidgee—and the majority of that is grown in the Riverina region. The New South Wales rice industry is the largest single-branded processed food exporter in Australia.

We must support SunRice, which is a major player in one of the most efficient industries in the world. I condemn Coalition members for what they have not done—they are guilty of sins of omission. The vertically integrated rice industry is the pride of Australia. Vertical integration has made the industry the most efficient in Australia. As I said, the New South Wales rice industry contributes \$800 million a year to the State's economy. The industry employs 8,000 people—roughly 4,000 of whom live in my electorate—and accounts for 20 per cent of all job opportunities in the Riverina. It is very important for communities such as Deniliquin. Some 30 per cent of rice consumed in Australia is imported, and the New South Wales rice industry is not calling for protection, but the rice industry wants a fair go—something The Nationals are set on not giving us. They will not give us any leeway. The dead duck Leader of The Nationals is in the Chamber.

Mr Andrew Stoner: Point of order: The honourable member for Murray-Darling is misleading the House, as usual. There has been no greater advocate for the rice industry in New South Wales than the honourable member for Murrumbidgee. His family are rice growers.

Mr ACTING-SPEAKER (Mr John Mills): Order! There is no point of order. The honourable member for Murray-Darling has the call.

Mr PETER BLACK: That is the greatest load of rubbish under the sun. State Nationals members could have got the Federal Government on side. No wonder they call the Liberal Government the A team and The Nationals the B team. The Nationals should find the spine to stand up for rural Australia. They are absolutely hopeless.

A pretty good group of people was present for the new Premier's visit to Deniliquin on 1 September—by the way, not one member of The Nationals was to be seen. Here he is: the honourable member for Murrumbidgee has finally left his cave and come into the Chamber. Jerry Lawson, the Chair of SunRice, was present, together with Noel Graham, the Chair of the Rice Marketing Board, and Laurie Arthur, the President of the Ricegrowers Association, who is a great personal friend of mine. Labor members support the rice industry. Graham Harvey, the General Manager of Operations for SunRice, and Steve Hartshorn, the Southern Manager for SunRice, were also there.

Under the present marketing arrangements, the New South Wales rice industry is under greater threat than ever before. Under the current Act, all rice grown in New South Wales is vested in the Rice Marketing Board, which provides a single marketing desk for rice, whether for domestic consumption or export. SunRice has achieved more than almost any other Australian company, with no support whatsoever from The Nationals. The party is down to 12 members and is about to become extinct. These arrangements allow our rice growers to compete against heavily subsidised rice products from places such as California and Thailand.

Turning to the heavy stuff, a review in 1995 suggested that domestic arrangements could be removed if the benefits of the export arrangements could be retained through a single national rice export desk. At the time the Commonwealth Government—of which the Federal Nationals are a member—undertook to look at this option. However, in December 2003 Warren Truss advised that the Commonwealth Government had decided not to proceed with the national rice export desk. Why? Because the other States showed little interest in the possibility. But the other States do not grow rice! That is how stupid The Nationals are! The States' reaction was not surprising, given that rice is grown only in Victoria and New South Wales—and, as I said, New South Wales accounts for about 98 per cent of national production.

In the meantime, the State Government extended the rice vesting arrangements until 2009 pending another review of the arrangements being undertaken. The Commonwealth has now threatened New South Wales with a \$26 million fine if we continue State-level support for the single desk—which the rice industry demands be supported. The honourable member for Murrumbidgee has been dragged out of his cave and into the Chamber. He and his colleagues refuse to stand up for their electorates. It is no wonder The Nationals are going down the drain very quickly. In 1988 the National Party held 20 seats and now it holds only a dozen, and it will have fewer after the next election. The 1995 review established that the net public benefit of rice vesting would be between \$36 million and \$45 million in 2000-01. The honourable member for Mount Druitt, a former popular Minister for Agriculture, went to the rice industry, and the rice industry consistently and persistently chose the side of the Labor Government, ignoring the Opposition, whose numbers are decreasing.

Another independent study in 2001 put the net public benefit to Australia even higher, at about \$60 million. That is not lining the pockets of producers. We are the most efficient in the world, vertically integrated through the now incorporated SunRice. The 2005 review found that the market premiums from rice exports—estimated at about \$48 million per annum—considerably outweigh the cost in the domestic market of little more than \$3 million per annum. The hypocrisy of the Coalition Federal Government is a joke. I presume there is a Coalition in the Federal Government: the only Coalition working in this Parliament is between City Labor and Country Labor. In the past seven years the State Government has implemented 69 per cent of its priority competition policy reviews, while the Federal Government has only completed 33 per cent.

In this Chamber we debated the deregulation of the chicken industry. And we know what The Nationals did in the milk debate: it sold out completely and deregulated the industry. The Coalition put half its traditional supporters out of business, it sent them to the wall, and now there are only the big multinationals. The Federal Government told New South Wales to reform a host of Acts to provide safeguards for industry and consumers. I will refer later to what that disgraceful Government is doing. The Commonwealth is not willing to lift even its little finger to do anything about the National Competition Council [NCC]—which was a dreadful lot with Santamaria, and I think The Nationals are marginally worse. The NCC agenda is an absolute disgrace and is doing nothing for the rice industry. It is doing its best to destroy it.

Mr ADRIAN PICCOLI (Murrumbidgee) [8.01 p.m.]: At the outset I want to put on the record that The Nationals and the Liberal Party in New South Wales will not support the Labor Party deregulation of the rice industry that it is going to impose. Members of the Government can make all sorts of excuses and distribute all sorts of press releases that blame the Federal Government, or their cat or dog, about why they want to deregulate the rice industry, but at the end of the day the Labor Government will still introduce legislation to deregulate the rice industry.

Mr Thomas George: Signed off by them!

Mr ADRIAN PICCOLI: Signed off by Cabinet and rubber stamped through Caucus. The honourable member for Murray-Darling, a big lion in his electorate, says, "I'm tough. I'll do this," but he will be absolutely silent. He has not made a whimper in Caucus and defended his constituents against what the Labor Party has done. For example, the Government introduced club taxes and the vendor duty, and it abolished the threshold for land tax, and we did not hear a whimper from members of the Government. The Government introduced the cap in New South Wales that had a significant impact on people, particularly in the Murray-Darling irrigation areas, and again we did not hear a whimper from the honourable member for Murray-Darling.

We cannot expect a whimper from him or any other Government member when the Government introduces legislation to regulate the rice industry. The honourable member for Murray-Darling knows that it is not in the interests of the rice industry, the environment or the economy of New South Wales to deregulate the rice industry, but Government members will still support it because, despite record revenues, New South Wales is in such a financial mess. If people in the gallery bought a property or were unfortunate enough to have sold a property while the vendor duty was in place, the Labor Party put its hands in their pocket two times: once when they bought and once when they sold. If they have an investment property the Government has put its hand in their pocket a third time every year for land tax.

We know how much former Premier Bob Carr, the present Premier and the Labor Party have raked from the people of New South Wales over the past 10 years. I refer in particular to property taxes but I am sure a number of our visitors are members of clubs. The Government is taking money out of their pockets again with clubs taxes. If their clubs have increased the price of beer or food at the bistro they can thank the Government. We did not hear a whimper from any of them.

The Government has raked in all that money in the past 10 years, and it has had record levels of GST revenue. Bob Carr signed off on the GST in approximately 1999, and the Government received \$1 billion more than what Bob Carr was told he would get. This State has always subsidised Queensland, and unfortunately we probably always will, although we should not have to, as it is doing very well on its own. This Government receives far more revenue than it ever expected. This year New South Wales will have a budget deficit, even though the State has had the best economy it has had for many decades. I am sure many people can remember the dark days of the economies of New South Wales and Australia while Paul Keating and Bob Hawke were in Government.

The past 10 years have been golden years for New South Wales. Property prices have increased and the Government has received record revenue, but now it has no money. It will find itself at least \$700 million in deficit this year, in these good times. Thank God times have not been bad. The Government is in such a dire position that it cannot forgo \$26 million, despite having forgone it since 1995, when the regulation of the rice industry was first assessed by the National Competition Council. I remind members of the Government that that was introduced by the Federal Labor Party when Paul Keating was Prime Minister. He thought competition was great, and in some ways it was a good thing for the economy. He introduced the National Competition Council, which has now made this decision about the rice industry. I agree with members of the Government who think it is such a disgusting and terrible outcome.

My brother, who is a rice farmer in Griffith, is in the gallery tonight. We love all rice farmers in the Murrumbidgee and the Murray-Darling electorates. We do not want the rice industry deregulated because it is successful and works very professionally as a regulated industry. The Federal Government says it may have to impose the \$26 million penalty that has been in place since 1995, which formerly the New South Wales has forgone, but today the Government says it cannot afford to forgo it any longer because New South Wales is in such a crisis. However, only a couple of months ago, without any difficulty, the Government paid something like \$37 million to buy Yanga station at Balranald as a national park. It had no trouble finding \$2 billion for a desalination plant in Sydney—why not take \$26 million from that? The Government has no trouble finding that sort of money when things start getting a bit tough in Sydney.

The Government should not cry that suddenly its budget is in such a crisis and it cannot forgo \$26 million and so, as a result, deregulate the rice industry. If it had run the Government and its bureaucracy efficiently and effectively it would not be in the financial mess it is in. The costs have gone through the roof. The Government could not run a chook raffle, as the honourable member for Clarence told the Premier the other day. That is why the Government is in such a financial mess. At the beginning of my speech I intended to say that this will cost the honourable member for Murray-Darling his seat at the next election, but he lost that battle

some time ago. Rice growers in New South Wales are concerned about what the Government has done about water reform. The Hume Dam at Albury is at 90 per cent of capacity. That is where the irrigators along the Murray River get their water. It would not take much rainfall to see the dam spill; it is chock-a-block.

The irrigators in the Murray Valley have a 29 per cent water allocation. The dam is full, but they have been allocated 29 per cent. There are a number of reasons for that, but despite the fact that we have had a lot of rain and the Murray has run over the banks a number of times in the past few months, about 300,000 megalitres of water will be released for the Barmah Millewa Forest, which has been receiving water for the past few months. That accounts for 18 per cent of New South Wales' general security along the Murray. The irrigators have had low allocations for the past three years—7 per cent in one year and 21 per cent in another—and this year, although the dam is full, they will get a 29 per cent allocation.

Part of the reason is that the Government must do whatever the Greens say. To get Greens preferences the Government's sop is to deliver 18 per cent of what would otherwise be general security allocation. That would be income to farmers in south-western New South Wales, income for the rice industry and export dollars for Australia. Instead it has been sold out to the Greens in exchange for their preferences. That is what the irrigators and the rice industry will remember about the Labor Party come the next election in 2007. The rice growers are itching to get to the ballot box to get rid of the honourable member for Murray-Darling and to get the Labor Party out of government.

Mr RICHARD AMERY (Mount Druitt) [8.11 p.m.]: I want to make a few comments in this debate, which calls for the Federal Government to intervene in the process of competition policy review of the rice industry. One thing I know about the rice industry and the professional people who run that business is that they are much too professional and mature to cop the stupid argument put to the House by the honourable member for Murrumbidgee. They read *Hansard* and they will not be fooled for one moment by his contribution. The rice industry is a professional organisation with 8,000 employees and 2,000 producers. It sometimes exports up to 90 per cent of its product and competes against an international rice industry that is heavily subsidised. In some countries, of course, the cost of production is much lower. It is an excellent industry.

