

# LEGISLATIVE ASSEMBLY

Wednesday 27 February 2008

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**The Speaker (The Hon. George Richard Torbay)** took the chair at 10.00 a.m.

**The Speaker** read the Prayer and acknowledgement of country.

## BUSINESS OF THE HOUSE

### Notices of Motions

**General Business Notices of Motions (General Notices) given.**

### PRIVATE MEMBERS' STATEMENTS

**Question—That private members' statements be noted—proposed.**

### TUMBAFEST

**Mr GREG APLIN** (Albury) [10.05 a.m.]: On the last weekend in February each year the picturesque town of Tumbarumba comes alive with Tumbafest, a wonderful festival of music, dancing, fine wines, foods, markets and entertainment for all ages and tastes attracting crowds of more than 4,000 over the two days. The eleventh annual Tumbafest was held last weekend and I was able to see for myself why it attracts so many visitors from Victoria, New South Wales and the Australian Capital Territory. The town, tucked away in the foothills of the Snowy Mountains and surrounded by beautiful mountain peaks, natural bushland, expansive vineyards and agricultural pastures, is a unique setting for this flagship event. All activities take place at the Creekscape within walking distance of the town's centre. The Tumbarumba creek forms a natural boundary between the food vendors and wine sellers court on the one side and the market and entertainment area on the other. Constant traffic flows across the shady footbridge, and as I made the first of many crossings I heard from the mayor, Councillor Dave Robertson, and deputy mayor, Councillor Col Goldspink, that since the recent rains a baby platypus had been sighted in the creek—causing great delight as platypus sightings have been rare in recent years.

For Tumbarumba vignerons, this annual festival provides a showcase for their cool climate wines, and members of local wineries and experts converge to provide wine tasting sessions for visitors and locals alike. The festival is supported by well-known winemakers such as Hungerford Hill, McWilliams, Bidgeebong and Kosciusko Wines as well as local Tumbarumba vineyards. Many Tumbarumba vignerons took a break from harvesting and crushing their products to promote their wines to the Tumbafest crowds. Visitors to the wine courtyard were able to sample wines from a range of local growers such as Johannsens, Glenburnie Vineyard, Lankey's Creek and a host of non-commercial producers affiliated with the Tumbarumba Vignerons Association.

A drawcard for novices and connoisseurs alike, the Vignerons Association offered wine and food matching sessions in an experience called "A Taste of Tumbarumba" where local growers like Juliet Cullen of Excelsior Peak, Robyn Parkes of Glenbumie and Anne Thomas of Kosciusko Wines introduced different entree and main courses matched with appropriate wines. On Sunday the People's Choice tasting sessions were held, when participants had the opportunity to vote for their favourite Tumbarumba regional wine. A customised semitrailer became the Snowy Hydro main stage for musical groups to perform a great mix of country, rock, old favourite classics, Motown, rhythm and blues, a sprinkle of Irish, Bluegrass and a touch of comedy. The impressive line-up of entertainment included performances by country singer Felicity Urquhart, the duo Carter and Carter, and other celebrated Motown and swing artists.

A highlight for me was hearing Bridget a'Beckett, a locally born singer songwriter who has made a name for herself in Melbourne. Her lively and confident performance provided a very enjoyable backdrop to the leisurely lunchtime atmosphere of the festival on Saturday. It was a delight to hear the local choir, Tumba Voices, perform prior to the official opening and to then join the mayor, Councillor Dave Robertson, Sandy Ogg from Hyne and Mark Clayton from Snowy Hydro to formally open Tumbafest 2008. Following the

short ceremony, Tumba Pipes and Drums entertained the crowd and everyone settled in for a great afternoon of music.

The family oriented festival also provided a wide range of other activities to delight and entertain all age groups. The Southern Cross Performing Arts Group, comprising members of the local Tumbaramba Academy of Performing Arts, and the versatile Handstand Factory performed stilt walking, juggling feats and impressive acrobatic performances throughout the weekend. A full entertainment program provided children with rides, activities, games and concerts of the highest standard, including a performance by the ABC's Active Kidz. The Tumbafest market has grown in reputation as a boutique market with a growing emphasis on unique and quality wares. Some visitors come to the festival purely for the shopping experience. There were around 100 stalls this year featuring a very large range of handicrafts, including children's furniture, unique items for the garden or for the family pet, as well as a large array of home-baked goods, preserves, olive and scented oils and fresh farm produce.

