

# LEGISLATIVE ASSEMBLY

Wednesday 19 October 2005

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

**Mr Speaker** offered the Prayer.

## AUDIT OFFICE

### Report

**Mr Speaker** tabled, pursuant to section 38E of the Public Finance and Audit Act 1983, the performance audit report of the Auditor-General entitled "Oversight of State Owned Electricity Corporations—NSW Treasury", dated October 2005.

**Ordered to be printed.**

## LUNA PARK SITE AMENDMENT (NOISE CONTROL) BILL

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

## VOCATIONAL EDUCATION AND TRAINING BILL

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

### Second Reading

**Ms CARMEL TEBBUTT** (Marrickville—Minister for Education and Training) [10.03 a.m.]: I move:

That this bill be now read a second time.

As this is the first time I will speak in this House, I ask the indulgence of the House to make some comments on my recent election as the member for Marrickville before I turn to the Vocational Education and Training Bill 2005. I wish to place on the record my gratitude to the people of Marrickville for electing me to be their representative in the Legislative Assembly. The electorate of Marrickville is enormously diverse—36 per cent of the population was born overseas; there is a significant Aboriginal population; it is home to a large gay and lesbian community; and the median personal income is considerably below the New South Wales average. It is this diversity that makes Marrickville such a compelling place to live, and an honour to represent. The electorate of Marrickville has been my home for the past 16 years and in that time I have seen tremendous change in the area.

I am the eighth Labor member for Marrickville to be elected. The majority of people in Marrickville recognise that only a Labor Government will provide the benefits and improvements that they and their families depend on. Other political parties claim they will deliver on our tradition of social justice and equity, but the people of Marrickville cannot afford the luxury of voting for those who promise the world but are incapable of delivering anything but empty rhetoric. I recognise that I have been elected on trust. The electorate wants to see improvements in public transport and health. They want to live in a sustainable community where tolerance is fostered and diversity valued. I will work as hard as I can to continue to build on the achievements of my predecessor, Andrew Refshauge.

Nothing demonstrates more clearly the importance of Labor Governments than the current industrial relations initiatives of the Federal Government. This is one of the greatest attacks on the conditions and quality of life of working people in our nation's history. In 1998, when I delivered my first speech in the other place, I despaired at the ideologically driven approach of the Howard Government, and I still do. Now, as then, I support an approach to industrial relations that promotes change through consultation and co-operation, with the resultant gains fairly distributed and a proper role for the Industrial Relations Commission as the umpire. The New South Wales Government is opposed to these changes and will continue to campaign against them in the interests of the New South Wales community.

I do not intend today to observe the usual form of a member's first speech: I had that opportunity in the other place. I enjoyed my time as a member of the other place. The Legislative Council is often maligned, and yet its composition means that greater debate and negotiation occur on legislation than in most parliamentary chambers. I thank both the members of the Legislative Council and the staff for the courtesy, support and good humour that they have shown me in the time I was a member. I am particularly pleased to see that the Hon. Penny Sharpe has been sworn in to fill the vacancy caused by my resignation. She will make an outstanding contribution to public life in New South Wales.

I could not have been successful in the by-election without the efforts and support of my campaign team and the wonderful Australian Labor Party [ALP] members and supporters who make the Labor Party so effective at the grassroots level. To achieve a swing to the Government on primary votes was a tribute to the Labor campaign and an endorsement of the new Premier, Morris Iemma. I wish to thank my campaign team, in particular my campaign director Verity Firth, who did an outstanding job in running a very tough campaign in a short space of time. I thank all the ALP members and supporters who worked so hard—and while naming individuals is always fraught, I must mention the contribution of Jamie Lovell, Geoff Taylor, Cheryl Baume, Sue Dahl, Bob Stone, Jeff Singleton, Emanuel Tsardoulis, Tim Ayres, Councillors Barry Cotter, Penny Sharpe, Sam Iskander and Rae Owen, Mark Arbib, Luke Foley and Peter Bentley.

I also thank all the parliamentary members who provided support and assistance. I thank my husband, Anthony Albanese, who is here today, for his love and support, strategic guidance and, as ever, eternal optimism—and my son Nathan, for his love and for putting it all in perspective. Finally, I thank my parents, who raised me with a strong sense of conscience and always showed me the importance of being caring and considerate of others. The Labor Party has provided me with some wonderful opportunities. It has been a privilege to be a Minister in both the Carr and Iemma governments. I now look forward to the challenges of representing the people of Marrickville and advocating for their needs in this Chamber and in Government.

I now turn to the Vocational Education and Training Bill 2005. This bill will ensure that the New South Wales world-class system for skills training is strengthened and enhanced. The bill implements the November 2002 decision of the Ministerial Council for Vocational Education and Training to introduce legislative reform to more effectively regulate providers of vocational education and training throughout Australia. Honourable members would be aware of the critical importance of having an effective vocational education and training system—a system that is capable of giving our current and future employees the necessary skills to adapt in Australia's complex and ever-changing work force. Our vocational education and training system provides training for all types of work, from the traditional industries such as building and construction, manufacturing, automotive and utilities to those newer industries that now represent a growing proportion of the New South Wales work force: retail, finance, insurance and business services, tourism, hospitality and community services, and health.

Currently in New South Wales more than half a million students participate in some form of vocational education and training each year, and that training is provided by both public and private sector registered training organisations. Most of these students are in TAFE, yet over 1,565 New South Wales and interstate registered training organisations are operating in the State. It is obviously an attractive business as new providers continue to enter the market each year: 344 new training organisations registered in 2002-03 and 98 in 2003-04. At the heart of our system are the structured courses of vocational study, training and employment known as apprenticeships and traineeships. There were 139,000 apprentices and trainees in training in New South Wales at the end of the 2005 June quarter. Currently 884 New South Wales training organisations are registered under this Act. In addition, 681 interstate registered training organisations are operating in New South Wales.

The current Act supports the regulation of New South Wales registered organisations by the Board for Vocational Education and Training. However, it does not provide for decisions made by the board to apply to training organisations registered in other States that operate in New South Wales. This means that the board has been virtually powerless to act when problems have arisen with interstate registered training organisations operating in New South Wales. At present the regulator's hands are also tied in situations where a New South Wales registered training organisation is found to be non-compliant in New South Wales and, rather than address those non-compliances, the organisation decides to apply for registration in another State that is seen to have a less rigorous registration procedure.

From 1 January 2006 the New South Wales regulatory body will be able to monitor quality, audit or sanction the 681 training organisations currently registered interstate and operating in New South Wales. At the

same time New South Wales registered training organisations will be recognised interstate. The Australian Quality Training Framework was introduced in 2001 as a set of standards to guide quality in the training market and to ensure that students and employers receive the high quality training they require. The New South Wales training quality regulator, the Vocational Education and Training Accreditation Board, has adopted these national quality standards as a guideline under its Act. However, new legislation is needed to enable the regulation of interstate registered providers delivering training in New South Wales.

By agreeing to implement model clauses in their legislation, all States are now ensuring that national quality standards can be appropriately and effectively enacted across borders. Vocational education and training in Australia now operates as a national system. States and Territories operate within a framework of national policies and strategies, underpinned by their own legislation relating to the provision of vocational education and training. In June 2001 the State, Territory and Commonwealth Ministers for vocational education and training agreed to adopt new standards to strengthen the quality of training across the country. The Australian Quality Training Framework standards have been adopted in New South Wales by the Vocational Education and Training Accreditation Board under the current Vocational Education and Training Accreditation Act 1990.

This is a sensible bill that recognises the increasing national nature of vocational and training provision in New South Wales and, indeed, in Australia. Fifteen years have passed since the original Act was introduced. The world and the vocational education and training system have all changed significantly in this intervening period. Most significantly, the systems in each State have become more alike, and the number of training providers that operate at a national level has increased. This new bill incorporates much-needed improvements to modernise the language of the Act to make it more relevant and easier to interpret. Offences under the Act will also be strengthened and fines increased for breaches of the Act. The final significant change to the Act is to recognise the national register of training providers and courses—the National Training Information Service.

This register is the repository for all publicly available information on the organisations operating in the national vocational education and training system. Having the national register included in this legislation protects its role as the key public tool for accessing information on training organisations. There is still a need for more consumer information to be available on training organisations and the standard of training they offer. The Government will continue working with other jurisdictions to improve the amount of publicly available information on training organisations. The New South Wales Government would like to see the reports of registered training organisation audits by the Vocational Education and Training Accreditation Board published, as is the current practice in the university sector. The bill establishes stronger and more consistent regulation for the skills development that Australia and New South Wales need.

The bill will increase industry confidence that the New South Wales training system will provide high-quality, industry relevant skills. The approach taken by Australian governments on this issue is a demonstration that State, Territory and Commonwealth governments can work co-operatively on issues of national importance. New South Wales makes up about one-third of our economy, population and national vocational education and training system. This bill will improve the regulatory arrangements in this State to ensure that the training system continues to be nationally focused and a key driver in the continued economic and social development of our State and Australia. I commend the bill to the House, and I thank honourable members for their indulgence in allowing me to make some comments about Marrickville.

**Debate adjourned on motion by Mr Donald Page.**

## **ROYAL BLIND SOCIETY (MERGER) BILL**

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

### **Second Reading**

**Mr GRAHAM WEST** (Campbelltown—Parliamentary Secretary) [10.18 a.m.], on behalf of Mr Bob Debus: I move:

That this bill be now read a second time.

This bill will give full effect to the recent merging of three charitable agencies supporting the blind and vision impaired into a new combined agency. On July 6 2004 the Royal Blind Society of New South Wales, the Royal Victorian Institute for the Blind Ltd and Vision Australia Foundation were merged into a combined agency, RBS.RVIB.VAF Ltd, now known as Vision Australia Ltd. All of the undertakings, property and liabilities of

each of the three separate agencies were, where legally possible, transferred to the new body. The corporate existence of the three agencies has continued. However, it is the intention of the combined agency to wind up or deregister each of the three agencies as soon as possible. Each of the three agencies and the combined agency rely heavily on public fundraising, volunteer works, gifts, bequests, dispositions and trust funds.

It was always intended that legacies and bequests left to each of the respective three agencies would be transferred to the combined agency. However, the Royal Blind Society received legal advice that bequests, gifts and dispositions made to each of the three agencies cannot be automatically transferred to the combined agency. There is also a risk that other bequests, gifts or dispositions might fail, particularly after the Royal Blind Society is wound-up or deregistered. The Royal Blind Society's legal representatives requested that legislation be passed to enable bequests and gifts created or granted since 6 July 2004, and in the future, to be transferred to the combined agency. The three Agencies will be wound up after legislation securing bequests, gifts and dispositions—past and future—to each organisation is enacted.

A similar request was made to the Victorian Attorney General, as two of the three agencies were incorporated in Victoria. Victoria has passed legislation, which was assented to on 20 September 2005. Each of the three agencies has a long and distinguished history of providing services to the blind and vision impaired communities in New South Wales and Victoria. The merger will allow them to provide a better and more effective service to those communities. This bill will ensure that the valuable work of these agencies continues. I commend the bill to the House.

**Debate adjourned on motion by Mr Donald Page.**

## **BUDGET ESTIMATES AND RELATED PAPERS**

### **Financial Year 2005-06**

**Debate resumed from 22 June 2005.**

**Mr GRAHAM WEST** (Campbelltown—Parliamentary Secretary) [10.21 a.m.]: The State budget has delivered many benefits for New South Wales. The Government is working hard to improve rail services and has introduced projects that will serve the community well, including new carriages, turn-back facilities and improvements to rail lines. On public health, the Government is improving public hospitals. In my electorate of Campbelltown, massive improvements have continued to Campbelltown Hospital, including the expansion of the mental health facilities with a \$3 million project to improve acute services for people with a mental illness who need to stay in care for between three and six months. As they are very vulnerable members of the community it is appropriate that the Government recognises that need in Campbelltown and across the State, and is working to deliver the needed facilities.

Concerning Roads, it is expected that the M7 will open before Christmas. It will be a fantastic boon to greater Western Sydney, and Sydney in general, in delivering economic improvements along its route and to outlying areas. Campbelltown will benefit from improved access directly to the north and the west, and to the rest of the Sydney area. Emergency services continue to be supported, and Campbelltown's Rural Fire Service has received a grant in excess of \$1.2 million. That grant will ensure that local firefighters have the resources, personal protection equipment and other necessary equipment to protect the community this summer. Potentially, we are facing an extremely high fire risk this summer, which could have resulted in further losses without this funding. The Police budget has allocated further improvements to local policing. Campbelltown has received extra probationary constables together with additional necessary resources.

The Government delivered a responsible budget. Since coming to office, Premier Iemma amended that budget, especially in relation to vendor duty and land tax. Those amendments have benefited many families and investors. The Labor Government has delivered responsible budgets and will continue to do so long into the future. However, it would be greatly assisted in that task if New South Wales could get its fair share of GST revenue. New South Wales provides about \$13 billion in GST revenue, and receives only \$10 billion. We do not mind supporting some smaller States and Territories, such as South Australia, Tasmania and the Northern Territory, but we do take exception to large chunks of our money going to Queensland to prop-up its petrol prices, or to Western Australia, which receives an excessive boon for mineral resources.

The Commonwealth Grants Commission—an organisation that makes bizarre determinations—continues to insist that New South Wales delivers too many public services to its people. It says that we have too

many bus stops, too many rail lines and too many other facilities. The people of New South Wales deserve those facilities. If we were to get more revenue from the Federal Government we could provide even more. I am sure that, contrary to what the Commonwealth Grants Commission—a body that has been attacked by numerous bodies, including Federal bodies—believes, New South Wales would spend that extra funding wisely to deliver further improvements.

The New South Wales economy has always been the engine room of Australia, and will continue to be so under the stewardship of the Labor Government. The 2005-06 budget continues the tradition of delivering for New South Wales, and future budgets will continue to focus on the things that matter most: improving transport and public health, providing a safe community in which to live, and ensuring that people have access to services such as education. The Government has provided support for innovative important projects. Locally, a small grant has allowed a project to encourage appreciation of the good works of the many public schools in our area, including the Kids in Biz Program undertaken with the local chamber of commerce.

The grant has allowed artwork by children from local primary schools to be professionally framed and, with the co-operation of local businesses, hung for people to see. The children's newsletters list the location of the artworks. The companies have encouraged an appreciation of the fine work done in New South Wales schools. I am sure that many honourable members along with members of the community appreciate the Schools Spectacular. Schools excel not only in reading and writing and other academic pursuits but also in many cultural and personal development areas.

Local schools have also benefited from improvements in maintenance funding. A number of schools have received important facilities they have needed. One project in the budget of real importance was the improvement to Airds High School. It is getting a hall. I was pleased to see that money included in the budget. Plans have been lodged and the school will have a hall very soon. I thank Mr Speaker, who initiated that project in his time as Minister for Education. He and I spent an enjoyable day at Airds High School speaking to Chris Presland, the principal, who continues to do good things at the school.

One of the things the school does is run a boy's program, which is targeted toward students who may have difficulty engaging at school and may need a bit of mentoring. It gets them involved with other students and teachers and encourages participation from the fathers, and involves such things as craft. I saw an exhibition of bilycarts and other craftwork they had engaged in with their dads or with other students and teachers. At the end of the year the students who participate are assessed. Mick Adams received an award for his teaching, particularly in relation to this project. Airds High School received recognition from the State and the Commonwealth for this program. The school does a number of things to reward kids at the end of the year, such as canyoning, which is well appreciated. The kids conduct themselves responsibly throughout that process and it is a great way of showing them that one needs to engage as a community; and it teaches them to be responsible young citizens in the community. The program deserves support.

The former Minister for Juvenile Justice will be pleased that locally we are seeing improvements to Reiby Juvenile Justice Centre. The Minister took an active interest in the centre, and the construction works were started during her time as Minister. Reiby also has an aunties program, in which a number of Aboriginal elders, working with Centrecare and Father Kevin Andrew, go into the juvenile justice facility and work with a number of Aboriginal and non-Aboriginal offenders who come from west of the Great Dividing Range and do not have social links and contacts with home. They work on craft and listen and talk. The former Minister was in the process of providing further assistance to the aunties program, and I am sure the new Minister the Justice, the Hon. Tony Kelly, will ensure that the aunties get that support.

**Mr Chris Hartcher:** You only have nine minutes 52 seconds, but keep going.

**Mr SPEAKER:** Order! The honourable member for Gosford will resume his seat and maintain the dignity of the House.

**Mr GRAHAM WEST:** I have toured the Reiby juvenile justice facility. Good work is carried on there by the staff, but one thing that struck me was that far from it being a holiday or an easy place it is a confronting and difficult place to be in. Diversionary programs such as juvenile conferencing, which help to keep people out of these facilities, are important. Obviously incarcerating young people is a last resort. Sometimes there is no option but if we can get young people back on track, sometimes through community offender programs or with

programs that are running out west in the Aboriginal communities, while learning respect and mutual appreciation for each other, that is money well spent.

I have also toured the Long Bay psychiatric facility. That was probably one of my most confronting experiences. It is a facility in need of improvement and I am pleased to see that the New South Wales Government is to improve the hospital at Long Bay. It will embark on a new facility to improve mental health options. I was there in company with John Marsden visiting one of his clients and I witnessed a visit by a young boy to his father, who was incarcerated in that mental health wing. Improvements to the hospital will benefit not only the inmates but also the families who visit and the young people who see these conditions. If we can combine that with the improvements the Iemma Government is delivering in mental health, many of them initiated when the current Premier was Minister for Health, we will see improved opportunities for these people post-release, and that will reduce the recidivism rate, which is something I am sure all honourable members would support.

The honourable member for Wollongong interjects about carers. That is important. Carers make an important and valuable contribution not only to the people they directly care for but also to the wider community. I was pleased to organise a forum in Parliament that a number of honourable members attended. Carers New South Wales is always looking for more support and is always appreciative of the support it gets. That forum highlighted many of the important issues confronting carers. One that was startling for me was that many carers are young children and teenagers, who care for a mother or father or another relative. That has an enormous effect on them. It affects their schooling. Many will miss school.

It affects their social relationships. They are denied the opportunity for social relationships at a time when people are developing, at a time when they should be developing social skills. Many of them are locked in their houses, unable to go out except for periods of respite or when the Home and Community Care [HACC] worker comes along and gives them the opportunity to take a break. But even such breaks tend to be along the lines of ducking out to the shop to get a few basic necessities rather than what young people would normally do, such as going to the movies or to the skate park and having a good time. Any improvements we can make there will be gratefully received.

Locally the Department of Disability, Housing and Aged Care is looking at facilities for youth. We have a number of excellent facilities providing respite, but we can always do with more. Sunshine Cottage in Narellan Vale provides respite. I have had the privilege of touring that centre. It has dedicated staff and is extremely important to those who use it. Respite is such an important facility. It is a tragedy when respite beds become blocked because someone simply cannot cope. These situations arise. Anything we can do through HACC or respite that prevents these bed blocks benefits many families. One of the other things we need to be cognizant of when dealing with carers is that carers themselves can suffer many mental health effects simply from dealing with the full-time load of caring. There are difficulties for carers because of privacy concerns. A number of doctors will not provide information to carers and they suffer from a lack of knowledge.

**Mr SPEAKER:** Order! There is too much audible conversation. The House will come to order. I include the honourable member for Murray-Darling in that direction.

**Mr GRAHAM WEST:** Carers might not be aware of the correct medication or the times at which it should be given. We need to look at ways of improving co-operation and consultation with families, especially those that have children who are mentally ill or have a dual diagnosis. My electorate and the electorate of the honourable member for Camden have a number of special schools. Recently I attended a fundraiser for Mater Dei School, which is located in the region. It is working to raise funds for a playground for disabled students. Beverley Park School is engaged in a similar exercise to raise funds. Due to a number of unforeseen circumstances it is currently repairing its playground. Both playgrounds, when completed, will provide students who may be wheelchair bound with opportunities that I as a parent take for granted: the opportunity to put a child on a swing and have a bit of fun. These playgrounds are important community facilities.

The Bethany Early Intervention Program, which is run by Mater Dei, caters for children before they go to school. That service assists parents who have students with disabilities by providing improved opportunities for integration classes or mainstream schooling. I am pleased to inform the House that the New South Wales Government provided further assistance by way of a \$5,000 grant. I congratulate Dr Jenny McDonald, the chair of the foundation, on her work and I congratulate all those who work at Mater Dei School. Jenny McDonald has an active interest in community health. We must ensure that community health is well supported and that the health care centre closed by WorkCover for a number of reasons is reopened. [*Extension of time agreed to.*]

I hope that important community health centre in Campbelltown, which provides many important services, is reopened by the health department sooner rather than later. The former Premier, former health Minister and I saw the work being done at that centre to reduce glue ear in Aboriginal children. Aboriginal communities have higher levels of glue ear than other communities. A special testing program was implemented to identify glue ear, which has been causing educational problems. Students with glue ear cannot hear properly. If they cannot hear properly often they cannot learn properly. A student in a class of 20 might sit back and not be noticed until it is too late—until he or she has already slipped behind a few reading levels or has not learned the basic skills.

That is just one of the many functions carried out by community health. Community health also works with children with disabilities and advises their parents. It works with people who may have undergone operations. A program was run in Koshigaya Park and people who had undergone heart operations were encouraged by community health to join a walking group, which afforded them social interaction and provided them with other health benefits. I wish to refer to some other big-ticket items across the State that will benefit Campbelltown, especially in the areas of education and training.

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

**Mr GRAHAM WEST:** The \$583 million class size reduction program to help employ an additional 1,500 teachers in schools in New South Wales and build new classrooms will benefit many schools in Campbelltown. A number of Campbelltown schools that were in the pilot program have already benefited enormously from it. An amount of \$538 million will be provided over four years for literacy and numeracy. Programs such as Reading Recovery and Count Me In Too provide essential support in the early years. The Aboriginal community in Campbelltown is well regarded and contributes enormously to our cultural life. An additional \$53 million over four years has been allocated to improve education for Aboriginal students, such as individualised learning plans, teacher incentive packages, curriculum revision, and extended student assessment and teaching.

There is also a major capital works program in the Campbelltown area. One of the areas that will benefit from that major capital works program is Campbelltown TAFE. Its hospitality facilities will be upgraded, an outdoor barbecue area will be provided, and the dining area will be improved. Honourable members might like to know that Campbelltown TAFE runs a restaurant where students prepare food as part of their program. I am sure those students would be happy to serve all honourable members. That restaurant is also available for functions. The honourable member for Camden, the new member for Macquarie Fields and I have attended many functions at that restaurant and we were impressed by the calibre of students, the quality of the food, the hospitality and the level of service provided.

An amount of \$4.6 million has been allocated for apprenticeship programs across the State. TradeStart provides travel support and new funding for group training. The honourable member for Macquarie Fields knows that Campbelltown council engaged in a program that many other councils could pick up. It is committed to employing a number of apprentices and cadets every year and helping them through TAFE. We are benefiting locally from that. Money has also been allocated for teacher professional development—an important aspect in providing quality outcomes for students and investing in teacher professional development.

An amount of \$146 million over four years has been allocated for teacher professional development and an additional \$5 million will be allocated in 2005-06 for the New South Wales Institute of Teachers, which was established in 2004 to ensure quality teaching. There is also a budgetary allocation of \$60 million over four years to correct student behaviour and ensure there is discipline in schools. Eight new behavioural schools and seven tutorial centres will be built by 2007. Campbelltown saw the rollout of Lomandra School, one of the first behavioural schools, and Mr Speaker was instrumental in obtaining that grant.

I was pleased to open that school, which works closely with students and aims not just to give them an education but also to teach them the skills they require to return to mainstream education. That is challenging and difficult work but the teachers who are engaged in it are committed. I congratulate them on their commitment and on their efforts to improve students' behaviour and discipline. Improving their behaviour and discipline will also afford opportunities to other students in mainstream classrooms and ensure they are not disrupted. Those behavioural and discipline problems relate to many of the community health problems I was talking about earlier. There could also be other underlying health issues. Those schools work closely with Macarthur community health facilities to ensure that students and families receive the services they need.

The schools also work closely with the Department of Community Services to ensure that families have access to the help they need. Across the State \$56.8 million is being provided over four years to support students with special needs, and 660 new teachers aides will be employed over three years. Teachers' aides have a valuable role in the classroom, allowing teachers to engage in core learning practices and one-on-one focus for students who need it. Teachers' aides are a valued resource and work hard. I acknowledge, especially at Beverley Park, the important work of teachers' aides as they extend themselves to provide support to students with disabilities.

Safety and security are always important issues at schools. To ensure that our schools are as safe as they can be the Government will provide a further \$55 million for government schools over the next four years to increase safety and security with such things as school fencing, security alarms and security patrols. Recently at Campbelltown North I went to see the office of the Minister for Education and Training. Ike Ellis from the department has visited the school to achieve a strategy to protect the school. It adjoins a busy road and also a number of drainage retention basins that in times of rain could be dangerous. We also need to provide students with improved technology. I note that \$942 million is being provided over four years for technology.

I recently had the opportunity to visit the Catholic Education Office in Wollongong, went through a number of Catholic schools and saw some of the innovative things it is doing with technology. Its approach is less around hardware and more around outcomes. It focuses on what it wants to achieve and then works backwards to see what it needs to provide to get that outcome. Its program—I think it is using "myinternet"—is about providing student resources. The New South Wales Government is looking at extending opportunities into government schools and this is one model that we should examine. It has been adopted around Australia by a number of dioceses. Teachers also should have the opportunity for education, because education is becoming more and more technologically advanced. Technology is simply a tool and not something to be afraid of. Students should be provided with the ability to use those facilities. I commend the budget to the House.

**Mr ALAN ASHTON** (East Hills) [10.51 a.m.]: I thank members of Parliament for turning up this morning for my speech on the budget. I am rather pleased at the attention. Even young children are behind me to hear this.

**Debate adjourned on motion by Mr Alan Ashton.**

## **BUSINESS OF THE HOUSE**

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

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

That standing and sessional orders be suspended to:

(1) permit the consideration of the following motion forthwith:

That this House:

- (1) condemns and express its disgust at the actions of the member for Coffs Harbour in the House on Tuesday 18 October 2005 and censures the member accordingly;
- (2) abhors the action of the member for Coffs Harbour in physically threatening and assaulting the Minister for Roads and, by this action, seriously reflecting upon the honour and dignity of the House;
- (3) suspends the member for Coffs Harbour from the service of the House for a period of eight sitting days.

(2) limit the debate, in the following order, to:

The Leader of the House	10 minutes
Member subject to censure	10 minutes
Minister for Roads	10 minutes
Opposition member	10 minutes
Minister for Education and Training	5 minutes
Member for Port Macquarie	5 minutes
Opposition member	5 minutes
Member subject to censure in response	5 minutes
Mover in reply	5 minutes

**HONOURABLE MEMBER FOR COFFS HARBOUR****Motion of Censure**

**Mr CARL SCULLY** (Smithfield—Minister for Police, and Minister for Utilities) [10.55 a.m.]: I move:

That this House:

- (1) condemns and expresses disgust at the actions of the member for Coffs Harbour in the House on Tuesday 18 October 2005 and censures the member accordingly;
- (2) abhors the action of the member for Coffs Harbour in physically threatening and assaulting the Minister for Roads and, by this action, seriously reflecting upon the honour and dignity of the House; and
- (3) suspends the member for Coffs Harbour from the service of the House for a period of eight sitting days.

I have to say that after 15 years of public life I am astonished to be speaking to a motion of this nature. We have often had robust exchanges at question time. Members from both sides of the House have been subject to calls to order, and occasionally members are suspended from the House. But it is with absolute astonishment that we have to deal with a situation in which a Minister in this Chamber, speaking on behalf of the Government and the people who have put him there as a Minister, is assaulted by a member of Parliament because that member did not like what he heard. This is akin to a child in a classroom not liking what a teacher has to say and walking up and punching the teacher, or grabbing the teacher by the coat or around the throat. Such action calls for a most robust response.

I have endeavoured to respond in a measured way here. I might indicate to the honourable member for Coffs Harbour that I have had all sorts of suggestions about what the response should be. I do not rate this at the most scandalous level of behaviour that a member of Parliament might have engaged in that would warrant expulsion from Parliament, but I do believe it was grievous and disgusting and outrageous and requires a robust response from the Parliament. It warrants suspension. The response could have been worse. The honourable member for Coffs Harbour, like any person in the workplace who misbehaves grievously, should now reflect that he is on notice: if he were to behave like this again the response would be stronger. He has behaved most inappropriately and the Government is giving this first warning. He will not be in this place for eight sitting days. He should go back to his home and think about his behaviour and why he behaved in such a way.

He cannot say, "I apologise but I did not like what the Minister said so I thought it was appropriate that I behave that way." He cannot apologise but then say there was a reason for it. Every member of this Parliament has things they believe in. No-one seeks election to public office unless they believe in something. No-one comes in here without advocating a cause for their community. Everyone—not just me, not just the member for Coffs Harbour—has issues that cut to the bone. Everyone has to be passionate. Otherwise you do not have the drive and energy to keep you in public life, because you do cop a few whacks here and there.

You have to have the drive and commitment to serve your community. If you do not, you would have given up a long time ago. So I understand the passion and commitment in this place. That is okay. But you cannot say to your community, "I have more right than another member of Parliament. When I advocate a cause for my community I am going to make sure that no-one else will talk over me. I am going to belt them. I am going to assault them. I am going to intimidate and harass them." That is not how this place works.

Democracy is an exchange of ideas. The pen is mightier than the sword, and the word ought to be mightier than the fist. Democracy is a conversation; it is not a brawl. Long ago we put down our swords and fists and decided that the great exchange of ideas in a modern urban society would be by way of conversation. That is the important thing here, not the issue of the day that this member seeks to project as justification for this inappropriate behaviour. As I said, every member of Parliament is passionate about their electorate. As a result of the honourable member's behaviour, I send a message on behalf of the Government to every community of every member of Parliament. Every member has the right to be here and to put his or her views robustly. That is why we have Parliament: it is a conflict of ideas but it is a conversation, not a brawl.

I hope that the honourable member for Coffs Harbour will not only apologise but admit that his actions last night were undignified and inappropriate. I hope that the honourable member will say, "Yes, I will continue to believe in the great causes that my electorate wants me to advocate in this House but I won't do it with my fists." If the honourable member for Coffs Harbour repeats his actions of last night I will give him a far more

sobering message than I am delivering today. I am giving the honourable member a second chance—a chance to pull up his socks. This is a serious matter. Some have suggested that the honourable member's behaviour warranted expulsion from Parliament. I think not, given that it was his first offence. However, it was grievous and inappropriate conduct.

I am pleased that the honourable member for Coffs Harbour has resigned from the Opposition front bench. I acknowledge that as a conscious act on his part and, I think, an initial sign of remorse. I think it is appropriate conduct as his continued presence on the Opposition front bench would have been a sign that the honourable member was not genuine in his apology and in his unreserved acknowledgement that he behaved inappropriately.

However, there is a question here for the Coalition and for the Leader of The Nationals regarding the honourable member's continued presence in The Nationals and as the elected representative for Coffs Harbour. That is not a question for me, as Leader of the House, or for the Government. It is a question for the honourable member's community and his party. Opposition members must ask themselves what constitutes appropriate and inappropriate behaviour by a member of Parliament in the House. We are supposed to be role models. We are supposed to tell young folk across New South Wales, "You can look up to us as your community leaders." We should know how to behave ourselves. Yes, there are robust exchanges during question time—as people may see on television—and every now and then it gets a bit raucous and loud in the Chamber, but that is okay because it is fierce debate. But we should assure our young folk and the citizens of this State that behaviour such as that of the honourable member for Coffs Harbour will not be tolerated.

I try to explain to young folk how democracy works in a modern society such as New South Wales. I think honourable members would agree that there are rules of engagement. The parliamentary process works not just because the Government has the numbers and can crunch things through the House—although that is part of it—but because every member of Parliament co-operates to some level as an elected representative. That is how it works. This Parliament would be completely dysfunctional if a member of Parliament punched and assaulted other members every time they said something that member did not like. That is dysfunctional behaviour. Parliament cannot work like that.

*[Interruption]*

Those opposite may try to explain away the behaviour of the honourable member for Coffs Harbour, but it appeared to me that the Minister for Roads was assaulted, intimidated and harassed. He was expected to respond somehow under duress and give an answer or state a Government position that satisfied the honourable member's desire for a physical response to a verbal altercation. That is not appropriate. I want the House to think about this matter. I strongly commend the motion to the House. I think we need—and I hope the Opposition acknowledges this need—to censure the honourable member for Coffs Harbour not as a member of the Coalition but as a member of Parliament who behaved in an extremely inappropriate and intolerable manner. He must be censured and suspended from the service of the House.

Eight sitting days is the maximum period for which a member of Parliament may be suspended under the standing orders. I was inclined to extend it but, as I said earlier, the honourable member for Coffs Harbour is on notice. I would like to hear what he has to say. However, before he addresses the House and explains himself, I emphasise that this motion is about his lack of dignity in the Chamber and his lack of respect for Parliament. This is about the honourable member for Coffs Harbour believing he can come into the House and use his fists rather than his words. I do not want the honourable member to say, "Sorry, Mr Speaker, I shouldn't have done that but I was driven to it because of an issue that I believe in." That is not an apology. It would mean that the next time the honourable member is concerned about an issue he could come into the Chamber and assault a member of Parliament who says something he does not like. I want to hear the honourable member for Coffs Harbour say simply, "Mr Speaker, I did wrong; I shouldn't have done it and I apologise."