The argument that we have been paying competition policy penalties since 1995 is untrue. There have been a number of reviews of the rice industry and I am pleased to say that the Government has accepted there has been a public benefit in keeping regulations in place for the industry. We have been able to negotiate with or stall the Federal Government so that it does not apply financial penalties to the State. That has been a successful tactic by the New South Wales Government since 1995. To the credit of a number of Ministers at the Federal level, none has been stupid enough, game enough or callous enough to apply the penalty to the State because they realise the impact deregulation of the rice industry would have on part of the State.

A number of industries in this country have been deregulated, driven by various reforms. The dairy industry deregulation obviously was engineered from the deregulation of the Victorian industry. The chicken meat industry was deregulated as a result of financial penalty threats. In every case those deregulations affected a number of producers in the industry. In the space of a few years, the number of dairy producers in this State has fallen from about 1,500 to 1,600 to less than 1,000. The impact on the rice industry would be worse and more difficult to absorb because 95 per cent to 98 per cent of the industry is centred in a small part of New South Wales covered by two State electorates, Murrumbidgee and Murray-Darling.

Mr Ian Armstrong: And Lachlan.

Mr RICHARD AMERY: It is the Riverina and Murray regions and a little bit of the Lachlan area. Deregulation would be felt in one area. There are 2,000 producers at present and 8,000 employees. We can see what will happen there. The same thing will happen to the rice industry as happened to the coal industry. Once the producers are on their own, overseas or domestic buyers can come in and pick them off and drive down the price. There will be a dramatic impact on the Murrumbidgee, Murray-Darling and Lachlan areas. We are not asking the Federal Government to give us any money or to pass any legislation. People in the rice industry will be the first to scoff at the suggestion by the honourable member for Murrumbidgee that New South Wales will be the one to undertake the deregulation. That is like blaming a bank teller in a hold-up: he is the one who handed over the money so he is the one at fault. So the State Government will be at fault because it is the one that will deregulate the industry.

The fact is the Federal Government now says it will apply a penalty. I understand it is \$26 million; it was \$10 million some years ago. That will be applied every year. The State Government cannot afford a financial penalty of that magnitude for every year that it does not deregulate the industry. I do not believe any

elected members in the Federal Government or in this State Parliament want deregulation of the rice industry. The National Competition Council has put the recommendation to the Federal Government. This motion asks the Federal Government to intervene and I think the honourable member for Murray-Darling is right in calling on The Nationals to talk to their colleagues and ask them to put the rice industry first. We do not want the Federal Government to give us any money; we do not want it to pass legislation. We want nothing more than a statement from the Federal Government that no penalty will apply if the regulations remain in place. That is all we want. By doing so we will protect this marvellous industry.

Mr IAN ARMSTRONG (Lachlan) [8.16 p.m.]: I move:

That the motion be amended by leaving out paragraph (3).

I make it clear at the outset, as the Deputy Leader of the Opposition, Leader of The Nationals in the Legislative Council and shadow Minister for Primary Industries and Mineral Resources, the Hon. Duncan Gay, said on 18 October that the Coalition will not support Labor's deregulation of the rice industry. That is a public document. A number of speakers have referred to 1995, but this issue goes back to 1992.

Mr Peter Black: When you were in power.

Mr IAN ARMSTRONG: Quite right. The New South Wales Nationals and our Liberal Party colleagues have been totally consistent. We have refused to entertain in any way at any time deregulation of the New South Wales rice industry. I was the Minister for Agriculture and Rural Affairs in 1992. We had an extensive look at the rice industry and found one of the most efficient production and marketing operations in Australian history. That standard is still being maintained. Over the years, the rice industry, not only through its research and developments programs but also through its marketing achievements, has gained entry into the extraordinarily closed Japanese market. What a coup that was. Japan needed the rice, but the Australian rice industry is the only industry that has been admitted. The bottom line is there is no way that any member of the New South Wales Opposition, The Nationals in particular, will interfere with an organisation that is as efficient, effective and successful as the New South Wales rice industry. We will support the industry's management practices. I have a media release from the Australian rice industry, which states in part:

Two inquiries have found that Australia is substantially better off under the current arrangements. In fact the most recent independent report found a \$45 million net public benefit to the Australian consumer.

Mr Peter Black: I've already said that.

Mr IAN ARMSTRONG: Indeed, the honourable member may have said it. It is worth repeating. He would agree with that. The media release continues:

Why anyone would want to change arrangements that have made our industry one of the nation's most successful, and one that benefits Australians, is beyond me. The Australian rice industry seeks no financial support from any Government, has annual sales of over \$800 million and is the major employer in the Riverina region of NSW.

As we emerge from 4 years of the worst drought on record, the Australian rice industry is still incredibly strong and I am confident that we will continue to thrive.

Unashamedly, and with great delight, I congratulate the Australian rice industry on its management and success. We wish it every success in the future because it is an icon in the marketing of primary products. I note that the Minister for Natural Resources, Minister for Primary Industries, and Minister for Mineral Resources said in his press release of 18 October:

As a result, we have no choice but to reframe the marketing arrangements for the domestic sale of rice within NSW.

The Hon. Ian Macdonald is going to cave in. The former Minister for Agriculture, Richard Amery, made it clear and did not cave in, nor did his predecessor, the Hon. Ian Causley, and nor did I. If the Hon. Ian Macdonald caves in, he will be the weak link and he will be responsible for deregulating the industry, which need not be done, should not be done and will not be done so far as the Opposition is concerned. I make it patently clear that the next Minister for Primary Industries in this State, the Hon. Duncan Gay, will not deregulate the industry. The only weak link in the debate is the Hon. Ian Macdonald. Where is his ticker? Where is his strength? Where is his economic rationale, if he has any? He does not understand. He does not have the courage. He does not have the political strength or the business ability to negotiate. He must say to anyone who wants to deregulate the industry, "It's not on. Let us make it clear: it is non-negotiable. I am not prepared to debate it. We are not prepared to discuss it. New South Wales will not, in any way, negotiate a deregulation of the Australian rice industry." The Minister's press release continued:

Under the current Act, all rice grown in the NSW is vested to the Rice Marketing Board, which provides for a single marketing desk for rice, regardless if it is sold for domestic or export consumption.

He is right on that. On the one hand he seems to understand it, but on the other hand he is weak, he is inefficient and he has wasted an opportunity to support our important rice industry. [*Time expired.*]

Mr STEVE WHAN (Monaro) [8.21 p.m.]: We are debating an important motion. The critical element The Nationals are missing is obvious from what we have heard in the debate and what we have seen. The honourable member for Murrumbidgee preferred to talk about anything but the rice industry. Fortunately, the honourable member for Lachlan has returned from a couple of weeks away and, with his slightly more serious contribution to the debate, he was able to save the honourable member for Murrumbidgee. The critical fact for those in rice-growing areas and in areas represented by the honourable member for Murrumbidgee is that he has once again refused to put pressure on his Federal colleagues—this time not to impose a fine of \$26 million on New South Wales.

The Nationals in New South Wales want it both ways. They want to be able to say, "We oppose deregulation. That is the fault of New South Wales." At the same time their Federal colleagues will not say to John Howard, "This just isn't on." New South Wales has done better than average in completing the competition policy reviews. In its 2004 assessment the National Competition Council showed the New South Wales record on completing competition policy reviews was above the national average and well above the Commonwealth average. We have reviewed and reformed 83 per cent of priority legislation while the Commonwealth has managed only 60 per cent. The national average is 74 per cent. New South Wales has done well, yet it is still put under pressure. The simple proposition from the honourable member for Murrumbidgee, which he expects his constituents to believe, is that he opposes deregulation but that New South Wales should cop a \$26 million fine. He says, "If you managed better you would be able to afford to pay a \$26 million fine, no worries at all." Can any government in Australia afford to give away an amount of money that would employ about 350 teachers and build five or so primary schools?

Mr Richard Amery: Every year.

Mr STEVE WHAN: And do that every year, or employ 300 or so nurses every year. Is the honourable member for Murrumbidgee seriously telling the Chamber that New South Wales taxpayers and residents in rural New South Wales should be duded out of \$26 million because he and his colleagues do not have the guts to tell John Howard that this is not on, that New South Wales should not have to cop a \$26 million fine to protect an industry that is doing very well? As the honourable member for Lachlan properly pointed out, it is an industry that is shown in studies to deliver benefits of \$45 million to Australia. If there were a bigger clamour from constituents for cheaper rice or more competition, perhaps we could understand it. But who has heard that?

I certainly have not and I am a consumer of rice, as is everyone else in this Chamber. We have not heard people banging on our electorate office doors and saying, "Rice is too expensive, the price has to be brought down." Most of them would say, "We like to buy Australian rice and we want to be able to do it from a viable industry." It is about time The Nationals stood up for that industry. Why is it that the Federal Government is putting pressure on New South Wales? Why is it that on so many issues, such as State funding, the GST distribution that the honourable member for Murrumbidgee mentioned—

Mr Richard Amery: Health funding.

Mr STEVE WHAN: —and health funding, New South Wales is put down by the Federal Government? Let us go back to last year's Liberal Party State Council meeting when John Howard said:

I want to say on behalf of my Federal parliamentary colleagues that we will do everything we can to bring about a change of government here in New South Wales at the next election.

That is what this comes down to; that is the agenda. John Howard in Canberra is saying to the people of New South Wales, "I am prepared to sacrifice your services. I am prepared to sacrifice your rice industry and your wellbeing because I want to help my Coalition colleagues to beat you at the next election." The disgraceful part of it is that those on the other side of the Chamber do not have the guts to stand up to say, "We will have a go at winning the election by putting forward good policy." They just roll over and they say, "All right, John, you do it for us and meanwhile we will let the people of New South Wales suffer." They are doing it for politics. Make no mistake: the rice industry is suffering because of politics. [*Time expired.*]

Mr PETER BLACK (Murray-Darling) [8.26 p.m.], in reply: I thank those members who have contributed to the debate. I will deal with their contributions one at a time. Once again, the honourable member for Murrumbidgee was an absolute disgrace. Once again, it was the old warhorse from the former Country Party, the honourable member for Lachlan, who had to bail him out. It is fascinating to those in this House that old warhorses seem to know what they are talking about and the younger ones, who do not belong to any spectrum of the traditional old Country Party, seem to have all the say. The honourable member for Murrumbidgee fails to recognise his obligation to address the Federal Government. He was more intent on talking about the supply of water to rice. In the past month the rice industry has congratulated us effusively on our successful negotiation with Snowy Hydro for the release of more water for the rice industry. We should have a good crop.

The honourable member for Mount Druitt made a good contribution. He certainly made a much more sensible contribution than the honourable member for Murrumbidgee. He recounted the history; he recounted his dealings with Federal Ministers. The Minister for Transport and Rural Services, Warren Truss, and the Minister for Agriculture, Fisheries and Forestry, Peter McGauran have presided over fines. It was pure luck that we did not have the infamous Minister for Citizenship and Multicultural Affairs, John Cobb. I point out to the honourable member for Lachlan that we negotiated with the Japanese in relation to the export of rice, but on the day that the successful negotiation took place, three rice buyers from Japan left the country because they were told they had to deal with a single desk. They were not allowed to use the methodology applied to the sale of coal of playing one seller off against the other.