Tumbafest Executive Officer, Shelley Jones, says that the festival is unique as it is more than a music festival, although the calibre of artists makes it an event worthy of note by music lovers. The combination of world-class music with the lovely setting and the wide range of fine local wines and food on offer make it a very special event. Shelley and the volunteer festival committee worked behind the scenes for almost a year to organise this successful annual event. Then over the festival weekend other volunteers dedicate their time and efforts to ensure that the Tumbafest experience is memorable for all the visitors. Not many festivals can match the setting of Tumbafest. As Shelley Jones said, "You're in the shade of a tree by the creek having a glass of wine and listening to some great music, but a short walk away is a market with more than 100 stalls." Congratulations to Tumbaramba shire and the Tumbafest committee on a magnificent 2008 festival.

### TRIVIA AND SMS PRIZE SCAMS

**Mr TONY STEWART** (Bankstown) [10.10 a.m.]: I raise with the House an issue of great importance. Currently a number of trivia and SMS scams are being conducted that are ripping off innocent members of the public for millions of dollars. This type of scamming is a multimillion-dollar business and is conducted through various mediums, including television, advertising, mobile phone messaging, newspaper advertisements and computer Internet advertisements. Principally, these scams work on the basis that it is somehow possible to win a prize, usually cash, by returning a phone text message or replying to a designated number or email.

The scammers make an extraordinary amount of money by charging extremely high rates for messages that are sent with respect to the alleged competition and further messages sent back are charged at a much higher rate again. These charges are not apparent to innocent people unwittingly participating in the scam. The charges are flashed onto the television screen for a second or so, which makes it almost impossible to read because they are in the finest print and the details are very hard to pick up. Alternatively, users need to access an Internet site to view the terms and conditions of the alleged competition, which only a Queen's Counsel would be able to comprehend.

Charges for the mobile phone and television advertised text messages scam are usually \$5 for each message sent by the innocent participator, and simply to receive a message can cost \$10 to \$15. These costs are not explained properly to participants. Recently 2UE radio talkback host, Mr Glenn Wheeler, highlighted on his weekend afternoon program a number of significant concerns about this important issue. In particular, Mr Wheeler informed listeners of the current television advertisement that urges listeners to participate in an opportunity to win up to \$4,000 cash "on the spot". This so-called competition involves viewers sending an SMS to a particular number advising which of three coconut shells covers a ball, and these are moved around the table by a particularly good looking young female, who is obviously there to attract attention.

On the face of it the game seems to be one of chance and one would think it would be covered by the Lotteries and Art Unions Act 1901, that there would be probity, and that under the regulations the organisers of the competition would honour the promise of a prize. However, this is not the case because it is actually a game of skill and people can make a choice when they see the coconut shells moved. Therefore, it does not comply with the requirements of the Act. During the advertisement certain text appears at the bottom of the screen that is very small and difficult to read, and Glenn Wheeler highlighted this. In fact, it is yellow print against a yellow background.

Following a number of inquiries that I initiated through the Department of Gaming and Racing—and I thank the Minister, Graham West, for his prompt action—the promoter of the competition was identified and

contacted. He advised that the competition solely involved skill and therefore there was no requirement for a permit. One would need the skill of a retarded slug to enter this competition. It is not a competition of skill; it plays on the vulnerability of people, who think they can easily win a prize when it is impossible. Indeed, I doubt that there is even a prize because without a permit there is no way of knowing. The process is ongoing. People receive return texts, which cost more and more money. People become heavily involved in the scam because they think they can win the competition.

Another advertisement is being shown on television at the moment where people choose who won the last Federal election. A head flashes up and it is either John Howard or Kevin Rudd. It states that if people choose the right winner they can win \$50,000. Again, this scam requires people to spend a lot of money in sending and receiving text messages, and again I doubt whether the prize money is available. These scams need to be investigated. The Minister received advice through his thorough investigations that the matter falls within the Federal jurisdiction of the Australian Communications and Media Authority. The matter has also been forwarded to the Telecommunications Industry Ombudsman. However, these appear to be toothless tigers and we need legislation in this State and Federal umbrella legislation in place to protect innocent people from these scammers.