**Mr ANDREW FRASER** (Coffs Harbour) [11.05 a.m.]: At the outset I thank my colleagues on this side of the House for their support this morning. Secondly, I want the House to understand that I will not oppose the motion. My behaviour last night was unacceptable in this Parliament or anywhere else in New South Wales. I apologise to each and every member in the House, to my colleagues, to my electorate and to my family. I have apologised, both personally and in the media, to the Minister for Roads, and he has accepted my apology. I have offered my resignation from the Coalition front bench to the Leader of The Nationals and the Leader of the Opposition, even though this matter was not portfolio related.

This issue is about people dying on the Pacific Highway. This issue should affect every member in the Chamber because I feel sure that every one of them has had a constituent either killed or maimed on the Pacific Highway. This is about a Minister of the Crown misleading this House and the people of the Coffs Harbour electorate and of New South Wales as a whole in relation to this matter. Last night the Minister for Roads said that I was swanning around in Sydney when he was in my electorate. It needs to be put on the record of this place that the Minister did not advise me either by telephone or by letter that he would be attending my electorate. In fact, I wrote to the Minister on 10 August inviting him to visit my electorate to see the Pacific Highway at Bonville and to inspect the Coffs Harbour bypass. I am yet to receive a response from the Minister to that letter.

I wrote to other Ministers in this place congratulating them on their appointment and offering them the same opportunity on issues pertaining to the Coffs Harbour electorate. Those Ministers, including the Premier, had the courtesy to respond. I wrote again to the Minister for Roads on 23 August, enclosing correspondence with the previous Minister, the Hon. Michael Costa, in which I asked him to address the issue of the 13 deaths and 49 injuries that had occurred at the Bonville deviation at Pine Creek since 2003—the date when that section of road was supposed to be completed. Amounts ranging from \$85 million to \$127 million have been allocated to the road in annual budgets but only \$12.9 million worth of planning has been spent on it. I think the House and the people of New South Wales need an explanation from the Government, the Minister and the previous Minister as to where that money has gone.

The Minister released the tender documents only after yet another death on that section of road. A 21-year-old girl, whose family I have known personally for more than 15 years, was killed on that road. Imagine, Minister, being the father of that girl and cradling her body on the side of the road after she was killed in an accident that could have been avoided if the road had been fixed. That is what happened to that father. I have asked the Minister to attend to the division of that carriageway. He has not done it. He has not even had the courtesy to respond to the letter that I hand delivered to his office on 23 August. He did not respond either to my telephone calls to his office.

The Minister came into the House last night and accused me of swanning around in Sydney when in fact I was attending a friend's funeral. That friend was the father of the honourable member for Burrinjuck—a man whom I have known for 15 years or more who was a great adviser not only to farmers but to many members in this place. If I had received notification of the Minister's intention to visit my electorate on that day I would have been there. I ask the Minister to explain why he could not stay an extra day and attend the Pacific Highway summit on the Friday—the day of the funeral—in Port Macquarie. The Minister could come to my electorate to play politics over that section of road but he could not get his driver to take him another 140 kilometres to see it at first hand and to attend a summit that had been called by local councils up and down the North Coast.

The behaviour of this Government on this section of road has been deplorable to say the least. We have had delay after delay. The bypass for this section of road was planned under the previous Coalition Government. When this Government came to office it delayed capital works funding for two years. It was then delayed because of native animals and was again put in the budget papers. The report that was delivered in August was finally signed by the then Minister for Planning in December last year. I arranged a meeting on 6 April with the mayors of Bellingen and Coffs Harbour about this section of road. We asked for divided carriageways and for the speed limit to be reduced, which I had also asked for two years ago. I am not a member of the Government. I asked for an 80 kilometres an hour speed limit, but that request was not acceded to. The speed limit is 90 kilometres an hour. It is interesting to note that since the death of that young lady the speed limit has been reduced to 80 kilometres an hour in the Pine Creek area and 60 kilometres an hour in Bonville.

I asked the Minister to look at the issue in a bipartisan manner. I explained that this was not a media issue. I took the policy advisor to the then Minister for Roads, now the Minister for Police, and the manager of the Pacific Highway and showed them that section of road. I explained how it could be widened slightly and how a barrier could be put up to stop head-on collisions, to stop people from being killed and maimed. What was done? Nothing. The then Minister for Roads lost his portfolio. The next Minister for Roads, Mr Costa, did not want to know about it. He used the excuse that the Federal Government was looking at a motorway for the North Coast. If a motorway is finally decided upon with Federal Government funding it will include this section of road so there is no excuse not to expend the money that has been allocated. The people of this State and the people of my electorate need an explanation as to why it has not been spent.

I find it somewhat bizarre that the concrete barriers I have asked to be placed in the middle of this section of road cannot be supplied. However, the Government can channel people down William Street into a

cross-city tunnel to pay a toll to a private operator. That tunnel raises money for the Government, as do speed cameras. However, concrete barriers at Pine Creek would save lives. It has been estimated that the cost of deaths from road accidents is somewhere in the vicinity of \$5 million to \$6 million. Since 2003 13 lives have been lost. At least 51 lives have been lost between Macksville and Grafton. I am at a stage where I can no longer accept the misleading statements by the Minister, and previous Ministers, with regard to this matter.

Last night when the Minister made that accusation I snapped, and I apologise. Some members made accusations in the media—I know the members who made them—that I had been drinking. That is a lie. I am a very emotive person, as many people in this House realise. I have seen parents and I have heard stories. For example, I refer to Terry Wilson cradling his daughter's body at the scene of an accident. When the Minister said I was swanning around in Sydney when I had no knowledge that he was going to be in my electorate I snapped. My behaviour was totally unacceptable. It is behaviour that I have not been known for, except maybe in my younger days when I was 18 or 19 and there might have been the odd scuffle with mates or on a football field. However, I cannot resile from that and I accept the censure of the House.

I do not ask honourable members to divide on this motion. If the House divides I will vote with the Government because my behaviour was unacceptable. However, I ask the Minister to stop playing politics, to come to Coffs Harbour, to speak to some of the victims—for example, Mr Minto who had his face torn off and has had several operations as a result of an accident on this section of the road; his marriage has now failed—and to speak to people who over many years have lost loved ones on that section of road. He should see whether he can justify his misleading statements to this House last night and recently and in the media when he has refused to debate this issue. Last night the Leader of the House moved a motion to have the honourable member for Manly, the honourable member for Wakehurst and the honourable member for Port Macquarie speak to the matter of public importance on the Pacific Highway. The Government did not give the Opposition a chance to respond. It was laughable.

**Mr JOSEPH TRIPODI** (Fairfield—Minister for Roads) [11.15 a.m.]: I am conscious of the many tragic deaths on the Pacific Highway. One death on our roads is one death too many. My heart goes out to the families and friends who have suffered such a terrible loss. This Government has shown leadership and has been committed to the upgrade of the Pacific Highway. Its record is straightforward. The honourable member for Coffs Harbour lost control yesterday because he is petrified of the people in his electorate finding out that he did not have the courage to stand up to Canberra when it came to negotiations on AusLink.

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

**Mr JOSEPH TRIPODI:** He does not want the people of the North Coast to hear about how he remained silent when he had a chance to fight for a better deal on the Pacific Highway. Within a couple of weeks of being appointed Minister for Roads I met with the mayor, Councillor Keith Rhoades, who presented me with a package of safety measures that I asked the Roads and Traffic Authority [RTA] to quickly assess. Within 1½ weeks I was in Coffs Harbour to implement those safety measures. The honourable member for Coffs Harbour suggested a certain remedy that I had assessed. I rely on the road safety experts who work in the RTA as to what package to implement. I do not think the honourable member for Coffs Harbour is a safety expert. I know I am not. The Government relies on expert advice it receives from the RTA. Within four to five weeks of being appointed the Minister for Roads I not only went to Coffs Harbour but I announced the package of safety measures to provide relief and safety to the people of Bonville on the Pacific Highway.

The facts are simple: under the AusLink agreement Pacific Highway funding is short-changed to the tune of \$480 million each year. I reluctantly signed the agreement on 29 September, just hours before the Federal Government's deadline. If I did not sign the agreement before 1 October this State would have lost its road funding to other States. Clearly, that was an untenable position. 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 the same network, a point I have made repeatedly. It is obvious that has upset the honourable member for Coffs Harbour because he knows that his electorate is not being serviced by the Federal Government in the AusLink negotiations.

Other highways in the network will receive 80 per cent funding from the Federal Government under AusLink, yet it will contribute only 20 per cent of what is needed every year to complete the dual carriageway program for the Pacific Highway by 2016. In the period leading up to the Federal Government's deadline I fought through the media, in meetings with my Federal counterparts and in this Parliament to get a better deal for New South Wales. I tried to debate the AusLink agreement in this House before it was signed, but the

Opposition voted against it. The Opposition could have had a chance to make a worthwhile contribution to the debate, which is why I gave it an opportunity to debate this matter last night. It is only now that the deal has been done, put away and cannot be further negotiated that we hear from the Opposition.

This Government is faced with a \$480 million deficit every year, a \$480 million black hole for the Pacific Highway, courtesy of the Federal Government. The RTA estimates that the cost of the program will 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 cover only 20 per cent of the \$8 billion required. If the Federal Government were serious about the Pacific Highway it would have applied its AusLink funding formula to the 667 kilometres of road that needs to be completed in New South Wales. This means the Federal Government should be providing \$640 million a year instead of its current commitment. I have repeated these facts time and again. Without the Federal Government helping, as it has on many other roads, we will not achieve what is necessary on the Pacific Highway. As a member of Parliament and a Minister it is my role to call on the Federal Government to express support and compassion for the people of the North Coast. I was doing that last night in a normal parliamentary debate.

Let us look at the record. The New South Wales Government's leadership in relation to the Pacific Highway has saved an enormous number of lives. Under the current 10-year agreement, the New South Wales Government has put in \$160 million a year; the Federal Government has put in only \$60 million. In the past 10 years, \$2.2 billion has been spent, the overwhelming majority of it coming from this State Government. This is a national network road. The Federal Government has nominated it as a road for which it will take financial responsibility. However, the Federal Government grossly mistreated the Pacific Highway because it did not receive the same funding formula as every other part of the national network. The Federal Government neglected the Pacific Highway. I have made that point repeatedly in this place. Members opposite remained silent during that campaign. Their loyalty was to their political party and not the people they represent.

I make no apology for making those representations. It is a fact that the Federal Government did not listen; it is a fact that there was silence from the other side of the Chamber during the debate on the AusLink negotiations. I got no help from the Opposition in trying to secure more Federal dollars for the Pacific Highway. The reality is that over the past 10 years this State Government has provided leadership in relation to the Pacific Highway by putting in \$160 million compared to the Federal Government's \$60 million. In real dollar terms that means almost three-quarters of the money spent on the Pacific Highway has come from this Government. Since 1996 a total of 44 projects have opened to traffic, with motorists benefiting from 222 kilometres of four-lane dual carriageway. That is the record of this Government; that is the contribution we have made.

The lives that have been saved as a consequence of this Government's commitment are on the record. A further eight projects are now under construction or have been approved awaiting the start 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, will either be completed dual carriageway or under construction. The New South Wales Government is implementing a \$35 million two-year program to introduce interim safety measures at specific crash locations on sections of the highway that have not yet been reconstructed under the upgrade program. These measures include profile line marking, wire rope barriers, shoulder widening and intersection improvements.

Since the start of the 10-year Pacific Highway upgrade program, the average crash rate on the upgraded sections of the highway has been almost halved, from close to 30 crashes per 100 million vehicle kilometres travelled to 15 crashes per 100 million vehicle kilometres travelled. The crash rate has halved in the areas where the State Government has invested the money and shown leadership over the past 10 years. If we had had the extra \$480 million a year from the Federal Government that I have been calling for, we would have been able to reproduce that great record along the whole of the Pacific Highway. Instead, there are people in Canberra—

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

**Mr JOSEPH TRIPODI:** There are people in Canberra who are completely insensitive. They are sitting on a budget surplus of \$13.6 billion, \$4.4 billion more than they expected to receive, but gave absolutely nothing by way of relief to people living on the North Coast. That is the reason the honourable member for Coffs Harbour behaved in the way he did. The Federal Government did not listen to the people of the North Coast.

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

**Mr JOSEPH TRIPODI:** That is the reason he behaved that way and he knows that. This Government is proud of its record on the Pacific Highway. We would love to invest more. We are doing the planning work but we need help from the Federal Government. The Federal Government helped with the M7 and we were able to make progress on that road. Why did the Federal Government treat the Pacific Highway like a poor cousin? Why did it give less money to the Pacific Highway, which is part of the national network, than it has to other parts of the national network? That is the question I have asked. I have not received an answer. We need an answer from the Federal Government and from members opposite.

**Mr PETER DEBNAM** (Vaucluse—Leader of the Opposition) [11.25 a.m.]: Andrew Fraser, as the member for Coffs Harbour, has demonstrated over 15 years in this House that he is one of the most energetic, most determined and most principled members of this Parliament. I include both Houses of Parliament in that statement. For that reason we were all shocked last night. I think anybody who either saw the incident last night or has since seen it on tape would share our concern. We are all in heated agreement about that behaviour. It was unprecedented, at least in the past 50 years, and it was unacceptable to every member of this House, including the honourable member for Coffs Harbour. That is why immediately it happened he came back into the House and apologised to Minister Joe Tripodi and to the House.

*[Interruption]*

I suggest to members opposite that as we listened silently to their speakers, they should do the same. A little decorum from the Government would go a long way. The honourable member for Coffs Harbour has taken every opportunity to apologise again in talking to the media in the past few hours. His apology is sincere. He not only apologised to the Minister and the House, but he also resigned his position on the front bench. He acknowledged that his behaviour was unacceptable. He not only apologised and resigned from the front bench, but he also accepted this suspension. It was clear from last night that he would be suspended from the service of the House, and the honourable member for Coffs Harbour accepted that as an appropriate punishment. That is why in his speech this morning he clearly said that if anyone was going to play politics on this issue he would be voting with the Government for the suspension. It was the right thing to do. It sets an example for us all. Until last night, the honourable member for Coffs Harbour was an inspiration to us all, with his energy, determination and principles. This morning he is an example to us all of what one should do when one does the wrong thing. That is in stark contrast to many Government members.

**Ms Marianne Saliba:** You are a grub.

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

**Mr PETER DEBNAM:** I just said that a little decorum from the Government would go a long way. I suggest the honourable member for Illawarra listen.

**Mr SPEAKER:** Order! The Leader of the Opposition will address the Chair.

**Mr PETER DEBNAM:** The point we need to make this morning is that this is not only a lesson for members of this Parliament; it is a lesson for members in every parliament. It is unacceptable behaviour, it needs to be generally agreed, and the punishment needs to be accepted. The honourable member for Coffs Harbour has accepted the punishment. Government members should understand what this is all about and learn from it. They can learn a few lessons this morning. We have heard a speech from the Leader of the House and a speech from the Minister for Roads, and they have played politics. It is no wonder the honourable member for Blacktown was calling on the Leader of the House to sit down. It was appropriate.

The honourable member for Blacktown is a man who does the right thing in this Parliament. He is a Government member though, and that is unusual. I suggest Government members listen to what has happened this morning, listen to what the honourable member for Coffs Harbour has done and listen to what one of your own has said to one of your Ministers—"Stop playing politics and sit down." As I said a few months ago when we had the tragedy with John Brogden, it really is a time for reflection on what we are doing, both in this House and outside. It is a time for the media to reflect, and at that time it was generally agreed that a little introspection would go a long way. We are again at that point. It is time to question what each of us is doing in service to the community.

The man who stood up this morning and took his punishment has been working for his community for 15 years on a matter that is very important not only to his electorate but also to every person in New South

Wales who travels on the Pacific Highway, and to every Australian and international visitor. Indeed, a few of them have died on it. He has made his point continually. In a media release issued on 28 June 2005 headed "Labor's Inaction On Bonville Deviation A Disgrace" the Leader of The Nationals and the honourable member for Coffs Harbour raised this specific issue. The media release refers to the black spot that claimed the lives of four people the day before, the section of road to which the honourable member for Coffs Harbour referred last night and about which he was so upset. The media release makes the point that the Government's 1998-99 budget papers listed the completion date for the Bonville deviation as 2003. The honourable member for Coffs Harbour made that point last night and again this morning. Indeed, it is a point he has made every few weeks for the past two years. The media release states:

The RTA website originally stated the Bonville Deviation project was fully funded by the NSW Government, however, on July 13, 2004 it was changed to read that only planning for the project is funded by the Carr Labor Government.

Let us consider what has happened on the Pacific Highway this year. There have been 23 deaths. In August, there were eight deaths on the Pacific Highway. The NRMA says that, on average, there are 1,000 crashes, 680 injuries and 43 deaths per year on the Pacific Highway. In 1998 Labor made its first commitment for a dual carriageway on the Bonville-Pine Creek deviation, to which the honourable member for Coffs Harbour referred. The 1998-99 budget papers set the completion date as 2003, but the 2000-01 budget papers said the completion date would be 2005. The section of road is referred to as dead man's corner. Since 2002 11 people have been killed on that stretch of road. The RTA has played politics and changed its web site, but I will talk about the RTA on another day. The intersection of South Seas Drive and the New England Highway has similar problems.

On 21 March a 19-year-old woman who worked at the Porpoise Pool died on the Pacific Highway. On 22 April a 17-year-old boy died on the Pacific Highway. On 27 June four visitors from the United States of America died on the Pacific Highway. On 12 July a 17-year-old boy from Toormina died on the Pacific Highway. On 22 August a 21-year-old woman who worked at the Department of Housing in Coffs Harbour died on the Pacific Highway. On 27 August a Macksville man died on the Pacific Highway. On 26 August a Bellingen woman died on the Pacific Highway. On 29 August a Valla Beach woman and a Grafton man died on the Pacific Highway. On 2 September a 25-year-old Sydney woman died on the Pacific Highway. On 6 September a 75-year-old businessmen from Grafton died at Woolgoolga. On 9 September a 48-year-old male resident from Belmont was hit by a vehicle on the Pacific Highway and died.

The Government has not learned the lesson. I will not rant and rave, but I will plead with the Government to understand why the honourable member for Coffs Harbour was so angry last night and why that led to his unacceptable behaviour, about which we are all agreed. But the Government must also understand why the community is so angry with it. The community is not only angry about roads. Do we need to talk about rail safety, crumbling infrastructure or pushing motorists into a tunnel? This is an unusual event. Government members who are sitting in the Chamber should take 58 seconds to listen and think. They should understand why the community is so angry. They should understand why there was a 13 per cent swing against them in Macquarie Fields and why the community is taking every single opportunity to say, "It is 10 long years and you've got it wrong. You've got it wrong not only on the Pacific Highway, but you've got it wrong on every other issue." The Minister for Roads got it wrong last night when he baited the honourable member for Coffs Harbour. The Minister for Roads tried to bait a man who has been working solidly, relentlessly and unceasingly for his electorate and the people of New South Wales for 15 years—unlike the Minister.

**Ms CARMEL TEBBUTT** (Marrickville—Minister for Education and Training) [11.35 a.m.]: Mr Speaker—

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

**Ms CARMEL TEBBUTT:** I speak in favour of the censure motion. No-one in this House has any doubt that there are strong feelings across the Chamber about road deaths and the Pacific Highway. But we need to be very clear: This is not a debate about the Pacific Highway. This is a debate about standards of behaviour in this House. This is a debate about what we, as parliamentarians, believe is appropriate behaviour; it is about the leaderships and standards we demonstrate to the community. It is those issues to which I intend to address my comments. We all acknowledge that what occurred in this Chamber last night was unacceptable. It was contrary to what we hold important in the parliamentary process: the ability to be able to speak without fear or favour on behalf of our constituents and on behalf of our beliefs.

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

**Ms CARMEL TEBBUTT:** I would have thought that if the Opposition were to take any debate in this Chamber seriously it would be this debate, because they believe that bullying and intimidatory behaviour is not acceptable.

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

**Ms CARMEL TEBBUTT:** In the time that I have been a member of the New South Wales Parliament in both this House and the other place I have never seen behaviour such as I saw last night. The public looks to us for leadership. It expects us to set standards of community behaviour. It expects us to exhibit integrity, responsibility and decency.

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

**Ms CARMEL TEBBUTT:** Most important, the community expects honourable members to be able to debate issues without resorting to physical intimidation. Sadly, these qualities were lacking last night. It has been said already, but we all feel passionate about issues that affect our electorates. We all feel passionate about matters that affect our constituents and we debate those matters robustly, as we should. The public expects no less. But there is a great difference between debating matters in a robust way, and resorting to physical intimidation and violence. The way to win arguments in this place is through well-chosen words and reasoned arguments. It is brains, not brawn. The underrepresentation of women in politics and the Parliament is a known fact. For example, in this Chamber only 25 per cent of the members are women. Until women are present in this and other parliamentary Chambers in numbers equal to their proportion in the community we cannot claim to be truly representative. Many issues affect representation of women in this Parliament. Many issues impact on a woman's decision to stand for Parliament and to take a place in this Chamber.

**Mr George Souris:** So this is now women's issues?

**Ms CARMEL TEBBUTT:** It is a women's issue. I can tell the honourable member for Upper Hunter that as a woman—

**Mr George Souris:** So it's not about the Pacific Highway?

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

**Ms CARMEL TEBBUTT:** No, it is not about the Pacific Highway; it is about standards of behaviour. I can tell the honourable member that as a woman I have counselled many women about why it is important—

*[Interruption]*

**Mr SPEAKER:** Order! I call the honourable member for Upper Hunter to order. Members have listened courteously and without interjection to other speakers in the debate. I would have thought that the subject matter of the debate would be sufficient indication to members that they should observe the procedures of the House. The Minister will be heard in silence.

**Ms CARMEL TEBBUTT:** I have counselled many women about why it is important to have more women involved in politics and to have more women represented in parliamentary Chambers.

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

**Ms CARMEL TEBBUTT:** As I said, there are many issues that impact on women running for Parliament. But we know that one of the issues that comes up time and again for women is the aggressive and confronting behaviour that they see demonstrated often in parliamentary Chambers. The behaviour that we saw last night will do nothing to encourage more women to become involved in politics and to become members of Parliament. That is a great shame. The leaders of the Liberal Party and The Nationals have indicated that they will support this censure motion, as they should. The public expects us to take action against behaviour that would not be accepted at a workplace or a schoolyard, and it is not accepted here.

**Mr ROBERT OAKESHOTT** (Port Macquarie) [11.40 a.m.]: I endorse the motion.

**Mr Ian Armstrong:** You are on the wrong side.

**Mr ROBERT OAKESHOTT:** I will take that as an apology.

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

**Mr ROBERT OAKESHOTT:** I endorse the motion, and I also give the honourable member for Coffs Harbour my sympathy on one point. As a member representing a North Coast electorate, I share the frustration and anger over the non-completion of the dual carriageway works on the Pacific Highway. I am sure that feeling is shared by all members of Parliament representing North Coast electorates. I also place on the record what I hope is the sympathy of all members of this place for the honourable member for Burrinjuck and her family, who have been dragged into this debate at a political level. The honourable member for Coffs Harbour and the honourable member for Burrinjuck both have my sympathy. However, in no way whatsoever is that sympathy or those two issues justification for endorsing the behaviour that we saw in this place last night.

As someone who was in this Chamber and who was about to speak in the debate, I found what I saw to be shocking, surprising, disgusting and embarrassing—not only for me and for the honourable member for Coffs Harbour and for North Coast members of Parliament but also, I would hope, for every single person in this Chamber and in this Parliament. That is the issue we are discussing this morning and that is the issue I would hope both sides of the Chamber will focus on. However, more shocking than what I saw last night is the defence I am hearing from the Coalition about what happened last night. I have heard the defence that the honourable member for Coffs Harbour is an honourable man and is an example to us all, that this is a one-off incident, and that we in some way should be wrapping him in cotton wool and protecting him. In the light of what I saw last night I find that outrageous.

I would have thought that the leadership of both the Liberal Party and The Nationals would have given long and hard consideration over the past 24 hours to how to deal with this incident rather than dig in, following their 9.30 party room meeting this morning, and try to defend the incident in some way. I am not only shocked by the incident, but I am appalled by the defence. In relation to the Pacific Highway, I make the point that as a North Coast member of Parliament I have a hell of a lot of fatalities in my area that are frustrating and that anger me. I am sure that every single North Coast member of this Chamber feels the same way. But by running the defence this morning that for some reason that frustration and anger is a trigger for a member who represents an electorate traversed by the Pacific Highway to thump the Minister is offensive to me because it implies that, for me to represent my electorate, I should be thumping the Minister.

The defence that is being run this morning is outrageous and it sets a standard of performance that means every single North Coast member of Parliament should be thumping the Minister. Is that the Coalition's defence? That is part of the defence of the actions that we saw last night. I would hope that censure will be widely supported not only by this place but also by the other place. I put my hand up to say I believe the Government has taken a lenient option by moving this motion. For a start, I am surprised that the Minister has not pressed assault charges; has thrown the honourable member for Coffs Harbour a lifeline. I am surprised that *Hansard* has lightly recorded the incident that took place last night when it states that the member for Coffs Harbour was escorted out by the Deputy Serjeant-at-Arms. I would have hoped that the record would have shown exactly what happened in this place last night: an unprecedented incident in Australian politics.

While this motion has been moved in this place this morning, I would hope that, given the numbers in the other place, the eight days suspension will be considered in the light of more substantial options so that we draw a clear line in the sand in this Parliament. Because this is an unprecedented incident, we in this Parliament, regardless of political persuasions—and I appreciate that it is hard to let go of them—are setting a standard for the future. If we set a standard that allows other members of Parliament who are on the brink of despair over a particular issue to consider the option of thumping someone, that is a sad day for democracy in Australia and it will send us down the path of anarchy. We will all be worse off for that.

**Mr ANDREW STONER** (Oxley—Leader of The Nationals) [11.45 a.m.]: The motion is before the House today for three reasons: first, the Labor Government's disgraceful inaction on the Pacific Highway, particularly at Bonville; second, the passion and commitment of the honourable member for Coffs Harbour for fixing the roads and saving lives; and, third, the deliberate goading and dishonest tactics used by the Minister for Roads to evoke a reaction from the honourable member for Coffs Harbour.

**Mr SPEAKER:** Order! The Leader of The Nationals will be heard in silence.

**Mr ANDREW STONER:** For many years the honourable member for Coffs Harbour has sought to hold the Government to its 1998 promise to complete the Bonville deviation by 2003. Despite the strongest

representations to a succession of Ministers for roads—Scully, Costa and Tripodi—there has been no action on the Bonville deviation, as promised. As the honourable member for Coffs Harbour has pointed out, the Roads and Traffic Authority [RTA] web site was changed on 13 July 2004 and I have the before-and-after statements. The "before" information states "... fully funded by the New South Wales Government", but by the afternoon of 13 July 2004 it had been changed to "Planning for this project is funded by the New South Wales Government". The Government has been disingenuous and has allowed inaction to continue while people are dying at one of the State's worst black spots.

Since 2002, 13 people have died on that exact section of road because of the Government's failure to upgrade it. That is an absolute scandal, but instead of seriously addressing the problem and the continuing deaths on the Pacific Highway, the Minister for Roads last night wanted to play politics. The fact is that over the past two sitting weeks the honourable member for Coffs Harbour has submitted a matter of public importance in relation to this matter, but the debate has been avoided by the Government. Belatedly, the Government brought the matter on for debate through notification by Minister Tripodi with the sole aim of scoring political points. The Minister then set about deliberately niggling and stating untruths to unsettle the honourable member for Coffs Harbour. As the honourable member for Coffs Harbour pointed out, among the Minister's untruths was the suggestion that the honourable member for Coffs Harbour was not in his electorate but was instead swanning around in Sydney when the Minister visited the Coffs Harbour electorate.

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

**Mr ANDREW STONER:** The truth of the matter is that the Minister did not follow protocol when visiting Coffs Harbour. He did not advise the member. He arranged a meeting in secret with the mayor, whom the Australian Labor Party is sponsoring as the so-called Independent candidate at the next State election. On that day the honourable member for Coffs Harbour was attending the funeral in Yass of a close friend who had tragically committed suicide as a result of the devastating drought. The Minister for Roads implied that the honourable member for Coffs Harbour did not care about the Pacific Highway, but nothing could be further from the truth. The honourable member for Coffs Harbour has funded from his own pocket a sign warning motorists of this death stretch of road. He has personally experienced the horrendous outcomes of fatalities on that stretch of road.

Having said that, I do not in any way condone the behaviour of the honourable member for Coffs Harbour last night. We all agree that it was absolutely out of order and the Coalition will not oppose the motion. Many truths regarding this incident have already been stated. A close examination of the tape will show that the honourable member for Coffs Harbour went around the table to confront the Minister who then turned and ran. He went around to talk to the Minister, and he ran. The honourable member for Coffs Harbour then grabbed him around the coat, or the shirt front, and tried to get him to come back into the Chamber stating, "Get back in here". Members opposite should have a close look at the tape. He said, "Get back in here".

**Mr SPEAKER:** Order! I call Government members to order. I call the honourable member for Monaro to order. The Leader of The Nationals will be heard in silence.

**Mr ANDREW STONER:** The Minister immediately lied and stated that he had been grabbed around the throat. Nothing was further from the truth; he was never grabbed by the neck or the throat. That is a lie by the Minister for Roads and also by the honourable member for Port Macquarie, and they should both make a public retraction.

**Mr Alan Ashton:** Point of order: The video shows it. I was standing here and I saw him grab him by the throat.

**Mr SPEAKER:** Order! The honourable member for East Hills will resume his seat. That is not a point of order.

*[Interruption]*

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

**Mr ANDREW STONER:** These comments are in no way an excuse for the member's behaviour last night, but are made to give some context to those events. The member has done the honourable thing. *[Time expired.]*

**Mr ANDREW FRASER** (Coffs Harbour) [11.50 a.m.], in response: I have put my case to the House this morning. I have apologised. I again apologise. I have noted the behaviour of those opposite. I move:

That the question be now put.

**Mr SPEAKER:** Order! Bearing in mind the motion moved by the Leader of the House, I cannot accept the motion moved by the honourable member for Coffs Harbour. Does the honourable member wish to continue speaking?

**Mr ANDREW FRASER:** As I said, I have apologised. I continue to apologise. I accept the punishment of the House.

**Mr CARL SCULLY** (Smithfield—Minister for Police, and Minister for Utilities) [11.52 a.m.], in reply: I am disappointed by the view taken by the two leaders. I acknowledge the apology of the honourable member for Coffs Harbour, but I am disappointed, because he said, as I thought he would, "I'm sorry, but this is the reason I did it." Unless I missed it I did not hear the Leader of The Nationals say anything, or say very much at all, about the inappropriateness of the behaviour.

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

**Mr CARL SCULLY:** I am concerned about the position taken by the Leader of The Nationals and by the Leader of the Opposition. I am not suggesting that the Leader of The Nationals believes other than that violence in the community is inappropriate. I think he genuinely believes that, as we do. However, having taken a strong stance, as we would expect him to, and as we would, that violence in the community is inappropriate, it is a bit rich to claim that it is a defence to say, "I was provoked, the victim is the cause." He cannot do that. The Leader of The Nationals cannot go out into the community to put the position to the community that domestic violence is inappropriate—and I know he joins the Government and every single member of Parliament in that—and then claim that provocation is a defence to an assault.

Provocation is no defence to an assault in the courts, and it is no defence in the court of public opinion. A member cannot come into the House and say, "Joe Tripodi provoked me into doing it." That is no defence; it is inappropriate. That is the whole defence of the honourable member for Coffs Harbour. The Leader of the Opposition is now accountable for what he said in the House today. He should have simply said, "This was undignified and inappropriate. I endorse his apology. I respect the fact that he has left the front bench and we support the motion", and sat down. Instead, we heard a series of issues that were debated last night and, therefore, the Minister has to be held to account for provoking the assault. We will not cop that.

It was all very well for Mike Gallacher to claim yesterday that the use of the F word in front of police in George Street on a Saturday night is inappropriate. I would like to hear what he thinks about what this character did last night to a member of Parliament. The first question on where the Leader of the Opposition stands on this. Does he believe that a victim of violence is the cause of the violence? Does that explain away the violence? We cannot go out and say to men and women of this State, "Violence in the home, the pubs and on the streets is no good, but in Parliament it is okay."

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

**Mr CARL SCULLY:** Second, what do the Leader of The Nationals and the Leader of the Opposition say is the future of the honourable member for Coffs Harbour? Will he continue as a member of The Nationals, a member of the Coalition? Will he continue going into the party room? Will he be endorsed as a candidate at the next election? It is not good enough for them to say that the provocation occurred, the violence is excused and he is sorry, but, by the way, the honourable member for Coffs Harbour will stay as a member of The Nationals and will be a candidate at the next election. They have to set some standards. All these characters have been found wanting. They think supporting the motion is enough.

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

**Mr CARL SCULLY:** From their actions today it is obvious that although they support the motion their hearts are not in it. They might support it on the voices but they do not believe in it. If they believe in it, their words were shallow. No member opposite said anything to give the Government confidence that they believe what the honourable member for Coffs Harbour did was inappropriate.

**Mr SPEAKER:** Order! I call Government members to order.

**Motion agreed to.**

**RETAIL LEASES AMENDMENT BILL**

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

**Second Reading**

**Mr DAVID CAMPBELL** (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [11.58 a.m.]: I move:

That this bill be now read a second time.