I congratulate the honourable member for Lachlan on his previous administration as Minister for Agriculture and Rural Affairs. If he were a Minister in the New South Wales Government, there would be many occasions when Peter McGauran's doors would be kicked down. During the debate the honourable member for Monaro concentrated on Federal funding being slashed and burned, right, left and centre. I will read to the House a press release from the National Competition Council that was circulated only an hour or so ago. The press release states:

It is the Council's role to assess the performance of governments in meeting NCP commitments. Where governments fail to meet the commitments they agreed to, the Council may recommend deductions from the competition payments that are made to governments for meeting NCP commitments.

That is precisely what is being debated and the sensible elements of The Nationals would be the first to agree. The honourable member for Orange and the honourable member for Lachlan would agree with me, which only leaves the honourable member for Murrumbidgee without a clue. The press release continues:

The Council examines NCP reviews to ensure that they are robust and properly justify restrictions on competition in line with commitments made by all Australian governments to the NCP.

NSW's delay in reforming its domestic rice marketing arrangements has been regrettable and inconsistent with its competition policy commitments. Consequently, in its 2004 Assessment, the Council recommended, and the Australian Government subsequently accepted, a suspension of 5% of NSW's 2004-05 competition payments (approximately \$13 million).

The next part is important. Perhaps the honourable member for Murrumbidgee should obtain a copy of this press release and read it, or have someone read it to him. The press release goes on to state:

The Council looks forward to the NSW Parliament speedily implementing legislation to reform the regulation of the domestic rice market and thereby open this sector to the benefits of competition.

The Government has argued—and it has been agreed at least between me and the honourable member for Lachlan, a former great leader of The Nationals—that we have the most efficient rice industry in the world—and if it ain't broke, don't fix it. The press release goes on to state:

The passages of such legislation will result in the Council assisting NSW as compliant with its National Competition Policy undertakings and therefore there will be no further need for suspension of competition payments.

That statement shows in simple terms that unless New South Wales deregulates, the National Competition Council will continually take \$26 million from it. The statement was made today. It is up to the Opposition to lead the way by approaching members of the Federal Liberal Party and The Nationals to convince them of the error of their ways. [*Time expired.*]

Amendment negatived.

Motion agreed to.

PACIFIC HIGHWAY UPGRADE

Matter of Public Importance

Mr JOSEPH TRIPODI (Fairfield—Minister for Roads) [8.34 p.m.]: I am delighted to debate the important issue of the Pacific Highway, a highway that the New South Wales Government has continually acknowledged is a vital road link for the people of our State. It is disturbing, but not surprising, to note that the Opposition has continually misconstrued the facts about the Government's funding of Pacific Highway roadworks. Then again, as attack is the best form of defence, the Opposition has been trying that, and of course has been failing. Members of the Opposition attack the State Government regarding the Pacific Highway because they are desperate to divert attention from the Federal Government's lack of commitment to the highway's upgrading.

The facts are very simple. Members of the New South Wales Opposition are ashamed of their Federal counterparts, who have failed to adequately fund Pacific Highway improvements. The honourable member for Coffs Harbour has had to do the walk of shame, front up to his community and try to justify or explain why the Federal Government has completely and utterly abandoned the people of Coffs Harbour. The honourable member for Coffs Harbour is living a silent shame. The Federal Government has been selling short the Pacific Highway for years. From 1996 through to June 2006 the New South Wales Government's investment will total \$1.66 billion, whereas the Federal Government will have put in only \$660 million.

Mr Andrew Fraser: Is it a State road?

Mr JOSEPH TRIPODI: As I have only 10 minutes remaining for my speech, which is insufficient time to educate the honourable member for Coffs Harbour about roads, I point out that all roads in New South Wales are State roads, but the issue is who looks after them. That is the first part of the honourable member for Coffs Harbour's education for today. The New South Wales Government has put in \$1.66 billion, which should be compared to the Federal Government's measly \$660 million over the past decade. I will present a little history lesson for members of the Opposition. In January 1996 the Pacific Highway reconstruction program agreement was signed between the New South Wales Government and the Federal Government. Under the 10-year agreement, the New South Wales Government committed \$160 million per year to upgrading the Pacific Highway between Hexham and the Queensland border. The Federal Government's commitment was only a measly \$60 million a year. The State Government contributed \$160 million and only \$60 million was contributed by the Federal Government.

Under that agreement, the New South Wales Government contributed 72 per cent of the funding for upgrading the Pacific Highway between Hexham and the Queensland border. In other words, almost three-quarters of the money that has been spent on the Pacific Highway has come from the New South Wales taxpayers and the New South Wales Government. The good news is that our efforts are paying dividends. Since 1996 a total of 44 projects have opened to traffic, with motorists now benefiting from 229 kilometres of four-lane dual carriageway. A further eight projects are under construction or have been approved and are awaiting the commencement of construction. A further 20 upgrading projects are in the planning phase. By the end of this financial year, approximately 44 per cent of the highway from Hexham to the Queensland border, a distance of 677 kilometres, either will be completed dual carriageway or will be roadways under construction. That has been achieved because of State Government leadership when it comes to the Pacific Highway.

Since the commencement of the program, the average crash rate on upgraded sections of the highway almost has been halved. The crash rate has decreased from 30 crashes per 100 million vehicle kilometres travelled to 15 crashes per 100 million vehicle kilometres travelled. That is a great result in the context of road safety and has been achieved because of the State Government's leadership in upgrading the Pacific Highway. Obviously one death is one death too many, but lives have been saved and that is something that we are all very glad about. The State Government has led all the way on road safety by investing heavily in improving the Pacific Highway. The New South Wales Government is implementing a \$35 million, two-year program to introduce interim road safety measures at specific crash locations on sections of the highway that have not yet been reconstructed under the upgrading program. These measures include the use of speed cameras, profile line marking, wire rope barriers, shoulder widening and intersection improvements. For the information of members of the Opposition, some of the improvements have been undertaken at Bonville.

Mr Thomas George: Have you been there?

Mr JOSEPH TRIPODI: Yes, I have. When I visited Bonville, the local parliamentary representative was somewhere in Sydney. He was unable to be found in his own electorate. I was well received by the Mayor of Coffs Harbour and the Mayor of Bellingen.

Mr Andrew Fraser: Point of order: Sit down, clown! The Minister has made an attack on me, which was totally untrue. If he wishes to attack me, it should be by way of substantive motion.

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! There is no point of order.

Mr Andrew Fraser: There is. If he wishes to attack me, I suggest you tell him to do it by way of substantive motion.

Mr JOSEPH TRIPODI: Look, mate, the people who live in Sydney think that Coffs Harbour is the place to go for holidays, not for the local member.

Mr Andrew Fraser: You are a bloody liar!

Mr JOSEPH TRIPODI: For the people who live in Sydney, Coffs Harbour is a place to go on holidays.

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! The honourable member for Coffs Harbour will resume his seat.

Mr Andrew Fraser: Would you like a bloody drink of water, mate? I tell you, I should ask you about the 13 deaths.

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! I place the honourable member for Coffs Harbour on three calls to order.

Mr Andrew Fraser: I should have asked you about the 13 deaths. You tell us about the 13 deaths, you bloody clown! Get in here! Come in here and tell us about the 13 deaths.

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! I place the honourable member for Coffs Harbour on three calls to order. I ask the Deputy Serjeant-at-Arms to remove him from the Chamber.

Mr Andrew Fraser: Christ! Thirteen bloody deaths! Thirteen deaths and you want to lie about where I was—on parliamentary business in Sydney, you clown! And you stand there and do that? I won't take that, you bloody liar! You are a bloody disgrace to this place and a disgrace to your portfolio and your electorate!

[The honourable member for Coffs Harbour left the Chamber, accompanied by the Deputy Serjeant-at-Arms.]

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! Honourable members will resume their seats.

Mr JOSEPH TRIPODI: I was received by the Mayor of Bellingen, Mark Troy, and the Mayor of Coffs Harbour, Keith Rhoades. At that point we were able to implement a plan that would have had been a temporary measure to assist in road safety in Bonville while the Bonville deviation proceeded. I am concerned that the Federal Government's lack of commitment to the New South Wales road system, including the Pacific Highway, will continue even under the new AusLink agreement. I reluctantly signed that agreement on 29 September, just hours before the Federal Government's deadline. If I had not signed it by midnight the following day, we would have lost our road funding to other States—clearly an untenable position.

Under AusLink, the Federal Government has short-changed the Pacific Highway by \$480 million per year. Under AusLink, the Federal Government regards the Pacific Highway as part of its new national network, but it is not funding it in the same way as other highways in that network. The Pacific Highway got a worse deal than any other road in the AusLink national network. Other highways in the network will receive 80 per cent funding from the Federal Government under AusLink, yet it is contributing only 20 per cent of what is needed every year to complete the Pacific Highway dual carriageway program by 2016. That is a \$480 million deficit every year, a \$480 million black hole for the Pacific Highway courtesy of the Federal Government.

The Roads and Traffic Authority estimates the total cost, after the current 10-year program ends in June 2006, of completing a high-standard, dual carriage motorway from the F3 at Hexham to the Queensland border, to be \$8 billion in 2005 dollars. Even if the Federal Government continues its proposed funding for the next 10 years, its contribution of \$1.6 billion would be only 20 per cent of the \$8 billion required. If the Federal Government were serious about the Pacific Highway it would apply its own AusLink funding formula to the 677 kilometres that make up that road in New South Wales. This means that the Federal Government should provide \$640 million a year for the Pacific Highway. How can that possibly be justified?

It is an appalling indictment on the Federal Government that it is continuing to short-change the Pacific Highway. And what is more appalling is that when I tried to have the AusLink agreement debated in this House before it was signed, the Opposition voted against the motion. In this House we had a chance to debate this issue, to have a worthwhile contribution, but the Opposition did not want to. It did not want to know, it did not want to support the motion. Now, when the deal is done and dusted, it is making a song and dance about it. That song and dance has been repeated time and time again. That is a very poor show. The Opposition is happy to discuss this important issue, but only when it is too late. That is a pretty pathetic effort. Another major concern is the Federal Government's determination to pay back ever-decreasing proportions of its fuel excise tax into this State's road system.

Mr ROBERT OAKESHOTT (Port Macquarie) [8.44 p.m.]: I address this matter of public importance because it is, without doubt, a matter of public importance to not only the people of the Port Macquarie electorate but also to the people right along the North Coast of New South Wales. I congratulate the Minister for Roads on raising this matter of public importance. Tonight we have seen a new low in this place—it was an outrageous display. It was seen by many as simple, straight-out, schoolboy physical violence. For 1 million North Coast residents, the Pacific Highway is a key issue. To me, as the local member representing the mid North Coast, it is a sad day when this House cannot debate the issues at stake without the House dropping to that level. I hope that what we saw in the past few minutes will be referred to the Standing Committee on Parliamentary Privilege and Ethics or will be dealt with in another way by this House. It should be dealt with seriously by all members in this House. What I saw was an absolute disgrace. I hope the House can return to the substantive issues of the Pacific Highway

Mr Thomas George: Point of order: I take exception to what the honourable member for Port Macquarie is saying about what happened in this House. What we saw was a person driven to frustration by 13 deaths and by incorrect comments by the Minister for Roads.