### **TWEED HEADS COMMUNITY HEALTH CENTRE PAEDIATRIC PHYSIOTHERAPIST**

**Mr GEOFF PROVEST** (Tweed) [10.15 a.m.]: Today I speak 100 per cent for the Tweed about a child health issue that concerns a number of my constituents. Two weeks ago I received a letter from Mrs Meredith Baylis, a Tweed Heads resident who takes her young son Karime to the Tweed Heads Community Health Centre to receive vital therapy treatment from the centre's paediatric physiotherapists. Mrs Baylis informs me that as of 15 February 2008 the Tweed Heads Community Health Centre is employing only 0.5 of an active position for a paediatric physiotherapist. This reduction in key treatment staff has many serious implications for young patients of the Tweed Heads Community Health Centre. It means that only the most critical child patients will be referred to the paediatric physiotherapist at the centre for treatment, and this does not include the many children who have serious conditions that require urgent treatment, such as children who have just undergone surgery or who require specialist treatment to undergo rehabilitation.

The most troubling aspect of this staff shortage is that premature babies who require urgent treatment by a paediatric physiotherapist now cannot be treated at the Tweed Heads Community Health Centre. That is because this physiotherapist is only a level one paediatric physiotherapist and is legally required to have senior supervision in order to provide treatment to babies and other children with complex needs. This worrying situation begs the obvious question: What happens to the children who can no longer receive treatment at the centre? As stated earlier the current paediatric physiotherapist will continue to see only the most critical child patients as there is now no senior physiotherapist available at the centre to provide supervision to the level one paediatric physiotherapist currently working there. Therefore, many children will no longer receive treatment at the centre and must join a waiting list that currently extends to October 2008 but in reality could be much longer if the centre does not obtain the services of another physiotherapist. Those patients have been told that the only available treatment will be in either Brisbane or Sydney.

One must ask how the Department of Health allowed the Tweed Heads Community Health Centre to have only 0.5 of an active position for a paediatric physiotherapist filled by a level one physiotherapist rather than a more senior one who would be able to treat all patients at the centre free of supervision. I call on the Minister for Health, Reba Meagher, and Chris Crawford to take immediate action. This is an enormous bungle. When the former level two paediatric physiotherapist at the centre recently took maternity leave for the birth of her second child, the department failed to adequately fill her position with someone who possessed the equivalent qualifications to provide urgent treatment to patients at the centre. I would have thought that the Department of Health, the Minister and Chris Crawford would have learned from past mistakes but, unfortunately, that is not the case.

I am advised that when the abovementioned level two physiotherapist took maternity leave for the birth of her first child the centre hired a senior physiotherapist on a part-time basis to cover the vacancy. The part-time physiotherapist recently has been let go because she was originally employed only to cover the level two physiotherapist's leave for her first pregnancy. Both level two physiotherapists who are currently on maternity leave and the former part-time senior paediatric physiotherapist have voiced their concerns to centre management and warned of the implications of not recruiting adequate staff replacements but, once again, it appears that it has fallen on deaf ears. I am 100 per cent for the Tweed and this is just not good enough.

Recently I met Kerry Chadburn, who is the mother of 15-month-old Peppa. Peppa was born with a defect in her feet and she can walk only on her toes. She had been receiving treatment at the centre for six months, but this came to an abrupt halt when Ms Chadburn was informed that Peppa would no longer be able to receive treatment, due to staff shortages. Peppa's serious condition can only get worse with time. The only option now is to have surgery to correct the defect, but that avenue can be explored only when Peppa is four or five years old. Ms Chadburn told me, "Peppa attends child care and watches other children walking. She is busting to walk and is getting frustrated." This real health crisis affects most of the babies and young children with serious conditions requiring urgent treatment. Enough is enough! When will the New South Wales Labor Government get serious about delivering adequate health funding facilities and staffing to regional and rural New South Wales? Once again, I call for a royal commission into the provision of health services in New South Wales. I am 100 per cent for the Tweed!