It gives me great pleasure to present to the House the Retail Leases Amendment Bill. The bill has been developed by the Government in partnership with the retail leasing industry. It contains a major package of amendments to update the Retail Leases Act 1994. The bill is about making it easier for retailers and landlords of retail shops to do business in New South Wales. It delivers again on the Government's strong commitment to the retail industry. It is about supporting small business and jobs growth in this vibrant sector of the State's economy. In terms of the bigger economic picture, the reforms contained in the bill are part of the Government's longstanding commitment to promote business stability in the retail leasing market.

With 490,000 employees across the State, retailing is our largest employing industry. It plays a vital role in creating jobs—often first jobs for our young people—and in ensuring that the people of New South Wales, whether they be in metropolitan or regional areas, enjoy access to the highest quality goods and services our economy has on offer. New South Wales currently has the largest retail sector in Australia, accounting for 32 per cent of the national market. This vibrant small business sector is vital to the New South Wales economy. The retail trade has accounted for an estimated \$12.9 billion to the New South Wales economy. The Government has developed these reforms to ensure that New South Wales retail tenancy legislation continues to provide a competitive environment for retail lease dealings—one that cuts red tape, provides greater certainty and reduces the need to engage in costly disputation—and to address contemporary issues that industry and the Government recognise as important, issues that have emerged since the last package of amendments to the Act in 2002.

The result is a comprehensive package of reforms to improve the operation of the Act for tenants and landlords at every stage of the retail leasing relationship, from pre-lease issues of lodging security bonds and providing upfront information about the costs of the lease, through to the determination of rent increases during the term of a lease, the transfer of a retail lease to a new tenant and, where necessary, the resolution of disputes. The bill is an important part of the Government's vision for continued growth in jobs and investment. It affirms our belief in the importance of maintaining a thriving small business sector in an era where a small number of large players dominate many markets.

Through these reforms to the Retail Leases Act we are continuing to give statutory recognition to the significant role that retailing plays as an employer and contributor to the New South Wales economy. We have developed these reforms so that landlords and small retailers can focus on day-to-day business, secure in the knowledge that the Retail Leases Act clearly sets out their legal rights and financial responsibilities as parties to a shop lease. I take this opportunity to thank the property, professional, and retail industry associations for the time, energy and goodwill they have put into working with us in the development of these reforms. The amendments build on the success of the Act since its inception over 10 years ago in creating a smooth-running marketplace for retail lease dealings. A better business environment for the retail leasing sector means more jobs and business opportunities for New South Wales. These amendments will further improve the capacity for participants in the retailing industry to grow business and the economy.

There are five important aspects of this bill I would like to bring to the attention of the House. First, I am pleased to announce that we are introducing legislative protection for the collection, management and refund of cash security bonds. A new part 2A will be inserted into the Act to give landlords and retail tenants more certainty that cash deposits held to ensure performance under a retail lease are simply and securely managed. In a first for New South Wales, retail tenants will be given the same protection as residential tenants.

Now, when a cash deposit is lodged with a landlord, its capital value will be protected and at the end of a lease it will be promptly returned to the tenant—provided both parties agree to the bond's release, and when it comes back no bank fees will be deducted. The Government is keeping retailers cash security deposits safe by making sure they are held with an independent body. This is great news for businesses right across New South

Wales. The reforms will give retail tenants greater confidence that their bonds are accessible, well managed, and are not being eroded by account-keeping fees. And it is cutting red tape for landlords, who will save time and money by no longer having to manage cash bond accounts for their tenants.

But the Government is also preserving choice. Landlords and tenants will still be able to use bank guarantees as an alternative form of security. However, I encourage all landlords and tenants to consider the Government's bond management scheme as a preferred method of securing performance under a lease, to take advantage of the significant benefits it offers in reduced business costs and improved administration. Second, the Government is giving retailers and landlords more certainty about their rights and obligations under a retail shop lease, before the lease starts. An updated disclosure statement will make sure both parties know what they are getting into before signing a lease, including cash flow commitments arising from rent, outgoings, and advertising and promotions costs. The new disclosure statement will help tenants to be better informed about their rights in the area of lease assignment.

The statement will also reinforce the message in the assignment provisions of the Act that a lease is a business asset and that tenants must involve their landlord in any decision to pass the business to another retailer. The Government's reforms in this area will be supported by a new retail tenancy guide. A simple, easy-to-read booklet will be available to all retail tenants and landlords, explaining in plain English their rights and obligations as parties to a lease. It wants to make sure the message about the advantages offered by the Act gets out to industry, including the areas of the Act changed under these reforms.

The operation of retail leases will be more efficient because both landlords and retailers will be more aware of their rights and financial responsibilities. Put simply, it allows people to walk into negotiations with their eyes wide open, knowing what costs are involved in the lease and their obligations and rights under the Act. For landlords, the risk of unplanned shop vacancies that occur when ill considered investments made by new retailers lead to business closures will be reduced by raising the level of knowledge tenants have about their financial obligations before entering a lease. For tenants, there is protection from the shock of the so-called mystery charges they have no right to renegotiate once they have signed the lease. It is a win-win all round.

Third, the Government is further cutting red tape and improving dispute resolution in a number of areas. Let me mention just one example—the process of determining current market rent. An important new procedure will be established for setting market rent increases where a landlord and tenant cannot agree. The effectiveness of the current process in the Act has been eroded by changes in the insurance industry, leading to unacceptably high fees for parties in dispute.

From the commencement of the amended Act valuers will participate in current market rent reviews through appointment by the Administrative Decisions Tribunal [ADT], which should lead to less costly rent valuations under the Act. With the co-operation of the professional associations representing the valuation profession, the Government will ensure that high standards will be maintained in the determination of current market rents, through a regulation-making power relating the qualification, appointment and functions of specialist retail valuers appointed under the Act. By involving the tribunal in this process, valuers, tenants, and landlords will be given access to a dispute resolution system that reduces the likelihood that problems will escalate to the courts and all the expense and ill will that can go with those processes.

In return the Government looks forward to seeing a reduction in fees charged for valuations under the Retail Leases Act and savings in business costs for landlords and tenants in the area of current market rent determination. Fourthly, it is catching up with the market to bring new types of retailing within the Act and to recognise longstanding tenancies operating under short-term leases. Security for tenants on short-term leases will be improved. We want to make sure that tenants will be able to access the protection of the Act in circumstances where they are operating under multiple rolling leases of less than six months duration. When the tenant has been in continuous possession for more than one year, he or she will be entitled to protection under the Act. This will not prevent landlords and tenants agreeing to holding over arrangements.

We are also bringing more small businesses under the protection of the Act. New types of businesses, such as Internet cafés, pet grooming salons, toy and game repair shops, water filter shops, and travel agencies outside shopping centres, to name just a few, will soon be able to access the provisions of the Retail Leases Act. This new coverage will give small and medium-size retailers in these categories the fair go enjoyed by others in the retail sector already covered by the Act. Importantly, last but not least the Government is including misleading and deceptive conduct in the existing regime for dispute resolution and updating the monetary limit of the retail leases division of the tribunal established to deal with retail leasing disputes: At a time when

competition is becoming tougher, with the temptation to engage in unfair practices increased, the Government has recognised that the Administrative Decisions Tribunal should have a wider role in dealing with misleading or deceptive conduct than is currently available under the Act.

The ADT will be able to consider claims that a party to a lease has engaged in misleading or deceptive conduct, which will be treated as an additional type of retail tenancy claim. This reform will not prevent matters more appropriately dealt with by the Supreme Court being transferred to that jurisdiction, through section 76A, to which a minor administrative improvement will be made. Most importantly, it will ensure that New South Wales remains at the forefront of best administrative practice in resolving disputes that affect retail landlords and tenants rights. It will allow retail tenancy matters involving claims of misleading or deceptive conduct to be dealt with more expeditiously and it will ensure consistency with the powers of other specialist tribunals, such as the Consumer Trader and Tenancy Tribunal, which may already hear claims relating to misleading or deceptive conduct.

The monetary jurisdiction of the ADT will be adjusted to take account of rising industry costs since 1998, when it was last set, and the Government will legislate for CPI indexation every three years to ensure that the monetary limit keeps pace with rising costs. Sydney is one of the world's most vibrant retail leasing markets. Retail space in Sydney attracts high quality retailers, with retail rent in the fourth quarter of 2004 reportedly averaging \$US1,574 per square metre, per annum. In fact, Sydney's Pitt Street Mall has been ranked as one of the most expensive shopping strips in the Asia Pacific, second only to Hong Kong's Causeway Bay. In developing these proposals, the Government has responded to the views of the retail and property industry gathered over a lengthy period of consultation. It has met with retailers and shop owners and with their representative organisations, with lawyers, estate agents and valuers to discuss how the Act is working for them and what can be done to make it work better. The Government wants to make sure that a fair balance is maintained between the rights of landlords and the bargaining position of small retailers.

The Government's commitment to supporting the retail leasing sector is nothing new. During the past 10 years the Retail Leases Act 1994 has provided an excellent example of the sound working relationship that the New South Wales Government enjoys with the business community. It represents best practice in business regulation. Administered with the consistent support of landlord and tenant groups, the Retail Leases Act continues to provide a practical approach to regulating the commercial relationship between landlords and small to medium-size retailers. And the Government is now making further improvements. By continuing to set a high standard for business dealings in the retailing sector, New South Wales will be well positioned to capitalise on its strong record in this important service industry in the years ahead.

Supporting the business community remains a high priority for this Government, and I thank the retail leasing industry once again for being a part of this important reform process. The reforms in this bill will be great for business. Time saved in lease management will allow landlords and tenants to focus on expanding their business and improving their bottom line. Finally, I place on record my thanks to Janine Ricketts, Ken Carlsund, Perce Butterworth, Candace Barron, George Totidis, Georgia Read, Tania Milavec and Rhett Gibson from the Department of State and Regional Development, along with Ryan Park and Ed Husic from my office, who have worked on this bill. I commend the bill to the House.

**Debate adjourned on motion by Ms Katrina Hodgkinson.**

**CONSUMER CREDIT (NEW SOUTH WALES) AMENDMENT (MAXIMUM ANNUAL PERCENTAGE RATE) BILL**

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

**Second Reading**

**Ms DIANE BEAMER** (Mulgoa—Minister for Western Sydney, Minister for Fair Trading, and Minister Assisting the Minister for Commerce) [12.12 p.m.]: I move:

That this bill be now read a second time.

I have great pleasure in introducing the Consumer Credit (New South Wales) Amendment (Maximum Annual Percentage Rate) Bill 2005. The bill amends the Consumer Credit (New South Wales) Act 1995 and further demonstrates the New South Wales Government's commitment to protecting consumers from unscrupulous lenders. The bill provides further protection for payday lending customers. Payday lenders offer short-term

loans that are often promoted as a means of obtaining easy cash for people who may be financially strapped until their next payday. The people who take out payday loans are usually those who can least afford the excessive fees charged and may take out new loans with the same lender to cover existing debts. In addition to the high cost of this type of credit, payday lenders may also engage in undesirable practices such as open-ended debits from bank accounts and unreasonable security over property, including household goods.

As honourable members will be aware, the Government brought the payday lending industry within the auspices of the Consumer Credit Code in 2001 to ensure protection for consumers accessing loans through payday lenders. The Consumer Credit Code is the nationally uniform State-based legislation that governs all personal, domestic and household credit transactions in Australia. In addition to the code protections, New South Wales consumers are protected by a mandatory maximum annual percentage rate, which includes fees and charges on short-term loans of less than 62 days. The code requires pre-contractual disclosure of all costs and terms and conditions of the loan, the provision of a copy of the contract and restrictions on repossession and enforcement.

There is recent evidence that the fringe lending market—a term used to describe credit providers who offer relatively small high-cost loans—has reinvented itself from "payday lending" by increasing the term of loan products to a period greater than 62 days. This has allowed fringe lenders to continue to impose fees and charges far in excess of reasonable costs. In one case presented by Lifeline Macarthur a person approached a fringe lender for a loan of \$2,000. The annual interest rate for the loan was 28 per cent per annum, with fees and charges totalling \$750. That \$750 was made up of the following: a \$600 establishment fee, \$45 in legal fees, \$60 in direct debit fees—\$5 per direct debit—and a \$45 account-keeping fee at \$15 per month. The term of the loan was three months. The actual cost of credit for borrowing \$2,000, including interest and fees and charges, was a staggering 288 per cent as an annualised percentage rate.

I am outraged that, despite existing consumer protections, some fringe lenders persist in exploiting the most financially vulnerable members of our community. This bill will address those predatory lending practices by closing a loophole and requiring all consumer credit loans regulated by the Consumer Credit Code, with the exception of certain products offered by authorised deposit-taking institutions, to include fees and charges in the calculation of the maximum annual percentage rate, regardless of the term of the loan.

I will discuss the provisions of the bill in detail. Schedule 1[1] extends the current requirement in section 10B to disclose charges that are in the nature of interest charges—whether or not they are expressed as interest charges—as an annual percentage rate from loans under 62 days to all consumer credit contracts captured by the Consumer Credit Code. The extension of this requirement should have no impact on mainstream lenders as they currently disclose an interest rate. This provision will impact only on payday lenders, who have a history of attempting to subvert the policy intention of the disclosure provisions by charging no interest but imposing inflated fees and charges. The extension of this clause merely seeks to clarify beyond doubt the intention of the code.

Schedule 1[2] inserts a new section 11, which extends the requirement to include fees and charges in the calculation of the maximum annual percentage rate to all consumer credit contracts captured by the Consumer Credit Code. This provision closes a loophole in the Act and ensures that credit providers will no longer be able to avoid the intention of the legislation. Schedule 1[3] amends section 14 to provide that credit contracts that existed before the amendments were introduced are not in breach regardless of whether the inclusion of fees and charges to the calculation of the maximum annual percentage rate would breach the maximum rate of 48 per cent if calculated after the amendments commence. However, if a credit provider wishes to introduce a new fee or charge in relation to those contracts, a calculation must be made to ensure that the contract would not exceed the maximum rate.

Schedule 2[1] amends clause 7 of the Consumer Credit (New South Wales) Special Provisions Regulation 2002 to provide an exemption to the requirement to include fees and charges in the calculation of the maximum annual percentage rate for some products offered by authorised deposit-taking institutions. This will apply when a debtor already has an existing credit contract or debit account with the authorised deposit-taking institution and a temporary extension of that facility is entered into that may attract a fee. This exception will permit authorised deposit-taking institutions, such as banks and credit unions, to agree to extend credit for very limited periods without the risk that the additional fees will breach the maximum interest rate cap.

The circumstances to which the exemption will apply include temporary overdraft facilities and the overdrawing of a line of credit. This type of credit product or service is not one that is offered by fringe lenders.

These products are valued by existing customers of mainstream lenders who appreciate the convenience of such facilities. Items [2], [3] and [4] of schedule 2 make minor changes to clause 8 of the Consumer Credit (New South Wales) Special Provisions Regulation 2002 for the purpose of clarification with respect to the calculation of the maximum annual percentage rate. Schedule 2[5] inserts clause 8(6A), which sets out assumptions to be used when calculating the maximum annual percentage rate for continuing credit contracts. These assumptions relate to the term of the contract, the amount of credit or use of the contract, and the amount of repayments.

I know some in the financial services sector have been concerned about the inclusion of continuing credit contracts in these amendments, but to exempt credit cards would leave a loophole in the legislation that would allow fringe lenders to restructure their credit products to fit the criteria for a continuing credit contract, and thereby ensure they did not have to include fees and charges in the calculation of the maximum annual percentage rate. The New South Wales Government will not allow fringe lenders to circumvent this legislation, so fees and charges will be included in the calculation of the maximum annual percentage rate of continuing credit contracts.

I am also aware that some in the banking community are concerned that the provisions may hinder new product development. In the unlikely event that this is the case, I can assure honourable members that the legislation already contains adequate exemption powers. I am sure that the amendments to the credit legislation proposed in the bill will catch credit providers who have been avoiding the intention of the consumer credit laws and ensure that the consumers of New South Wales will be protected against unscrupulous lenders. I commend the bill to the House.

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

#### **FARM DEBT MEDIATION AMENDMENT (WATER ACCESS LICENCES) BILL**

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

#### **Second Reading**

**Ms ALISON MEGARRITY** (Menai—Parliamentary Secretary) [12.20 p.m.], on behalf of Mr David Campbell: I move:

That this bill be now read a second time.

This bill will make a small but very important change to the Farm Debt Mediation Act 1994. It will extend the operation of that Act to cover water access licences. In doing so, it will restore the original intent and operation of that Act. The bill is required to take account of amendments introduced by the Water Management Act 2000, which changed the way water licences are treated. In particular, the Water Management Act now treats water licences as an asset that is separate from the land on which the water is used. The Farm Debt Mediation Act serves a very important function for farmers who are having difficulty repaying farm debts. This is a very real issue for farmers, particularly during long periods of drought.

The Act is administered by the Rural Assistance Authority. The authority provides a number of services to rural producers and small businesses on behalf of the State and Commonwealth governments. They include drought assistance, natural disaster relief, and interest rate subsidies for exceptional circumstances. The authority also runs the Farm Debt Mediation Program. The Farm Debt Mediation Act provides an avenue for farmers to negotiate with creditors if they are struggling to meet farm debt repayments. Before a creditor can take enforcement action for non-payment of a farm debt, the farmer can elect to participate in a mediation process. Mediation is a structured negotiation process in which the mediator, as a neutral and independent person, assists the farmer and the creditor to reach agreement. The agreement can deal with the present arrangements and any future conduct of financial relations between them. Mediation is a simple, confidential process that is quick, accessible and affordable.

Under the Act, a creditor must notify the farmer of its intention to take enforcement action, and also notify the farmer of the availability of mediation. If the farmer chooses to undertake mediation, the farmer and creditor then agree on a mediator. The authority has accredited a number of experienced mediators as part of its panel of mediators. The mediators are strictly neutral—they do not take sides or represent either the farmer or the creditor. The mediation is intended to find a way for farmers to continue producing on the land while ensuring that their financial obligations are met. The mediation will look at all the assets and liabilities associated with the farm business in determining a resolution. The outcomes of mediation could include

refinancing of loans, extensions of payment periods, or sale of assets. Settlement by mediation is voluntary, and neither party can be forced into an agreement at mediation.

In the 10 years that the program has been running, there have been 987 mediations, 88 per cent of which have resulted in an agreement. The level of debt, the subject of mediation, has ranged from \$20,000 to \$34 million. Under the Act, a farm debt is defined as a debt incurred by a farmer for the purposes of conducting a farming operation, which is secured wholly or partly by farmland or farm machinery. Traditionally, farmland included any water licences attached to the land. However, changes introduced by the Water Management Act have created separate rights for water licences.

The new access licences can now be sold in isolation from the land. Therefore, access licences are now a separate asset of the farm, and, as a result, they are no longer within the strict definition of a "farm debt" under the Act. This means they are no longer covered by the mandatory debt mediation requirements under the Act. It also means that where water licences are used on farms, creditors may be able to take enforcement action for debts secured against the licence without going through the mediation process set up under the Act

The forced sale of an access licence to recoup a farm debt would have a significant impact on the continuing operation of a farm by removing the farmer's right to access water needed for farm production. To overcome the situation I have just described, the bill amends the Act to ensure that it defines "farm property" to include access licences used by farmers. This will mean that a creditor must offer mediation before commencing enforcement action against a farmer in relation to a debt secured by an access licence used in connection with the farm operation.

These proposed changes are fully supported by the agricultural industry. They also have the full support of the Law Society of New South Wales. The bill is necessary to close a loophole that has arisen due to changes by another Act. Without these amendments, the farm debt mediation program will not be able to operate as intended. The proposed amendment will restore the original intent and operation of the Act. I commend the bill to the House.

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

#### **DEFAMATION BILL**

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

#### **PUBLIC SECTOR EMPLOYMENT AND MANAGEMENT AMENDMENT (EXTENDED LEAVE) BILL**

#### **Second Reading**

**Debate resumed from 12 October 2005.**

**Mr CHRIS HARTCHER** (Gosford) [12.28 p.m.]: This bill is representative of an agreement made between the Carr Government in 2004 with the Public Service Association [PSA] in relation to leave provisions and public holidays. The bill repeals the Transferred Officers Extended Leave Act 1961. It grants public servants the right to continuous leave, allows pro rata access to extended leave and alters the access provision to seven years rather than the existing 10 years. The bill allows leave at double pay—employees will be able to take one month's leave on double pay rather than two months' leave on standard pay. It allows for superannuation amendments in line with the double payment. Public servants on leave can be accredited with public holidays that fall during that period of time.

The bill represents an arrangement between the Government and the Public Service Association, which claims to represent public servants. Of course, it does not. It represents some public servants, but there are many thousands who do not bother to be members of the PSA because they find it an ineffectual union and essentially not worth the money. The ongoing decline in trade union membership, which is so massively marked in the private sector that only 16 per cent of employees belong to a trade union, continues in the public sector, where well less than half belong to a trade union, and that includes the Public Service Association. The Public Service Association's ineffectualness was exemplified only last month when its own web site proclaimed on 30 September, "RTA to cut 1000 jobs".

The Public Service Association, which unionised workers in the RTA, acknowledged the fact that 1,000 jobs are to go from the RTA. The web site says that the PSA has written to Minister Tripodi seeking an urgent meeting to advise him that any cuts to jobs in the RTA are unacceptable as they will be cuts to vital front-line service provisions. This is the Government that claims it will keep front-line service provisions. I am glad to acknowledge the presence in the Chamber of the former assistant general secretary of the Public Service Association, the honourable member for Canterbury, who is a proud member of the PSA, one of the few left in New South Wales. The web site went on to say:

"If any savings are to be made," said PSA Assistant General Secretary, Steve Turner, "then the question needs to be asked, "Why does the Authority need 31 SES General Managers and more than an additional 800 consultants and contractors? Hefty savings could be achieved in these areas alone."

Steve Turner has raised a valid point about what this Government is doing to public servants, as was set out in an article in the *Australian Financial Review* on 30 September 2005. The article was headed, "Governments big users of temp services". It stated:

State Labor governments, despite being ideologically averse to employment practices like temporary labour hire, spend some \$143 million a year on such services, particularly on the east coast.

While the State Government is paying lip service to the concerns of the Public Service Association it is steadily eroding its membership and cutting jobs—1,000 jobs in the RTA—and it has become a big user of temporary services, as the article sets out. That is also the case with Labor Governments in Queensland and Victoria. An analysis of government contracting out of services that were once handled by public servants shows that 44 per cent of all jobs contracted out came from New South Wales. So nearly half the jobs that Labor Governments are contracting out to labour hire firms at a cost of hundreds of millions of dollars are in New South Wales. What is this Government doing? It continues to erode the membership of the PSA. The number of members will continue to fall as people find there is no value in being a member of the PSA.

Let us look at the example of the move of the WorkCover Authority from Sussex Street to Gosford. The Public Service Association voted against the move. The majority of staff and Public Service Association delegates advised against the move to Gosford, but were overruled by the Minister. In other words, the PSA had no potency or power to influence a decision that affected the work location of 500 of its members—or 500 public service employees—who were moved to Gosford against the will of the majority. So much for the effectiveness of the PSA. One thousand jobs are going in the RTA. So much for the effectiveness of the PSA. The Government is a big user of temporary services and is swinging across to labour hire. So much for the effectiveness of the PSA.

September brought further indications from the Government about its attitude towards public service jobs, not necessarily covered by the PSA. In this case they were covered by the Australian Services Union. The newspaper headline said, "400 rail jobs face the axe. Machines replace ticket sellers". That was on 16 September 2005. We are talking about a Labor Government that believes in public sector employment, or so it says. What happened on 28 September? Another headline—"CountryLink to slash 100 jobs". So there were 400 ticket sellers' jobs, 100 jobs in CountryLink—500 jobs to go in one month in the Rail Corporation—and 1,000 jobs to go in the RTA. That is 1,500 public sector jobs in one month. So much for the Carr Labor Government's and the Iemma Labor Government's concern about public servants in this State. All they want to do is take their jobs away from them. Their ongoing transfer is set out in the *Australian Financial Review*. It has all the facts and figures about the role of the public sector.

**Ms Linda Burney:** Are you going to talk about the bill?

**Mr CHRIS HARTCHER:** I congratulate the honourable member for Canterbury on being made a Parliamentary Secretary. She is representing the Minister in this debate. Of course I am talking about the bill. I am referring to the fact that the second reading speech referred to the agreement between the Government and the Public Service Association. The Government set out the lines of this debate according to the agreement between the Government and the PSA. I am talking about that arrangement. It is a hypocritical arrangement because while the Government pretends it is working with the PSA it has the knife out under the table and is stabbing the PSA in the guts. Well may the former assistant general secretary grimace at such a thought, because she knows that Steve Turner's job is probably on the line too.

This Government treats public servants appallingly. Whenever there is a problem, the answer is to blame the public servants. We saw that in the case of Otto Darcy-Searle, the paedophile who came across from Western Australia and took up residence in the electorate of the honourable member for Tweed. What happened

when it all went wrong and the media and the community exploded with indignation about this paedophile living in their midst? The Government did not blame the Minister for Justice or the Commissioner for Corrective Services; it blamed the two public servants operating the Corrective Services office in the Tweed area. They were described as being confused. I have already given the example of the PSA being ignored and then over-ruled in WorkCover's relocation. I refer to the tragedy of the little girl who died at Cattai recently. What did the Government do? The Minister for Community Services refused to talk about the issue; she refused to hold a press conference or explain herself to the press gallery. Instead she trotted out the public servants to justify the inactivity of the Department of Community Services.

The cross-city tunnel is causing much pain and angst for the Government. This is an angst-ridden Government. This is a Government in pain. This is a Government in its death throes, as the honourable member for Clarence has said so often and eloquently. The Government trotted out the public servants to deal with complaints about the cross-city tunnel. Helen Willoughby fronts the media when they talk about loss of jobs in the rail industry and Paul Forward fronts the media when they talk about contracts. The only time we see the Minister is when the ribbon is cut and when the band is playing. The Government hides behind the public service then kicks public servants when they are down. The Government gets no credit for pretending that the legislation will be beneficial for public servants. Public servants will be better looked after by a Coalition government, as they always have been, than they are by a Labor government.

I advise public servants to get ready for 2007 because they will be well looked after. They will be well respected. Their efforts will be well acknowledged. The Public Service Association [PSA] has done little for public servants over the years, and it will continue to do little for them. It is a faction-ridden union with constant factional fights between the left and the right wing of the Australian Labor Party. It always has been one of the left-wing strongholds in the Labor Council and it is not affiliated with the ALP. Officers of the ALP would not want the PSA to affiliate because it would disturb the internal equilibrium of the union movement within the ALP. The Australian Labor Party uses public servants and does very little for them.

**Mr PAUL McLEAY** (Heathcote—Parliamentary Secretary) [12.42 p.m.]: I am pleased to support the Public Sector Employment and Management Amendment (Extended Leave) Bill which, as a former public sector official, I took great interest in. I was an official with the Public Service Association [PSA] for seven years. Prior to that I was on its governing body and worked in the Department of Housing, which was my entry into the New South Wales public sector. Extended leave involving public holidays was something that was debated often, but much preceded my time. The Long Service Leave Act provides that workers in the State receive public holidays while on long service leave, whereas public servants do not. For example, employees who have an entitlement under the Long Service Leave Act who take 10 days long service leave that includes a public holiday, such as the Queen's Birthday, would have an 11-day break—10 days plus the public holiday—but public servants would have only a 10-day break.

For many years the arguments against Crown employees being given the public holiday while on extended leave was that it was worked out on a formula basis and that the Crown employees extended leave legislation was more generous than the Long Service Leave Act. However, poor drafting should not mean that because Crown employees could enhance minimum conditions in some ways, they should lose them in others. This amendment to the Public Sector Employment and Management Act has been on the agenda for many years. It was part of the three rounds of pay disputes in which I was involved, and I am pleased to see that it will now be included in the principal Act, which is only fair. The Act currently provides that people who leave their employment will have their extended leave paid out after 10 years of service or if they have to leave after five years because of pressing domestic needs they could apply to have it paid pro rata. Many considered that the reason for leaving after five years was none of the employer's business and that having to plead with the director general for payment of extended leave was inappropriate. Therefore, the bill provides that after seven years an employee who leaves is entitled automatically to the payment of pro rata extended leave, which is also fair.

The bill provides that employees are able to take their entitlement to extended leave as double pay for a proportionally reduced time. The Act provides that extended leave could be taken at either half pay or full pay. Taking extended leave on half pay enables employees to double the length of their extended leave. Most people who take extended leave have a minimum of 10 years service. They may be near the end of their careers and they are probably in a position to enjoy an extended break. If they have their extended leave paid at double pay they can take a holiday and have a bit of extra money to enjoy it fully. The amendments to the Act are significant and fair. The bill finalises the provisions for the transfer of extended leave from another jurisdiction by tidying up the provisions in the Transferred Officers Extended Leave Act. Crown employees in Victoria who transfer to New South Wales can have their sick leave and holiday leave transferred, and will continue to have

their extended leave entitlements transferred as well. The bill clarifies the jurisdictions in New South Wales from which one can transfer entitlements. The bill is clear, simple and fair.

The bill is an interesting comparison to the Federal Government's proposal. Under that proposal new employees will have to negotiate conditions with the big boss. We are setting employee conditions in concrete in the Act because we believe that collective bargaining produces good outcomes for all and puts everyone on a level playing field. That is probably the difference between us and those on the other side of the House, although I understand that they will not oppose the bill. It is interesting to note that the honourable member for Gosford agrees in principle with collective agreements and setting up conditions before entering into negotiations. I think he is secretly a member of the PSA, although he probably uses a pseudonym when he puts on his name tag. Public sector employees will be pleased that the legislation—which is the result of a memorandum of understanding between the PSA and the Government as part of the settlement of the work value case and special claims for New South Wales public servants in December last year—has been finalised. It is not a gift but a fairly negotiated collective agreement. I commend the bill to the House.

**Ms LINDA BURNEY** (Canterbury—Parliamentary Secretary) [12.49 p.m.], in reply: I thank the honourable member for Gosford and the honourable member for Heathcote for their contributions to the debate. The honourable member for Heathcote has analysed well the basic tenets of the Public Sector Employment and Management Amendment (Extended Leave) Bill and its motivation. He gave a great analysis of what it means for public servants. I point out to the House that I make this reply with some knowledge of what I am talking about. Prior to entering this Parliament I was the deputy director-general and later the director-general of a government agency in New South Wales.

I also state clearly that while I held those two positions I was proudly a member of the Public Service Association [PSA]. I do not know many senior public servants who can say that. I make it clear to the House that I am not speaking merely from notes that have been provided but, rather, from knowledge and from an understanding of processes between the PSA and the State's government agencies, as well as from a knowledge of the mechanisms of negotiation and methods of addressing grievances, particularly the committee structure of the PSA.

I also state sincerely my belief that public service is one of the more honourable career paths. I know for a fact that public servants in government agencies work extremely hard. I am constantly perplexed by the way the media in this country, particularly in this city, slams public servants. I do not know one public servant—certainly not the people with whom I worked—who has not given beyond the call of duty. For many public servants, their role is not just a job but is a calling and the providing of a service. I state sincerely Government members' recognition of the value of public services and public servants as well as, just as importantly, how hardworking and committed public servants are in New South Wales.

I will not discuss the features of the bill in detail because to varying degrees previous speakers already have done so, except to say that I was most touched by the enormous concern of the honourable member for Gosford for the position of public servants in New South Wales. The honourable member for Heathcote and I wonder just how he feels about the Federal Government's outrageous and archaic proposals for industrial relations reform, not to mention the millions and millions of dollars in taxpayers' money spent by the Federal Government to strip people of their quality of life and hard-won gains and replacing them with uneven bargaining positions. I thought the honourable member for Gosford made relevant points during his speech about how much we respect public servants, but I could not quite follow his argument about decentralisation of services to Gosford. I would have thought he would have welcomed additional jobs and services in his electorate, but apparently not.

The honourable member for Heathcote made some important points, apart from explaining the bill. It is important to remember that this bill has not come out of thin air but is the result of genuine and appropriate consultation with a number of organisations, including the PSA. The intention of the review undertaken by the joint working party was to replace and simplify provisions of the Transferred Officers Extended Leave Act. I make the point that the PSA, Unions NSW and its affiliates were thoroughly consulted, as the honourable member for Heathcote has clearly pointed out. He also made the point that the bill is clear, simple and fair, and that is certainly true. It presents a contrast that is not easily assimilated between legislation that is before the House, which is intended to enhance the quality of life, opportunities and flexibility of public service leave, and the Federal Government's proposals for industrial relations reform.

I congratulate the Minister for Industrial Relations on his genuine efforts to ensure that this bill picks up relevant technicalities and has been prepared by adopting a process of thorough consultation. That is why the bill is not being met with kerfuffle by the Opposition. The extended leave provisions of the bill are very much about providing balance in the work of public servants and in their lives. This bill will assist in attracting and retaining quality staff in the New South Wales public sector. The consultation process has provided opportunities for a great deal of discussion. I acknowledge the contributions made to this debate by the honourable member for Gosford and the honourable member for Heathcote. I commend the bill to the House.

**Motion agreed to.**

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

*[Madam Acting-Speaker (Ms Marie Andrews) left the chair at 12.56 p.m. The House resumed at 2.15 p.m.]*

## **PETITIONS**

### **Gaming Machine Tax**

Petitions opposing the decision to increase poker machine tax, received from **Mrs Judy Hopwood** and **Mr Malcolm Kerr**.

### **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**.

### **Newcastle Rail Services**

Petitions requesting the retention of Newcastle rail services, received from **Mr Jeff Hunter**, **Mr John Mills** and **Mr Matthew Morris**.