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! There is no point of order.

Mr ROBERT OAKESHOTT: All of us in this place deal with many serious issues at many times. Regardless of political persuasion, there is a good reason why this table at which I am standing is two sword lengths wide. We fight with words, and with words alone. But what we saw earlier was a disgrace. I return to matters concerning the Pacific Highway. All of the 1 million residents on the North Coast are completely frustrated. This matter has been going on since the Clybucca and Kempsey bus crashes, when the Coroner, Kevin Waller, made the outstanding recommendation that the Pacific Highway should be dual carriageway from Hexham to the Queensland border—and that was more than 15 years ago. Since then, we have seen various political parties, both State and Federal, making various commitments to fulfil the recommendation of Coroner Kevin Waller.

Unfortunately, after 15 years, we are not even half way towards a dual carriageway. A media release in 1993 by the then Deputy Premier, Wal Murray, referred to two options: first, a Pacific Highway upgrade to dual carriageway from Hexham to Tweed Heads, using normal State road funds and, second, a Motorway Pacific option that involved a completely tolled dual carriageway. I will return to that later, as I have raised it for a specific reason. In the past decade, there have been more than 500 deaths, more than 10,000 crashes—which equates to about 2.5 crashes each day—and one fatality a week. All of the 1 million residents on the North Coast are completely frustrated by the lack of fulfilment of the recommendation by Coroner Kevin Waller of more than 15 years ago.

This all came to a head about a month ago when the AusLink agreement was signed. I am pleased that an extra \$1 billion has been committed to the continuation of the upgrade works from 2006 to 2009. At the end of the first agreement—the Pacific Highway upgrade agreement of 1995 to 2005—40 per cent of the highway will be dual carriageway. As a result of the upgrade works between 2006 and 2009, 60 per cent of the highway will be dual carriageway. That is a positive outcome.

However, about 40 per cent of the Pacific Highway is still not dual carriageway. I draw as an analogy someone who buys a block of land and tries to build a house. That person would not fund half the cost of building that house and then try to work out how to fund the last 40 or 50 per cent. Exactly the same thing applies to this major Pacific Highway infrastructure project. State and Federal governments have flagged it as the biggest infrastructure project since the Snowy hydro scheme. Governments have not got it right. They have built only half the house and they have not worked out how to fund the last 40 per cent. A challenge is now starting to emerge from the words that have been spoken by several members on the North Coast. Residents on the North Coast want to know the Government's plans for that last 40 per cent of dual carriageway.

A month ago the Deputy Prime Minister, my Federal member, said he was working on a plan to complete dual carriageway along the length of the Pacific Highway. So the final 40 per cent would be completed by 2016. The honourable member for Myall Lakes also said there would be complete dual carriageway by 2016. If \$5 billion in funding is to be committed over a seven-year period—from 2009 to 2016—to complete that final 40 per cent of work, it leaves us with one of only two options, that is, more broken promises. There have been broken promises from all levels of government and all political parties in relation to the 1995 to 2005 Pacific Highway upgrade agreement. In 1995 Paul Keating and John Fahey shook each other's hand and said, "By 2005 we will have 100 per cent dual carriageway from Hexham to the Queensland border."

It is now 2005 and only 50 per cent of that work has been done. Are we seeing yet another broken promise in relation to that last 40 per cent of the Pacific Highway, or does the Government plan to create a tollway over that stretch of highway? Residents on the mid North Coast and North Coast want some answers to those questions. It is arrogant for all those involved in politics not to be servants of their electorates and not to provide full details about their plans for the future. At the moment all we have is a head-patting exercise with Government members stating, "It will be all right. We have a plan that will be resolved by 2016." Residents are restless and they want more. They want to know how that highway is to be funded and within what time frame. They want to know whether there will be a toll on that highway. We are sick to death of piecemeal promises from all levels of government, State and Federal, and continued fatalities on the Pacific Highway are frustrating us all.

Rather than having crazed members of Parliament running all over the place, I hope we are given some commitments from The Nationals, the Labor Party, the State Government and the Federal Government. We want to know what backroom negotiations have taken place in relation to that last 40 per cent of Pacific Highway that supposedly will see its completion to dual carriageway by 2016. The Deputy Prime Minister has spoken publicly about these issues in my local area. It is about time residents were made aware of all the details. The Pacific Highway is not only for B-doubles and for heavy and interstate transport; it is a local road for many residents on the mid North Coast. People deserve to know the Government's plans. Tonight I call on both levels of government to reveal the deal. What negotiations will take place behind closed doors post-2009 in relation to the completion of the Pacific Highway dual carriageway? I would be extremely sceptical and cynical if that exercise were funded through the expenditure of taxpayers' dollars. Is this just another broken promise by major political parties, or will we see a toll motorway such as the one introduced in 1993 by Wal Murray?

Mr MATT BROWN (Kiama) [8.54 p.m.]: I am pleased to contribute to the debate on this matter of public importance after the contribution of the honourable member for Port Macquarie. After tonight's performance I can see why he left The Nationals. I am pleased that the honourable member for Tweed, Mr Neville Newell, is in the Chamber tonight. In February 1996, as a Federal Labor member of Parliament, he and other members of Federal and State parliaments—Laurie Brereton, Harry Woods and Michael Knight as roads Minister—were instrumental in striking up agreements and making commitments to improve road safety and travel times for people on the North Coast along the Pacific Highway. I know the hard work the honourable member for Tweed put into making roads safer for many motorists. Tonight I am pleased to acknowledge his contribution.

I call on the Federal Government to use some of its \$13.6 billion surplus for major roads in New South Wales such as the Pacific Highway. Federal Treasury recently revealed that in the last financial year the Federal Government's budget surplus was \$4.4 billion higher than expected. That extra \$4.4 billion could be used to upgrade the Pacific Highway. I remind the House that the Federal Government sets aside just 12 per cent of its petrol excise tax revenue for major roads under AusLink rather than the traditional 21 per cent. The Federal Government should use this opportunity to restore the share of the Federal petrol excise tax spent on major roads to traditional levels. All we have heard from the State Opposition is silence in relation to Pacific Highway funding. It should publicly demand that its Federal counterparts top up funding for the Pacific Highway with some of this \$4.4 billion budget surplus windfall.

In recent weeks we have all seen the project on which the Federal Government has started wasting that surplus. We have seen \$100 million newspaper and television advertisements that refer to the Federal Government's new work changes—an expensive exercise. Our Prime Minister, John Howard, could spend that \$100 million making the Pacific Highway safer instead of wasting taxpayers' money on propaganda designed to make his extreme industrial relations changes acceptable to Australians. The \$100 million that Mr Howard is spending on his industrial relations propaganda would go a long way towards saving the lives of Australians on the Pacific Highway. When we look at how much the Federal Government is putting into the Pacific Highway under the current tenure agreement, we see where its priorities lie. Over the 10-year agreement the Federal Government will have contributed, on average, just \$60 million a year compared to the State Government's \$160 million a year. The \$100 million that the Howard Government is spending on its industrial relations propaganda campaign is more than it has spent, on average, in a whole year over the 10-year Pacific Highway agreement. That is \$100 million that could go towards improving road safety.

By the end of the current financial year approximately 44 per cent of the highway from Hexham to the Queensland border—I am talking about 677 kilometres—will be either completed or under construction. By the end of the recently signed AusLink agreement we are looking at about another 10 per cent of the highway being completed. That leaves nearly half the Pacific Highway still in need of upgrading to dual carriageway standard. So \$4.4 billion would go a long way towards making that 100 per cent upgrade a reality much sooner. It would result in more than 200 kilometres of the highway being upgraded to dual carriageway standard between Hexham and the Queensland border. I am sure the honourable member for Coffs Harbour would not say no to \$600 million of that \$4.4 billion Federal Government surplus being spent on relieving traffic congestion and improving safety on 37 kilometres of the Pacific Highway around Coffs Harbour as part of the Sapphire to Woolgoolga upgrade and Coffs Harbour bypass.

The honourable member for Coffs Harbour could perhaps join his colleague the Leader of The Nationals in asking for \$500 million to provide bypasses for Maxwell, Urunga and Nambucca Heads that would see the steel bridge at Maxwell replaced, improving safety and traffic congestion. I am sure that the Leader of The Nationals would like a better debate on this issue than has occurred so far in the Chamber tonight. I call on honourable members representing the electorates of Clarence and Ballina to ask their Federal colleagues to do the right thing by the people who live along the Pacific Highway.

Mr Andrew Stoner: Madam Acting-Speaker—

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! I call the honourable member for Wakehurst. The resolution of the House states clearly that the debate has been extended to allow the honourable member for Wakehurst and the honourable member for Manly to speak.

Mr Andrew Stoner: Have you replaced the Opposition speaker in this debate with an Independent speaker?

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! I give the call to the member who attracts my attention, and the honourable member for Port Macquarie attracted my attention.

Mr Andrew Stoner: Point of order: An Opposition member always responds in debate on a matter of public importance submitted by the Government. Madam Acting-Speaker, you gave the call to an Independent member. I sought the call at the same time as the honourable member for Port Macquarie. Whether you want a fair debate on this issue will depend on your ruling on this point of order. The shadow Minister for Roads should have the opportunity to respond to a matter of public importance submitted by the Minister for Roads.

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! There is no point of order. The standing orders refer clearly to "the member next speaking". That member was the member who attracted my attention, the honourable member for Port Macquarie.

Mr Andrew Stoner: Point of order: Let the record show that the Labor Government has chosen to gag the Opposition in debate on this matter of public importance.

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! There is no point of order.

Mr Andrew Stoner: The Opposition has a lot to say about the Pacific Highway—and it always has.

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! There is no point of order.

Mr Andrew Stoner: You are seeking to gag the Opposition by giving the call to an Independent member—

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! There is no point of order.

Mr Andrew Stoner: That is part of a Labor Party-Independent strategy for the mid North Coast.

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! The Leader of The Nationals will resume his seat. There is no point of order. I call the honourable member for Wakehurst.

Mr Donald Page: Point of order: Unless I am mistaken, my recollection is that the motion specified those members who would speak in this debate. It was quite specific in that regard. My point of order is that the honourable member for Port Macquarie—and I would say the same of anyone in a similar position—spoke in contradiction of the motion.

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! There is no point of order.

Mr Donald Page: The members named to speak in the motion—

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! There is no point of order.

Mr Donald Page: —were the honourable member for Manly and the honourable member for Wakehurst.

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! The honourable member for Ballina will resume his seat. There is no point of order.

Mr Donald Page: You cannot have it both ways.

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! The only two members who were named were the additional members.

Mr Donald Page: If you are going to take the call from a member you must be equal in the way you look at it or abide by the terms of the motion.

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! The honourable member for Ballina will resume his seat. There is no point of order. I call the honourable member for Wakehurst.

Mr Andrew Stoner: Point of order: This afternoon the Leader of the House indicated that this matter of public importance would be debated by the honourable member for Coffs Harbour, the honourable member for Wakehurst and the honourable member for Manly. You gave the call to the honourable member for Port Macquarie and thus denied the Opposition the chance to debate this matter properly.

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! There is no point of order. The resolution states clearly that two additional members be permitted to speak on the matter of public importance—that is, the honourable member for Wakehurst and the honourable member for Manly. I call the honourable member for Wakehurst.