### **WALLSEND AND CARDIFF STORM AND TEMPEST INSURANCE CLAIMS**

**Ms SONIA HORNER** (Wallsend—Parliamentary Secretary) [10.20 a.m.]: Isn't it after a catastrophe that we realise how important being insured is? Isn't it after a catastrophe that we realise that we have not read the insurance policy? Isn't it after a catastrophe that we realise that we cannot find the policy anyway? And, of course, worst of all is remembering that you meant to update your policy, but have not done so yet. This was the case for many who were trying desperately to rebuild their life following the devastating storm and tempest in Wallsend and the Cardiff region last June on the long weekend. Cardiff and Wallsend businesses, in particular were hit hard, and consequently relied heavily on their insurance companies for assistance.

Insurance companies have grown in popularity and importance in the past century. They grew because life became increasingly complex. People had access to goods that are more material and sought for ways to protect them. The Depression era caused mayhem for so many. It created an ever-growing need for greater security, hence the interest in insurance. People today accept that insurance is a way of life, and carefully budget to accommodate their home insurance, home contents insurance, car insurance and sickness insurance. Unfortunately there are those who do not take out insurance: some cannot afford it, some do not get around to it, and others do not want it. It will be very interesting to study the field of insurance and what it holds for us in the future. Will it become too expensive? Will it be too restrictive? And will it protect us from natural disasters?

Back to Wallsend and Cardiff—some small businesses that suffered badly during the storm and tempest were not insured. Many have not returned. Others religiously paid their insurance to find that their insurance company would not reimburse them for the disaster. I need to mention that complications arose when some insurance companies chose to define the storm and tempest as a flood and denied claims because their policy does not cover floods.

**Mr Thomas George:** Ditto.

**Ms SONIA HORNER:** I call that splitting hairs and denounce those companies who refuse to reimburse their clients in my electorate and in the Lismore electorate whose member commented. All electorates have suffered in the last year. Just to give a picture of the cost, there were 98,000 claims made in the Hunter and Central Coast with \$1.47 billion paid out. The June long weekend storm and tempest is now considered the second-largest weather event in the last 30 years behind the 1999 Sydney hailstorm. May I mention one restaurant owner in Wallsend who has had tremendous difficulty with his offshore foreign insurer?

Since June, this insurer has refused to reimburse the restaurateur the appropriate fee, arguing the flood verses storm and tempest line. The restaurant reopened only last week, but in a much modified extent. The restaurateur now cannot afford to open the whole restaurant. A club in Cardiff spent over \$300,000 repairing the floor, renewing carpets and infrastructure after major damage during the storm and tempest. The overseas insurance company with which the club dealt has a good reputation in the industry, yet has been very recalcitrant and that caused the club to take action against the insurer.

I inform this House though that most Australian insurers are actually international insurers, and it is not correct to say that mainly international insurers did not come to the party when making payouts as a direct result of the storm event in June 2007. In most instances, insurance companies that are members of the Insurance Council of Australia were very receptive in considering the event as storm and tempest and made payouts accordingly. In the majority of cases when payouts were not made, it related to direct offshore foreign insurers who regularly offer insurance cheap to companies and individuals. In many instances, those insurers are managed through brokers who are not normally members of the Insurance Council.

We all learn by experience, and some of it is harsh. My office helped many after the storm and tempest, and we have been giving the following advice to the community. When people take out insurance, they should read the fine print and check exactly what they are covered for. If people chose a broker, they should ensure that the broker is a reputable company. I wish the Wallsend and Cardiff central business district better luck in the future. I am working towards rebuilding both communities to make them even better than they were before.

### **BOWRAL PUBLIC SCHOOL**

**Ms PRU GOWARD** (Goulburn) [10.25 a.m.]: It is with great disappointment that I yet again draw to the attention of the House the ongoing saga of Bowral Public School. This is a saga of betrayal and mystery, failure to plan and failure to respect the plans that exist. For members who might benefit from recapitulation, I will bring the House up to date. The Department of Education and Training owns land in Retford Road. It has long been thought that either an additional school would be built there to service the fast-growing population in East Bowral, or the school at the historic and valuable site in Bendooley Street Bowral would relocate to much larger new premises to be constructed in Retford Road. In recent years, parents and teachers have been lobbied and their opinions sought about a possible move, and support was shown for relocating to Retford Road. The school in Bendooley Street was originally designed for 250 students, and it now has more than 500.