### **Pets on Public Transport**

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

### **Bus Service 300**

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

### **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**.

### **Goulburn Child Therapy Services**

Petition requesting the reinstatement of speech, child psychology, physio and occupational therapy services in Goulburn for the treatment of children with Autism Spectrum Disorder and other disabilities, received from **Ms Katrina Hodgkinson**.

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

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

### **Kurnell Desalination Plant**

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

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

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

### **Mature Workers Program**

Petition requesting that the Mature Workers Program be restored, received from **Ms Clover Moore**.

### **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, Mrs Judy Hopwood and Mr Andrew Stoner**.

### **Campbell Hospital, Coraki**

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

### **Mental Health Services**

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

### **Caritas Mental Health Service**

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

### **Muswellbrook Midwifery Program**

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

### **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**.

### **Isolated Patients Travel and Accommodation Assistance Scheme**

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

### **Recreational Fishing**

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

### **Collector Bushrangers Reserve Motorcycle Track**

Petition requesting approval for the construction of a motorcycle track at Collector Bushrangers Reserve, 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**.

### **Grafton Bridge**

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

### **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**.

### **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**.

### **Murrumbateman Traffic Conditions**

Petition requesting a safe crossing of the Barton Highway at Murrumbateman, received from **Ms Katrina Hodgkinson**.

### **Oxford Street Clearway**

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

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

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

#### **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**.

#### **Alcohol and Drug Services**

Petition requesting increased funding for, and expansion of, inner city alcohol and drug services, received from **Ms Clover Moore**.

#### **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**.

### **BUSINESS OF THE HOUSE**

#### **Withdrawal of Business**

**General Business Notice of Motion (General Notice) No. 13 withdrawn by Mr Russell Turner.**

### **BUSINESS OF THE HOUSE**

#### **Reordering of General Business**

**Mr ANDREW STONER** (Oxley—Leader of The Nationals) [2.35 p.m.]: I move:

That the General Business Notice of Motion (General Notice) given by me this day [Bonville Deviation] have precedence on Thursday 20 October 2005.

This matter deserves precedence as it is a call for action before any more lives are lost on this section of the Pacific Highway just south of Coffs Harbour. This matter is urgent because in the 1998-99 budget the State Government indicated that the Bonville deviation would be completed in 2003. It is now 2005 and no work has been undertaken—not one sod of earth has been turned on this project. This matter must be debated tomorrow because the Government has broken a string of promises in relation to the Bonville deviation. Since 2002, when the project should have been substantially completed, 13 lives have been lost on that section of road. Those 13 people killed on the stretch of road between Pine Creek and Bonville should not have died but the Government did not live up to the promises it made in 1998.

This matter must be debated tomorrow because a string of Ministers—the current Minister for Police, the Hon. Michael Costa and the Minister for Roads—have tried to dodge their responsibility for one of the most urgent pieces of roadwork in this State. That attitude was reflected in the change to the Roads and Traffic Authority official web site on 13 July last year. In the morning the web site referred to " ... this project, fully funded by the New South Wales Government", but in the afternoon it had been changed to say, "The planning for this project, funded by the New South Wales Government ... " If that is not dodging responsibility for a State highway, I do not know what is.

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

**Mr ANDREW STONER:** This matter must be debated because North Coast residents and other motorists who use that section of road will not tolerate any more weasel words from this Government while the carnage continues. The New South Wales Labor Government and its Independent sub-faction are using a deadly serious issue—

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

**Mr ANDREW STONER:** —to try to shoehorn—

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

**Mr ANDREW STONER:**—the mayor of Coffs Harbour into the seat in the 2007 election, instead of honouring its commitment to fix the problem. Over the next five years New South Wales will get 78 per cent more road construction funding from the Federal Government under the AusLink agreement. It will get \$3.3 billion in the next five years, which is \$1 billion more than any other State in this nation. There is no excuse for the State Government not to honour its promise to fix this section of road. There must be a proper divided dual carriageway. The cosmetic treatment, such as the lowering of a couple of speed limits, is not good enough. If any more people are killed the blame will lie at the Government's feet. [*Time expired.*]

**Mr CARL SCULLY** (Smithfield—Minister for Police, and Minister for Utilities) [2.40 p.m.]: Earlier the Leader of the Opposition said that the honourable member for Coffs Harbour has campaigned for an upgrade of the Pacific Highway for 15 years. For five of those years the Coalition was in government. During those five years the Coalition did not sign the Pacific Highway agreement. It took Labor members Laurie Brereton and Michael Knight, with the local member, to sign a 10-year commitment at Grafton. It took two Labor governments to do that. The honourable member for Coffs Harbour knows that I opened more road projects than probably any Coalition member of Parliament—for example, the Raleigh deviation, Bray to Arthur, Lyons to New England and Korora Hill. Yes, the Bonville deviation needs to be built but the Leader of The Nationals cannot claim that nothing has occurred in the Coffs Harbour area.

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

**Mr CARL SCULLY:** If the Coffs Harbour *Advocate* wants to write that sort of misinformation it should make sure it is correct. The Government has a strong record on the Pacific Highway and in the Coffs Harbour region as a whole. I agree with the Minister for Roads. If the Leader of The Nationals has good connections with Mark Vaile and the Federal Coalition he should be doing what the honourable member for Lismore did. He should pick up the phone and say, "Mark and John, please put in some money to the Pacific Highway. We are doing what we can." Last night the honourable member for Coffs Harbour could have participated in a debate. In fact, the Minister for Roads did the right thing and asked Mr Speaker to put the Pacific Highway on the business paper as a matter of public importance. The Opposition was entitled to participate in that debate.

Instead of taking part in the debate and putting his words in *Hansard* the honourable member for Coffs Harbour engaged in an act of violence, which today the Opposition has tried to cover up by pretending that the Government is not doing enough. The Government is doing as much as it possibly can in the face of Commonwealth cuts, money being shifted to Queensland out of GST revenue, and the Federal Government ignoring the needs of the people of the North Coast. The Leader of The Nationals should use his connections and say to the Federal Government, "It is about time you did more for the Pacific Highway." No!

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

**The House divided.**

**Ayes, 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
Mrs Hancock	Mr Piccoli	<i>Tellers,</i>
Mr Hartcher	Mr Pringle	Mr George
Mr Hazzard	Mr Richardson	Mr Maguire

**Noes, 50**

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

**Pair**

Ms Seaton

Mr Price

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

**Mr PETER DEBNAM:** My question is directed to the Minister for Roads. How do you explain to the parents of Kylie Wilson, who was killed in a head-on collision at Bonville in August, that your 1998 commitment to build the Bonville-Pine Creek deviation has been deferred again?

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

**Mr JOSEPH TRIPODI:** During the negotiations on the AusLink agreement we had nothing but silence from The Nationals. Today its members are trying to make it up. It is too late. We had nothing but silence from The Nationals during the most crucial negotiations with the Federal Government and now that the agreement is signed and The Nationals know nothing can be done about it, they start crying about the Pacific Highway. It is an absolute disgrace. We are very happy to debate this issue in Parliament. We gave members opposite the opportunity last night, and we saw what happened. They had to resort to violence instead of debating the issue.

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

**Mr JOSEPH TRIPODI:** As a result of the representations of the Mayor of Coffs Harbour, Councillor Keith Rhodes, I asked the Roads and Traffic Authority [RTA] to review crash statistics and the appropriateness of speed limits at Bonville. As a result, speed limits through this section of road have been reduced and two fixed speed cameras have been installed. The changes have been made with the support of the local community representatives. We can have a constructive dialogue with the mayor for that region but we cannot have a constructive dialogue with the parliamentary representative of that region. I am hopeful that the speed cameras on the Pacific Highway at Bonville will reduce the number and severity of crashes on this section of road. In addition, I have asked the RTA to review the safety conditions on this length of the Pacific Highway passing through Bonville. Work is under way, the tender process has commenced and we have announced a shortlist of companies to do the work. Planning is progressing.

The State Government remains committed. The State Government relies on its record—\$160 million a year compared to the Federal Government's \$60 million a year. That has allowed us to complete 44 per cent of the Pacific Highway upgrade by the end of the financial year. That has been made possible because of leadership from this State Government. When I was asking for more money, all we had was deafness from the Federal Government. Without money we cannot fix the problem. This Government has provided leadership when it comes to the Pacific Highway. Today we are seeing catch-up from the Opposition.

#### **HONOURABLE MEMBER FOR COFFS HARBOUR PARLIAMENTARY BEHAVIOUR**

**Mrs BARBARA PERRY:** My question without notice is addressed to the Premier. What is the Government's response to community concerns about acts of violence in the New South Wales Parliament?

**Mr MORRIS IEMMA:** I thank the honourable member for Auburn for her question. Early this afternoon I wrote to the Leader of the Opposition in relation to the appalling behaviour of the member for Coffs Harbour in the Legislative Assembly last night. I was pleased to see that the Coalition joined the Government and all the crossbenchers to unanimously censure the member for Coffs Harbour this morning. All members correctly condemn this threatening and assaulting behaviour. Parliament is a place where passionate differences of opinion are settled through the power of debate, not through physical confrontation.

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

**Mr MORRIS IEMMA:** However, there remains a challenge for the Leader of the Opposition. I propose that the Leader of the Opposition give serious consideration to the future of the member for Coffs Harbour in the joint Coalition party room. Whether or not the member for Coffs Harbour returns to this Chamber is a matter for his own conscience.

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

**Mr MORRIS IEMMA:** If the Leader of the Opposition allows the member for Coffs Harbour to return and take his place in the joint party room, he will be endorsing the member's behaviour of last night.

**Mr Andrew Tink:** Point of order—

**Mr SPEAKER:** It appears that the honourable member for Epping is about to use a prop.

**Mr Andrew Tink:** If the Premier wants to go down this route he should get his own house in order. If he wants to do something about Andrew Fraser, he should do something about Peter Black.

**Mr SPEAKER:** Order! I call the honourable member for Epping to order and direct him to resume his seat.

[*Interruption*]

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

[*Interruption*]

**Mr SPEAKER:** Order! I place the honourable member for Epping on three calls to order. On the next occasion I will not be so lenient.

**Mr MORRIS IEMMA:** I hope I can speak for all members of this House when I say that we all deeply resent the bringing of physical violence into the Chamber of the Legislative Assembly. I say to the Leader of the Opposition: you must take a stance and remove the member for Coffs Harbour from your joint party room. This action would give the clearest—

**Mr Peter Debnam:** Point of order: My point of order relates to relevance. If the Premier is going to read from his letter, will he table my letter as well?

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

**Mr Peter Debnam:** I am happy to read it into *Hansard*.

**Mr SPEAKER:** Order! The Leader of the Opposition will resume his seat. He is abusing the standing orders.

[*Interruption*]

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

[*Interruption*]

**Mr SPEAKER:** Order! The Leader of the Opposition knows that his actions are totally outside the standing orders.

**Mr MORRIS IEMMA:** The Leader of the Opposition must take a stand and remove the member for Coffs Harbour from the joint party room. Such action would give the clearest message to the community that his behaviour will not be tolerated under any circumstances. His poor behaviour is not a case for a slap on the wrist. The decision is for the Leader of the Opposition. Will he continue to justify the violent behaviour of the honourable member for Coffs Harbour? That is his decision.

**Mr SPEAKER:** Order! The honourable member for Epping will cease interjecting.

**Mr MORRIS IEMMA:** Or will he take a stand and remove him from the party room, which will send a message to the community that he does not support unprovoked, violent behaviour in this Parliament. That is something he can take a very clear stand on. In so doing he will send a clear message that violence is not acceptable anywhere, anytime, and it definitely is not acceptable in this Chamber.

#### BONVILLE BYPASS

**Mr ANDREW STONER:** I direct my question to the Minister for Roads.

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

**Mr ANDREW STONER:** How does he explain to the parents of Tyne Nicholson, who was killed near Coffs Harbour in March, that no funding has been allocated or a completion date set to fulfil the Government's 1998 commitment to build the Bonville-Pine Creek deviation?

**Mr SPEAKER:** Order! Government members will come to order. The Minister for Roads has the call.

**Mr JOSEPH TRIPODI:** It is a very sad day.

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

**Mr JOSEPH TRIPODI:** It is a very sad day when the Opposition chooses to use the tragedies on the Pacific Highway to justify the behaviour of the member for Coffs Harbour. It is a very sad day. It is in their interests to desist using this strategy. It is in their interests not to hide the behaviour of the member for Coffs Harbour behind the tragedies on the Pacific Highway. It is a new low in this House. The New South Wales Government will rest on its record on the Pacific Highway. We have spent \$160 million per year to every \$60 million matched by the Federal Government. The Pacific Highway is treated as the poor cousin of the AusLink national network. According to the Federal Government's funding formula the Pacific Highway is underfunded by the Federal Government by \$480 million.

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

**Mr JOSEPH TRIPODI:** Had that money been put from the budget into that agreement we would have achieved the same saving of lives and the same reduction in fatalities that have been achieved on those parts of the Pacific Highway that have been upgraded by this Government.

#### TEACHERS PROFESSIONAL STANDARDS

**Ms LINDA BURNEY:** My question without notice is addressed to the Minister for Education and Training. What is the Government doing to ensure the highest quality of teachers in New South Wales schools?

**Ms CARMEL TEBBUTT:** I thank the honourable member for Canterbury for her interest in quality teaching in New South Wales. The Government is committed to having the highest quality teachers in our schools and to ensuring that every student is taught by engaged, up-to-date and professional teachers. Last year we established Australia's first teacher accreditation body, the New South Wales Institute of Teachers, to help to achieve this objective and to give teachers a professional voice. New South Wales is fortunate to have quality teachers. They do a wonderful job every day in teaching our students in both government and non-government schools, but we want to ensure that we continue to lift the standards and improve the quality of teachers. From the beginning of this year all new teachers, or teachers returning to work after absences of five years or more must be accredited by the institute. The accreditation takes place against a framework of professional teaching standards developed by the institute. These changes lay the foundations for a plan to raise the status and standing of the teaching profession. But there is more work to do.

Following an extensive consultation process a number of key changes will come into effect from next year. Those changes recognise that ongoing learning is critical for professions such as teaching. The key part of being a professional in any field is maintaining professional development—you simply cannot switch off when you leave university—and it is critical for teachers who are engaged in teaching and learning every day of their lives. That is why it will be mandatory from next year for all new teachers to undertake professional development courses. Teachers entering the work force for the first time will be required to spend a minimum of 100 hours over five years doing courses agreed with their principal.

We have a world-class education system. Our students are producing outstanding results, whether they are measured by national or international standards, but we have to maintain that. It is about quality education and giving our students the highest standards they deserve. It is about making sure that students and teachers get the most out of every single day in the classroom. The Institute of Teachers will approve professional development courses. They may include courses ranging from managing teenage behaviour to improving literacy and numeracy, and teaching science and Shakespeare. Some examples of courses that may be approved include what is happening in the world of science, better thinking: developing students thinking skills, managing adolescent behaviour for better learning, and teaching Shakespeare for the twenty-first century.

The institute will develop a public register of approved professional development courses. All teachers will maintain an online log of their participation to track their professional learning needs and to use as evidence of their professional commitment. All registered courses will be evaluated online by teachers, which will provide valuable feedback for others. These changes will apply to approximately 10,000 new teachers over the next three years, which will grow to 75,000 teachers over the next decade or so. All new teachers will have to meet the 100-hour minimum over five years to remain accredited, a process that will be overseen by the institute. The policy is not simply a change but a revolution in how teachers approach their careers.

The Government is serious about quality teaching in our schools. We have made a substantial financial commitment to the tune of \$144 million over four years to support these measures, which respond to the call from committed teachers to be supported in their efforts to stay up to date in meeting the needs of all students. The courses must meet the professional teaching standards developed by the Institute of Teachers. The institute will approve providers of these professional development courses to ensure that the courses are high quality, focused directly on improving teachers' skills and knowledge and, importantly, free of fads or content that is not supported by real evidence and research. This is a first in Australia. The beneficiaries will be teachers, their students and the broader community.

### **BALLINA BYPASS**

**Mr DONALD PAGE:** My question without notice is directed to the Minister for Roads.

*[Interruption]*

**Mr SPEAKER:** Order! The honourable member for Ballina has the call.

**Mr DONALD PAGE:** This is a serious issue. Given that the Ballina bypass was on the RTA web site as a State responsibility, and its 1997 annual report listed the completion date as December 2004, and the Australian Government has offered to pay half the cost, when will he accept his responsibility and fund its construction?

**Mr JOSEPH TRIPODI:** As I have mentioned many times in this place and as the House is aware, the Federal Government, through its AusLink agreement, has imposed on New South Wales \$298 million in costs that the Federal Government formerly carried. Through the agreement they have imposed on New South Wales taxpayers—

**Mr Donald Page:** Point of order—

**Mr SPEAKER:** What is your point of order? As I understand it, the Minister is answering your question.

**Mr Donald Page:** My point of order is under standing order No. 138. This question was about a project that predated the AusLink agreement. That is what it is about. This is about his responsibility and his accepting responsibility so that more people are not killed because of the non-construction of the Ballina bypass.

**Mr SPEAKER:** Order! There is no point of order. The honourable member for Ballina will resume his seat. The honourable member for Ballina asked a question and the Minister is answering the question.

**Mr JOSEPH TRIPODI:** As a consequence of cuts imposed upon New South Wales taxpayers and motorists by the Federal Government, the New South Wales Government must now step in to pick up the financial responsibility for what was formerly the national highway system. The Federal Government abandoned the national highway system. It walked away and said to the New South Wales taxpayers, "You will look after that". Later, through the AusLink national network agreement, for every piece of work in the national network, which formerly was looked after by the Federal Government under the previous agreement, the Federal Government will pay only 80 per cent of the national network—its own nominated network.

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

**Mr JOSEPH TRIPODI:** The New South Wales Government will pay for the other 20 per cent.

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

**Mr JOSEPH TRIPODI:** Under that agreement, the New South Wales Government has to pay for the national network. Priorities have to be realigned because of a cost imposition on this State of \$298 million. Meanwhile in Canberra, the Federal Government sits on \$13.6 billion in surplus funds, which is \$4.4 billion more than it has budgeted for. The Federal Government has \$4.4 billion of windfall gain going into its coffers, but do you think it will give one extra cent to New South Wales for roads? No. The Federal Government will not give one extra cent while it sits on a surplus of \$13.6 billion. When it comes to roads for this State, not one extra cent is provided. How much has the Federal Government collected in petrol excise? It has collected \$13.6 billion and has allocated \$1.6 billion for the roads system. The Federal Government has taken away \$13.6 billion from motorists and has given back \$1.6 billion. That is the rip-off to which New South Wales motorists are subjected.

Property acquisitions, design and detailed investigation for the Ballina bypass are being advanced following planning approval. In April 2004 this Government announced that the project would be delayed by 12 months in response to the cut in funds by the Federal Government. Do honourable members recall the cut in funds by the Federal Government that occurred approximately a year ago? The impact of that has been that the project will have to be deferred. The 2005-06 budget allocation for the Ballina bypass is \$5 million and that will cover pre-construction activities, including property acquisition related to critical properties, and preliminary earthworks on some embankments for necessary preloading over soft soil. A commencement date for construction has not yet been set because that is subject to negotiations between the Federal Government and the State Government.

As I have pointed out, because of the rip-offs through the goods and services tax [GST], AusLink, and the continual bullying by the Federal Government through costs that are imposed on this State, obviously projects such as the Ballina bypass are continually reviewed. If the Opposition members want to make just one constructive contribution, I suggest they pick up the phone and speak to their colleagues in Canberra to ask them to spend part of the Federal Government's \$13.6 billion surplus on this State.

#### **ILLAWARRA REGION CORRECTIONAL CENTRE SITE**

**Mr MATT BROWN:** My question without notice is addressed to the Premier. What is the latest information on the construction of corrective services facilities in the Illawarra and South Coast region?

**Mr MORRIS IEMMA:** I thank the honourable member for Kiama for his question and for his advocacy for jobs and investment in his electorate. The honourable member for Kiama stands for jobs and

investment. The history of corrective services in New South Wales began in 1796 when Governor John Hunter commissioned the building of two solid log gaols to accommodate domestic criminals. One was located at the corner of Essex and George streets and the other was located at Parramatta. The George Street gaol comprised 22 cells in a building that was 25 metres long. It was overcrowded for much of its existence and accommodated 200 male and female prisoners. Each settler and householder was required to contribute 10 logs to help to erect the building.

In 2005 the Department of Corrective Services administers 30 maximum, medium and minimum correctional facilities throughout the State and oversees 10 periodic detention centres, two transitional centres for female inmates and 69 probation and parole offices. Approximately 9,100 offenders are now in full-time custody, 900 are in periodic detention and 18,000 are in the community on parole, probation, home detention or community service orders. The State's newest facility at Kempsey has features such as a five metre high concrete wall in the maximum and medium security sections, a five metre high steel mesh fence around the exterior, razor wire barriers on the perimeters, close-circuit television, microwave, acoustic and electronic perimeter movement detection systems, and X-ray machines and metal detectors to eliminate the possibility of contraband entering the facility. In addition, the design maximises inmates' safety to reduce deaths in custody.

This State now has correctional facilities in metropolitan Sydney as well as in the north, the south and the west of the State in areas that stretch from Grafton to a new centre that is being built at Wellington and to Junee. The State's population continues to increase at a rate of an additional 40,000 each year and consequently New South Wales correctional facilities also must increase. It is estimated that by 2008 New South Wales may have 10,000 full-time prisoners. It is the Government's duty to plan for that reality. That is why the Government will build a new \$130 million correctional centre within one hour's drive of Kiama which will be modelled on the Kempsey and Wellington facilities. That is what the honourable member for Kiama was doing this morning: He was getting jobs and investment for his electorate.

The 500-bed correctional centre has been funded through this year's budget. The new facility will provide maximum, medium and minimum security environments. Since the Government announced that a new facility will be built, councils have been clamouring to receive a facility. Approximately 17 expressions of interest have been received from councils across the State. I inform the House that this morning the Government invited five councils to submit a willingness and capabilities statement for the new correctional facility. The councils are the Wollongong City Council, the Shellharbour City Council, the Council of the Municipality of Kiama, the Wingecarribee Shire Council and the Shoalhaven City Council. This significant investment by the Government will be a great boost for the Illawarra and the South Coast.

The Department of Corrective Services estimates that building will result in generating approximately 350 jobs during construction with 200 permanent jobs associated with the operation of the facility. That means 550 jobs will be created as a result of investment in the facility, and that is why the honourable member for Kiama was so strong in his advocacy on behalf of his electorate. He wants to create employment and wants to get those 550 jobs. That is what he was doing this morning, and I was very proud to be with him.

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

**Mr MORRIS IEMMA:** There will be an additional 350 jobs associated with construction and there will be 200 permanent jobs for the region. As a consequence, \$10 million per annum in extra pay packets will be spent throughout the local economy. To illustrate the point about the type of development that this project will bring to the Illawarra and South Coast region, I inform the House of the experience of Kempsey residents when the Kempsey correctional facility was built. When the facility was commissioned, some 750 applications were received from local residents for jobs at the Mid North Coast Correctional Centre.

**Mr Andrew Stoner:** And all top quality applications, too, from very good people at Kempsey.

**Mr MORRIS IEMMA:** Indeed. Approximately 750 applications were received from local people in Kempsey who are interested in working at the correctional facility. That indicates the type of boost that a correctional facility gives to local employment. I inform the House that approximately 60 per cent of full-time staff at the Kempsey correctional centre are local people, which indicates the boost that correctional facilities provide for local communities. That is exactly what the honourable member for Kiama wants for his local community.

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

**Mr MORRIS IEMMA:** Its proximity to Sydney and a train line to Bomaderry make it convenient for visitors to access. The Department of Corrective Services will meet with those councils in the next few weeks to outline the scope of the project and what is expected in the expression of interest, the willingness, and the capability statement.

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

**Mr MORRIS IEMMA:** I inform the House and the honourable member for Kiama that it is expected that tenders will be called in early 2007, with construction to commence that year. It is expected that the gaol will be commissioned by 2010. I look forward to updating the local member and members of this House on the progress of the project and on the Government's efforts to find jobs and investment for the people of the South Coast.

### **PACIFIC HIGHWAY UPGRADE**

**Mr JOHN TURNER:** My question without notice is directed to the Minister for Roads. Given that at least 10 deaths occurred at the Rainbow Flat intersection on the Pacific Highway before a flyover was built, how many deaths is the Minister prepared to allow at the intersection of the Pacific Highway and Myall Way before a flyway is constructed at that site?

**Mr JOSEPH TRIPODI:** The State Government rests on its record of allocating \$160 million per annum over the past 10 years, as opposed to the Federal Government's \$60 million per annum. Under the 10-year agreement, the New South Wales Government was able to build, and will complete by the end of 2006, 44 per cent of the Pacific Highway upgrades. All work generated by this Government has meant a substantial saving in lives along the Pacific Highway. If we had more money from the Federal Government we would be able to continue that great work. When I asked for more money from the Federal Government there was nothing but silence from members opposite, because their political loyalty was greater than their loyalty to their electorates. That is a sad indictment on members opposite. They are now trying to catch up, but they are not doing a very good job.

### **WESTERN SYDNEY BUS SERVICES**

**Mrs KARYN PALUZZANO:** My question without notice is directed to the Minister for Transport. What is the Government's response to community concerns about private bus services, fares and sustainability, especially in Sydney's west?

**Mr JOHN WATKINS:** I thank the honourable member for her continued interest in the most important issue of the provision of bus services for the people of her electorate. The House would be aware of the strong representation of our Western Sydney members of Parliament in the fight for better bus services, especially following the collapse of Westbus earlier this year. The Iemma Government has initiated a number of major bus reform initiatives. They were necessary improvements, with hundreds of extra people each week choosing to make Sydney their home, placing additional pressure on all our public transport services. The improvements were necessary because the review into bus services in New South Wales, chaired by former Premier the Hon. Barrie Unsworth, found that the private bus sector in metropolitan Sydney was in financial crisis.

Private bus operators were in a very troubling position when they approached the Government. Patronage in the areas they service—predominantly Western Sydney, outer metropolitan and south-western Sydney—had plunged by 18 per cent in recent years and were in continual decline. Private operators sought Government assistance. Based on the recommendations of the Unsworth review, the Government produced a plan that would help the operators to get out of the red and back into the black. The plan included new legislation that removes virtual perpetual contracts for bus operators, and new contracts to combine incentives and penalties to improve performance, fleet, accessibility and environmental outcomes. Incumbent operators were offered the first opportunity to negotiate contracts rather than that process going to open tender.

The plan included also replacing Sydney's 87 bus contract areas with 15 regions, with one lead entity responsible for the planning and delivery of services in each region; a network of 43 strategic corridors across Sydney to link key regional centres; new service planning guidelines that will increase community involvement in the service design and better allocate resources according to need; and a fairer fare system, equalising State Transit Authority and private bus fares in metropolitan Sydney from 4 January 2005, ensuring that bus passengers in Sydney pay the same fare for the same distance, regardless of destination or operator.

Today I am pleased to announce the completion of the contract negotiation in metropolitan Sydney. All 12 operators, both public and private, have now signed contracts with the State Government. The contracts, worth approximately \$2.8 billion over seven years, all provide certainty to bus services across the 15 regions, spanning from the Hawkesbury River in the north, Engadine in the south and Penrith in the west. They will service almost 3.8 million people, providing more than 320 million passenger journeys every year. For the next seven years the people of Sydney can expect improved bus services, provided by companies whose financial viability is secured. This includes the areas serviced by Westbus, now out of voluntary administration having recently been purchased by a joint venture between ComfortDelGro, the second-largest land transport provider in the world, and CabCharge.

This is great news for bus commuters in Western Sydney, who now have greater certainty with the finalisation of the ownership arrangements for Westbus. The failure of the company earlier this year caused real uncertainty to commuters—especially children who depended on Westbus to get to and from school—local communities and, in particular, their elected representatives in this place. That uncertainty extended to the workers employed by Westbus. It is pleasing that I can assure them that that process is now completed and that Westbus is born anew and will continue to provide services to Sydney's western suburbs.

The bus reform process will now move to the next stages. With the completion of contract negotiations in the Sydney metropolitan area, bus reform will begin in the outer metropolitan areas of the Hunter, Central Coast, Blue Mountains and Illawarra. That process has already commenced. On 24 September, pensioner excursion tickets [PETs] will roll out on private buses in those areas. That means that more than 300,000 eligible pensioners and seniors can now make as many trips as they like on approved public transport, all day, everyday, for just \$2.50. That has proved a massive hit with seniors in Sydney; with more than 11 million PETs sold since their introduction in January. Regional centres will now get the same benefit. This is a real Labor Government achievement, rolling out PETs to more than 300,000 pensioners, giving them access to public transport they previously had not enjoyed. That is a real achievement of this Government.

In the past few weeks representatives from the Ministry of Transport have held meetings with operators in those areas and discussed, among other things, the contract negotiation process. I understand that those seminars were well received by all operators. Next Monday I will meet with representatives of the Bus and Coach Association, the private bus industry, to discuss the progression of reforms in the outer metropolitan areas. In Sydney, bus reform will now move to the service planning stage. Bus operators who have signed up to the Government's reforms are required to conduct a service review of their network and routes within the first three years of their contract. The first operator to commence this process was Connex in region 10, covering Sydney's south. Transit First, which operates in Sydney's south-west, has chosen to review its network this year.

Connex held a regional planning forum in late July, providing community groups and government agencies with opportunities to make suggestions about the design of its bus network. The aims are to include better links to district and regional centres, more direct services, and improved links to our railway stations. The period for public comment on Connex's proposed route changes ends on 31 October. I understand that it has already received more than 350 submissions. The Iemma Government is committed to the bus reform process to ensure the long-term future of this most important industry in New South Wales. I would like to thank members of the bus reform team in the Ministry of Transport for their hard work to this point. I look forward to working closely with all parties—the operators, the Bus and Coach Association, the Transport Workers Union and the Rail, Tram and Bus Union to ensure the best outcomes for commuters, drivers and the industry

### **GUNNEDAH AMBULANCE STATION**

**Mr PETER DRAPER:** My question without notice is directed to the Premier. Will the Premier update the House regarding plans to construct a new ambulance station in Gunnedah?

**Mr MORRIS IEMMA:** I thank the honourable member for Tamworth for his question, for his ongoing interest in getting a new ambulance station for Gunnedah, and for the work he has done in that area. I can provide him with an update on the ambulance station at Gunnedah, which was built in 1957. As the honourable member for Tamworth knows, \$20,000 was allocated in the 2004-05 budget to deal with a number of issues that arose relating to the age and condition of that ambulance station. Following representations the honourable member made and a campaign by the local community for a significantly upgraded ambulance station for Gunnedah, all honourable members would know that in this year's budget the Government has allocated \$850,000 to rebuild Gunnedah ambulance station.

Following consultation with the local community and the NSW Ambulance Service, after receiving advice from the area health service, and after the honourable member's strong representations on behalf of his constituents, the decision has been made that Gunnedah hospital campus is the preferred location for the new ambulance station. As the honourable member knows, that will be an additional investment on that campus. The Government has already invested in additional facilities at that campus, particularly for visiting medical officers and specialists from Tamworth hospital to provide outreach services at a facility redeveloped or renovated by the Government. The honourable member for Tamworth had the privilege of opening that last year.

So, the Gunnedah hospital campus is receiving additional investment by way of health dollars to improve its infrastructure, with expanded rooms for specialist visiting officers from Tamworth Base Hospital. I congratulate the honourable member for Tamworth on his ongoing efforts on behalf of his constituents in Gunnedah. The \$850,000 will be used to build an ambulance station that will house four ambulances. A call for tenders will be issued in November this year, and a 26-week construction period should see the project completed by the middle of 2006. That represents a significant victory for the local community and for the honourable member for Tamworth and the efforts he made on behalf of his constituents in Gunnedah.

### SYDNEY TOURISM

**Mr ALLAN SHEARAN:** My question without notice is directed to the Minister for Tourism. How is the Government supporting Sydney's summer of major events?

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

**Ms SANDRA NORI:** Summer 2005 will see a record number of events and tourism opportunities in this city.

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

**Ms SANDRA NORI:** Given the good start we had earlier this year, that speaks volumes. We started off the year very successfully with the 13,000-plus delegates who came to Sydney for the Amway incentive and we also had the Edinburgh Military Tattoo. This has been a year in which we have had the Young Presidents Organisation conference and the Forbes conference; in which a record 30,000 delegates will attend various conferences and conventions in Sydney, and in which we successfully bid for and achieved the right to hold World Youth Day 2008. Last year's campaign leading into summer gave us 5,000 additional calls to Travelscene, and bookings are up 40 per cent on the figures for Melbourne and Brisbane. So that is a good result for the first half of the year.

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

**Ms SANDRA NORI:** I am excited that 2005 will be even more successful. In addition to the regular events we hold, for example New Year's Eve, the Sydney Festival, the Sydney Tennis International, the Sony Tropfest and Sculptures by the Sea, 16 quite significant events will take place early this summer. In addition to those 16, another 83 events are listed for Sydney, and 354 are listed for regional New South Wales. So it will be a very busy period.

First-time signature events include: the A1 Grand Prix, the International Cricket Council cricket series, the Pissarro exhibition at the New South Wales Art Gallery, and the soccer World Cup qualifier. We are very excited about the A1 Grand Prix event, which we believe should be a regular event. It is an open wheeler event much like Formula One, and it is referred to as the A1 Grand Prix of Nations. That event is being run out of Dubai and it will bring a lot of prestige to the city. It will be a great event. More particularly, this brand new event on the racing circuit will generate a great deal of international television coverage. We are organising packages for travel that will maximise the number of people coming to Sydney.