Mr BRAD HAZZARD (Wakehurst) [9.03 p.m.]: The passion with which the various members have taken points of order is a reflection of the great concern that the Liberal Party and The Nationals have about the poor state of the Pacific Highway and the State Labor Government's ineffective approach to upgrading a highway that is all too often a highway of death and destruction. The Pacific Highway is the main road route between Sydney and Brisbane. After 10 years of State Labor Government, it is a death trap. The Leader of The Nationals wished to exercise his right to speak in this debate. I support that right but I note, Madam Acting-Speaker, that you indicated that he will be prevented from doing so. The Nationals—as the Leader of The Nationals demonstrated—and the Liberal Party are passionate about trying to get the Pacific Highway fixed.

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! If members want to have a conversation they should do so outside the Chamber. The honourable member for Wakehurst has the call.

Mr BRAD HAZZARD: The Pacific Highway has been the scene of far too many tragedies and many broken promises by the State Labor Government. Premier Carr made promise after promise. The new Premier appears to be seeking to validate those promises but is in fact delivering empty rhetoric. Let us consider the history of the Pacific Highway. In the past 10 years 10,182 accidents have been recorded on the Pacific Highway. That is an average of 2.79 crashes per day or more than 1,018 per year.

Ms Katrina Hodgkinson: How can the Government live with itself?

Mr BRAD HAZZARD: As the honourable member for Burrinjuck says, how can this Labor Government live with itself and accept the status quo? How can it do nothing but lay blame at the feet of the Federal Government? Earlier tonight the Minister for Roads launched into a political diatribe and did what this Government always does: blame the Federal Government for everything. The reality is that this Government has made big promises in every electorate north of Sydney to the Queensland border—and most of those promises have been broken. It does not matter that the former Premier promised a second crossing over the mighty Clarence River. Yesterday and earlier today the honourable member for Clarence reminded us of that promise. On 21 February 2003 the local newspaper in Grafton reported:

New South Wales Premier, Bob Carr, yesterday guaranteed beyond doubt that a new bridge would be built over the Clarence River costing between \$40 million and \$70 million.

That promise was made before the 2003 election. The people of Clarence are the victims of a breach of confidence on the part of the Government, which the honourable member for Clarence has drawn to the attention of the House. In the past few years the Government has said that the bridge project is on hold. A second crossing over the Clarence River is just part of upgrading the highway between Sydney and the Queensland border. The fact that there have been, on average, 15.8 crashes per kilometre on the Pacific Highway in 10 years is an appalling indictment on the competence of this Government. There have been 425 fatalities and 6,782 injuries in that 10-year period. The highest number of crashes in any given year was 1,086 in 1998—the middle of Labor's time in office. The New South Wales community can no longer afford to delay upgrading the Pacific Highway. Our main artery heading north must receive resources and support from this Government. We have all driven the road and we know it is a death trap. It is time for the Premier and his Government to deliver on all the promises they have made over a decade—most of which have not been honoured.

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! I call the Minister for Roads in reply.

Mr Brad Hazzard: Point of order: Thank you for your careful consideration of the point of order I will make. Under the standing rules of the Parliament the Leader of the House cannot specify that a member must speak. He can direct that there be extra members, and give them the option of speaking. If that member chooses not to exercise his right, as done in this case by the honourable member for Manly, who did not appear in the Chamber, another member may seek the call. It is within your purview to grant that right. I ask that you behave fairly and reasonably to the Leader of The Nationals, who has a genuine interest in speaking on this issue.

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! There is no point of order. The resolution of the House clearly named two additional speakers. If those speakers do not wish to avail themselves of that opportunity, I will call the Minister in reply.

Mr Brad Hazzard: I appreciate your direction but perhaps as Acting-Speaker—

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! That is my decision. The honourable member for Wakehurst will resume his seat.

Mr Brad Hazzard: I am entitled to ask for your direction as to the basis for your ruling. I seek your basis.

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! I have ruled in accordance with the decision of this House. The honourable member for Wakehurst will resume his seat.

Mr Brad Hazzard: Sorry, what was the decision of this House?

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! The decision of this House was that the honourable member for Wakehurst and the honourable member for Manly have five minutes speaking time each. The honourable member for Wakehurst will resume his seat.

Mr Brad Hazzard: So you are seeking to exclude the Leader of The Nationals from speaking on the Pacific Highway? And the honourable member for Bathurst is seeking to endorse that position?

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! The Leader of The Nationals had the opportunity to attract my attention if he wished to speak, and he did not.

Mr Brad Hazzard: He did.

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! I called the honourable member for Port Macquarie. The honourable member for Wakehurst will resume his seat. I call the Minister for Roads in reply.

Mr Andrew Stoner: Point of order: Your previous ruling and your ruling before that are inconsistent. Earlier on a point of order I said that the House agreed to two additional speakers: the honourable member for Manly and the honourable member for Wakehurst. At that time you said it was appropriate for the honourable member for Port Macquarie to speak in relation to this issue.

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! There is no point of order.

Mr Andrew Stoner: On the point of order taken by the honourable member for Wakehurst just now you said that the specific members were named and therefore you excluded me.

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! The Leader of The Nationals will resume his seat. Two additional speakers were named: the honourable member for Wakehurst and the honourable member for Manly. The Leader of The Nationals was not named as a speaker in this debate. I again ask the Leader of The Nationals to resume his seat. I call the Minister for Roads in reply.

Mr Andrew Stoner: Absolute inconsistency in your rulings.

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! I call the Leader of The Nationals to order.

Mr JOSEPH TRIPODI (Fairfield—Minister for Roads) [9.12 p.m.]: The problem is that The Nationals do not care about roads in northern New South Wales. The Leader of The Nationals has been on the radio up and down the coast saying he wants to debate this issue. The Nationals had a chance to participate in this debate and the Leader missed the boat once again. Remember the absolute silence from the Leader of The Nationals when the AusLink agreement was being negotiated? Not a word from The Nationals in New South Wales to negotiate a better deal for motorists in this State. The Leader of The Nationals had a chance to speak in this debate and once again he has abandoned rural New South Wales.

Mr Thomas George: Point of order: I remind the House that last week The Nationals tabled a matter of public importance in relation to the Pacific Highway.

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! There is no point of order. The honourable member for Lismore will resume his seat.

Mr JOSEPH TRIPODI: I gave The Nationals a chance to participate in this debate but once again it missed the boat, just like its silence during negotiations with AusLink. I do not know why The Nationals were not here and do not care about this issue but the New South Wales Labor Government will continue to represent the people of the North Coast.

Mr Andrew Stoner: Point of order: The Minister is misleading the House. The AusLink agreement delivers 78 per cent more road construction funding over the next five years, and he knows it.

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! There is no point of order. The Leader of The Nationals will resume his seat.

Mr JOSEPH TRIPODI: The Nationals have been calling for this debate for a long time and today the Government gave them this opportunity, and where were they?

Mr Brad Hazzard: Point of order: The honourable member for Bathurst has just referred to me in a way that I object to, but the language that he just used across the Chamber—

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! The honourable member for Wakehurst will resume his seat.

[Interruption]

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! The honourable member for Wakehurst will resume his seat. I call him to order.

Mr Brad Hazzard: You can put me on many calls to order as you like but the language he just used—

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! The honourable member for Wakehurst will direct his remarks through the Chair. He will resume his seat.

Mr Brad Hazzard: But you should direct him to not use the foul language he just used across the Chamber.

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! I call the honourable member for Wakehurst to order for the second time. He will resume his seat now.

Mr Brad Hazzard: You should tell him to stop using foul language.

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! The honourable member for Wakehurst will resume his seat. I remind members that there are certain standards of behaviour in this Chamber. I ask members to maintain them.

Mr JOSEPH TRIPODI: It is a shame that I have lost so much time, due to the behaviour of the Opposition, in seeking to draw the attention of the Federal Government to the fact that New South Wales was short-changed under the AusLink agreement.

Ms Katrina Hodgkinson: Point of order—

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! I ask members not to take any more frivolous points of order.

Ms Katrina Hodgkinson: I ask that you ask the Minister to apologise for his comments alleging that The Nationals—

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! That is not a point of order. The honourable member for Burrinjuck will resume her seat.

Mr JOSEPH TRIPODI: If they had been interested they would have participated in the debate. Instead they were missing from the Chamber. The Labor Government will take up this issue for The Nationals, who failed to represent its own constituency. This Government will step in and fill the breach because The Nationals have done nothing but suck up to the Federal Government. They have remained silent when their voices should have been loud. They cry when the horse has already bolted. It is a great shame. Between 1986 and 1999, 21 per cent of petrol excise tax was reinvested in New South Wales and under this agreement it has fallen to 12 per cent for the road system of Australia. That sums up the attitude of the Federal Government towards funding roads in this State. *[Time expired.]*

Discussion concluded.

HONOURABLE MEMBER FOR COFFS HARBOUR PARLIAMENTARY BEHAVIOUR

Personal Explanation

Mr ANDREW FRASER (Coffs Harbour) [9.17 p.m.], by leave: I wish to unreservedly apologise to the Minister for Roads and members of this House for my actions this evening. I was gravely out of line in my

action towards the Minister tonight. Claims by the Minister that I had deserted my electorate when he recently visited my electorate are totally untrue. In fact, the Minister did not advise me that he would be in my electorate. I was travelling to Yass to attend the funeral of the father of my colleague the honourable member for Burrinjuck.

The Pacific Highway at Pine Creek and Bonville has claimed 13 lives since 2003 and injured 49 people. Many of the people who have died or been injured are personally known to me. As the local member, I, along with local health workers and emergency service workers, have to face the families to console them in their grief. A Minister of the Crown politicised the issue. I do not resile from the comments I made in relation to Minister Tripodi's misrepresentation of the facts in relation to the Pacific Highway or his misleading statements in relation to this issue. I do, however, reiterate my unreserved apology to him and members of this House for my actions this evening.

PRIVATE MEMBERS' STATEMENTS

DEATH OF JOHN BRENNAN

Mr BRYCE GAUDRY (Newcastle—Parliamentary Secretary) [9.20 p.m.]: The strains of *The Internationale* welcomed a large gathering of comrades, friends and community leaders today to Beresfield Crematorium to say farewell to the late John Brennan and to reflect on his great contribution to our community and the Seamans Union of Australia. John Brennan was an outstanding leader of the Seamans Union of Australia, and a fighter for peace and social justice and the rights of working men and women. I offer condolence to John's wife, Elaine, and his sister, Patricia, and I extend the thanks of the people of Newcastle for his dedicated service to our community and to seafarers worldwide. John Brennan served for 38 years as an official of the Seamans Union of Australia, including 35 years as the Newcastle branch secretary, until his retirement in December 1987. At the time of his retirement the Newcastle *Morning Herald* reported:

He has been the union's Federal President since 1959, being re-elected unopposed each time, a member of the Newcastle Trades Hall executive since 1954, and its senior vice-president for 30 years and a delegate to the ACTU congress for the same period.

In retirement John Brennan continued to work for the benefit of his members, serving until recently as national president of the Maritime Union of Australia Veterans Association, ensuring its role as an activist organisation in social and political affairs. John's life experience forged his political and industrial views and gave him the knowledge of the need to organise and the skills of leadership that earned him the respect of union members, industry leaders and the wider community. His strong leadership inspired many people to activism in the union and peace movements.