To repeat the statement I made last year in this place, the school is completely landlocked. It cannot expand any more. Students have to cross a busy road to access even a playing area. Demountable buildings are growing like Topsy, chin by jowl around the site. But that seems to be good enough for this Government. At the conclusion of the 2007 school year, the State Government was still prevaricating in its decision about the school's relocation. A letter from the department in September 2007 replied to the then Chairman of Bowral Public School Council, Steve Anderson, "The Department will contact the school during Term 4, 2007 to discuss the outcome of the submission to the Minister." That reply speaks for itself but, needless to say, nothing was forthcoming during Term 4.

Last week I was told by a parent that mutterings from the education department were exactly of the sort to dash any last residue of hope. As it turns out, those mutterings are confirmed to be correct. A meeting between department representatives and members of the Bowral Public School Future Schools Committee revealed that—yes, I am afraid members have guessed it—the department agreed to continue consultations with the local community, but in the meantime will conduct an audit of the short-term improvements that might be necessary to address the school's immediate concerns. What a fatal blow! When a department starts addressing short-term improvements, we can be sure there is no long-term plan. No doubt this will require the school community to breathe in a fraction more so extra demountables can be squashed somewhere else on this site. It certainly suggests that the building of a new school is now on the uncertain list.

This situation is the best example of the Iemma Government at its worst—delay, postpone, review, defer and hinder until eventually progress is denied. A decision was promised throughout last year—Term 1, Term 3 and eventually Term 4 was to be the time when the department would contact the school to discuss the outcome of the submission to the Minister. When Steve Anderson moved on from his position as the chairman of the school council at the end of last year, he expressed disappointment that the promised outcome had not been revealed. Nevertheless he, and we all, hoped for a favourable decision at the start of 2008. With fantastic Labor connections, we had no excuse for not believing in success.

What is particularly galling, though, is the State Government's refusal to come right out with a decision. It continues down the path of giving false hope to everyone at the school that this matter is still an ongoing process. Clearly it is not. Obviously it is simply just too hard for the Minister to say to those well-connected Labor people in the Southern Highlands, "Go away. We are not giving you the new school you need because we don't want to." So the department, under the Minister's direction, malingers and uses words such as "review" and "continue consultation" and any version it can come up with in an attempt to lull the community into believing it cares.

It was clearly misguided of me to believe that the State Government might, in the end, do the right thing and finalise matters relating to the school and its relocation to a much larger campus in Retford Road. This belief, shared by many parents, teachers, students and friends of the school, including the Cavaliers, has proved to be incorrect. So should the school community simply give up and go away? I have no doubt that that would be the preferred outcome for the Government. But I strongly suspect it will be disappointed. Parents, students, teachers and friends of Bowral Public School have no intention of throwing in the towel, and I will be right behind them as they ready themselves for the next battle.

### BLACKTOWN ELECTORATE STORM DAMAGE

**Mr PAUL GIBSON** (Blacktown) [10.30 a.m.]: The storm that hit Blacktown on 9 December last year caused chaos never seen before in that part of Western Sydney. More than \$350 million worth of damage was done in the Blacktown area. Schools were damaged, shops were ripped apart and many homes were damaged, including more than 1,000 Department of Housing homes. The State Emergency Service did a great job. If anyone should receive Orders of Australia, it is the State Emergency Service officers. They ran out of tarpaulins. We imported tarpaulins from all over Australia, and there were thousands and thousands of tarpaulins covering Blacktown homes. At the moment Blacktown looks like tarpaulin city.

The people of Blacktown are doing it fairly tough, in some cases living in Third World conditions. Not only did the storm damage their homes—and Blacktown had hailstones as big as cricket balls—but after the tarpaulins went on we had more rain, and then still more rain, and the ceilings got wet. Yet more rain has fallen on houses still covered with tarpaulins and many ceilings have fallen in and created a lot of damage. I have spoken to most insurance companies and I must say that we as a Parliament and as a Government have to do something about the insurance companies in this nation.