There is a swathe of media buying across a range of media—from magazines to television. For example, on 24 September a 20-page *Sydney in the Spotlight* magazine appeared nationally in the *Weekend Australian*. Two weeks of television brand advertising will commence on 23 October in Brisbane, Melbourne and regional New South Wales. There is a whole lot more. This comes on top of two very interesting events that are to take place this week.

**Mr SPEAKER:** Order! The honourable member for Wakehurst will cease interjecting. I call him to order.

**Ms SANDRA NORI:** The opening on Monday of Skywalk, yet another attraction in Sydney, will appeal greatly to international visitors and give them an excuse to spend a last day and, hopefully, another night, in Sydney.

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

**Ms SANDRA NORI:** On Tuesday at 11.00 a.m. Sydney time, Sydney once again took out the prestigious Conde Nast award for best city in the world—10 years in a row. No other city has ever done that. Considering that this is the most prestigious award in the world, particularly in the United States market, it is a great accolade for Sydney and its people.

**Questions without notice concluded.**

## CONSIDERATION OF URGENT MOTIONS

### Citrus Industry

**Mr DAVID CAMPBELL** (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [3.40 p.m.]: My motion is urgent because the New South Wales orange industry is facing a major crisis. Indeed, there is a crisis in all citrus-growing areas of our nation. This matter is urgent because the Federal Government is ignoring our orange growers and has failed to protect them from inferior imports. It is unfortunate that Liberal members who represent electorates on the North Shore should make light of this significant issue. I am sure that members of The Nationals will want to debate it, as will Country Labor members. This matter is vital for regional communities, particularly those in the Riverina.

### Pacific Highway Upgrade

**Mr PETER DEBNAM** (Vaucluse—Leader of the Opposition) [3.41 p.m.]: I appreciate the comments of the Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business, but I am sure he must agree that road funding and deaths on the Pacific Highway are the most urgent issues we could discuss today. I have outlined previously why we must urgently discuss the upgrade of the Pacific Highway. Basically, people are dying on that highway every few weeks. So, while I appreciate the Minister's arguments, I am sure that he and his colleagues will agree that Parliament should urgently debate road funding and the failure of the previous Minister for Roads, the current Minister for Police, in every portfolio. As I said before, we could equally discuss the State's rail safety record under that Minister.

Let us consider some issues that concern the community, such as the 23 deaths on the Pacific Highway so far this year. There were eight deaths just in August 2005. The NRMA has highlighted the fact that an average of 1,000 crashes occur every year on the highway. There are 680 injuries and 43 deaths every year on the Pacific Highway. The honourable member for Coffs Harbour has raised this issue many times in the past 15 years. I was concerned to hear the Minister for Roads—or perhaps it was the Premier—make fun of the honourable member for raising the matter in his first five years in Parliament. That tells us a lot about the Labor Party: it believes that members of Parliament should remain silent about community concerns when their party is in government. That strategy explains why the Coalition has to represent constituents in just about every Labor electorate in New South Wales, with the exception of Blacktown. That is the Labor attitude.

The honourable member for Coffs Harbour and other Coalition members do not do that. When they uncover an urgent issue, they take action. That is what the honourable member for Coffs Harbour did. On 27 June the honourable member issued a press release headed "Fraser demands action by the Government following another fatal accident at Coffs Harbour". On 28 June the honourable member said, "The Carr Government has blood on its hands," and drew attention to the problems that occur on our roads virtually every day. Labor members sit on the back bench and chat privately about various local issues, but they never discuss them publicly.

**Mr David Campbell:** Point of order: The Leader of the Opposition should be stating why his motion is urgent, not outlining the political failures and demise of the honourable member for Coffs Harbour and delivering his political eulogy.

**Mr SPEAKER:** Order! I do not uphold the point of order at this stage. However, I remind the Leader of the Opposition that he must give reasons why his motion should have priority.

**Mr PETER DEBNAM:** My motion is urgent because in June the honourable member for Coffs Harbour referred to Pacific Highway funding day after day. Coalition members raise such issues publicly but Labor members remain silent. They cover up any problems and community concerns. The honourable member for Coffs Harbour became further enraged on 28 June, and issued a press release headed "Carr Labor Government politicking while more lives have been lost". On the same day the Leader of The Nationals said that Labor's inaction on the Bonville deviation was a "disgrace". Every day the Opposition points out that this is a life-and-death issue. Labor members should be pursuing this matter, but they are not.

Labor instead appoints to the Ministry members such as the Minister for Roads, who has demonstrated to the House on several occasions that he is simply not interested in delivering for the community. He is not interested in delivering on road safety; he is more interested in running a political debate about Federal funding. Yet he was the Minister who signed the AusLink agreement a few weeks ago. He argued for a week or two and played politics on the issue but then admitted that he intended to sign the agreement because it was a good deal. The Minister signed it and got the funding. Now the Labor Government should get on with the job. One Labor member after another simply ignores the obvious problem of recurring deaths on the Pacific Highway. This is their opportunity to act. I urge Labor members to support, for the first time in their parliamentary lives, a call for an urgent debate on road safety. I urge them to vote for their communities instead of party interests. [*Time expired.*]

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

## CITRUS INDUSTRY

### Urgent Motion

**Mr DAVID CAMPBELL** (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [3.46 p.m.]: I move:

That this House:

- (1) notes that the New South Wales orange industry is experiencing one of the worst years on record;
- (2) expresses support for our growers in the Riverina, who are coping with inferior imported orange juice concentrates which are destroying our fresh orange juice markets;
- (3) condemns the Federal Government for ignoring our struggling orange growers; and
- (4) calls on the Federal Government to act immediately to open new export markets.

I note that the Opposition did not call for a division on the consideration of urgent motions. The Leader of the Opposition cried crocodile tears but the Liberals have no particular interest in the citrus industry. He did not mention oranges once during his contribution. He also failed to note that the matter of public importance we discussed last night was about the Pacific Highway, as is the matter of public importance we will discuss this afternoon.

This issue is urgent because the Federal Government and big business need to act now to ensure that future generations of Australian kids will be able to drink affordable, fresh orange juice. The Australian citrus industry is our largest fresh fruit exporting industry. In 2002-03 it had an estimated gross value of \$508 million. In the same year exports were worth approximately \$201 million. The research company IBISWorld reports that Australia is the fourth largest producer of oranges in the world. Based on Australian Bureau of Statistics data, citrus fruit represents about 59 per cent of our fruit-growing industry, and oranges are the biggest crop.

New South Wales accounts for 37 per cent of the nation's citrus businesses. But now Riverina growers are dumping oranges or leaving them on the trees because they cannot afford to harvest their crops. They have few options. They cannot cope with unfair competition caused by increasing amounts of inferior concentrate imported mainly from Brazil. Because of Federal Government inaction, they are unable to access easily export markets in China, Korea and Japan. Without the support of big businesses such as McDonald's, growers' options for selling their oranges for fresh juice are limited.

New South Wales growers want and need access to the massive Chinese market. For many years Australian orange producers enjoyed unofficial access to China. Oranges were sold into Hong Kong and then

onsold across the border to the Chinese. But, with the emergence of China as a major global trader, that situation has changed and the unofficial trade has been stopped. Australian growers are now told that they must sell their products via official channels. Growers say that they are being squeezed out by overly stringent quality controls and quarantine rules imposed by the Chinese authorities.

Our growers say that in order to sell into China they are forced to pay for Chinese inspectors to visit their properties to inspect their procedures and packing houses and get clearances for trade. Shipments of New South Wales oranges are often forced into refrigerated quarantine for up to 16 days in order to meet Chinese requirements regarding assurances against disease threats, such as fruit fly. The Federal Government must act on this dire situation. By failing to support our growers, the Federal Government has failed regional communities. With our orange industry in crisis, the Howard Government must develop protocols immediately for trade with China. At the same time it must act swiftly to improve our access to markets in Korea and Japan.

Australian imports of orange juice concentrate have been increasing steadily. Our Riverina growers and their counterparts in Victoria and South Australia are facing a losing battle with imports, for both fresh fruit and concentrate. Our lax national food labelling laws allow concentrate to be blended and sold as fresh juice, and consumers are often duped when it comes to the finished product. It seems that labelling laws still allow "fresh juice" to contain varying degrees of reconstituted concentrate. The Federal Government needs to act on this "just add water and it's fresh juice approach". If it does not come immediately from a freshly squeezed orange—if it has been concentrated—it obviously is not fresh.

On top of this, cut price international competition from the likes of South America and South Africa is seeing cheap fruit and orange juice concentrate dumped in Australia and into competing overseas markets. New South Wales growers say the market is being stacked against them. Imports are coming into Australia with little restrictions. However, our Riverina growers face onerous regulatory burdens to sell outside this country. The situation is particularly bad in relation to Valencia oranges, which are mainly used for juicing. Growers say industry forecasts of expanding export markets are slow to materialise and they are considering selling their farms or pulling out citrus trees. Normally an oversupply of local oranges will see them go to juice processors to be juiced, but industry players say that they are getting only about \$30 a tonne for their product. This world concentrate price is the equivalent to getting it from Brazil, when it costs \$100 a tonne to harvest oranges in Australia.

A recently released South Australian Government report shows that the minimum production cost in Australia is \$300 a tonne for a 10-hectare property. This reduces to \$220 a hectare if the property is 800 hectares in size, but there is virtually none that size in Australia. The average size for a citrus orchard is about 12 hectares. Australian growers are also competing against cheap labour overseas. In South Africa, fruit pickers are paid between \$2 to \$10 an hour as opposed to \$150 a day in Australia. In South America, Brazil is a big player in fruit juice processing, Chile and Uruguay are now into fresh production. South America has set the world price at \$25 a tonne for orange juice concentrate. This covers just freight and processing costs in Australia, without any growing or harvesting costs taken into account.

Riverina growers are desperate. Over the past five years New South Wales growers have pulled out more than 1,000 hectares of trees as their industry crumbles. Peter Morrish, who is the executive officer of the Riverina Citrus organisation and who is on the committee of the Murrumbidgee Valley Rural Counselling Service, says a number of Riverina growers have approached the service's counsellor in the past fortnight to try to work out a way of getting through their financial hardships. Mr Morrish says he has had calls from growers who had heard false rumours of Government funds available to pull out trees. The current orange growing season across the three southern citrus regions is expected to provide a total crop of 300,000 tonnes of oranges. At least 50,000 tonnes do not have a home at this stage.

Our growers are fighting to survive. They are undertaking a national promotional program to counteract this surplus. The promotion is being conducted by Australian Citrus Growers, the three state statutory citrus boards—the Murray Valley Citrus Board, the Citrus Board of South Australia and Riverina Citrus—and individual fresh juice companies. However, with dismal prospects and a lack of Federal Government support our orange industry faces the very real prospect of collapse. The New South Wales Government is proud of the things it does to support the Riverina. Growers in that region are performing better than their counterparts in other States. Both Berri and Golden Circle—two major processors—are based in the Riverina and many local growers have secured long-term contracts. The region is one of the great food bowls of Australia. The region grows more than 25 per cent of our State's fruit and vegetables, and it is responsible for 80 per cent of our wine and grape production.

Orange growing and its associated businesses are vital for the region's economy. The region has 650 citrus producers, 46 citrus packing sheds and five citrus juice processors. The Government has helped three major packing sheds in the Sunraysia region through its Regional Business Development Scheme. Over a number of visits to the region, I have met with orange growers and processors. The Government has helped companies such as SS Citrus to expand its operations, Simfresh to upgrade its equipment and create local jobs, and EJT Packers to upgrade its equipment to export to North America and Asia. The company has installed electronic equipment to sort fruit according to colour, weight and blemish, which has greatly improved its efficiency. EJT Packers has installed tracking devices using barcodes to identify fruit from grower to customer.

Each and every one of us can do our bit to help the Australian orange industry. Honourable members will be aware that I have had a keen interest in the mega food business McDonalds. I have expressed my concern about its operations from both a regional development and small business perspective. I have sought to meet with McDonalds, and it has refused to meet after protracted negotiations. While McDonalds feels it does not need to support our local orange growers, some businesses are doing the right thing and that is great to see. For example, Nudie Foods is a great example of an Australian company working with local growers. It sources its oranges from Griffith and Leeton as well as other regional areas to create a premium product. It is a great move and an example that other Australian juice producers need to follow. I congratulate Nudie's Chief Executive Officer, Andrew Binetter, for his support for New South Wales growers and for producing orange juice that reflects our tremendous local product.

Consumers can play a critical role in supporting our orange industry. Everyone knows fresh is best—whether it is fresh orange juice or fruit. Consumers should check their orange juice carefully and read the label. If it is not fresh Australian juice, they should vote with their wallet. They should check the oranges at the supermarket or at the greengrocers. If they are not home grown, they should demand Riverland oranges. I urge McDonalds to rethink its policy of using concentrate in its orange juice. I challenge McDonalds to go for the real thing: fresh Australian orange juice.

**Mr ADRIAN PICCOLI** (Murrumbidgee) [3.56 p.m.]: It is typical of this State Labor Government to blame everybody, particularly the Federal Government, but itself for every single problem it faces. I foreshadow that I will move an amendment to the motion to delete paragraphs 3 and 4. The Coalition acknowledges that the citrus industry in this State is facing one of the toughest years for a long time and it supports growers throughout New South Wales against the importation of citrus concentrate into Australia. The Government blames the Federal Government for anything that goes wrong in New South Wales. The problems with the citrus industry are multi-factorial, probably all of the easy solutions have already been dealt with, and the intractable problems are very difficult.

The importation of citrus concentrate into Australia is causing a lot of difficulty for the industry. I note that the opening of free trade into Australia, particularly with respect to citrus, commenced in the Hawke and Keating years. Honourable members should not listen to the Australian Labor Party, which tries to blame this on the Federal Coalition Government. The ball was already well and truly rolling when Bob Hawke and Paul Keating were at the reigns of the Federal Government. On a positive note, navel orange exports have provided a significant boost to the citrus industry in the past 10 years. Ten years ago, when the citrus industry was at its knees, certainly in the Riverina, Valencia oranges were the vast majority of citrus grown for juice. It was difficult for growers to compete with the imported concentrate from Brazil.

The citrus industry underwent a restructuring period that has not yet finished. A lot of Valencia orange trees were and are still being pulled out and replaced with navel oranges. The focus moved from the production of large volumes of citrus for juicing to the production of quality export-grade Navel oranges. That move has proved to be a saviour for the New South Wales citrus industry, particularly in the Riverina. For example, my brother-in-law and about 10 other fellows from Leeton used to individually pack citrus on their farms with what can only be described as antiquated equipment. They got together and pooled their resources. Now they pack the citrus from their farms and other farms in one shed, using state-of-the-art equipment. There is a heavy focus on quality and they have had a fair degree of success in marketing the product, particularly to the United States, East Asia and South-East Asia.

I shall make a couple of comments about the single export arrangement to the United States. About 10 years ago a South Australian company, through negotiations with the Commonwealth Government and the United States, set up an arrangement whereby there is now a single exporter of navel oranges from Australia to the United States. That stopped the price competition between Australian companies. That has given us a significant advantage in the United States because it has enabled Australia to get increased volumes into

California, in particular, and to improve the price. It has proved to be very successful and it is supported by 99.9 per cent of citrus growers, certainly in the Riverina.

If the Labor Party wants to talk about something it can do, I note that my upper House colleague the Hon. Tony Catanzariti, who is also a citrus grower, was absolutely opposed to that single desk arrangement to the United States. He did everything he could to pull down that arrangement, which is probably the best thing going for the citrus industry in New South Wales. Tony Catanzariti did everything he could to make sure that was dismantled. He was involved in a different packing shed and I assume there was some reason he wanted that arrangement pulled down. I know the citrus growers in Griffith were angry about what Tony was trying to do. The Labor Party in the Riverina, particularly in Griffith, does not have a proud history in relation to the citrus industry.

Valencias are the real problem for the citrus industry in New South Wales and Victoria—a lot of citrus is being dumped around Mildura, valencias in particular—and there are a number of reasons for that. I refer to the importation of cheap concentrate and the lack of competition among processors, which enabled them to force down the price they pay for juicing oranges. The State Government's response has been quite remarkable, and in many ways dishonest. For the past five or six years the Department of Primary Industries has been promoting the growing of juicing oranges in northern New South Wales, in towns such as Bourke and Moree. I have been there a few times and people have said to me, "The DPI assures us we're going to get great prices for our citrus. Trees are going to be planted closer together and harvested with mechanical harvesters."

As far as I am aware, nowhere in the world has anyone developed a mechanical harvester for citrus that is any good. I do not know what makes the Government think that one will suddenly appear in Bourke or Moree. The honourable member for Murray-Darling has mentioned this. I refer to *Hansard* of 5 April this year. He said the New South Wales Government was promoting the growing of 1,400 hectares of juicing oranges in north-west New South Wales. If there is already an oversupply, as the Minister for Regional Development said, and it is causing people to dump citrus and creating economic problems, why is the New South Wales Government promoting the growing of 1,400 extra hectares of juicing oranges?

I think the Government is being exceedingly dishonest. It is telling farmers in northern New South Wales that they will get \$220 or \$300 a tonne when at the same time farmers in the Riverina are dumping oranges because they are being offered only \$80 a tonne. If a company up there is offering \$230 a tonne, it will soon go broke or it will pull out of those contracts. We have seen our companies so easily pull out of fruit and vegetable contracts. Those farmers will find themselves with serious problems. It is not cheap to plant oranges in Australia—about \$10,000 an acre—and it is not cheap to harvest. It also takes four or five years to reach decent production. One of the most dishonest and despicable things this Government has done is to mislead people in north-west New South Wales. It will send a lot of them broke and it will make things even more difficult for the industry in the south of the State. I move:

That the motion be amended by leaving out paragraphs (3) and (4).

With regard to how much the New South Wales Government knows about the citrus industry and its viability, Bob Carr said in a radio interview with Wendy Harmer, when talking about making water more expensive:

... by treating water as a tradeable right, you create a system whereby someone buys the water entitlement presently being squandered on a low return of cotton and rice and uses it for high-value activity like citrus.

That is how much he thinks of the cotton and rice industries. When citrus is being dumped at a negative price, because it has cost farmers to pick it, the Labor Party thinks citrus is a high-value activity. That shows how much the Labor Party knows about citrus and about agriculture.

**Mr PETER BLACK** (Murray-Darling) [4.06 p.m.]: I continue to be amazed at the reckless indifference displayed by the honourable member for Murrumbidgee towards horticultural producers of southern New South Wales. Today we heard from the Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business about his genuine concern, reflective of the Government as a whole, about McDonald's, the biggest single outlet for orange juice in Australia, with respect to its use of Berri, which brings in concentrate from Brazil. It comes in 44-gallon drums, it looks like urine, it is bulked up with water, a bit of sugar and colouring, and then served at McDonald's.

With respect to the comment of the honourable member for Murrumbidgee about Bourke, he knows nought about what we are attempting to do in the orange industry. The oranges to which he refers will be juiced

over 12 months of the year, not in direct opposition to the Riverina, Sunraysia or the Riverland, which together produce in the order of 600 tonnes of citrus annually. It is an alternative to the import of concentrate from Brazil. I acknowledge at the outset the contribution made by Peter Crisp, the chairman of the Sunraysia citrus growers and his recent appointment as deputy chair of the horticultural sector of the Victorian Farmers Federation. He operates from New South Wales, but we regard Sunraysia as one.

Turning to the comments of the honourable member for Murrumbidgee, I point out that in late September, about a fortnight ago, 112,000 cases of citrus from Sunraysia were rejected in the United States of America due to the detection of one small brown snail. This fruit, valued at \$3.3 million, had to be sold outside the United States. At present in Sunraysia, the northern part of which I have the good fortune to represent, we have 35,000 tonnes of citrus picked on grass. The growers have paid for it to be picked and it is on grass, unsold. This material might well be ditched for cattle feed or something else. With respect to the prices quoted by the honourable member for Murrumbidgee, the average return in Sunraysia ranges from \$25 to \$150 a bin. It is not the \$80 he mentioned. The industry is in a most desperate situation. It has approached a turning point where something must be done for the industry, such as the labelling of McDonald's cups of orange juice "country of production Brazil". Let us see what the consumer does. It will give people the option of knowing where their orange juice comes from.

I notice that members of the Liberal Party would agree with me. Labelling is a good thing. Supporting our citrus industry is the most obvious thing to do. The cups should be labelled "Product of Brazil" and then we will see what happens to McDonald's. When supply exceeds demand to the extent that it has this season the whole marketing structure comes undone. The best prospects for return remain the United States of America market. However, seasonal problems with albedo and mealybug mean that packing costs are high, with the best pack outs reported so far at 12 cartons per bin. The prospect of a big valencia crop in all three production areas is a cause for concern. Australian citrus growers are talking actively with processors about the need for more accurate demand projections than they have seen for this season. From a packer and processor point of view the industry must do what it can to even out biennial production problems, possibly through hedging. We are in a desperate position. We need support. We have to get the honourable member for Murrumbidgee on side. *[Time expired.]*

**Mr RUSSELL TURNER** (Orange) [4.11 p.m.]: It seems strange to stand in this place as the honourable member for Orange to talk about oranges when no oranges are grown in my electorate, apart from a few in the backyard. However, I have a great understanding of what orange producers are going through and I support the amendment moved by the honourable member for Murrumbidgee. I used to grow apples and I know a lot about the industry, which has experienced similar problems—cheap imports of apple concentrate and fresh apples.

I agree with the honourable member for Murrumbidgee that the only thing the State Government knows how to do is to criticise the Federal Government. Instead it should show leadership and expand the facilities of what is left of the Department of Primary Industries in Orange. Many departmental staff have been made redundant and other staff members have been encouraged to take early retirement. Staff who leave have not been replaced. It is generally acknowledged by those who live and work in Orange that the head office of the Department of Primary Industries has been gutted. There is talk about another department moving into Orange to fill the building occupied by the Department of Primary Industries.

The State Government should take positive initiatives to give primary producers, like orange growers, more assistance and advice on how to grow better oranges more efficiently and how to access more export markets. What is the State Government doing to encourage the people of New South Wales to buy and eat more fresh oranges? In the past couple of years our schools have been encouraged to provide healthy products in their canteens. I am sure the Minister for Regional Development is aware that most of the canteens in New South Wales public schools are running either line ball or losing money because they no longer stock junk food that produces high profit margins.

What is the State Government doing to support and encourage canteens in our public schools to offer oranges at a cheaper price? What is the Government doing to buy oranges dumped by growers and offer them through school canteens at no cost to encourage schoolchildren to eat more fresh oranges? I have seen no evidence to suggest that the State Government is doing anything to pick up the cheap oranges that the honourable member for Murray-Darling said are lying on the ground in his electorate and market them through our schools to encourage young people to eat fresh oranges.

Many young people would not know what a fresh orange is. Unfortunately, they are not getting fresh fruit at home. They are lucky if they get concentrate that has been imported from overseas. What is the State Government doing to encourage people within Australia to eat more fresh oranges, especially through our schools? I acknowledge that private companies, such as Nudie juices, are increasing the production of orange juice. However, many add-on juices are beyond the financial capacity of people who are unemployed, who are on low incomes or who have a lot of children.

What is the State Government doing to encourage our growers to grow more efficient products? We have heard that they are being encouraged to grow more oranges around Moree in close plantings that are supposed to be picked by machines. However, the honourable member for Murrumbidgee, who has knowledge of these things, says that no machine has been developed to pick oranges mechanically; they have to be picked by hand. The State Government could do much to assist our growers, such as guaranteeing water rights, which would enable them to grow a first quality product; ensuring they are growing the right varieties; and helping them with their marketing within the State rather than continually blaming the Federal Government.

**Mr NEVILLE NEWELL** (Tweed—Parliamentary Secretary) [4.16 p.m.]: I support the motion moved by the Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business. I note that the matter is urgent because, as a member of Country Labor, I am only too well aware of the impact of imports and exports on regional communities. As a consumer I am also very much aware that Australian businesses are importing increasing amounts of inferior orange concentrate. Some have described imported orange concentrate as being of such poor quality that it could not really be called orange juice. It is not only a matter of quality control. I am deeply concerned that orange growers in the Riverina, in particular, are facing one of the worst years on record. Like my parliamentary colleagues, I am deeply concerned that a combination of lack of Federal Government commitment to orange growers and skyrocketing imports has created this industry crisis.

Why has the Federal Government not acted to protect our nation's orange growers? The demands of big business outweigh the interests of our regional orange growers and country communities that rely on horticultural production, or any other form of agricultural production. Australian orange producers face overwhelming trade pressures. Although the Federal Government makes noise about free trade agreements, our growers are suffering. Primary industry is a value-adding industry just like any other value-adding industry, such as converting plastics and metals into cars, computers or electrical goods. The economy relies on value-adding industries. Primary industry does not necessarily employ people with highly trained skills that are fashionable in other more modern value-adding industries, but we need to look after it.

The Federal Government and its bureaucrats must recognise that the economy is pushed along by value adding. Any community relies on a vast range of people with different skills. We cannot have an economy in which everyone has a university degree or a PhD. We must recognise that even the computer industry will have people of a lower skill level and someone else at the top doing all the design and earning the big wages. There is a variety of wages and variety of skills. Looking after the State's primary industries is one way of ensuring that a range of skills is catered for. As mentioned by the honourable member for Orange and the honourable member for Murrumbidgee, people who do not have high levels of skills, such as fruit pickers, are members of our community and an industry base must be provided for them. Looking after the citrus industry and the juice extraction industry could well benefit from being the subject of even small-scale action on the part of the Federal Government.

The statistics related to the importation of juice are staggering. Between 2004-05 the tonnage of imported oranges more than doubled from 232,239 tonnes to 505,152 tonnes, which represents a massive increase. Most of this nation's imported oranges are destined for New South Wales markets. As the Minister for Regional Development pointed out, people in New South Wales are consuming increased quantities of orange concentrate and may not even be aware that they are consuming an imported product. The simple fact is that without adequate food labelling laws, people believe they may be drinking fresh orange juice, whereas they are drinking reconstituted juice.

Labelling laws have been watered down continually by the Howard Federal Government in relation to the country of origin of imported products. There has even been an attempt to sell the "Made in Australia" logo. Laws applying to labels indicating the country of origin of produce are so weak that imported produce is being sold as fresh produce. The laws are simply too lax. The Federal Government should adopt a more supportive attitude to the Australian citrus and juice industries to ensure that they survive and are able to provide jobs for Australian communities in the future.

**Mr DAVID CAMPBELL** (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [4.21 p.m.], in reply: I will make a case for the motion to be passed by this House as it was originally moved. I thank honourable members who spoke during the debate. The honourable member for Tweed demonstrated why he is such a successful and important member of Country Labor. His speech reflected his understanding of important issues that confront rural communities, such as training and employment for unskilled labour. As is always the case, the honourable member for Murray-Darling displayed a masterful grasp of the industries based in his vast electorate. He showed his passionate support for those industries as well as for the Riverina district and for primary industry generally. His empathy with the growers was also evident throughout his speech. I thank the honourable member for Tweed and the honourable member for Murray-Darling for their contributions to the debate.

Equally, I thank the honourable member for Murrumbidgee and the honourable member for Orange for their contributions, notwithstanding that they sought to protect the Federal Government, as they always do, and refused to invite the Federal Government to participate in a partnership to solve the problems. While I thank Opposition members for their contributions to the debate, I cannot understand why the honourable member for Murrumbidgee would not pick up the phone to obtain support for orange growers from the Federal Government. I just do not understand why he would seek to delete paragraph 4 of the motion, which calls on the Federal Government to act immediately to open up new export markets. I find it absolutely amazing and crazy that The Nationals do not support that part of the motion. The Federal Government is responsible for trade and has numerous opportunities to negotiate free trade agreements with China, India and other nations. The Nationals in New South Wales simply refuse to request the Federal Government to negotiate for better markets for citrus products.

The honourable member for Orange made a more substantial contribution to the debate in five minutes than the honourable member for Murrumbidgee did in 10 minutes. The honourable member for Murrumbidgee attacked the Hon. Tony Catanzariti, who employs people and grows fruit in the Murrumbidgee area. I defend the Hon. Tony Catanzariti as a genuine person and a sincere representative of the Riverina community. I take issue with some of the points made by the honourable member for Orange, who wants a range of public servants occupying the Department of Primary Industries offices in Orange. I am not quite sure how having people sitting in government offices in Orange will support citrus growers. The other contradictory part of his contribution on that point is that the Opposition's policy is to get rid of 29,000 public servants in this State. The contradictions inherent in his speech demonstrate the rift between The Nationals and the Liberal Party and reveal the real tension that exists between the Coalition parties. That has been displayed time and again in this House.

The school canteen policy was criticised during the debate, but I point out that the policy is all about promoting fresh food and healthy eating. The New South Wales Government has taken the initiative to encourage school canteens to stock products such as fresh oranges. I am sure that the honourable member for Orange, whose electorate is renowned for growing apples, would be eager to ensure that school canteens in Australia serve only Australian-grown fruit. It is important to point out that although the New South Wales Government's school canteen policy is primarily directed to assisting kids to be healthy, at the same time it is intended to encourage people to choose Australian-grown products.

Earlier in the debate I pointed out that consumers certainly play an important role in supporting Australia's citrus industry. Everyone knows that fresh is best, irrespective of whether it is fresh orange juice or fruit. I encourage consumers to check the labels on processed juice to ensure that it is a fresh Australian-grown product and to check that the oranges they intend to purchase have been grown in Australia. Australian citrus growers need action and support. Action must be taken by the Federal Government and big business. I intend to raise this matter this weekend at the Regional Development Council meeting at Coffs Harbour when State and Territory regional development Ministers will meet with Federal Government representatives.

**Amendment negatived.**

**Motion agreed to.**

## **FEDERAL GOVERNMENT AUSLINK PROGRAM**

### **Matter of Public Importance**

**Mr ROBERT OAKESHOTT** (Port Macquarie) [4.27 p.m.]: I am pleased to discuss the AusLink agreement and its implications for road funding in New South Wales. This discussion is an opportunity to explore in more detail the issues surrounding the condition of the Pacific Highway. It is timely that this matter of public importance is being discussed today. The most important issue for 1 million North Coast residents is

the piecemeal approach that has been adopted by the State and Federal governments in relation to the construction of the four-lane dual carriageway from Hexham to the Queensland border. The issue has been a matter of priority in this House over the past 24 hours and has been discussed at length by many members of Parliament.

As a parliamentary representative of the North Coast, I am pleased that the matter is receiving priority, but I am certainly not pleased about events that triggered the issue receiving priority. The censure has been covered extensively and I will not discuss that matter further except to say that I confirm the comments I made this morning. An eight-day suspension at Coffs Harbour at this time of the year would be considered to be a prize by most workers in New South Wales, not a punishment. It is disappointing that this House has set a new standard in relation to physical violence that is so low. Nevertheless, this discussion provides honourable members with an opportunity to explore funding for the Pacific Highway and the AusLink funding agreement on the back of the events of the past 24 hours.

I hope that through constructive debate today we can put some sort of committee of inquiry in place to explore the ins and outs of the AusLink agreement. In that way all members of this House and all members of the community affected by the AusLink agreement will be able to get a true picture of the state of play between the State and Federal governments. Clearly, at the moment we are hearing one thing from one side of the House and another thing from the other side. That sounds like a division on party-political lines, which does not help the broader community to understand how road funding is allocated in New South Wales and Australia.

I hope that through that committee of inquiry process the deal on the Pacific Highway can be revealed. That is of particular relevance to the residents of the North Coast. As far as the issues post-2009 are concerned, it appears that funding under the AusLink agreement has been allocated to continue the work on the Pacific Highway dual carriageway up to 2009. However, there is a substantial gap in information provided to the public as to how the dual carriageway can go from being 60 per cent completed at the end of 2009 to 100 per cent completed by 2016. I did not pluck the year 2016 out of the air. On a visit to the mid North Coast, the Deputy Prime Minister, the local Federal member for my area, was open and public about his belief that the highway can be 100 per cent dual carriageway by 2016. I note that the honourable member for Myall Lakes was quoted in the Taree media as making similar comments.

Discussions are obviously continuing behind closed doors at the party-political level about the information gap on how the Pacific Highway can be turned from a 60 per cent dual carriageway in 2009 to a 100 per cent dual carriageway in 2016. Those discussions seem to be driven by the Commonwealth Government, although I might be wrong about that. The public, particularly the North Coast public, has a right to know the details, because if this is not another broken promise, it appears that the remaining 40 per cent of the Pacific Highway will be a tolled motorway. If that is so, we need to know the truth; everyone on the North Coast deserves to know. A seven-year time frame for a \$5 billion project raises lots of questions not only for members of this place but also for residents up and down the coast. If the Government is to commit that amount of money, we need to know exactly how that is to happen.

During the past 24 hours we have had plenty of discussions in this place about the Pacific Highway. Public-private partnerships have been discussed over the past few months. It appears that this agreement is another matter that has been negotiated behind closed doors. It is time to start a campaign to reveal what is happening in relation to both the Federal and State governments in their negotiations with the private sector to complete the Pacific Highway dual carriageway. In that context it is important that there be a committee of inquiry on the AusLink agreement. Substantial issues are at stake as far as the broader AusLink funding agreement is concerned. The Australian Government allocated a total of \$12.7 billion for land transport infrastructure over the five years from 2004-05 to 2008-09. Of that amount, \$7.6 billion was allocated to the AusLink Investment Program, \$1.6 billion to the Roads to Recovery Program, and \$178 million to the Black Spot Program.