At an early age John moved with his family from Newcastle upon Tyne to the Sydney waterfront suburb of Pyrmont, where his father went from being a merchant seaman to a waterside worker. His early life was spent beside the waterfront in the period of the Great Depression, when he would have witnessed the struggles of working people in the area. He went to sea as a deck boy at the age of 15 and later served on troopships taking soldiers to the Middle East. At the end of the war he was admitted to the Seaman's Union as an able seaman. John's experiences forged in him a determination to fight for a better deal for the working class through union activity and a dedication to peace and activism, which he carried throughout his life.

The great esteem in which he was held by the union movement was demonstrated today by the attendance at his funeral of the Secretary of the Australian Council of Trade Unions, Greg Combet, the National Secretary of the Maritime Union of Australia [MUA], Paddy Crumlin, the National Secretary of the Australian Manufacturing Workers Union, Doug Cameron, and Mr Nick Tsitsilios, representing the Hellenic League Socrates, a group of Greek men who worked in the maritime industry. In his tribute Nick pointed out that as a waterside watchman he often called upon John Brennan to intervene when Greek seamen in ships visiting Newcastle were living in poor conditions and being paid below a reasonable wage. The strength of the union movement intervened on their behalf.

Also at the funeral service was a huge contingent of his comrades from the MUA and the union movement, and representatives of a broad section of the community. As his great comrade and union colleague Bill Boddenham said of John Brennan at his tribute dinner: "John was very much revered. He was president of a militant waterfront group of unionists and fought many public campaigns on behalf of the community." These

included campaigns to gain oncology services at the Mater Hospital in Newcastle, the diabetic unit at Royal Newcastle Hospital, and the return of the public ferry service to Stockton, as well as his lifelong commitment to the peace movement and involvement in so many activities that have benefited the MUA membership, the International Federation of Seamen, and the community of Newcastle and the Hunter region. We pay tribute today to a remarkable man who brought great benefits to our community.

NORTH SYDNEY WOMEN'S DOMESTIC VIOLENCE COURT ASSISTANCE SCHEME CLOSURE

Mrs JILLIAN SKINNER (North Shore) [9.25 p.m.]: I wish to speak on a matter that I have brought to the attention of the House on previous occasions. I refer to funding for the North Sydney Women's Domestic Violence Court Assistance Scheme. This scheme was in operation when I was first elected to this Parliament in 1994. At that time it was funded by the Ministry for Women. Shortly thereafter, with the election of the Labor Government, the funding was lost. An appeal was made to the then Attorney General to maintain funding so this very important service could be retained. I became very involved with the fight to try to keep the service going because I know how many local residents were assisted by the scheme.

It is often said, and it is certainly believed by some, that domestic violence does not occur in my electorate. I can assure members of this House that domestic violence is not unique to a particular area. It occurs across the board. I was astonished when I made inquiries of the local police at that time to discover there was a very high rate of reporting of domestic violence to North Sydney police. That was partly attributable to the fact that until then there had not been a support scheme for women appearing before the court. This support scheme was directly responsible for giving women encouragement to speak out and say enough is enough, and to take legal action.

It was so difficult getting funding for this scheme at the time that two of my women parliamentary colleagues and I raised some money and contributed out of our own pay. Shortly thereafter a very generous benefactor came forward and funded the court support scheme, and some other very valued community support activities. Sadly, that funding is no longer available and the North Sydney Domestic Violence Court Assistance Scheme has sought help from me and many others to get funds. I met with Centacare Broken Bay on 6 July and that organisation wrote a letter to me on 11 July as follows:

Dear Ms Skinner

I refer to your discussion on July 6 with Patricia Occelli, Centacare's Director of Policy and Program Development. I understand that you share our concerns about the lack of funding for the North Sydney Domestic Violence Court Assistance Scheme.

As per your conversation with Patricia, I would very much appreciate if you would commence organising a delegation to the Honourable Bob Debus MP, Attorney General.

I understand that additional funds have recently become available through the Legal Aid Commission for extension of Domestic Violence Court Assistance Schemes. Given that Centacare's proposal involves extending Hornsby's scheme to incorporate North Sydney, I believe that this is an ideal opportunity to secure the additional funding required. As such, I believe it is necessary to act quickly before these funds are allocated.

I appreciate your support in this matter and look forward to working with you towards a positive result.

I wrote to the Attorney General on the same day, 11 July, as follows:

I seek to lead a delegation of representatives of North Sydney and Mosman Councils, Centacare, and local constituents affected by the proposed closure of the North Sydney Domestic Violence Court Support Scheme.

I understand that additional funds have become available recently through the Legal Aid Commission for extension of Domestic Violence Court Assistance Schemes.

I therefore seek to meet with you as a matter of urgency to discuss the allocation of these funds.

The people I would have led included local constituents for whom this support scheme has made all the difference. Very sadly, I have to report to the House that although I wrote on 11 July and sought an urgent response, the Attorney is yet to reply to me. From 11 July to 18 October the Attorney General has not done me the courtesy of responding to my request to lead a delegation about a matter as important as supporting domestic violence action by my constituents in the court. It is a disgrace. I have written again to the Attorney General. Members of this House should support me in saying that this is not good enough.

BANKSTOWN CITY COUNCIL DEVELOPMENT APPLICATION NOTIFICATIONS

Mr TONY STEWART (Bankstown—Parliamentary Secretary) [9.30 p.m.]: My electorate has three local government areas—Strathfield, Canterbury and Bankstown—with which I have a good working

relationship. Before I was the member for Lakemba and, later, the member for Bankstown in this place I was a councillor on Canterbury City Council for four years and I served as deputy mayor for one year. I have a reasonable understanding of government at the grassroots level and I know the importance of the constituency needs of local government. I draw the attention of the House to the need for council to notify occupiers about development applications. It seems that the system of notification varies according to the development of council policy around section 79A (2) of the Environmental Planning and Assessment Act, which requires councils to notify a development application to those whose residential or business environment might be affected. In the past few weeks this has come to my attention in my area.

These days councils receive many applications for child care centres in residential streets. I discovered that those who have been notified are the residents immediately adjacent to the proposed development—those on either side—and, possibly, the resident behind, but that is about all. Councils should be open and transparent about any development and tell residents in the street about the application so that the needs of the street can be incorporated into any changes and so that residents are aware of, and understand, changes to traffic movements.

Recently I was surprised by a development application for 287 Chapel Road, which is directly next door to Bankstown Girls High School, a school with approximately 800 students and 100 teachers. Without any question the school is one of the key stakeholders within the Bankstown central business district. Nevertheless the school was given no notification of a major development proposal for the site next door, which involved an additional floor for a building and an additional 27 car parking spaces at the back of a bakery. When I, the school, and the Department of Education and Training inquired we were told that council is not required to notify anyone other than specific businesses or residents about a development application.

I suggest that a school with approximately 800 students and 100 teachers is a specific business that should be notified about a development application for the site next door. However, advice I received from Bankstown City Council simply says that notification was not required. I have spoken to the Minister for Planning and his staff, and I certainly have spoken to the Minister for Local Government. Lack of notification about development applications is not specific to Bankstown City Council. I know that the council is trying to dealing efficiently, effectively and swiftly with development applications, but it should deal with them transparently in recognition of stakeholders' involvement.

No-one will ever convince me that council was not ethically required to tell a school with 800 students that a major development was proposed for the site next door, a development that will shade the school, affect students and teachers at the school, create security concerns and result in additional traffic. The school has had no chance to raise its concerns because it was not notified about the application. I will meet with council in one week, when I will make strong representations about this matter.

NATIONAL FIELD DAYS

Mr RUSSELL TURNER (Orange) [9.35 p.m.]: It is with pleasure that I report on the Australian National Field Days, which opened in Orange today. An article in today's *Central Western Daily* appears under the headline "Orange's biggest annual event starts today", subtitled "District to have a field day—ANFD worth millions to economy". It states:

MILLIONS of dollars will be injected into the economy of Orange and district from the 54th Australian National Field Days which gets under way today at Borenore [just outside of Orange]. Chairman of the Field Days committee, Chris Blunt, said with almost 700 exhibitors, organisers were expecting the most successful event in years. "Even if it does rain we will still get the serious farmer, and that's what it's all about. "Farmers are keen to learn the latest in technology so they can remain competitive," he said.

A crowd of up to 30,000 is expected to pass through the gates over the next three days. Mr Blunt says there was an air of optimism at the Field Days site in contrast to last year when the country was in the grip of drought. "From Orange's point of view this is the best spring we have seen for eight to 10 years," he said. "We have prospects of a bountiful harvest and livestock prices are good at the moment", he said.

Orange City Council's enterprise services director Stephen Sykes said every available bed in motels, hotels and bed and breakfast facilities was occupied for the Field Days. "That amounts to about 1000 beds and when you take into account many people are staying with family or friends, the financial advantages for Orange are huge," he said.

The farmers have shown their versatility and resilience to go through drought to take advantage of the good times. A photograph on the front page of the *Central Western Daily* shows a farmer and his son, Stephen and Shannon Nott from Dunedoo, with their South African Damara sheep. I have had sheep, but they did not look like that; they look more like goats. The Damara sheep are aimed principally at the lean meat market rather than

wool and, I suspect, the export market, where there is an ongoing demand for very lean meat, which is why the goat industry is doing so well.

Mr Peter Black: Out west.

Mr RUSSELL TURNER: As the honourable member for Murray-Darling said, the bulk of the goats are out west. They are very good for the economy out west. It is wonderful to see how farmers bounce back. For a number of years they have been kicked and dragged through the dust. But they get a bit of rain, there is a green tinge, and all of a sudden they are optimistic. I understand that recent orders for machinery, not only at the Field Days but through machinery dealers, have been very high. Some dealers are reporting record sales of tractors and other agricultural equipment. Stock sales are strong as farmers seek to restock after destocking either at the beginning of the drought or some way through the drought.

I will list some of the diverse ways in which farmers are seeking to enhance their income and the viability of their markets. I mentioned Damara sheep, but fat tail sheep are also becoming quite popular. Over the years we have seen farmers diversifying into deer, olives, alpacas, a variety of goats, and the wine industry. I appreciate the assistance that both the State and Federal governments have given to farmers during the devastating drought, which is not over altogether, especially in some areas. The two major dams in the Central Western—Burrundong and Wyangala—are still hovering around 30 per cent, whereas most other dams are a lot healthier than that.

The Orange City Council's water supply is running at about 8 per cent and I understand that the Chifley Dam at Bathurst has overflowed for the first time in many years. The drought is over temporarily, but not completely. I congratulate the field day's committee, which comprises mostly volunteers who give their time to the community, on preparing the grounds so magnificently. I also congratulate the retailers and machinery dealers, and the farmers on their resilience throughout the drought. [*Time expired.*]

ROAD SAFETY

Mr PAUL GIBSON (Blacktown) [9.40 p.m.]: The issue to which I wish to draw the attention of the House affects not only my electorate but every electorate in this State, that is, road safety and the avoidance of accidents and road fatalities. The Staysafe committee, of which I am very proud to be the Chair, plays valuable roles on behalf of the Parliament and the wider New South Wales community. The committee's work has resulted in a wide range of initiatives that are well accepted, including the introduction of random breath testing, new systems for licensing young drivers, the use of alcohol ignition interlocks for repeat drink-driving offenders, the 50 kilometre per hour urban speed limit, new blood sampling techniques for drunk and drugged drivers, video cameras in highway patrol police cars and many other initiatives in a list that is quite extensive.