The Roads to Recovery Program and the Black Spot Program deserve to be reviewed by a State committee of inquiry, because both programs, unless monitored carefully, have the potential to be used in a political way rather than to achieve outcomes based on need. Both programs can be targeted funding programs for political purposes. I hope that will not be the case, but as this is a new agreement for the Federal and State governments and the broader community so far as land transport funding is concerned, there should be some governance requirement to make sure that the funding is not the subject of targeted political exercises but is based on genuine need. For example, of the broader \$12.7 billion allocated for the five-year period, I note that \$20 million has been allocated to the Wodonga rail bypass. A commitment to such a specific line item is an

example of the Commonwealth Government clearly targeting funding to a marginal electorate. I imagine that electorate was targeted during the last Federal election.

Corporate governance is needed in the roads portfolio to make sure that funding is based on the roads requirements of the broader electorate and not on the needs of members of Parliament trying to be re-elected in marginal seats. The adequacy and equity of funding levels for New South Wales under the AusLink agreement have been debated over the past month. That debate has involved the degree of equity involved in the distribution of funds by the Commonwealth to the States and Territories, particularly to New South Wales. The Commonwealth responsibility for funding under this agreement compared to the previous system has also been debated. In addition, there is the issue of corporate governance, with the focus at the State level. How will we make sure that the allocated funding for land transport in Australia, particularly for the State of New South Wales, is well managed and that there is proper consultation and reporting of the agreement? How will that be measured against proper governance principles?

I understand that the Federal exports and infrastructure task force has recommended that long-term planning by the States, Territories and the Commonwealth be undertaken as soon as possible to establish a known and agreed planning framework. The former State Coroner, Kevin Waller, called for such planning to be undertaken for the Pacific Highway 15 years ago, following the Clybucca and Kempsey bus crashes. Unfortunately, that recommendation was treated by government as a bit of a joke, and there has been a piecemeal approach to Pacific Highway funding. The planning for that project, the second biggest infrastructure project in Australia behind the Snowy Hydro scheme, is a good example of how wrong State and Federal governments can be when they treat it as a piecemeal exercise. I would hope the State can take on board the task force recommendation in a bipartisan way and put in place a long-term planning framework as a matter of urgency. It was recommended 15 years ago by the State Coroner at that time. It was recommended recently by a Federal task force. It has to happen. [*Time expired.*]

**Mr MATT BROWN** (Kiama—Parliamentary Secretary) [4.37 p.m.]: The AusLink agreement has generated a lot of discussion across New South Wales, especially for communities along the Pacific Highway and communities that rely on the Princes Highway. I note that only two of The Nationals are in the Chamber, and that not one member of the Liberal Party wants to contribute to this important debate. It is about time the Coalition took a little more responsibility and spoke to their Federal counterparts in an endeavour to get a fairer deal for this State. Recently the New South Wales Government was forced to sign up to the Federal Government's AusLink agreement on roads and transport funding.

The choice for New South Wales was to sign the agreement and get something, although a lot less than it deserved, or not sign it and get absolutely nothing. In the interests of New South Wales taxpayers the Government had no choice but to sign the agreement, but it was signed reluctantly. The Minister for Roads tried hard to hammer out a better deal for residents of this State. For taxpayers, this agreement means that New South Wales has to pay an extra \$298 million for roadworks; we were forced to sign an agreement that makes us \$298 million worse off than we were under the previous arrangements.

The New South Wales Government resisted signing this agreement for as long as possible and it fought for a better deal. If the Government had not signed the agreement it would have cost New South Wales \$940 million. So the New South Wales Government was caught between a rock and a hard place. It had no choice but to sign the agreement. The AusLink agreement means that the States have to foot the bills for maintenance and safety works that used to be funded by the Commonwealth. It also means that taxpayers in New South Wales have to top up underfunded Federal projects.

Federal projects are announced with great fanfare and expensive signs are put up to inform the community that they are Federal projects. However, after Federal Government members have received some publicity and shown off their new suits at the opening of those projects, they walk away and leave the hard work to be done by the New South Wales Government, which has to ensure that the roads are properly maintained for the safety of motorists. As a result of the Federal Government's hardline stance, work on the Oxley Highway upgrade between Port Macquarie and the Pacific Highway will not commence until 2007-08. That delay is extremely regrettable but it is unavoidable and the blame for that delay cannot be laid at the feet of the State Government.

The honourable member for Port Macquarie has done a great deal of hard work to achieve a fair share of funding for the Pacific Highway. The AusLink agreement also means that the project will be carried out in stages. The first stage will be to construct a single carriageway on the eastern section of the highway. The Roads

and Traffic Authority [RTA] will also continue the planning and design processes and acquire the necessary land. The four-year AusLink deal will result in the Federal Government reducing funding levels for maintenance and stopping funding for safety and urgent minor works, forcing New South Wales to make up those funding shortfalls by delaying or reducing funding to other projects.

The bottom line is that New South Wales will have to pay more because the Federal Government is walking away from many of its traditional areas of responsibility, all at a time when it is sitting on a staggering \$13.6 billion surplus. While New South Wales is trying to maintain costs and all forms of sensible economic activity in this State the Federal Government is sitting on a massive \$13.6 billion surplus. It is unconscionable that it has not decided to allocate that money for the provision of services for taxpayers in New South Wales, or to give us a tax cut. Why can some of that money not be released immediately to fund important road projects in New South Wales?

People in the Kiama electorate, which I represent, are screaming out for more road funding. I am not the only one who has received demands of that nature from my constituents. People in New South Wales want better, bigger, faster and safer roads. Some of that \$13.6 billion surplus would go a long way towards avoiding many accidents that are happening on our State's roads. The Federal Government also failed to give New South Wales its traditional share of Federal fuel excise tax for investment in major roads. It slashed the percentage from 21 per cent to 12 per cent, a significant drop in excise tax for this State. Many people are also under the mistaken impression that New South Wales still collects a fuel excise, and they refer to the old 3 x 3 levy.

That is no longer the case. The Federal Government collects all taxes from fuel and it then determines how or when that money should be given back to the States. New South Wales seems to have been singled out as it is not getting anywhere near its fair share, while the lion's share is going to other States. Western Australia and Queensland are two big winners. This massive cut in funding has left New South Wales motorists angry. They have every right to be angry. Although the Federal Government collected \$13.6 billion in fuel excise last year—it is strange that that is the same amount it has in surplus at the moment—it spent only \$1.6 billion nationally on roads.

As a motorist I am quite cranky about that. We are being slugged heavily at the bowsers as petrol prices are high at the moment, so the least we expect is that some of that money will be invested in our roads. Every year motorists in this country raise \$13.6 billion by way of fuel excise, but they receive back only \$1.6 billion. That is the worst return on any investment I have ever heard of. It is a terrible deal in anyone's language. AusLink means that new programs—for example, extra money for replacing country timber bridges—cannot be funded. Those new programs are desperately needed. We would not have to drive too far outside major metropolitan areas before we rattle across timber bridges. Bolts bounce out of the hardwood creating the noises many of us hear when we drive over those bridges.

Those bridges will not last forever, no matter how well built they are. They need to be replaced with safer and wider bridges. Many of these bridges can take only one vehicle at a time travelling in one direction. Those that can squeeze in two vehicles at a time make life very difficult for cyclists and pedestrians. We must make immediate savings decisions now, including launching a new drive to reduce costs in the Roads and Traffic Authority. The bottom line is that if New South Wales signs this agreement it has to pay an extra \$298 million for roadworks, but if it does not sign the agreement it would cost \$940 million. New South Wales was given no choice. It had to sign the agreement to get funding and if it did not sign the agreement it would have got nothing. New South Wales accepted the lesser of those two evils.

The AusLink agreement will affect the whole of New South Wales. Some of the logic in the AusLink funding is bizarre. As much as New South Wales wanted to have the entire Princes Highway incorporated in the AusLink agreement, for some reason the Federal Government decided only to fund the Princes Highway to Wollongong. It would not fund the highway between Wollongong and the Victorian border. However, between the Victorian border and Melbourne it started to pick up funding for the Princes Highway. That astounds me as accident rates on the Princes Highway are comparable with or worse than accident rates on other parts of the road that are receiving funding. I am amazed that some Federal and State Coalition members of Parliament are getting funding and some are not. Coalition members should be asking more serious questions on behalf of their constituents. They should be asking why their areas have been missed out; they should not leave the responsibility of ensuring that residents get a fair deal to the New South Wales Labor Government.

**Mr DONALD PAGE** (Ballina—Deputy Leader of The Nationals) [4.47 p.m.]: I welcome an opportunity to make a brief contribution in debate on this matter of public importance, which relates to the

Pacific Highway and the new AusLink agreement. However, before I refer to some of the arguments put forward by members about the Government's take on the AusLink agreement, I want to point out that members of The Nationals and I have a long history of supporting the upgrade of the Pacific Highway. In 1988 I made reference to that issue in my maiden speech. A number of us have a strong history of asking both our Federal colleagues and the State Government to fund a number of projects up and down the Pacific Highway.

Over the years there has been some progress on the Pacific Highway, but not nearly enough. It is totally unacceptable—and the community believes it is unacceptable—that we have to wait another 20 years or so before we have a dual carriageway from Hexham to the Queensland border. About one-third of that highway is dual carriageway at the moment. It is important that we complete the dual carriageway as quickly as possible for the simple reason that about 50 per cent of fatalities that occur on the Pacific Highway are head-on collisions. If we had a dual carriageway we would eliminate 50 per cent of fatalities straightaway.

The New South Wales Government made a big mistake when it gazetted the use of B-doubles in August 2002 with the opening of the Chinderah to Yelgun section of dual carriageway. That meant that additional heavy vehicles from the New England Highway were coming onto the Pacific Highway at a time when not even one-third of the highway between Hexham and the Queensland border was dual carriageway. To this day, large sections of the road are not up to standard, and local traffic, through traffic and heavy vehicle traffic continue to mix inappropriately. That is a major problem. People want the road to be fixed. They are sick of the politics associated with this issue. Taxpayers—regardless of whether they are paying Federal or State governments—want an outcome. They want to see investment in this important infrastructure.

Many projects on the Pacific Highway were part of the original 10-year agreement and thus predate the AusLink agreement. The Ballina bypass in my electorate is a classic example. The 1997 annual report of the Roads and Traffic Authority mentions the Ballina bypass, which at that stage was solely a State responsibility. At that time the estimated cost of the project was \$118 million and its estimated completion date was December 2004. It is now 2005 and we are still waiting for construction funding to commence it. My constituent Neil Saines, who lives near the Pacific Highway, has been collecting information about the number of accidents that have occurred in his area. In July 2003 there were about 10 or 12 fatalities in or around Ballina. That is totally unacceptable.

Turning to the Government's claimed \$298 million shortfall in roads funding, the fact is that New South Wales will receive an extra \$851 million in construction funding under AusLink. Even if we concede that New South Wales will be required to make some contribution, it will certainly be less than \$298 million. This means that New South Wales is more than \$500 million better off under the current AusLink arrangements. As to the Pacific Highway, by signing the AusLink agreement the New South Wales and Federal governments have agreed to fund \$480 million each over the next three years for the Pacific Highway upgrade, commencing in 2006-07. That is a 50:50 contribution. In the past the New South Wales Government contributed \$160 million and the Federal Government contributed \$60 million, making a total of \$220 million a year. Under the new agreement the Federal Government's contribution has increased by \$100 million and the State Government's contribution has remained the same, which makes a total of \$320 million. So funding for the Pacific Highway has increased by \$100 million under the AusLink agreement. [*Time expired.*]

**Mr ROBERT OAKESHOTT** (Port Macquarie) [4.52 p.m.], in reply: I thank honourable members for their contributions to the debate. I get the feeling that we share a common interest in trying to secure full details of the AusLink agreement and want to see a dual carriageway on the entire Pacific Highway as quickly as possible. I hope that this debate will result in the appointment of a committee of inquiry—perhaps it could be the Public Accounts Committee, the Public Works Committee, or a parliamentary joint standing committee—to examine the AusLink agreement and explore in detail some of the issues raised today.

There is no doubt that the adequacy and equity of road funding levels for New South Wales under the AusLink agreement are unclear. An inquiry could reveal whether funding for roads such as the Pacific Highway is adequate and equitable under that agreement. That is a fair question that requires an answer. The State Government should take on board the goal of the AusLink agreement: to achieve long-term planning for land transport. I hope that the Government, rather than bashing heads in the public domain and working on that goal in private, will adopt a public, co-operative approach to the long-term planning for the future of land transport.

As I represent a North Coast electorate I can give the obvious example of the piecemeal approach the State and Federal governments have taken until now to funding the Pacific Highway upgrade. Ten years ago they agreed to construct a dual carriageway from Hexham to the Queensland border at a cost of \$2.4 billion.

Both the State and Federal governments—representing different political parties—slapped themselves on the back and said, "Oh, what a wonderful deal!" But it has not happened. We are at the end of the Pacific Highway upgrade program and only 50 per cent of the highway is dual carriageway. This is a key infrastructure item not only for New South Wales and Queensland but also for the Australian Government. That is a good example of the lack of long-term planning for land transport in New South Wales and Australia as a whole.

There is also the issue of the governance of the agreement. At present we have no established management, consultation, and reporting processes at a State level regarding the agreement. We have no process for assessing the agreement according to good corporate governance principles. Specific projects are still funded under AusLink. The Wodonga rail bypass is an example of how AusLink is a broad land transport funding package with some specific, targeted funding programs with clear political motives. How do we manage at State level funding designated for land transport in New South Wales when it has strings attached that are based on politics rather than need? The Wodonga rail bypass may be an important project but does it deserve to be treated differently from every other infrastructure project in Australia under the broad AusLink agreement package? I thought the idea was to move away from specific funding line items to a broad, flexible funding program for land transport. Yet the AusLink agreement appears still to contain specific funding line items for targeted projects.

The honourable member for Kiama raised the important issue of the neglect of maintenance funding. Under the AusLink formula maintenance funding is below what it was during the second half of the 1990s. So we are getting less maintenance funding. Inflation is not factored into the formula, and spending on capital is favoured. A committee of inquiry needs to examine these key issues under the new AusLink agreement. I hope that either the Minister for Roads or the Premier will appoint such a committee so we can learn exactly what is happening with roads funding in New South Wales.

**Discussion concluded.**

**Mr ACTING-SPEAKER (Mr John Mills):** Order! With the consent of the House, I propose to proceed to the taking of private members' statements.

**PRIVATE MEMBERS' STATEMENTS**

**SCHOOL ZONES SPEED CAMERAS**

**Mr MALCOLM KERR** (Cronulla) [4.56 p.m.]: Like the honourable member for Bankstown, I am concerned about road safety and the avoidance of road accidents and fatalities. This issue affects every electorate in New South Wales. I am particularly concerned about road accidents involving schoolchildren. While the Government continues to play with the safety of schoolchildren by sitting on a report concerning a trial of flashing lights in school zones, it has collected almost \$14 million in fines from fixed cameras at school zones in the past year.

**Mr Milton Orkopoulos:** From people speeding and breaking the law.

**Mr MALCOLM KERR:** I will return to that issue. It is far better to deter people from breaking the law than allow them to speed—

**Mr Gerard Martin:** That is what speed cameras do.

**Mr MALCOLM KERR:** Government members should allow me to continue because I obviously need to educate them. I will start my lesson with the fact that only four school zones in Sydney have fixed speed cameras. The rest are located in country New South Wales. That might interest the honourable member for Bathurst. The metropolitan cameras are at the Epping West Public School, Carlingford Road, Epping; Middle Harbour Public School, Mosman; St Patricks, Princes Highway, Kogarah, and St Catherine Labouré, President Avenue, Gynea. In 2004-05 those Sydney cameras raised \$7,915,843. The cameras at Mosman, Kogarah and Epping were among the top six revenue raisers, and the Gynea camera came in at 29 out of 109 sites. Unlike other school fixed speed camera sites, the Gynea site was not selected on the basis of specified criteria but was selected on the application of the honourable member for Miranda.

Revenue from speed cameras at school zones represents nearly one quarter of the entire \$54 million raised from speed cameras. It is therefore no wonder that the Government is reluctant to install flashing lights at school zones, because that would remove a major source of revenue and deter people from speeding. Three years on, it would have to be one of the longest trials in history, and it has raised massive amounts of money for the Government. It is a great shame that the Government has been slow to show an interest in further protecting children's safety at schools by introducing flashing lights at school zones, something in which we should all be interested.

A trial of flashing lights at school zones commenced in June 2003. Solar G—it is unnecessary to say it is a Cronulla firm, because it is very innovative—supplied flashing lights at 18 school zones across New South Wales as part of this trial. Lights are solar powered with a 14-day battery backup; they feature an automatic change to daylight savings hours; they have a provision against globe/LED failure; they have a time accuracy of plus or minus one second per day; and they have back-to-base networking. The project value is \$250,000. One of the sites trialled is close to the Sutherland shire in Helensburgh, where the road takes a sharp turn before the school. The flashing lights trial commenced in June 2003 and concluded in June 2005. The Roads and Traffic Authority has released an evaluation report of the Fixed Digital Speed Camera Program in New South Wales dated May 2005.

**Mr Barry Collier:** Point of order: The honourable member for Cronulla is misleading the House.

**Mr ACTING-SPEAKER (Mr John Mills):** Order! That is not a point of order.

**Mr MALCOLM KERR:** That was a flash from the honourable member for Miranda, who, of course, has not read the standing orders. The report recommends that the program be extended further across New South Wales. Yet the report on the effectiveness of the operation of flashing lights has not been released. If the Government and the honourable member for Miranda were serious about reducing speed in school zones and saving life, they would release this report in a flash. In July this year the Coalition announced that a Coalition Government would move to save children's lives and prevent pedestrian injury by installing flashing lights in 40 kilometres per hour school zones across New South Wales. Flashing lights will leave motorists in no doubt that they are travelling through a school zone and have a responsibility to ensure that they stick to the 40 kilometres per hour limit, unlike the Minister and the honourable member for Bathurst, who want people to continue to speed and be fined.

#### **TRIBUTE TO MR LESLIE "BUNNY" ABBOT**

**Mr GERARD MARTIN (Bathurst) [5.03 p.m.]:** I pay tribute to Les "Bunny" Abbot. Last Friday night I attended a function at the Lithgow Workmen's Club to honour 50 years of outstanding and devoted service to rugby league by Leslie, who is better known as Bunny Abbot. The honourable member for Heffron probably thinks that someone involved in rugby league with a name like Bunny should play for South Sydney, but that is not the case. Bunny has had a distinguished relationship with the working man's game, as was recognised at the function organised by the rugby league clubs of Lithgow. I pay tribute to Kevin Hanrahan and Peter Bresak who, in the main, organised the event.

In attendance was the rugby league community of Lithgow, including Barry Rushworth, a 1963 Kangaroo, Kip Maranda, the captain/coach of the Workies Wolves, who this year won the group 10 premiership. Bunny's daughter, Barbara Martin, and her family were surprise guests and had travelled with their extended family of children and grandchildren to make this a night to remember for Bunny. I also appreciate the input from the St Georges Rugby League Club, for whom Bunny played, with some distinction, in the 1930s as a first-grade centre and winger. The club made available a current St George Rugby League Club signed jumper for Bunny and provided a letter of congratulations signed by the presidents of the rugby league and football clubs. Bunny's career was interrupted by the outbreak of World War II, and at that time he was touted as a possible Kangaroo.

Bunny came to Lithgow to work at the Small Arms Factory, as many people did, for the war effort and spent his working life there—so he came to Lithgow and never left. He became and still is a well-loved and respected member of the Lithgow community. Bunny's three passions in life are his family, including his late wife, Dot, and his daughter, Barbara, and grandchildren; his church—for decades Bunny has been a member of the St Patricks Catholic Church parish at Lithgow; and the great working man's game of rugby league. On a winter's Sunday in Lithgow the two things one can be sure of are that Bunny Abbot will go to mass and then to a rugby league game, in whatever capacity he has at the time.

Bunny coached in Lithgow after World War II, principally with Lithgow St Patricks, but was involved in all the clubs. He is now in his ninetieth year and he is still giving service to rugby league. He has been timekeeper at rugby league games in Lithgow continuously for 50 years, which is an outstanding record, and he has hardly missed a game. One knows that Bunny is a man of great personal integrity and principle and he lives his life by very strong Christian values. He has worked tirelessly for rugby league as a distinguished player and takes great pride in his job as timekeeper. Bunny is meticulous and in 50 years he has kept a record of each game at which he was the timekeeper. He can provide details of every game from the under-10s to the group 10 grand final recently held in Lithgow.

Bunny's history and association with rugby league in Lithgow very much mirrors the social and cultural history of the town. Whilst Bunny has a great love for the game, in conversation he entwines the history of families because of their association with rugby league and the social groups in the community over all those years. Bunny delights in being involved in rugby league and in passing on his great knowledge. He is an extremely fit and healthy 90-year-old, for his age, who keeps up his great passion in life. At the function I said it would be a great service if an oral history was obtained from Bunny not only about his contribution to rugby league, and to acknowledge that, but also about his great love of the game and how he associates the sport with the fabric and social life of his community. I hope that will be done in the future. Today I pay tribute on behalf of the Lithgow community, particularly rugby league, to 50 years of outstanding devotion by Bunny Abbot. [*Time expired.*]

### FISHING LEGISLATION REVIEW

**Mr ADRIAN PICCOLI** (Murrumbidgee) [5.08 p.m.]: I refer to the current review of the fishing legislation and regulations under way in New South Wales. I have a letter from Fred and Joan Maraldo of Finley addressed to the Department of Primary Industries in which they have outlined a number of their concerns about this review. I and many other constituents in the Murrumbidgee electorate and right throughout western New South Wales are also concerned about the review. Many of the proposed changes relate to the rules and regulations for fishing in freshwater rivers in western New South Wales. The Maraldos have raised some important issues. One of those relates to the "catch and release" requirement for Murray cod that are over 100 centimetres long. Most of the concerns raised would have been solved if there had been consultation with fishing clubs and fishermen along the Murray, Murrumbidgee, Darling and Lachlan rivers. Unfortunately, as is the case so often with this Government, people in Sydney make decisions on behalf of people in western New South Wales with little or no knowledge about what goes on there.

I was told recently of an incident when some people from the department went out to see if any Murray cod could be caught in part of the Murray River. They did not catch any fish all day and just assumed there were no more cod in the Murray. An experienced person told them the next day that cod had never been caught in that reach of the river. He took them about a mile upstream, where they were surprised to find plenty of cod. Many of these problems would be solved by consultation and talking to local people. The Maraldos raised the issue of the "catch and release" requirement for Murray cod over 100 centimetres. The evidence is that the big cod eat a lot of the young carp. That is why there has been a significant reduction in the number of European carp caught in the Murray River. Various estimates put the figure down by about 80 per cent. Part of the reason is that the cod eat the carp fingerlings. However, they also eat cod fingerlings as well. People with experience argue that it is better in many cases to remove the large cod from the river. Another issue that is often raised is unattended lines, or set lines used for fishing in freshwater rivers. The Maraldos make this point:

I cannot see any damage that 4 tagged set lines, as are currently permitted, can do. When you have "Poachers" using 20 to 30 set lines with live fish for bait, and as I have done, phoned fisheries at Narrandera and Albury to no avail, phoned fisheries in Deniliquin and talked to the gentleman there and offered to take him in my vehicle through private property...to show him where the campers and the set lines were. I was told that there was no need, that he would be going down there the following Saturday morning. I since discovered that he did not go down. Again, you are penalizing all fishermen (including the ones doing the right thing), and when Fisheries personnel are made aware of illegal activities, they do not have the manpower or resources to go and check and/or apprehend the culprits.

The problem is not just regulation but the enforcement of regulations. The set line issue is particularly important. Firearms and fisheries regulations are put in place to try to capture the small percentage of people who do the wrong thing. They are not people who obey the law anyway. The people who are adversely impacted are the 95 to 98 per cent who do the right thing. This is a classic example of that. The Government is effectively closing down an important recreational pastime for many people in western and south-western New South Wales. You have made owning a firearm so much more difficult, you have made fishing so much more difficult and expensive, and you have made camping much more difficult. There was a big protest at Pumps Beach in Tocumwal because camping has been stopped in State forests and council reserves because of litigation. It is time this damping down of fun ended. [*Time expired.*]

### ENTERTAINING ANGELS PROGRAM

**Mr KEVIN GREENE** (Georges River) [5.13 p.m.]: It gives me great pleasure to speak about a function last night at which I represented the Premier. I refer to the launch of the Sydney Catholic schools' Towards 2010 Strategic Leadership and Management Plan, followed by the Catholic Schools Performing Arts production entitled Entertaining Angels, at the Entertainment Centre in Sydney. While it was a privilege to attend to represent the Premier, as a former principal of a Catholic school it was also a great opportunity not only to speak to Brother Kelvin and other invited guests at this important function for Catholic education, but also to catch up with many principals who were my former colleagues.

The function was very well presented. I thank Brother Kelvin and all those involved—including Alan Williams, who looked after me on the night—for the hospitality shown to me. They read out the Premier's message and that message was also on a DVD at the start of the Entertaining Angels program. That was shown to all those in attendance at the Entertainment Centre. It was extremely well done and the Premier's message was well received by those in Catholic education. I was joined as a guest by Monsignor Vince Redden, who is the Chair of the Sydney Archdiocese and Catholic Schools Board, and Bishop Anthony Fisher, representing Cardinal Pell, who is in Rome. There were also many representatives of other Catholic organisations, from not only Sydney but also dioceses in New South Wales. Most importantly, it was a fantastic opportunity to be able to share in the Entertaining Angels program.

This was a spectacular if ever there was one. More than 4,000 students and 200 teachers from Catholic schools in the Sydney Archdiocese were involved in the production. It was an all-singing, all-dancing, all-entertainment affair. The standard of students on display, both as individuals and in a great number of groups, was fantastic. It took the form of a story, with eight key players who held the show together. Four of them were done up as angels. There was a massed choir on both sides of the Entertainment Centre, plus all the children who participated in the various music and dance sequences throughout the night. There was jazz, ballet, tap, and ballroom dancing—all sorts of dancing. Presentations from the students added to the musical numbers. The Flying Fruit Fly Circus was also involved in a spectacular aerial display.

I particularly noted the involvement of a couple of students who are known to me personally. One was Bronte Horder, who this year is in year 7 at St Ursula's College, Kingsgrove. I mentioned Bronte previously when she was at St Joseph's, Oatley. Both those schools were involved in last night's production, as was my son's school, St Joseph's, Riverwood, many of whose students participated. Our Lady of Fatima, Kingsgrove, also took part. Among the principals I spoke with last night were Jennifer Kratz, from St Joseph's, Riverwood, and Rosemarie Hoekstra, from Our Lady of Fatima, Kingsgrove. It was also a pleasure to see my former school, St Brendan's, Annandale, where I was principal, participating in a big way.

I congratulate Brother Kelvin and the executive producer, Seamus O'Grady, who is one of the directors of Catholic Education in Sydney, for the enormous planning that was involved. I believe that 11 months of planning went into putting this production together. Many principals, teachers and parish priests were there last night enjoying the show, as well as thousands of parents. All of them would have been extremely proud of the schools' performances, particularly those related to the individuals who participated. It was a great promotion for Catholic education. Most importantly, it gave these young people—kindergarten to year 11 students—the opportunity to display their talents. I am a great believer in giving children as many opportunities as possible to display their great variety of talents.

### PACIFIC HIGHWAY, MOUNT COLAH, INTERSECTIONS

**Mrs JUDY HOPWOOD** (Hornsby) [5.18 p.m.]: I wish to speak about three intersections on the Pacific Highway in Mount Colah, in my electorate, an issue that dates back prior to my election. My predecessor promoted the installation of lights at either Foxglove Road or Excelsior Road. There is a solid median strip on the highway opposite the other intersection, Beryl Avenue, but that could be subject to review. Local residents living on the west side of the Pacific Highway are extremely concerned about trying to exit the west of Mount Colah and travel south on the Highway towards Hornsby. For some time residents have wanted either traffic lights or a roundabout at one of the intersections. However, roundabouts are extremely expensive and, given the expanse of the Pacific Highway, lights were the more feasible option. I will read from an article written last year by Shane Austin, a Mount Colah resident, for the local neighbourhood watch newsletter:

Residents living in the northern end of the suburb received an information sheet on November 25 from the RTA advising them that they could express an opinion on one of two options decided by them for the installation of traffic lights at either Excelsior or

Foxglove Rds and the Pacific Highway. After taking a number of months to come up with these options, the RTA has allowed residents just 15 days to do so!!

You may recall that this issue was the subject of a community meeting held by Judy Hopwood some months ago at which approximately 200 people indicated that lights at both Excelsior Rd and Beryl Ave (reopened) was the best solution. This was to allow traffic from these two ridges to exit via their own street as well as provide a gap between the lights on the Highway.

Since the meeting, Federal "black spot" funding sufficient for one set of lights has been approved. The question thus became "which street"? The RTA went off to consider the options on the basis they would consult with the community. The November 25 RTA communication contained something quite unexpected—whichever street does not get the lights will have the median strip closed off, thus preventing that exist being used to travel towards Hornsby.

This means that whichever option is chosen, residents of Lancelot St, a somewhat narrow street, will suddenly have hundreds of additional vehicle movements each day. In fact, there are a number of issues which can be broadly summarised ...

He provides a list of those issues. When it became clear that the residents would reject the RTA community consultation suggestion I held another meeting on 26 May, which was attended by at least 100 people. The meeting provided a number of suggestions to progress the matter. The black-spot funding was lost subsequently because the RTA did not communicate to local residents that due to statistical evidence two intersections had to be taken into account. However, the RTA committed to undertake an audit of the three intersections. I refer to a letter from the Hon. Eric Roozendaal, Parliamentary Secretary, which states:

I'm advised the Audit will examine the signposting, road pavement condition, linemarking condition, speed surveys, pedestrian desire lines and the number of pedestrians that cross this section of the Highway.

I'm further advised that the option of opening the median on the Pacific Highway at its intersection with Beryl Avenue, although not supported by the RTA at this time, would require investigation and consultation between Council and the community. I'm advised the RTA will investigate all funding options, including the future Federal Blackspot funding for the installation of traffic signals on the Highway at its intersections with Excelsior Road or Foxglove Road based on updated traffic, accident and pedestrian figures.

I understand that the RTA concluded the audit six weeks after the May date, but it is not yet complete. We have asked for a copy of the report, which would enable me to pass on its contents to the residents. The Minister's office has not received the report. I am in constant contact with his office, and I have been advised that even when they receive the report they are not compelled to release it. It is totally unsatisfactory for the residents who have put faith in the RTA and the Minister. I call on the Minister to release the report as soon as it is received. *[Time expired.]*

## MILLER PARKING

**Mr PAUL LYNCH** (Liverpool) [5.23 p.m.]: I advise the House of parking difficulties experienced by constituents of mine—residents at Miller—and the regrettable refusal of Liverpool City Council to do anything about it. Earlier this year I met with three constituents: Ana Castro, Aicha Abdul-Rahman and Susana Isern, all of whom reside in Department of Housing premises in Shropshire Street, Miller. The portion of Shropshire Street in which they live is at the rear of the Miller shopping centre and they broadly back onto properties and buildings that front Woodward Crescent. Each of these residents has a problem with parking. They each have cars. However, there are no parking spots available to them within the units in which they live. The units were built at least 30, and probably closer to 40, years ago so that is not surprising. Community expectations and standards have changed over 40 years. Quite simply, 40 years ago, the present demand for car spaces could not be anticipated, and, as I say, that is hardly a surprise.

One would think that the residents would have an obvious alternative. They could leave their cars on the street. Parked outside their block of units, they could keep an eye on them and thus provide security for the cars. There would also be the obvious and reasonable element of convenience. However, there is a problem. Liverpool City Council has imposed parking restrictions not just immediately outside the units, but for a very significant distance along Shropshire and nearby streets. These restrictions limit parking to a two-hour period between the hours of 8.30 a.m. and 5.00 p.m. I thought the obvious solution to the problem was to get the council to exhibit some flexibility and to accommodate the needs of the residents. Accordingly, I wrote to the council. Part of my letter reads as follows:

My constituents are Department of Housing tenants. There are no parking spots for these residents provided by the department. Accordingly, they must park their cars on the street.

However, that portion of Shropshire Street has had parking restrictions imposed on it by council. Parking is allowed between 8.30 a.m. and 5.00 p.m. for a maximum of two hours. This is a matter of considerable concern to my constituents.

Accordingly, I would be pleased if you could consider mechanisms by which this problem could be resolved. In particular, could a permit system for residents be introduced to let them park in front of their units without being fined?

In response I received what I would term a classic *Yes Minister* letter from the council, which reads in part as follows:

I write further to council's acknowledgment of your letter dated 28 June 2005 with regards to your constituents who reside in a block of units at Shropshire Street, Miller and their concerns with parking restrictions.

Under council's DCP No. 4 (environmentally responsive residential development), developers are required to provide adequate off-street parking to comply with the relevant development consent.

Accordingly, the Department of Housing Commission [which is an interesting term] is responsible for the provision of on-site parking for Shropshire Street.

The two-hour parking restrictions have been in place for a number of years now, however, some signs were faded or missing. Following an inspection of the area, council initiated a request to replace these damaged signs.

Currently, council does not have any proposal for any residential parking permit scheme due to its implications on DCP No. 4 and the considerable associated administrative resources required.

It is a typical, bureaucratic response, which ignores completely the real problem. The development control plans to which the council refers came into existence well after the flats were constructed and well after the time it was anticipated that people would not need their vehicles. It is not that long ago that these parking restrictions did not exist. Certainly all the residents concerned remember that time. It is not in the dim dark past, as the council seems to suggest. The problem will not go away, despite the best efforts of council officers to ensure it does. A meeting of the community 2168 action group on 10 October, a group of residents in the 2168 postcode area, discussed the problem. They are very enthusiastic about the council trying to do something to resolve the problem. The meeting noted that 16 walk-up apartments have no off-street parking. Six of the 16 tenants in the block have cars.

The community group commented that upgrading is badly needed. Apparently one proposal is that the residents park at the Wendon sports complex, which is a significant distance away. If the council is suggesting that residents park there one wonders what the council will say to people who want to use the Wendon sports complex for the purposes for which it was intended. The parking area at the Wendon sports complex was not designed as parking for local residents. I ask that someone at council have a proper look at this. It cannot be the end of the world to accommodate the needs of a number of residents who, through no fault of their own, have a number of difficulties. I urge the council to have a proper look at this and to stop sending me bureaucratic answers.

### WHITE CANE AWARENESS DAY

**Mr STEVE CANSDELL** (Clarence) [5.28 p.m.]: Last Saturday, 15 October, was White Cane Awareness Day, which highlights awareness of the significance of the white cane used by blind people to find their way around and the needs of the more than 30,000 people in Australia who are vision impaired. White Cane Awareness Day highlights discrimination, which is not always abuse. It can be pity or patronising attitudes. People just want dignity. Roger McKenzie, who has been blind for 40 years from the age of 14 years after having contracted a rare strain of meningitis known as torulia, asked me to highlight the importance of the day. Roger McKenzie is an amazing man. In 1984 he hitchhiked solo around India. In 1994 he mortgaged his house and bought a sailing boat. He assembled the crew in 19 days and sailed in the Sydney to Hobart Yacht Race, finishing eighth overall—an amazing effort. Roger suggested that I blindfold myself, which I did, and he undertook the role of a guide dog. It was the blind leading the blind around Grafton!

Roger said, "Walk a mile in my shoes", and I think our walk around the streets of Grafton eventually was approximately a mile. I had a white cane and had to follow three paces behind Roger and listen for his voice. The things that confronted me were ordinary items in the street, such as a pipe on the edge of the road or the gutters near where people walk onto pedestrian crossings—things I had not noticed previously. The mere fact of walking across the street blind—something I am sure many people do at one o'clock in the morning—is an achievement, even though it is being done in the middle of the day. Negotiating a path requires a great deal of concentration, even for people who have been blind for 40 years, as Roger found out. He was trying to look after me—I was a handful. Before we knew it, we were lost.

We could not find a pedestrian crossing and we had to ask someone where it was. Roger mentioned that the famous answer given to blind people when they ask someone where something is frequently is, "It's over there." That means nothing to a blind person. The experience raised my awareness of the necessity to be more precise when giving directions. Roger and I walked around the streets and I discovered that it was interesting to listen for voices. Because members of Parliament are well known by their constituents, people talked to us. However, when I tried to put faces to voices, rather than faces to names, it was an extraordinary experience. We tend to take things for granted. When we walk down a street, we do not notice the shops we pass and we do not notice if there is a seat in our path. However, suddenly during our walk the aromas from shops such as the bakery, the Darrel Lea shop and the hairdressing salon became significant, as did the noises from the pet shop and the local pub, especially during the early hours of opening.

All things considered, the experience was a great awakening for me. Possibly the hardest task was finding the ramp and a pedestrian crossing by using the white cane. I found a lot of shins along the way—until Roger suggested that I should not hit the cane so hard when finding my way along the street. Perhaps I made a few enemies for handicapped people! The experience showed me a great deal about the obliviousness of people. It was all right for me because people know me, but when Roger and I went into a coffee shop for a cup of coffee, Roger warned me to stay on the tiled section. I did not know that there was a tiled section in the coffee shop, but he pointed out that if I moved from the tiled section onto the carpet I was likely to trip over the tables and chairs. That may sound like a simple thing, but it is one of the myriad things that blind people have to remember.

Blind people have to remember the position of every single piece of furniture they encounter. While we were having coffee, a lady approached us and said, "Would you like a menu?" I suggested that if she had a menu in braille that would probably help. The ignorance of people became apparent to the two of us—one who was obviously blind, and the other who was blindfolded and could not see a thing. When I was having coffee, I found where the sugar was by sticking my finger in the bowl, which I consider to be sufficient reason for sugar bowls no longer being allowed in coffee shops. While I was blindfolded I found it helpful to have the sound of central remote locking on my car. Roger has a similar device in his letterbox to enable him to find his house in the street where his home is located. All told, my experience was part of the great cause of promoting a better understanding of the difficulties encountered by visually impaired people.

### GOULBURN TO SYDNEY BIKE CLASSIC

**Mr GEOFF CORRIGAN** (Camden) [5.33 p.m.]: Tonight I pay tribute to the hardworking team of road cycling enthusiasts who successfully staged the Goulburn to Sydney Bike Classic, which finished in Camden on 25 September. This wonderful bike-racing classic has established a long and proud history since first being staged in 1902. The interstate rivalries that have been established over time continued again in this year's running of the race. Arguably one of Australia's greatest cyclists, Sir Hubert Opperman, competed in the Goulburn to Sydney Classic in the 1920s.

This year professional cyclist David McKenzie headed a strong Victorian contingent, which included Andrew Naylor, Aaron Sailsbury and Richard England. New South Wales was well represented by Ben Brookes, Trent Wilson, Peter Hatton and Richard Moffatt. Ultimately, David McKenzie won the race in a wonderful finish in the main street of Camden before a huge crowd, with Ben Brookes and Peter Hatton close behind. The King of the Mountain stages over the tough Razorback ranges was appropriately presented by a member of the Federal Parliament, Peter Garrett. Trent Wilson took out the first Razorback King of the Mountain climbs and Richard Moffatt was successful on the second climb. If ever anyone wants to see a torturous climb, even in a car, they should take the old road up from Cawdor to the top of the Razorback and they will know how tough these cyclists are. It was a very tough course.

It is not really the competitors I want to focus on, but the hardworking committee that revived the Goulburn to Sydney Classic after it had lain dormant since 1999. This year's successful event was developed over 20 months and at times I would not have blamed the organisers for giving up. Last-minute sponsorship from the Campbelltown Catholic Club, which is a wonderful supporter of Macarthur sport, was integral to enabling the event to proceed. I congratulate the Macarthur Cycling Club, which is headed by the club's president, Michael Gleeson, Paul Hillbrick—a Camden resident of Hillbrick Racing Frames, which is the best bike manufacturer in Australia—and Noel Lowry of the *District Reporter* on a job well done. Every cyclist to whom I spoke was ecstatic with the organisation of the race, the marshalling, the wonderfully tough course and the support they received from the public, who took the event to heart and lined the streets to cheer them on.

I particularly congratulate NSW Police for their outstanding work in traffic control and their friendly presence in Camden's Argle Street at the conclusion of the race. It would be wrong to single out any one police officer, so I ask Sergeant John Kane of the Highway Patrol to pass on my thanks and those of the organisers to his colleagues for a job well done. Others who deserve congratulations include all the volunteers who manned drink stations, gave directions and undertook crowd control. I also mention the efforts of former Wallaby captain, Simon Poidevin, who with former team-mate, Warwick Waugh, rode the classic's route on the previous day with five mates.

Simon was the official ambassador for the race. His team's effort in riding from Goulburn to Camden raised \$30,000 for the Kids of Macarthur Health Foundation and Goulburn's Community Palliative Care and Oncology Support Group. I thank Citigroup employees, Colonial First State employees and the clients of Citigroup who sponsored Simon and his team. I also thank the many sponsors who made the Goulburn to Sydney Bike Classic possible. These include Goulburn Mulwaree Council, the Camden Council, the Greengrocer on Clifford Café of Bikes bed and breakfast in Goulburn, the *Macarthur Chronicle*, radio station C91.3, Sports OxyShot drinks, Ruane Wines at Menangle, Camden Hire, Plus Fitness in Camden and Alto Racordah Printing Service. I also thank my good friend John Walsh of radio station 2KY for his assistance in organising sponsors for the event.

In conclusion, I look forward to next year's running of the Goulburn to Sydney Bike Classic, which is the oldest road cycling event in the country. I know it will become one of the great tourism events in Australia. Let us hope we reach the stage at which SBS covers the classic live, although the highlights package this year was fantastic. I should have mentioned the efforts of the winner. David McKenzie, whose sponsor, the HLP Group, filmed the race from a helicopter, provided some spectacular and unbelievable footage. I congratulate everyone concerned on a magnificent effort.

#### **NORTH SYDNEY COUNCIL CAMMERAY REZONING PROPOSAL**

**Ms GLADYS BEREJIKLIAN** (Willoughby) [5.38 p.m.]: Currently there is a proposal before North Sydney Council to rezone a parcel of land at 2 Vale Street, Cammeray, which is currently zoned as public open space reservation. There is also a development application foreshadowed for the site, if the rezoning occurs. This parcel of land is one of only two throughout the North Sydney Council area that is zoned public open space reservation. This zoning has been gradually removed by many councils because of the perceived anomaly of private land being designated as public open space.

Since details of the rezoning proposal and the development application have been made public, my office has been inundated with calls and correspondence from residents throughout Cammeray and the broader electorate who have raised serious and legitimate concerns in relation to the future of 2 Vale Street and the potential impact of the rezoning proposal on the wider community. While the matter is largely one for local government authorities, my constituents have urged my involvement, given the potential impact the proposed plans will have on the environment, residential amenity, traffic and safety.

I attended a site inspection, turned public meeting, about this matter on Saturday 24 September 2005, where residents highlighted their opposition to development of the site. I also held a street stall at the Cammeray shops on Saturday 15 October. The majority of residents who came to see me were keen to inform me of their opposition to the proposed plans in relation to Vale Street. Whilst the land in question is within the boundaries of North Sydney Council, a number of residents within both Willoughby and North Sydney have asked that Willoughby City Council be involved, given that the parcel of land is on the boundary of the two councils. Many members of the community have justifiably raised concerns about the potential impact that development of that site would have on surrounding bushland as well as views from existing bike tracks and other public thoroughfare. For instance, Tunks Park is to the north of the Vale Street property and is divided between Willoughby and North Sydney councils.

I understand that Willoughby City Council has already passed a motion acknowledging community concern about the proposals before North Sydney Council. I have also written to Willoughby City Council encouraging it to maintain its involvement, given the impact the current proposal would have on surrounding bushland. In relation to the proposal before North Sydney Council, residents fear a loss of unique bushland and open space; the impact to the current house on the site, which is a heritage property and one of the oldest houses in North Sydney; the environmental impact on surrounding bushland and parks; any disruption to existing tracks and other public thoroughfare; the impact on traffic in already congested residential streets in Cammeray; the loss of outlook and privacy by nearby residents; and lack of access of emergency vehicles to the site.

I urge North Sydney Council to consider these justifiable concerns and to give serious consideration to all options that maintain the bushland on the site. Most importantly, residents want to ensure that there is full public consultation along every step of this process. As a community we are cognisant of the complex legal and financial issues in relation to the value of the land and potential acquisition of the land. Notwithstanding these obvious complexities, the community has a right to receive information and lend its views at every step of the process. As brought to my attention by a concerned resident, North Sydney Council's Development Control Plan 2002, Section 8, Cultural Resources and Heritage, states:

The aim of ... DCP 2002 is to protect and enhance those aspects of the physical environment, urban fabric and amenity of the local government area critical to the experience of its cultural life.

The plan encourages development that strengthens local neighbourhoods and, importantly, preserves the integrity of the area's natural environment. The plan also states that it maintains the tradition of respect for the topography of North Sydney, maintains the integrity of conservation areas and heritage items. I will continue to work hard to highlight the concerns raised by local residents in relation to this issue. I ask that North Sydney Council give sufficient consideration to these issues when determining its position on the proposals currently before it—and any future proposals for that matter. I thank the many residents who have taken time to bring their views to my attention and to provide information regarding this important issue.

### **HIGHLUBE FLUID ENGINEERING PTY LTD APPRENTICESHIPS**

**Ms NOREEN HAY** (Wollongong) [5.42 p.m.]: An organisation in my electorate of Wollongong, HighLube Fluid Engineering Pty Ltd, has been established for more than 20 years in the Illawarra and is situated in Unanderra. It has experience in light and heavy industries. It is a quality endorsed company and an Australian Institute of Petroleum accredited company. HighLube caters for a wide range of industrial, automotive and domestic needs, and provides centralised lubrication systems, hydraulic system maintenance and repair, workshop service equipment, and maintenance of plant equipment and machinery. HighLube is a strong believer in offering trade apprenticeships and encouraging local youth to play an important role in future business within the region. It also encourages and assists mature-age employees in gaining trade qualifications.

Since 1996 HighLube has employed 20 apprentices in the mechanical engineering and boilermaking trades, three trainee engineers and one administration trainee. By mid 2004, it had five first-year apprentices, two second-year apprentices, three third-year apprentices and two fourth-year apprentices, at a time when apprenticeships were scarce, to say the least, in the Illawarra. It is appropriate that we acknowledge and recognise companies such as HighLube who give opportunity to young people as well as the more mature people who find themselves unemployed through no fault of their own, but through the results of downsizing in companies such as BHP.

HighLube has been proactive in the area of youth employment through apprenticeships, and made available opportunities for existing employees to become adult apprentices. At least four permanent staff have taken up this opportunity, and three others have advanced qualifications in their fields through tertiary education. Mr Ken Walsh has been employed with HighLube Fluid Engineering for the past 10 years. He had been employed as a labourer for five years when he was offered an adult apprenticeship. Since then Mr Walsh has successfully completed his fourth year of a trade course and has been promoted to a supervisory level. Rick Sofronijoski and Mick Inness also finished their trade courses and are both employed as supervisors.

Lupco Bogdanovski is currently in his fourth year of an apprenticeship. First year apprentices include Mick Faulkener, Timothy Illic, Joel Gillmore, Wayne Grosvenor and Daniel Morales. Daniel Morales was originally employed in 2004 by Bluescope Steel and indentured through Hunter Valley Training. Daniel then transferred his apprenticeship to HighLube Fluid Engineering and is participating in an interactive role in advancing his skills. I was so impressed with HighLube and its dedication to providing job opportunities and job skilling that last year I presented the business with a plaque in recognition of its outstanding achievement in providing employment opportunities through youth and mature-age apprenticeships.

I commend the Managing Director, Walter Ingenhoff, for his successful business and business ethic. In speaking with Mr Ingenhoff I found him to have a refreshing attitude as an employer towards his employees and their future. HighLube Fluid Engineering employs young local people and provides them with training and opportunities that otherwise they may never have had. Realising that long-term older employees still have a lot to offer, HighLube provides them with opportunities to further their qualifications.

Companies such as HighLube should be encouraged. We ought to encourage more companies, particularly those in Wollongong and the surrounding area, to take a leaf out of HighLube Fluid Engineering's book and give opportunities to young people. Companies should offer real indentured apprenticeships to enable

people to gain qualifications, especially when we are experiencing such skills shortages. Companies should not forget the mature-age workers, who still have a lot to offer. Companies such as HighLube recognise that they can make a good contribution to the community by encouraging them and giving them opportunities. I commend HighLube and wish them the best for the future.

### **WAGGA WAGGA BASE HOSPITAL REDEVELOPMENT**

**Mr DARYL MAGUIRE** (Wagga Wagga) [5.47 p.m.]: I update the House on the redevelopment proposals for Wagga Wagga Base Hospital. The hospital was built in the early 1900s and has been refurbished over the years, with a tower built and opened in 1961. In 1979 plans were announced for a two-stage \$15 million redevelopment of the Wagga Wagga Base Hospital. On 6 November 1980, the Government announced plans for a new 250-bed hospital valued at more than \$30 million. In June 1981 the then Minister for Health, Kevin Stewart, confirmed that no special allocation had been made in the State budget for the hospital. On 29 June 1983 expenditure of more than \$750,000 was announced to improve fire safety at the hospital. On 14 March 1985 the then Minister for Health, Ron Mulock, gave an assurance that upgrading works at the hospital would be given high priority in 1985-86.

On 25 September 1985 the Wagga Wagga Base Hospital was allocated \$850,000 in the State budget to upgrade the accident and emergency unit. On 26 September 1986 the hospital board chairman, Jim Scholfield, announced plans for a \$70 million redevelopment of the hospital. On 10 March 1988 the then Minister for Health, Peter Anderson, said that major redevelopment and upgrading of the hospital would not proceed until completion of a master plan. On 29 July 1988 the new accident and emergency unit was opened. In February 2003, prior to the State election, the State Government announced an allocation of \$400,000 to start planning for a new hospital. On 10 October 2005 a value management study chose to build a new hospital on the existing site as the preferred development.

That is the point we have reached at the moment. Last night members of the Wagga Wagga community met to hear about plans for the redevelopment of Wagga Wagga Base Hospital on its current site. It was important for members of the community to be informed about the reasoning behind the decision-making process that led to the redevelopment of the hospital or the greenfields site known as Charles Sturt University south campus. There is no doubt about the fact that both sites present challenges. Wagga Wagga Base Hospital has asbestos problems, it is old and decrepit and over the years it has been added to and modified. The time has come when that hospital needs to be rebuilt for the benefit of people in the region.

Wagga Wagga Base Hospital is a major referral hospital for the Greater Southern Area Health Service. The cost of the new hospital will be between \$215 million and \$225 million. The community must make to understand that the proposal is to demolish completely Wagga Wagga Base Hospital. Under the proposal the only buildings that will remain are Harvey House, which was recently refurbished to house the School of Rural Health, the stores and engineering building, Yathong House dementia unit and the hydrotherapy pool. All other buildings will be demolished to make way for this new hospital. The community is concerned because, as I said earlier, continuity of funding is a major issue. While members of the community are pleased that the Government is progressing down that planning process pathway, it is important that the Premier and the Minister reassure the community that capital works funding will be allocated to complete that proposed redevelopment.

My community, which has waited a long time for this redevelopment, developed a clinical services plan designed around the preferred site. Wagga Wagga electorate has a clinical base, a referral base and a specialist base the likes of which cannot be found in any other electorate. Its medical precinct has been built up around Wagga Wagga Base Hospital. It is no secret that I favoured the greenfields site. A perusal of the options and the difficulties facing both the greenfields site and the current site reinforces the fact that this is the right decision. I call on the Premier to support the people of the region by allocating sufficient funds in the next budget to enable this planning process to continue. The Government must provide capital works funding to ensure that this hospital becomes a reality for the people of the region.

### **MACQUARIE FIELDS ELECTORATE POLICING**

**Mr STEVEN CHAYTOR** (Macquarie Fields) [5.52 p.m.]: Tonight I refer to the suburb of Macquarie Fields following recent coverage on the *Today Tonight* television program. Macquarie Fields has received significant media attention throughout 2005. Members of the media have been quick to highlight behaviour in Macquarie Fields that is unacceptable in our community. However, they have not been as quick to highlight the Government's response of stamping out that behaviour. Tonight I seek to correct that imbalance.

Last Tuesday the *Today Tonight* program featured locals aggressively saying to a resident, "What are you doing with news reporter people" and then saying to the reporter, "Do not take pictures of our street." What followed was unacceptable damage both to the car belonging to the television station and to the house of a local resident. The program then showed a call being made to local police and we were told, "Within minutes police were swarming." I ask *Today Tonight*: If the media had not focused only on the negative aspects of life in Macquarie Fields, with little mention of the positive aspects, would this incident have turned so violent?

I do not expect *Today Tonight* to stand up for Macquarie Fields, but locals should expect their member of Parliament to stand up for their area, and I will. As the local member of Parliament the response time of local police and the number of police attending calls for help are important to me. I ask *Today Tonight*: How can you truly describe "streets of fear" when the police swarm so quickly and in large numbers? I also ask *Today Tonight*: How can you truly describe a place as one "where gangs and not police call the shots" when police swarm so quickly and in large number? Violence is not tolerated and has no place in Macquarie Fields; there is no place for antisocial behaviour.

While antisocial behaviour is different to crime, it can lead to crime if unchecked. That is why a strong effort is needed to stop antisocial behaviour in and around Glenquarie shopping centre. No-one in Sydney demands a counter to antisocial behaviour in Macquarie Fields more than the people who live there. A small number of people in our community in a small part of our neighbourhood behave in an unacceptable way. I will be working with local police to stamp that out. I have a clear message to the people of Macquarie Fields: Do not expect a fair deal from the Sydney media, but expect a fair deal from the New South Wales Government. An essential part of that fair deal is good-quality local policing.

I am committed to ensuring that Macquarie Fields has safe streets and strong policing. I strongly support the police in my area and will always work hard to ensure police have the resources to enforce law and order of the highest standard. In response to the Macquarie Fields riots earlier this year, the New South Wales Deputy Commissioner of Police (Operations) was requested to investigate and review the police response to public order management. The report contained 15 key recommendations that are all being implemented by the New South Wales Government. Those recommendations include specialised training for New South Wales police officers, new and improved equipment and the introduction of a major incident response team.

Approximately 155 police officers now work in the Macquarie Fields Local Area Command. Under the previous Coalition Government there were 76 police officers. The Government is also committed to further increases in policing through the establishment of a 45-member public order and riot squad. That squad will ensure that New South Wales has a standalone team of specially trained officers to more effectively maintain public order. An important element of policing in Macquarie Fields that has not been reported in the Sydney media relates to policing success. Crime has fallen in four of the 16 major crime categories, it is stable in nine and it has risen in only one category—malicious damage—in the March quarter this year.

Assault offences are down by 6.7 per cent; steal from a motor vehicle is down by 15.7 per cent; steal from a dwelling is down by 28.2 per cent; and steal from a person is down by 29.6 per cent. Over the 24 months to June 2005 stealing from dwelling offences are down by 21 per cent and break and enter dwelling offences are down by 12 per cent. I know that the Minister for Police is committed to continuing this trend of improving policing in Macquarie Fields. As the local member of Parliament I will be supporting the Minister of Police to achieve lower rates of crime and a safer community.

Finally, it should be noted that there is much more to Macquarie Fields than what is portrayed in the Sydney media. The vast majority of people work hard, study hard, obey the law and contribute to the building of a strong community. The small element that indulges in unacceptable behaviour should be stamped out by a strong police presence and matched with good educational opportunities, a zero tolerance approach to public housing tenants who damage their homes or the homes of others, and health and community service programs that encourage functioning families. That way Macquarie Fields will get the good name and reputation across all Sydney that the local community deserves.

#### **TAMWORTH ABORIGINAL CONCRETTERS PROGRAM**

**Mr PETER DRAPER** (Tamworth) [5.57 p.m.]: Tonight I wish to discuss the merits of a pilot scheme proposed by the Coledale Residents Association in Tamworth that aims to reduce unemployment among young Aboriginal men, improve public facilities for the good of the community, and develop sorely needed trade skills in rural communities. In essence, the proposal is to train and employ young Aboriginal men in Tamworth as

professional concreters to build footpaths, gutters and nature strips in the Tamworth city area. The scheme, which is an initiative of the residents association, has thus far won my support, the support of Tamworth Regional Council and the Federal member for New England, Tony Windsor.

The merits of the scheme, which at this stage is proposed to run for three years, are multiple. Primarily, it aims to address unemployment among Aboriginal men. If it is successful in Tamworth it is expected to provide an impetus for other rural communities with significant Aboriginal populations to adopt it. I believe the scheme to be timely, given the skills shortage crisis that this nation is facing. A recent report prepared by study business lobby group Australian Business Ltd revealed that 75 per cent of regional businesses in New South Wales had difficulty in attracting staff, and 61 per cent have been negatively impacted by skills shortages.

Essentially, the report found that skills and labour market shortages were acute in regional areas, with areas such as information technology, skilled trades, engineers and nurses facing serious shortages throughout regional New South Wales. I believe this pilot project has enormous potential not only to address Aboriginal employment in the region but also to provide regional communities with skilled tradesmen. The concept would be for the Aboriginal employment strategy located in Tamworth to identify and arrange for the training of three young Aboriginal men as concreters. The program, which would be regarded as a pilot scheme, could serve as a model to be adopted by other regional and country councils in New South Wales and nationally.

One of the participants would be selected as the supervisor and the other two would act as labourers. It is envisaged that Tamworth Regional Council would employ that team on a subcontracting basis. Team members would undergo TAFE training courses at the Tamworth campus and undertake all other qualification requirements to enable them to be accredited as concreters. It is expected that that qualification would enable participants to be employed as concreters on any construction job anywhere in Australia. It is estimated that the wages for those three men for one year would amount to around \$100,000. Tamworth Regional Council recently agreed in principle to support the scheme on the condition that the State and Federal governments each agreed to contribute one-third of total annual costs. That would equate to \$80,000 each for three years. At this stage it is essential that the residents association obtain assistance from all tiers of government for the scheme to have any chance of implementation. As I said earlier, the benefits of this scheme are multi-layered. Dividends in future include employment and welfare through the training of skilled workers, social and community benefits and increased self-esteem for the employed men and their families.

The program has been devised by the Coledale Residents Association. The association works to improve the amenity of the suburb of Coledale, which has a significant Aboriginal population. I believe the program has the potential to bring many benefits to Coledale, particularly in the form of footpaths and nature strip upgrades. The need to beautify the suburb has been identified as an issue of priority by the Coledale Action Team, a broader committee that was formed with the purpose of improving social conditions and access to services for local residents. Unlike many other areas in Tamworth, Coledale has very few footpaths or grassed nature strips. In fact, there are 7.5 kilometres of street frontage without such facilities. It is anticipated that the suburb could be transformed within three years, with grass seeding and a tree-planting program adopted in conjunction with the footpath scheme.

The improvements would foster a sense of pride and ownership among residents, which is what stakeholders such as the residents association and the action group are striving to achieve. Overall, the program would result in almost 2.5 kilometres of pathway built in Tamworth each year at a cost of \$160,000, which would be more footpaths concreted in the city than the council has budgeted for currently. With the council's commitment on the table, it is now incumbent on the State and Federal governments to consider contributing their share of the cost. I have strongly commended this scheme to the Minister for Aboriginal Affairs on the basis not only of its benefits to the Aboriginal community but of the role that it will play in improving the facilities of an entire community. I look forward to the Minister's visit to my electorate in the near future—I have been advised that he will come to the region in November. I would like to introduce him to and acquaint him with the people who are proposing this worthwhile scheme, and I will seek his support to implement it in the local area.

#### **MANLY ELECTORATE ANTISOCIAL BEHAVIOUR**

**Mr DAVID BARR** (Manly) [6.01 p.m.]: Last Friday I attended and addressed a forum run by Manly Local Area Command to develop a code of acceptable behaviour for patrons of Manly's licensed premises. This was an important initiative. While most categories of crime in Manly are down, reflecting statewide trends, we still have a serious issue with antisocial behaviour on the part of some patrons after they leave pubs and

nightclubs. There has been much debate in Manly about this issue, particularly in relation to closing times, but no agreement between the parties has been reached. These parties are Manly Council, licensees, the local community, the police, Manly Chamber of Commerce and patrons.

I have been concerned about this stand-off and held a meeting in late July with some local residents who were also concerned about the way things were going. I told the residents that I would organise a meeting with the Local Area Commander, Superintendent Ron Mason, to talk about policing issues, and a meeting with the Minister for Gaming and Racing to talk about the liquor accord and ways to progress it. We have had both meetings. We expressed concern to Superintendent Mason about two issues: the incidence of antisocial behaviour, particularly on weekends, and the fact that we believe the responsible service of alcohol is not being policed appropriately. We told him that there should be a significant clampdown on both. He agreed with us and said that he intended to be much more proactive on those issues.

The forum on Friday was an affirmation of his comments as it signalled a clear intention on the part of the police to be much more assertive about antisocial behaviour. The forum developed a code of respect for patrons and sent a clear message that behaviour such as public urinating, fighting, drunkenness, offensive language, vandalism and underage drinking will no longer be tolerated. The next night—it was a Saturday—police charged 15 people with a variety of offences relating to antisocial behaviour linked to alcohol. The word is clearly out that patrons will be expected to comply with the code of conduct and, if they do not, they will be penalised. Last Friday a Fairlight man who was caught urinating publicly at a bus stop on Pittwater Road was convicted on the charges of wilful and obscene exposure and offensive behaviour and fined nearly \$500. Magistrate Andrew George said:

The problem is this kind of behaviour is only too common with drink [and] men in Manly. It's undignified, uncivilised and unacceptable.

This response is in direct contrast to that of Magistrate Pat O'Shane, who this week ruled that a drunken man was within his rights to scream obscenities and make abusive gestures at police. That type of antisocial and drunken behaviour will not be tolerated in Manly, and the code of conduct makes that clear. We will also not tolerate in Manly the type of behaviour that occurred last night in the bear pit, which became the bare-knuckle pit.

The meeting with the Minister for Gaming and Racing focused on accord matters. There are currently 127 accords across the State that are overseen by an accords unit within his department. Four years ago Manly Council negotiated a liquor accord with the licensees of local pubs, restaurants and nightclubs. The accord introduced restricted entry at 2.00 a.m. and a staggered closing. The staggered closing was a significant improvement because it meant that large numbers of people did not exit pubs at the same time. A previous Local Area Commander, Gary Raymond, had told me that when he first came to Manly he had serious occupational health and safety issues with his staff because patrons were exiting premises at the same time and milling about on The Corso. Patrons lined up on one side with police on the other and melees broke out, injuring his officers.

The accord needs to be moved along. We need an accord mark II, with constructive dialogue between all key stakeholders. The police have begun a new regime of policing. Patrons have to recognise that they must comply with the new code of conduct, which lists what is expected of them. The code welcomes people to Manly but says that there is to be no fighting, no drunkenness, no drugs, no drink spiking, no urinating in public, no harassment, no threatening behaviour, no offensive language, no vandalism and no underage drinking. Officers have started policing this new regime and patrons must recognise that they have to comply with the code. Licensees must recognise that they have an extended responsibility for the actions of their patrons; their responsibility does not end when patrons leave their premises. They must contribute to security and to transport. The council should work with the accords unit of the Department of Gaming and Racing and with all interested parties to move to an accord mark II. It is time for constructive dialogue between all parties.

**Private members' statements noted.**

*[Mr Acting-Speaker (Mr Paul Lynch) left the chair at 6.05 p.m. The House resumed at 7.30 p.m.]*

**STATE EMERGENCY AND RESCUE MANAGEMENT AMENDMENT BILL**

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

**RESIDENTIAL TENANCIES AMENDMENT (SOCIAL HOUSING) BILL**

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

**Consideration of amendment deferred.**

## CONFISCATION OF PROCEEDS OF CRIME AMENDMENT BILL

### In Committee

#### Consideration of Legislative Council's amendment.

*Schedule of the amendment referred to in the message of 18 October*

No. 1 Page 3, Schedule 1. Insert before line 4:

[1] **Section 4 Definitions**

Insert at the end of paragraph (b) (iii) of the definition of *appropriate court* in section 4 (1):

- , or  
(iv) a drug proceeds order against a person convicted of a drug trafficking offence or an application for a drug proceeds order,

**Legislative Council's amendment agreed to on motion by Ms Sandra Nori.**

**Resolution reported from Committee and report adopted.**

**Message sent to the Legislative Council advising it of the resolution.**

## RESIDENTIAL TENANCIES AMENDMENT (SOCIAL HOUSING) BILL

### In Committee

#### Consideration of the Legislative Council's amendment.

*Schedule of the amendment referred to in message of 19 October*

Page 4, Schedule 1 [5]. Insert after line 26:

- (6) The Energy and Water Ombudsman of NSW is to review any guidelines in force under this section as soon as possible after the period of 2 years from the date on which this section commences.

**Legislative Council's amendment agreed to on motion by Ms Sandra Nori.**

**Resolution reported from Committee and report adopted.**

**Message sent to the Legislative Council advising it of the resolution.**

## HEALTH LEGISLATION AMENDMENT BILL

### Second Reading

**Debate resumed from 12 October 2005.**

**Mrs JILLIAN SKINNER** (North Shore) [7.36 p.m.]: The Coalition will not oppose the Health Legislation Amendment Bill, which amends a number of Acts. The bill amends the Health Administration Act 1982 so that the requirement to appoint a root cause analysis team to investigate reportable incidents applies to the Ambulance Service in the same way as it does to other health entities. The bill also amends the Human Tissue Act 1983 to clarify that a reference to a parent includes the Minister for Community Services if the Minister has sole parental responsibility for the child, in other words, the child is a ward of the State. The bill allows parental consent to the removal of regenerative tissue from children for transplantation to a parent or sibling. At present the child must give consent and problems arise when the child is very young.

The bill also allows doctors to certify that parents have consented to removal of regenerative tissue from children when the doctor believes they are too young or incapable of understanding the nature and effect of the removal, where the sibling is likely to die or suffer serious and irreversible damage to his or her health without the transplant, or where any risk to the child's health is minimal. The medical practitioner may not be involved in the removal of the tissue or the treatment of the recipient sibling, and a supporting opinion of a paediatrician must be obtained. That is a recommendation of NSW Health's clinical ethics advisory panel.