The committee monitors trends in road trauma. Our population is ageing and there is an issue related to the size of vehicles. It is possible that larger vehicles have a better outcome than smaller vehicles when involved in accidents. The most recent concern is that there is a huge number of large four-wheel drive vehicles on the roads as a proportion of the overall vehicle fleet and the potential for more severe accidents to occur during a collision is very real. Four-wheel drive vehicles are larger than ordinary cars and in most accidents probably have a better outcome. Honourable members should be aware that the road toll in New South Wales has been increasing over the past few months. It saddens me to admit that the road toll has nearly reached crisis level again.

Earlier this year the committee advised that we had achieved our aim that was set as a target in the year 2000. In the 12 months preceding the February quarter this year, we had fewer than 500 deaths on the roads in New South Wales, and that was the first time that had ever been achieved. We have only five short years to work to achieve the goal that has been set for 2010—fewer than 300 deaths on the roads in New South Wales. I must say that each death is a death too many. Each death represents the loss of a husband or a wife, a son or a daughter, a brother or a sister, or a much-loved granny or grandad. Each death is the loss of a mate. The personal and social costs, let alone the ongoing economic costs, are enormous.

I become pretty fired up when I am faced with bureaucrats who focus on paperwork, administration and political spin rather than the main game, which is getting on and doing the job and doing it correctly. Every week in New South Wales, 11 people die on the roads and that amounts to more than 500 every year. The bureaucrats are very arrogant when dismissing anything that challenges their view of the world. An example is what was said by Mr Paul Forward, the chief executive of the Roads and Traffic Authority, in response to my

question at a Staysafe hearing on Thursday 14 October 2004 related to intelligence speed adaptation, which is the control of a car's speed by satellite. I understand that that technology is the main silver bullet that would save 1,000 lives in this nation if it were implemented immediately. More than a year ago, Mr Forward said, "We are sending a team of people overseas to look at that."

It has not happened yet. Just a few weeks ago there was a major meeting in Brussels that brought together representatives of all the major countries that are leading the development and adoption of intelligence speed adaptation. Was a team from the Roads and Traffic Authority at the meeting on 31 August 2005? The answer is no. It is about time reforms to the manner in which we approach road safety were undertaken in this State. It is time for a shake-up of the system. Some people say, "Oh, you can't do that", but my response is that other countries are doing it. South Africa is reforming its road safety administration and its approach to reducing road trauma. In Europe a huge effort is being undertaken to reform road safety administration in the accession countries. Russia is considering undertaking large-scale reforms. The World Bank and the World Health Organisation, which are working through the Global Road Safety Partnership, are channelling funds, technology and expertise into the Third World, and they are reforming road safety administration in countries across the globe. So it can be done.

I believe the Staysafe committee does a wonderful job, and I want to keep on doing a good job. I want to meet and talk with the people who are making these things happen. A delegation of the committee is shortly to visit South Africa and Russia to examine reforms there and to examine new structures. The committee will attend conferences and workshops, and will take a good hard look at what can be done. We have five years to get our road toll down to fewer than 300 deaths a year, to achieve the goal of less than one death a day on our roads in New South Wales. I thank my colleagues who are members of the committee and I also thank the House for its support.

ST IVES PROPERTIES HERITAGE LISTING

Mr ANDREW HUMPHERSON (Davidson) [9.45 p.m.]: Nothing evokes more emotion among property owners and families than property. Any threat to a person's home, his castle, can evoke in many people a great sense of protection, preservation and outrage. In recent years I have been made aware of concerns related to heritage listing in parts of my electorate, most particularly in relation to north St Ives. When I was involved in local government I addressed many problems that people brought to my attention related to proposals to include their properties on the heritage list. My experience and observations have been that the properties where heritage listing has been most successful have been those where the property owners have been compliant and willing to have their property listed because they perceived a benefit of some type in having heritage listing. In many cases in which value has been added to the property, there has been little impediment to listing, and certainly co-operation has been forthcoming on the part of the property owners.

Yet in recent years in north St Ives Pettitt and Sevitt, with some local support for one reason or another, have sought to have two project villages that were developed in the mid-1960s made the subject of heritage listing. By and large, the property owners have objected. As recently as approximately two months ago, the Kuring-gai Council opposed the heritage listing. There has been ongoing pressure from a group of New South Wales architects, from the New South Wales Heritage Office and from some property owners in the area to have the homes included on the heritage list. At the invitation of some of the property owners, I inspected some of the properties. I must say that in this day and age, the inclusion of these properties on the heritage list, particularly properties in Richmond Avenue, St Ives, near its intersection with Mona Vale Road, would not only compromise the value of the properties by reference to valuations carried out by registered real estate agents but would also restrict the use that could be made of the homes by the people who live in them. If, after listing, the property owners wished to extend or upgrade the homes, the cost would be more than is reasonable.

Given the prefabricated construction of these homes and their style, nature and design, which reflect trends of the 1960s era, any extension or renovation to meet today's living standards or the living standards of future decades without compromising their structure would be exacerbated by heritage listing, which imposes many constraints upon alterations to property. I state very strongly that I support home owners who do not wish to have their homes heritage listed. I also have no objection to people who wish to have their homes included on the heritage list being able to do so. However, because the homes to which I have referred have been part of two project villages, I believe that one or two people wishing to have their own properties included on the heritage list should not mean that heritage listing will apply to all the homes in the village.

I understand that because of ongoing pressure from the Heritage Office and the group of architects to whom I have referred, there is a need for the Minister for Planning and the Government as a whole to review the

listing process. It is all very well for properties to be nominated and for people to obtain expert opinions, but ongoing pressure compromises the lifestyle, desires and wishes of people who want to live their lives without government and local councils continually posing threats. I believe this issue needs closure. It is not reasonable for this ongoing pressure be applied. The council, having made a decision, should leave it alone. The Heritage Office should leave it alone, and the group of architects should accept that there is strong objection from key members of the community to listing. Those wishes should be adhered to. [*Time expired.*]

DAPTO-KOONAWARRA YOUTH CONNECT PROJECT

Ms MARIANNE SALIBA (Illawarra) [9.50 p.m.]: A project in the Illawarra, Youth Connect, is aimed at keeping young people on track. The project is co-ordinated by Glen Carlson and youth worker Michael Roberts. Several community workers and agency helpers assist the program's work with children and young people aged between nine and 15. Priority placement is given to Koori children. The program runs school holiday sessions and this year provided for 338 children and held 11 outings to different cultural and educational places. Mentors have been trained by the program and all have moved on successfully to other positions. They work closely with all seven school principals in the area and have a suspension centre for children who are not able to attend school at any time.

In local schools two homework centres have been established, which are run one day a week. One is with Dapto High School, which is reporting between 50 and 60 kids attending the Monday afternoon sessions. Glen Carlson offers youth justice conferencing to those in trouble with the authorities. The project works closely with several services including the Lake Illawarra Police and Community Youth Club, the Department of Education and Training, the Dapto Aboriginal Medical Service, the Department of Community Services and the Dapto Community Development Employment Project. The Dapto-Koonawarra Youth Connect Project is keeping kids on track in my local electorate.

On Wednesday 5 October I had the privilege of attending a function in the Illawarra at which the Minister for Community Services handed over a cheque for \$200,000 to the project to enable it to maintain and expand its work. The project has helped young people to stay on track and in school through homework support clubs, one-on-one tutoring and the suspension centre. Over the past five school holidays the project provided programs for about 500 young people aged between nine and 18. Those holiday programs focused on learning about Aboriginal heritage, helping to engage both Aboriginal and non-Aboriginal young people in Aboriginal culture.

The new funds will be used to continue delivering family and community support services such as homework support clubs, which are run closely with the local primary schools; mentoring programs; cultural activities, to strengthen Aboriginal youth identity; school and student connection activities; and school holiday programs. The Dapto-Koonawarra Youth Connect Project is part of the New South Wales Government's Better Futures Regional Strategy. The project has been very successful and has helped a lot of young people in my electorate to be more involved in what is going on in their local schools. The project has helped kids who were lagging behind and those who had been suspended from schools for different reasons. The project has assisted them to get back into mainstream schooling.

The project gives children opportunities and is certainly a great way of allowing indigenous and non-indigenous young people to mix together and understand more about cultural issues relating to young Koori people in the Illawarra. I thank the Minister for her understanding of the project and for the continued funding. That money will go a long way to improving conditions for a lot of young people. I thank Glen and all the staff, volunteers and mentors who worked on the project. Without them we would not have this service. I thank also the representatives of the department who are involved in the project. I know that their input is greatly appreciated by Glen and the New South Wales Government. I look forward to bigger and better results in future.

Miss CHERIE BURTON (Kogarah—Minister for Housing, and Minister Assisting the Minister for Health (Mental Health)) [9.55 p.m.]: On behalf of the Government I thank Glen Carlson and the Youth Connect Program. This great program initially engages young people not only in education but also in understanding across cultures. I place on record my sincere appreciation of the support of the honourable member for Illawarra and the Minister for Community Services for such a great initiative. At the end of the day, the only way we can break the poverty cycle and rise above intolerance and prejudice is through education. I wish all the participating students well in the future. I again thank Glen for putting in his time to make sure that the program is a success.

COUNTRY SHOWGROUND GRANDSTANDS

Mr IAN ARMSTRONG (Lachlan) [9.56 p.m.]: As honourable members would understand, the Crown, represented through the Government of New South Wales, has the responsibility for Crown lands in New South Wales. There are many Crown lands, ranging from roads, stock reserves, rail lines, to public recreation grounds. It is that last category that I will address, and I particularly refer to the public grandstand on Cootamundra Racecourse, the grandstand on Young Showground, a similar grandstand at Grenfell, a grandstand at West Wyalong Showground and similar facilities in Cowra, where I live. All those facilities are on Crown land, and in each case, the Crown has, quite responsibly under the relevant legislation, appointed a trust to administer and manage that land on behalf of the Crown.

Indeed, the trustees are responsible to not only administer the land but also to endeavour to earn revenue for its maintenance and management. However, as all honourable members know, it has never been thought by any government that the trustees would be able to earn sufficient moneys from those lands to carry out major capital development or repairs. I spoke on this matter last year and have spoken to a number of Ministers since then—Ministers have been changing fairly frequently in recent times—and have received a 100 per cent record in not succeeding in garnering any funds from any Minister to maintain those buildings.

The Cootamundra Racecourse has a magnificent English-style, traditional grandstand, complete with wooden seats, which have been modernised with a form of plastic, wooden floors, cement steps at the front, a lovely high-pitched roof with a great deal of filigree woodwork around the top. In every way it is a traditional public grandstand on a racecourse. Yet, through lack of funding, some of the guttering has deteriorated and consequently water has cascaded down the front onto the cement steps, which have now detached from the main building and have subsided considerably. Half the grandstand is now unusable and has been rendered unsafe. This year, the other half was usable for the annual picnic race meeting, but only just. Underneath the grandstand the gauze that protects people from insects has rusted away. To be frank, if push came to shove the grandstand would not meet too many legislative requirements, including occupational health and safety regulations. But we cannot get funds to maintain this property, which belongs to the people of New South Wales. It is a wonderful example of 1910-1920 architecture.