The bill further amends the Human Tissue Act to allow technicians, in addition to medical practitioners, to remove musculoskeletal tissue, including muscles, bones and cartilage, from a deceased person. That is the case in Queensland, Victoria and Western Australia and also overseas. The Act currently only allows corneal tissue to be removed by technicians, and that reduces musculoskeletal tissue available for medical use because it has to be removed within a short time of death. The New South Wales Bone Bank proposes to offer the specialist training of technicians who will undertake the tissue removal. The bill further amends the Human Tissue Act to allow the use of small samples of tissue for quality assurance and related purposes.

The bill amends the Podiatrists Act 2003 to allow regulations to be made in relation to infection control standards to be followed by podiatrists. That is the case with other registered health professionals. My colleague the honourable member for Hornsby, the shadow Parliamentary Secretary for Health, will go into more detail about that. She will also deal with that part of the bill that amends the Public Health Act 1991 to provide that in particular circumstances a registered nurse may carry out surgical debridement of hypertrophic tissues of the foot, using a sharp instrument.

The bill also amends the Poisons and Therapeutic Goods Act 1966 and the Poisons and Therapeutic Goods Regulation 2002 to prohibit prescribing drugs of addiction without proper authority, which is defined as the director general. This relates to type A drugs, which are defined in the Act. I have no intention of reading them out; those who wish to see them can read the Act. The bill also prohibits prescribing drugs of addiction without proper authority for continuous therapeutic use, but allows discretion in respect of the maximum quantity of a drug and the time period during which it may be prescribed or supplied for pain relief and palliative care.

I do not intend to go into more detail. The Coalition does not oppose the bill. It provides consistency across health professions, and aids in the transplantation of tissue in children. With modern research and practices we will always need to look at legislation to make sure it facilitates new techniques. That is the case with this amendment bill. Generally it makes what are considered to be sensible amendments, and I have pleasure in supporting it.

**Mrs JUDY HOPWOOD** (Hornsby) [7.41 p.m.]: I do not oppose this bill, which makes amendments to various Acts and a regulation relating to health and associated matters. I acknowledge the contribution of the member for North Shore and shadow Minister for Health. I will briefly refer to the changes that this legislation will allow.

The bill amends the Health Administration Act so that the requirement to appoint a root cause analysis team will apply to the Ambulance Service. It will amend the Human Tissue Act to clarify that a reference to a parent includes the Minister for Community Services if the Minister has sole parental responsibility for the child; allow parental consent for the removal of regenerative tissue from children for transplantation to a parent or sibling; and allow doctors to certify that parents have consented to the removal of regenerative tissue from children when the doctor believes they are too young or incapable of understanding the nature and effect of the removal and where the sibling is likely to die or suffer serious and irreversible damage to his or her health without the transplant, and where any risk to the child's health is minimal. The certifying doctor may not be involved in the removal of the tissue or the treatment of the recipient sibling, and a supporting opinion of a paediatrician must be obtained.

The bill also amends the Human Tissue Act to allow technicians, in addition to medical practitioners, to remove musculoskeletal tissue, including muscles, bones and cartilage, from a deceased person. Currently only corneal tissue may be removed by technicians and this is reducing musculoskeletal tissue available for medical use because it has to be removed within a short time of death. The New South Wales Bone Bank proposes to offer specialist training to technicians who will undertake this type of removal. The bill also amends the Act to allow the use of small samples of tissue for quality assurance and other purposes.

The bill amends the Poisons and Therapeutic Goods Act 1966 and the Poisons and Therapeutic Goods Regulation 2002 to prohibit the prescribing of drugs of addiction without proper authority. That was fully described by the shadow Minister for Health. The bill amends the Podiatrists Act 2003 to allow regulations to be made in relation to infection control standards to be followed by podiatrists. Podiatrists have been following infection control protocols. As the Executive Director of the Australian Podiatry Association New South Wales, I am fully and totally aware that their continuing education includes a good percentage of information to supplement initial education they had in their training to observe infection control guidelines.

I commend a recent document which codifies the infection control guidelines for podiatrists. Its title is National Infection Control Guidelines for Podiatrists. It was prepared by the Australasian Podiatry Council on behalf of the Podiatrists Registration Boards. It therefore brings uniformity to infection control throughout Australia. The document outlines recommended practices and procedures for infection control in the podiatric setting. It has been compiled from a number of pre-existing State and national documents whose content is based on fundamental infection control principles. The key sources of reference for this document include the Australian Government; the Communicable Diseases Network Australia; the National Health and Medical Research Council; State Podiatry Registration Boards, particularly "Infection Control Policy and Procedures for Podiatrists", by the Podiatry Board of South Australia; Standards Australia; State and Territory legislation, regulations and guidelines; and local requirements.

The aim of the document is to prevent the transmission of infectious diseases in the podiatric setting by supplying in-depth information. According to the Australian Government Department of Health and Ageing:

Successful infection control is based on good hygiene around a range of practices that arise from identifying hazards and implementing risk management for the hazards. This involves understanding:

- . the infectious agents;
- . the work practices that prevent the transmission of infection in different settings; and
- . management systems that support effective work practices.

The National Infection Control Guidelines for Podiatrists have been written to reflect the principles behind successful infection control. They will serve as an essential tool for all podiatrists in the implementation of infection control strategies. They touch on and give detailed information about the principles of infection control, effective infection control work practices and procedures, processing re-useable instruments and equipment, cleaning and maintenance of the podiatric clinic and equipment, quality management, and risk management. The document says:

Every podiatrist has a legal, moral and ethical responsibility to their patients and staff to provide an effective infection control program, in order to prevent infection and cross infection. The intention of this document is to provide a national set of infection control guidelines, specifically written to inform podiatric practice. Whilst infection control is a changing area, given the advancement of technology, regulatory changes and microbial evolution, these guidelines reflect current best practice at the time of writing.

The document is dated September 2005. It continues:

The 'National Infection Control Guidelines for Podiatrists' have been prepared through a broad process of consultation. The Australasian Podiatry Council has worked in conjunction with State Podiatry Registration Boards, whose role it is to regulate and monitor the standards of podiatric practice. These infection control guidelines, along with any state legislative and regulatory requirements, form the benchmark for infection control in podiatric practice.

I congratulate the Australasian Podiatry Council on the completion of this very important document relating to the practice of podiatry. The bill also amends the Public Health Act to provide that a registered nurse may carry out surgical debridement of hypertrophic tissue of the foot using a sharp instrument in certain circumstances. This generally relates to the relief of pain or discomfort of a patient. The current Act does not allow this; it only provides a defence to a prosecution in such circumstances. The Nurses Association did not find this acceptable and so, in consultation with the Podiatry Association, it suggested the amendment.

Recently the Podiatry Association was contacted for its comments on the Health Legislation Amendment Bill. The President, Claire Milligan, said it was not that the Podiatry Association and its members supported the change, because they still wished to be acknowledged as primary carers with specialised skills to treat feet, but that compromise was needed on the wording of the bill. They are resigned to it. However, special circumstances should include the fact that after three years at university general nurses are trained in basic wound care, but with minimal wound experience they would not be sufficiently experienced to perform the specialised technique of debriding dead or hypertrophic tissue from a foot. The Coalition does not oppose the Health Legislation Amendment Bill

**Ms SANDRA NORI** (Port Jackson—Minister for Tourism and Sport and Recreation, Minister for Women, and Minister Assisting the Minister for State Development), [7.50 p.m.], in reply: I thank all honourable members for their contributions to the debate. The bill incorporates a number of proposed amendments to Acts within the Health portfolio. Schedule 1 amends the Health Administration Act to extend the definition of relevant health services organisation to include the Ambulance Service of New South Wales, which will allow the provisions relating to the statutory privilege for the proceedings of root cause analysis to apply to the New South Wales Ambulance Service. That will lead to improvements in analysing critical incidents and

identifying and rectifying systemic problems. Schedule 2 amends the Human Tissue Act to cover five important areas related to human tissue donation, transplantation and quality assurance. The use of technicians to remove donated musculoskeletal tissue will improve the ease and efficiency of collection, and release medical practitioners for patient care and other duties.

The provisions allowing the donation of regenerative tissue by young children will potentially help to save the lives of children who would otherwise die or suffer irreversible damage to their health. To protect the best interests of the donor child, the amendment requires that one of the medical practitioners certifying that preconditions have been met is a paediatric transplant specialist or a paediatric medical specialist from an institution other than the institution at which the transplant will occur. Certification from an independent specialist will ensure that an independent assessment and source of advice is available to the parents. Amendments to the requirements relating to the certification of brain death will ensure that there cannot be a conflict of interest for the medical practitioners who certify brain death. The practitioners must not be part of the transplant team, and they cannot be responsible for the primary care of the recipient.

The other amendment concerns the strict statutory controls on the use of tissue without the specific consent of the person from whom it was obtained. Currently, certain exemptions to the consent requirement are made for material in blocks and slides used in microscopic examination to be used for coronial, scientific, and educational purposes to improve diagnosis and medical treatment for the benefit of the community. The amendment extends these exemptions to allow lawfully obtained bodily fluid and tissue samples to be used for the purposes of a quality assurance program, audit or quality control program, and other purposes reasonably incidental to the proper conduct of the facility or institution where treatment is provided.

Schedule 3 amends the Podiatrists Act by inserting a regulation-making power in relation to infection control standards. It is important that podiatrists are subject to the same infection controls standards as all other health professionals. This amendment will be of public health benefit in preventing the spread of infectious disease. Schedule 4 amends the Poisons and Therapeutic Goods Act to give prescribers greater flexibility in the management of severe pain by allowing the director general to have the discretion to specify, or decide not to specify, the maximum quantity of the drug that may be supplied or prescribed. The amendments also add a regulation that specifies that certain drugs of addiction, either in injectable form or susceptible to abuse, are classified so that an authority must be obtained by a prescriber who supplies them for a period exceeding two months.

Schedule 6 amends the Public Health Act 1991 to recast the exemption for registered nurses undertaking surgical debriding of hypertrophic tissue of the foot as a permissive provision rather than as a defence to prosecution. The amendment will ensure that people in need will continue to be provided with necessary foot care. The Nurses Association and the Australian Podiatry Association support the amendment. These various amendments are designed to ensure that all relevant health legislation is up to date, accords with current best practice, and delivers improved health outcomes for the community. The amendments are the result of an ongoing program to diligently monitor and improve regulation under health statutes. Again I thank honourable members for their contributions and I commend the bill to the House.

**Motion agreed to.**

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

**GENE TECHNOLOGY (GM CROP MORATORIUM) AMENDMENT (POSTPONEMENT OF EXPIRY) BILL**

**Second Reading**

**Debate resumed from 12 October 2005.**

**Mr ADRIAN PICCOLI** (Murrumbidgee) [7.57 p.m.]: I lead for the Opposition on the Gene Technology (GM Crop Moratorium) Amendment (Postponement of Expiry) Bill. The Opposition spokesman for Primary Industries, the Hon. Duncan Gay, will give a detailed response on behalf of the Coalition in the

Legislative Council when that House considers the bill. Suffice to say that the Coalition will not oppose the bill here. The Coalition supported the Gene Technology (GM Crop Moratorium) Bill 2003, which banned the commercial cultivation of specified genetically modified [GM] crops in New South Wales, and provided an opportunity for sample plots to be cultivated to test the effects of GM crops, which we supported.

The Coalition's policy is to support the continued research into, and trialling of, GM agricultural products, and an immediate moratorium on the commercial release of GM food crops in New South Wales. The Coalition's position remains the same: we acknowledge that genetic modification can have substantial benefits for some crops in some areas, but we also acknowledge that risks are associated with genetically modified food. Over the past couple of years we have seen the contamination of non-GM canola with genetically modified canola, which potentially will have a major impact on the marketability of non-GM crops. That was one of the main concerns we put to the Government when the original GM moratorium bill was introduced. Farmers who do not want to use genetically modified canola are very concerned about their ability to market their produce in countries such as Japan that do not import genetically modified canola. Those farmers wanted to be assured that different types of canola had been separated properly, and at this stage the evidence of segregation is inconclusive.

The Coalition in the Legislative Assembly will support this legislation to provide for an extension of the moratorium until March 2008. Genetic modification has the potential to achieve great benefits for agriculture, great benefits for food production and great improvements in reducing hunger throughout the world by increasing the ability of farmers to produce food. However, there are some risks associated with it, particularly commercial risks associated with the use of genetically modified organisms in crops. Some large corporations have much to gain from genetically modified crops, and because of their vested commercial interests I do not always believe their claims. It is appropriate to take the opportunity presented by this bill to test fully genetically modified products to ensure they are safe and to assure ourselves that cross-contamination will not occur. The Coalition supports the extension of the moratorium. I reiterate that the Coalition will not oppose the legislation.

**Mr PAUL LYNCH** (Liverpool) [8.01 p.m.]: I support the bill. Technically it will amend the Gene Technology (GM Crop Moratorium) Act 2003 by removing the date 3 March 2006 and inserting instead 3 March 2008. The original Act established a moratorium on the commercial cultivation of genetically modified food crops until 3 March 2006. In practical terms, the bill will extend that moratorium until 3 March 2008. Originally the three-year moratorium was considered an appropriate period in which to collect information on the potential agricultural and marketing implications of genetically modified crops, particularly genetically modified canola.

The extension of the moratorium is considered necessary because factors such as the ongoing drought have limited the scope of small-scale agronomy and larger-scale segregation trials that are necessary to provide information. It has been said that further research is required on segregation, market access and market standards to ensure that future decisions are based on good science. I participated in the debate on the original bill in June 2003. I said then that the only concern that I and the people of the Liverpool electorate had about the 2003 legislation was that the moratorium was not long enough.

On that basis, I welcome the bill, but I reiterate the view held by me and many people in my electorate that even the extended moratorium could be longer than the bill provides. I say that because many people have grave concerns about genetically modified food. Without going into the details of all the points I made during the 2003 debate, I noted some of the concerns that many people held regarding new technology and that people were not at all sure that genetically modified food had been appropriately and fully tested. Frankly, no-one is fully convinced about the direction that gene technology will take. There is a whole range of concerns regarding environmental consequences, the potential development of super weeds, the increase in intensive agriculture, and the increased use of chemicals to produce food.

There are also grave concerns about the economics associated with gene technology, such as the development of agribusiness and the neo-liberal diet, which is frankly not good for us. It is certainly not good for farmers in the long term or for ordinary people to have food chains completely controlled by large corporations whose interest is not in producing good food but in making profit. There is an obscene technological triumphalism that this wonderful technology will solve all our problems. Those of us who have any understanding of the history of science know that the traffic is not all one way, and that potentially all sorts of difficulties may arise from new technology that is presented as simple and easy but is anything but that.

The only other point I wish to make is that when I spoke in 2003 I was contacted subsequently by a mob of spivs, crooks and urgers known as Agifood Awareness Australia Limited. The honourable member for Coogee indicates that he knows exactly the organisation I am referring to. I understand from the honourable member for Coogee that that organisation no longer bothers to write to him, but Agifood Awareness Australia Limited certainly wrote to me after I made my speech in 2003. I suggest to people associated with Agifood Awareness Australia Limited that they should not bother to waste my time or theirs by writing to me suggesting that I do not know what I am talking about. I also suggest that they should not insult my intelligence by thinking that I will be swayed by the drivel they sent me. I find it personally offensive that they think that my views are so lightly held that something sent to me by paid corporate dogs like them can persuade me to change my mind. That is frankly an insult to my intelligence.

**Mr Daryl Maguire:** Who are "they"?

**Mr PAUL LYNCH:** In response to the question asked by the honourable member for Wagga Wagga, the "they" is Agifood Awareness Australia Limited. I note that he is nodding in agreement, and I am glad. If Agifood Awareness Australia Limited representatives read a copy of this speech, I suggest they should understand that people like me make statements in this place after we have thought about the relevant matter and have done some research. If they had bothered to read what I actually said in 2003, they would know that I said that many of the things I quoted I had read 30 years ago. I have been reading about gene technology for 30 years and I find it pretty offensive that they think they can change my mind by writing one silly letter. At the end of the day, the endorsement of my position against Agifood Awareness Australia Limited is that once food is advertised as being genetically modified, no-one will buy it. There is immense consumer resistance to it. Frankly I much prefer to be on the side of the overwhelming majority of people who react with resistance rather than on the side of corporate enterprises that are trying to make a lot of money by controlling our food.

**Mr DARYL MAGUIRE (Wagga Wagga) [8.06 p.m.]:** At the outset I state that there are productivity benefits to be gained for general agriculture from genetically modified crops and produce. However, I sound a note of caution because I am concerned about the processes of getting the product to the market, which is why tonight we are debating the Gene Technology (GM Crop Moratorium) Amendment (Postponement of Expiry) Bill, which extends the current expiry date of the Gene Technology (GM Crop Moratorium) Act 2003 until 2008. I have always held the view that ultimately the human race benefits from technological gains and improvements in all types of products, including crops. We have benefited from that type of technology for many years albeit that different terminology has been applied to the way in which the genes of plants have been identified. The adaptation of gene technology in the past did not receive media attention and was not made the subject of influence from major corporations, which is the case currently.

My paramount concern is to ensure that farmers retain the right to farm without the fear of their crop being contaminated by the crop of a farmer who has adopted different practices or planted a genetically modified crop in an adjacent property. When gene technology was first debated in rural areas, I attended public meetings. After listening carefully to the concerns that were being expressed, I noted that people were not so concerned the consumers would not buy food in supermarkets if it was branded genetically modified. They were more concerned about farmers retaining the right to cultivate crops that are free from gene technology by using traditional or organic methods of their choice without running the risk of their crops being contaminated. An article in the *Land* of Thursday 13 October 2005 stated:

Wimmera district farmer, Geoffrey Carracher, tried to have the non-GM Grace seed he planted his 60-hectare crop of canola with this season tested following reports of contamination of the seed supply with Bayer CropScience's GM Topas line ...

The test result confirmed contamination at 0.5pc.

Mr Carracher's crop is believed to be the only one to come up with GM contamination out of about 12 Greenpeace has tested.

Farms in the Wagga Wagga area produce enormous amounts of canola. Much of this debate revolves around canola production and the suggestion is that canola can be infected by GM product that is blown in by the wind or it can be infected through transfer. The *Land* article further stated:

Meanwhile, a spokeswoman for NSW Primary Industries Minister, Ian Macdonald, denied claims by environmental groups he had failed to "come clean" about the extent of contamination by GM canola in NSW.

She dismissed as "speculation" reports of 20pc contamination by GM canola of non-GM canola in a breeder's trial run by the NSW Department of Primary Industries (DPI) at Wagga Wagga on behalf of the Victorian DPI.

She said no formal advice had been received regarding the level of GM seed in the original material.

The 20pc figure was quoted by the chairman of the minister's own gene technology advisory council, Professor Tim Reeves, who also confirmed he had been told up to 20pc contamination of canola (not killed by the herbicide Roundup) had been detected at a Wagga site.

He said he had seen no written report confirming the 20pc figure but the person who had told him, while not involved in the trials, was in a position to know.

Other sources have told *The Land* the contamination was present at all nine trial sites.

That is the concern I raise again tonight, and that is why the moratorium should be extended. As I said earlier, I have no doubt that gene technology will produce benefits to the farming community, to production and to efficiencies—to all the things that Australian farmers are great at. We have the best farmers in the world, and they compete in markets that are subsidised with tariffs; they compete in markets that are unfairly weighed against us. Time after time they have shown that they are efficient. They find innovative ways to produce crops of the best quality at the lowest cost. However, for two farmers on adjoining land, I want assurance that one farmer can grow his canola crop without fear of infection by a GM product grown on the other farm. Once that hurdle is overcome, the benefits will be there for all, and the choice will be there for farmers to choose whether to use traditional methods or new technologies that involve the use of Roundup.

I have attended public meetings that I thoroughly enjoyed, because the debates were enthusiastic and informative. They enlightened me to the potential pitfalls of GM technology. My concern, as I have advised meetings, is that as those products are resistant to Roundup-type herbicides, how can we be assured that along roadsides, in natural vegetation, those products can be controlled should they be spilled or infect the countryside? The trial should be extended because regional and rural New South Wales—indeed, much of Australia—has experienced drought conditions that have limited the scope of trials that were conducted. I am certainly supportive of extending the moratorium to allow those trials to be completed. In that way, the public, who are ultimately the consumers, and the world's markets can understand the results of those tests. It is important that that information be made available to the industry that is progressing GM technology and the farmers who are being encouraged to trial the technologies and the farmers who are continuing to farm in the traditional methods, so they can make decisions that will direct the future course of their farming.

For those reasons the Opposition will not oppose the bill. It is wise to hasten slowly. At a public meeting at Wagga Wagga when I was first informed about this bill, I listened to a farmer from Canada who was going through a legal battle. I understand that when a one-sided argument is put, sometimes not all the information is given. I have met with Monsanto's representatives; I made it my business to ask them to come to Wagga Wagga to meet with me and to tell me their side of the story. I wanted to understand what they were trying to achieve and how they were going about it. I also wanted to hear about Monsanto's experiences in Canada. Farming provides about one-third of the income in my region and canola makes up an enormous percentage of that income. Canola is farmed in all the electorates surrounding the Wagga Wagga region and, importantly, the economic contribution from canola farms has an impact on all of us. It is important that we get this right.

It is important that we have no more farmers who claim that their crops are contaminated. No-one wants an infected crop; the crop has to be either totally GM or GM free. There is very little allowance for crops that may have some contamination of GM-type products. Over many years people have experimented with and developed products, and we have benefited from that. That benefit can be seen in crops of tomatoes, flowers and roses, all of which have been genetically modified. We have just used different words to identify what we have done with those species. As identified by the media and by green environmentalist groups, we have genetically modified plants for many years, with the involvement of some of the major chemical companies.

I have some reservations about a farmer or a producer being totally captive to one type of product. Members on this side of the House like to see competition and I like to think that a customer's buying power can be attracted by different types of companies or by companies offering different products and choices. By locking into one form of contract places a farmer in a very onerous position, because I think choice is important. In closing, I believe there are great benefits to be derived from GM technology. I want assurances that farmers will continue to have the right to farm without fear of their crops being infected, without fear of their crops being contaminated by a farmer who chooses to farm by another method, which is their right.

**Mr PAUL PEARCE** (Coogee) [8.18 p.m.]: I support the Gene Technology (GM Crop Moratorium) Amendment (Postponement of Expiry) Bill. Before 2003 the New South Wales Government had no power to regulate the commercial cultivation of genetically modified crops. The Gene Technology (GM Crop Moratorium) Act, which was enacted in 2003, provides that power. Incidentally, debate on that bill was one of the first I spoke on after being elected to this House.

The bill extends the Gene Technology (GM Crop Moratorium) Act 2003 for a further two years to March 2008. It is necessary because the Act is set to expire in March 2006 and further time is required to conduct trials and assess their results. Only the existence of appropriate scientific data will establish the reasons for not proceeding with the commercialisation of transgenic varieties. This scientific data must include data on the agronomic, public health and environmental aspects of GM crops. Only with objective data of that nature will the regulators, industry and, most importantly, the public be able fully and fairly to assess the impacts of any proposed commercial growing. Gene technology is a significant new development. Unlike the comments that were made earlier, essentially four independent groups achieved the genetic engineering of plants in the early 1980s. The previous form of selective breeding to breed certain characteristics into various plant forms did not include inserting genes from another species or plant variety.

Today a range of commercially available GM varieties, which allegedly have herbicide tolerance and pest resistance, are being grown in a number of countries. In addition, GM varieties promoted by patent holders as having abiotic stress resistance and nutritional enhancement are being developed and are currently being trialled. In Australia a number of trials of GM food crops are being performed under the auspices of the Federal Gene Technology Regulator. Regrettably, that body has failed to exercise the necessary independence from the industry promoters that is required to give the public confidence in the objectivity of its assessments. The biotech industry is being driven by visions of boundless profit for patent holders, with minimum concern as to the long-term consequences on the environment, biodiversity, or human and animal health. In addition, GM crops are essentially incompatible with the concept of food sovereignty. They are, as described by GRAIN, by their essential nature:

... corporate high tech patented creations that cannot be integrated into locally based and farmer led agricultural systems without harming them. You can't have it both ways: if GM crops are in, then bio safety is out.

The reasons for the corporate enthusiasm for these crops is transparent. Monsanto produces more than 90 per cent of those transgenic crops worldwide. Another four multinational agrochemical companies—Syngenta, Bayer CropScience, Dow and Du Pont—produce the rest. The fact that production lies in so few hands shows a potential for mega profits. It also confirms the concerns of those of us who believe that these companies will exercise too much control over world food production and will exercise enormous pressure on governments to buy their products and force traditional farmers out of the market. The recent examples of canola seed sold in Victoria and other Australian States that proved to be contaminated by Bayer's liberty link gene is a small example of the problem that will be experienced should commercial growing of these transgenic species be permitted in Australia.

The contamination of this export shipment of canola by genetically engineered canola—it was contaminated by Bayer's patented gene Topas 19/2—was discovered by Japanese authorities. In a small way that shows the risks involved in pursuing this technology. The essence of the State's power in this area is the question of commercialisation. Regrettably, the approval or otherwise of GM technology sits with the Federal authorities that have consistently indicated their enthusiasm for biotechnology. However, it is in the very area of commercial impact of these transgenic varieties that the seeds of their own downfall exist. In short, if the contamination of supposedly non-GM seed, as I have referred to previously, is indicative of the consequences of any permission for commercial growing, the commercial impact on this State will be significant. Our current export markets will be put at risk. In the European Union there is extensive public concern about GM crops.

Those concerns are both environmental—through the increased use of species-specific herbicides and the gene flow to wild species—and to human health should new allergens appear. There is in Europe widespread consumer rejection of GM foods. The risk to Australian crop exporters—and indeed to the Australian environment—are obvious based on overseas experience. I cite the recent disturbing example that occurred in the United Kingdom. As reported in the *Guardian* on 25 July this year, modified genes from crops in a GM crop trial transferred into local wild plants creating a herbicide resistant super weed. The threat to agriculture of this development is self-evident. The cross-fertilisation occurred between oilseed rape or, as it is known in Australia, canola, and the distantly related wild plant charlock. Scientists had discounted that event as virtually impossible. Brian Johnson, a member of the British Government's specialist scientific group, which assessed the trials, was quoted as saying:

You need only one event in several million. As soon as it has taken place the new plant has a huge selective advantage. That plant will multiply rapidly.

It was that concern about the risk of gene transfer that led both the French and Greek governments to seek to ban genetically modified canola. The herbicide tolerant oilseed rape is clearly bad for biodiversity because the herbicide used to kill the weeds around the crops wiped out more wildlife than conventionally grown crops. The British Parliamentary Office of Science and Technology notes in its publication "Postnote No. 172" dated February 2002, in discussing labelling options for products contained in GM ingredients, that even United States farmers favour a system of "identity preserved" for non-GM lines. The question that has to be asked is why that would be, given the penetration of genetically modified varieties into United States agriculture.

The answer is simple and instructive when considering the commercial impacts of permitting the commercialisation of transgenic crops. "Identity preserved" lines command a high premium in the market which more than cover the additional costs incurred in maintaining integrity. The facts speak for themselves. The Rural Industries Research and Development Corporation study carried out by Hassall and Associates considers identity preservation, which it cites as being more precise and as providing to the product end user an audit trail of product from seed stock to product delivery and transport. It comments, however, that even with identity preservation systems "it will become more problematic that a farmer will be able to guarantee a crop as GM free as adventitious pollution, for example, gene flow, will remain a constant problem".

Again this debate is neither academic nor in isolation of the commercial realities. This study identifies that due to the level of contamination of North American agricultural product by genetically modified varieties, the Canadian share of canola export to the European Union has fallen from around 54 per cent in the mid 1990s to virtually zero today. Interestingly, the shortfall has been made up by exports from Australia and Central Europe, both areas which to date have non-GM contaminated canola. Clearly, it is in Australia's commercial interests to maintain a GM-free status for these export markets. Even the world's stock markets recognise that the biotech industry is flawed.

A publication like the *Wall Street Journal*, not known for its radical stance, advises that gene technology industries have a poor potential to deliver products due to lack of profits. It states that more than \$US100 billion had been spent on biotech research and development over the previous 25 years, with cumulative net losses of more than \$40 billion. Of course, most of that would have been tax deductible. This is clearly an industry that investors would be well advised to keep clear of. For those of us who place greater weight on environmental and species wellbeing than on the warped logic of capitalist economics, there is no debate. I conclude with a statement from the introduction to the Caragena protocol on biosafety, which Australia regrettably has not signed. It states:

Because biotechnology is such a revolutionary science, and has spawned such a powerful industry, it has great potential to reshape the world around us. It is already changing agriculture and what many of us eat. Any major mistakes could lead to tragic and perhaps permanent changes in the natural world. For these reasons, future generations are likely to look back to our time and either thank us or curse us for what we do—or don't do—about GMOs and biosafety.

In short, this calls for a precautionary approach. Whilst other speakers in this debate no doubt will argue that an extension of the moratorium envisaged in this bill will provide the mechanisms to allow the State to address appropriately marketing issues before a decision is made on the commercial release and planting of these crops, I take the view that the extension of the moratorium on the commercialisation of these crops in New South Wales is us doing our bit in recognising our responsibility to the future of this planet and its biosphere. I commend the bill to the House.

**Ms VIRGINIA JUDGE** (Strathfield) [8.29 p.m.]: I support the Gene Technology (GM Crop Moratorium) Amendment (Postponement of Expiry) Bill, which is a useful and commonsense piece of legislation. It makes a small but important change to the legislation dealing with moratoria on genetically modified [GM] crops. Advances in gene technology have the potential to address many of the environmental, health and industrial problems of the world. For example, the adoption of herbicide-tolerant crops has the potential to reduce pesticide use and contribute to the adoption of minimum till or no till farming practices. This may have environmental benefits, such as decreasing the use of fossil fuels and reducing cultivation that contributes to soil erosion. GM crops are also being developed with altered starch content that is digested differently. This has the potential to address some of the nutritional imbalances in the human diet.

The human health benefits associated with this technology are obvious. Contamination of industrial sites with heavy metals has generated a toxic legacy for future generations. Scientists have developed GM plants

with the capacity to take up and store these toxic substances. This technology can be adopted to help remediate contaminated sites in an economical and efficient manner. However, the adoption of genetically modified crops also raises a range of issues. The New South Wales Government remains committed to supporting advances in biotechnology that benefit farmers, the environment and the general public. The New South Wales Government is equally committed to managing the possible impacts of genetically modified crops in relation to marketing issues. The adoption of gene technology in the international agriculture sector continues to expand as crop varieties with new attributes are developed.

One report estimates that, globally, approved GM crops were grown on 81 million hectares by 8.25 million farmers in 17 countries in 2004. This represents a 20 per cent increase in the adoption of GM crops compared with 2003. It is the ninth consecutive year of double-digit growth in the rate of adoption. Of the global area planted with biotech crops, the greatest adoption as at 2004 was in biotech soybean, at 60 per cent; biotech maize, 23 per cent; biotech cotton, 11 per cent; and biotech canola, 6 per cent. Herbicide tolerance was the most commonly adopted gene technology trait followed by insect resistance. The countries leading the adoption of GM crops are the United States of America, which has 59 per cent of global GM crops; Argentina, which has 20 per cent; Canada and Brazil, which both have 6 per cent; and China, which has 3.7 per cent. Many of these countries compete directly with Australia for export markets.

Honourable members will agree that, given the increasing rate of adoption of biotech crops on a global scale, a careful approach to introducing GM crops in New South Wales is warranted. This cautious approach by the New South Wales Government is already under way in the form of requiring independent small-scale trials of GM canola before we consider any larger-scale segregation trials. These objective, independent trials will go some way towards alleviating concerns regarding agronomic performance and on-farm management of GM crops. To date, neither small-scale agronomy nor large-scale segregation trials have been undertaken for several reasons, including the drought. Honourable members will be aware of the challenges presented by this one-in-a-hundred-year drought. Many variety trials, GM or conventional, were not planted during the drought as conditions were not conducive to germination. Those conventional trials that were planted generally yielded limited data that was not representative of a normal season. Under these conditions small-scale agronomy trials of GM canola were not performed. As a result, there is some uncertainty regarding the marketing issues associated with the adoption of GM products.

The bill extends the operation of the Gene Technology (GM Crop Moratorium) Act for another two years. This is a sensible and commonsense step. It will allow for a further period to carry out research to address marketing issues and is part of a cautious approach to GM crops. The New South Wales Labor Government was the first State Government to declare a moratorium on the cultivation of GM crops, and we are now the first to extend it. The additional two years of the operation of this bill will give us the time necessary to address the concerns held and felt by many in both our farming communities and our cities. We are trying to assess the potential benefits of GM crops while minimising any potential risks, particularly to health. I commend the bill to the House.

**Ms SANDRA NORI** (Port Jackson—Minister for Tourism and Sport and Recreation, Minister for Women, and Minister Assisting the Minister for State Development) [8.35 p.m.], in reply: I thank all members for their contribution to the debate. The Gene Technology (GM Crop Moratorium) Amendment (Postponement of Expiry) Bill makes a small but very important change to the Gene Technology (GM Crop Moratorium) Act 2003 and extends the expiry date of that Act by two years. The extension of the Act until March 2008 is required to allow further consideration of the possible implications of genetically modified food crops for the marketing of agricultural produce from New South Wales. I commend the bill to the House.

**Motion agreed to.**

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

#### **SPECIAL ADJOURNMENT**

**Motion by Ms Sandra Nori agreed to:**

That the House at its rising this day do adjourn until Thursday 20 October 2005 at 10.00 a.m.

**The House adjourned at 8.37 p.m. until Thursday 20 October 2005 at 10.00 a.m.**

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