The same could be said of the grandstand at Young, which is not as old but is in better repair. Underneath that grandstand are considerable water drainage and plumbing and electricity problems. The grandstand at West Wyalong showgrounds is experiencing similar problems. Woodwork located in the seating area is long gone and water is invading the lower area of the grandstand, which has become virtually unusable. The same could be said about Grenfell grandstand, another wonderful example of 1920s and 1930s architecture. Sadly, it is totally neglected. In each case the trustees cannot find sufficient money and/or resources to paint these buildings or, in the case of the Cootamundra and Young grandstands, to carry out about \$200,000 worth of repairs.

The West Wyalong and Grenfell grandstands would need a careful assessment to establish their viability. The local trust and Cowra showground society are doing a lot of repair work to the grandstand at Cowra, but without any assistance. Tonight I ask the Government, as the owner of public property and as the custodians of land on behalf of people in New South Wales, to recognise the cultural, architectural and historical value of these premises and to honour its responsibilities in the same way as all honourable members would have to honour their responsibilities if they had a substandard dwelling in any suburb of Sydney that did not comply with health and building standards. The Government must apply the same standards in the bush as it applies in Sydney.

DEATH OF "AUNTY" JOYCE ALICE WOODBURY

Mr MICHAEL DALEY (Maroubra) [10.01 p.m.]: Tonight I want to offer condolences to the family and friends of Joyce Alice Woodbury of La Perouse, in the Maroubra electorate, who passed away last Saturday, 15 October, at the Prince of Wales Hospital, Randwick. At 64 years of age, she was too young to be taken from us. Joyce, the daughter of Alice and Albert Ralph, was one of 11 children of the prominent local Ralph clan. Joyce, who lived her whole life in the La Perouse community, was one of the most revered and respected members of our community. She was the original Aboriginal education assistant at the La Perouse Public School, a school to which she gave over 20 years of loyal service.

Joyce Woodberry was an institution in Aboriginal education, not only in New South Wales but also Australia-wide. She was also recognised internationally in that area. She was a foundation member of the New

South Wales Aboriginal educational consultative group and was honoured with life membership of that group. Along with the late Paul Trevini, former principal of the La Perouse Public School, Joyce was instrumental in establishing the unique and wonderful La Perouse dance troupe. Locals recall with pride that troupe performing before members of the International Olympic Committee and its President, Juan Antonio Samaranch, in the lead-up to the 2000 Sydney Olympic bid.

Aunty Joyce Woodbury was an influential character in the La Perouse community. She was a mentor, aunty, friend, educator and guide. She provided a great example to us all, but particularly to young Aboriginal people. Her advocacy for her kids is legendary. Joyce was known and loved by our colleague the honourable member for Canterbury, who is present in the Chamber tonight. Joyce will be missed by the entire community, but principally by her loving husband, Syd, to whom she was married for 43 years; her children, Craig, Tracy and Narelle; and her many grandchildren. On behalf of people in the Maroubra electorate I offer condolences to her family and friends. I thank Joyce for a lifetime of wonderful work that has left our community a better place as a result of her having been a part of it.

FENNELL BAY PUBLIC SCHOOL ECO-GARDEN

Mr JEFF HUNTER (Lake Macquarie) [10.05 p.m.]: Tonight I refer to the community eco-garden at Fennell Bay Public School. On 16 September I had the great pleasure of officially opening the eco-garden. The garden has resulted from part of the school grounds, a patch of grass with oleanders, being transformed into an outdoor learning area and community resource. This eco-garden shows us what we can do in our own gardens to help reduce our personal footprint on the planet and to boost biodiversity in our backyards. The eco-garden was sponsored by the Quigley Co-operative, the Lake Macquarie City Council, Resource NSW, the Department of Housing, the Environmental Trust, Hunter Water, 15 local businesses who gave donations or discounts, and over 500 hours of volunteer labour from the schools Greening Team, Green Corps and LandCare. Major sponsors included the Department of Environment and Conservation, through Resource NSW, which gave \$3,000; the Department of Housing, which gave \$2,000, the Environmental Trust, which gave \$1,500; Hunter Water Corporation, which gave \$1,500; and Lake Macquarie City Council, via the Quigley Co-operative, which gave \$3,300. Volunteer labour was valued at around \$11,000.

I acknowledge all the participants in the project: the Quigley Co-operative; Lake Macquarie LandCare resource office volunteers; Andrew Murdoch from the Australian Eco Shop; Green Corp's team 2005 and Anna Deagon; the Department of Housing; Schools as Community Centres; Nichols Bobcat Service of Coal Point; Bunnings Pty Ltd; Wallsend nurseries; Friths hardware; Newcastle Wildflower Nursery; Kennards Hire; Treated Pine Place, Toronto; Toronto newsagency; Blackalls Park newsagency; Lake Macquarie City Council, as mentioned earlier, through the small grants program; the Quigley environmental sustainability team; Fennell Bay school, of course, with principal Neilsine Oxenford, and Amanda, Kris, Valerie and Scott, the groundsman; the community greening team, which comprises parents of students at the school, including Lynda O'Mara, Cheryl Ellis, Deb Hill, Paul Terry and Harvey Mitchell, another volunteer from Speers Point.

Those who assisted include the Green Thumbs nursery, the Aboriginal Student Support and Parent Awareness Committee, the Eagle Brothers, Trees in Newcastle, Specialised Gravel Services, Webbs Timber and Hardware, the Royal Botanic Gardens in Sydney—thank you, Stephen Paul—and Suzanne Pritchard from Springboard Science. Suzanne was the co-ordinator for the project. In July when I visited the school and inspected progress on the eco-garden I was pleased to meet Suzanne, the principal, some of the parents involved, and some of the volunteers installing the garden. It was great to see the work that was being undertaken.

The eco-garden, which is located within the school grounds, has a high profile on Bay Road. Everyone at the school is excited about the program. In term one this year students decided that they wanted the garden. In term two they came up with layouts and ideas for the garden plan. As I mentioned earlier, during term three the planting took place and now that term four is here, it is part of the school's learning activities. Once again I congratulate everyone involved in the establishment of the eco-garden, in particular, the school, its dedicated teachers and staff, Suzanne Pritchard, all the community representatives and the State Government for its contribution.

Joining me at the official opening was my Federal parliamentary colleague the Hon. Kelly Hoare, the member for Charlton. It was fantastic to be welcomed to the school by representatives of the student body, to

speak before the school assembly, and to be presented with a certificate of appreciation from the school for the State Government's contribution to the garden. Congratulations go to all those involved in a very worthy project. It would be remiss of me not to mention that while I was at the school I was again lobbied by the parent body to raise with the Minister for Education and Training the need for security fencing at Fennell Bay school. It was a fantastic day. However, there is some concern about vandalism at that school. The Minister's office indicated that the school is on the list to receive security fencing. I again raise the matter today and ask the Minister to establish how she can assist Fennell Bay school.

NARROMINE COMMUNITY

Mrs DAWN FARDELL (Dubbo) [10.10 p.m.], by leave: I shall give the House an example of how communities in the electorate of Dubbo are epitomising the well-known Australian spirit of battling on despite the many challenges constantly being thrown at us in country New South Wales. Rather than lie down and accept declining services and opportunities for their youth, many rural and regional communities take the bit between their teeth and have a go. One such community making the most of opportunity, innovation and planning is the township of Narromine.

On 1 October Narromine hosted an event of major significance to aviation historians and enthusiasts the world over. A small aircraft made of canvas, wire and wood made its way onto the airport's runway, pushed along by a rare but restored 1970s car engine. The aircraft eventually broke free of the ground and clawed its way into the air—and also into the record books. The fragile craft repeated the process, to the delight of the many thousands of people gathered to witness this landmark event. The aircraft in question was a replica of a Wright brothers model A aircraft that first took to the skies 100 years ago. The model A was the second aircraft designed and built by the brothers after the famous Kittyhawk in the United States of America swept into the history books as the world's first sustained powered flight in 1903. While the Narromine craft was not the first of its kind to be copied and built for a flight such as this, it was certainly the first in Australia. Similar replica craft have not been seen in close to 100 years anywhere in the world.

The craft was a seven-year project for father and son Keith and Eric Hayden from Narromine, who confessed to having had little to do with aviation prior to starting their hobby. This family truly found something out of the ordinary in which to invest their time, money and effort. Keith and Eric Hayden obtained copies of original designs of the flier in order to construct this piece of living history. These copies were hard to find—an aircraft company in Ireland was one of only a handful of sources in the world that retained detailed documentation and specifications on the machines. Keith and Eric soon enlisted the help of others, who enthusiastically lent a hand where they could. The Haydens would while away the hours carefully constructing spars, ribs and supports in the tin hangar in all kinds of weather. Each piece was fashioned to exacting standards befitting a venture of this kind. If only policy affecting rural communities in New South Wales were given the same thorough attention!

With construction of the craft came a renewed sense of co-operation and community in Narromine. Like in many country towns in New South Wales, Narromine's residents involve themselves in everything from school plays to fundraisers for a local service club or charity and ferociously cheer on local heroes. They thrive on new challenges. Volunteers, local businesses and the Narromine Shire Council were quick to offer help and support to the Haydens and their project, which even in the early stages was attracting intense interest.

The aircraft was named the *Spirit of Flight* and, in a unique historical coincidence, was named officially by the second man to walk on the moon, Dr Buzz Aldrin, who was invited along as a special guest. It was Dr Aldrin and Neil Armstrong who left on the moon a small token of man's pioneering efforts at powered flight. They placed a small shred of fabric from the original Wright brothers Kittyhawk on the lunar surface only a short distance away from where the lander arrived on that famous day in 1969. Dr Aldrin's presence at Narromine also served as a great inspiration to local youngsters, whose senses were treated to the sight and sounds of aircraft old and new. He recounted stories of heady days in the United States Air Force and the space program to a new generation of aviation enthusiasts.

The skies above the town of Narromine have witnessed many great events in Australia's aviation history. Narromine was one of the first regional communities in Australia to establish an aero club. Though the machinery was basic by modern standards, the members were active and their ranks strong. Narromine served as a refuelling stop for the great Empire Air Race from London to Melbourne in 1919-20 and would in later years become a welcome sight for pilots looking to make a stop as they attempted to break world aviation records. Narromine became the home of a flight school for the fledgling Royal Australian Air Force in the dark days of the Second World War. It was a base not just for fresh-faced recruits but in later war years for a squadron of

seasoned Mosquito pilots and their machines. For many of these young men Narromine was the last piece of Australian soil they would see before heading into battle. Many would not return.

In the 1950s Narromine's airport was turned back over to the community but soon became a training base for Qantas pilots. They, too, eventually left to seek larger facilities, as jet aircraft became the thing. Today Narromine boasts a small but thriving aviation industry and is considered one of the greatest locations in the world for gliding. The town enjoys many return visits by glider pilots and on any weekend the airport is very active. On a single day a couple of weeks ago air show organisers reported that more than 10,000 people come through the gates and clambered over the grounds of the airport. Narromine residents were also treated to something rarely seen in their town: traffic jams. The event is great for the local economy and for tourism. It is a progressive air show event held at an airport nestled close to the central business district of a small town in country New South Wales.

Private members' statements noted.

The House adjourned at 10.15 p.m. until Wednesday 19 October 2005 at 10.00 a.m.