A few years ago I chaired a committee that looked into the insurance industry with regard to smash repairers. We discovered that a lot of smash repairers were going to the wall because insurance companies had preferred repairers. It was a closed shop. A person whose car was damaged in an accident did not have the right to pick their own insurance company. They were told by the insurance company who would fix their motor car. The system simply did not work, it was unfair and it was corrupt, and through the inquiry we brought that practice to a sudden end.

During the 9 December storms schools in the Blacktown area were also damaged. I have said it publicly—and I will say it again in this House—that my Government is to blame for those schools not being repaired. Schools that were damaged on 9 December should have been fixed before students went back to school this year. In some schools, nearly every building is covered with tarpaulins, with sandbags all over the top of them. I do not know what will happen if we get another major storm and those sandbags start to get blown off roofs when little kids are all over the playground. So it is a black mark on the Government: We should have had those schools repaired.

Blacktown homeowners affected by the 9 December storms were told to get quotes for repairs. They might get one or two quotes. They would then send those quotes back to the insurance company, the insurance company would show the quotes to the preferred builder, and the preferred builder would beat the two quotes by \$100 or \$200. The preferred builder would then ring the customer and say, "I have been selected by your insurance company to repair your damaged home. I won't be able to do it. You are on my list; we may get to you by the end of April." But the end of April is not good enough. Insurance companies are doing what they were doing in the smash repair industry: they are using their preferred builders. We have builders coming out of our ears at Blacktown. We have roof tilers knocking on people's doors every day looking for work, but they cannot do it because they are held up by these insurance companies that are running their own little rackets to make sure their preferred builders get the jobs.

Carol Merrick of Blacktown has provided me with a chronology of what happened in her case. The storm hit on 9 December. On 13 December the GIO sent out a preferred builder to assess the damage to her home. On 11 January she received a contract in the mail, but the scope of works quoted did not include the garage, a pergola, and two badly water-damaged rooms. On 17 January the GIO rejected her request for a replacement builder. On 31 January she received a call from the GIO asking her if she would like the preferred builder to reassess the home. She rejected the offer, stating she had sent the GIO two other quotes. On 5 February the GIO rejected the two other quotes, even though they were for the same amount as the insurance company's preferred builder. As I said, the Parliament and this Government must have a look at insurance companies because they are ripping people off. Through no fault of their own, people are being forced to live in Third World conditions because of the corrupt activities of insurance companies.

### LISMORE ELECTORATE STORM DAMAGE

**Mr THOMAS GEORGE** (Lismore) [10.35 a.m.]: Surprise, surprise. I want to talk about the hailstorms that hit Lismore last October. The problems that previous speakers referred to in their electorates are echoed throughout my electorate. I know that the relevant Minister is aware of the problem and has taken action. However, I believe the whole insurance industry needs to be reviewed. I want to pay tribute to the State

Emergency Service in the Lismore area—indeed, to the emergency workers in all electorates. At the end of last September Rural Fire Service volunteers fought a fire in Bundjalung Park for a week. They came home for a few days and then there was a hailstorm in Lismore that created havoc. A week later there was a tornado at Dunoon, and at Christmas time we had floods.

I place on record the fact that I spoke about this issue in 2001 when we had a disaster at Casino and similar problems arose regarding insurance companies. I will give an example to highlight the problem I want to raise. A lady, Jill Young, pointed out to me that three years ago she purchased a house by obtaining finance and that she had to have insurance to cover the finance. While she was deciding who to insure with, the bank said to her, "Go with our insurance company. Come in here and this gentleman will fix you up with insurance." So she insured the house. Since that time she has been paying the monthly instalments out of her bank account to the bank's insurance company. Three years later a hailstorm hit her house. The insurance assessors turned up at the house and said, "This house has not been maintained. We are not going to fix up this roof. Furthermore, we are cancelling your policy."

Jill Young then came to see me. I rang the insurance company and said, "How could a house deteriorate so badly in three years? You people insured it for three years." The insurance company said it would review the matter. The insurance company then said, "We are going to fix up the roof, but we are still cancelling the policy." I gave the details to the local newspaper, which ran a big story on the issue. The newspaper rang the insurance company about its not reinsuring the house. Within half an hour the insurance company had reviewed the matter again and decided to reinsure the house. Cancelling insurance makes it impossible for a person to get insurance from another company because one company has already knocked them back.

This problem with insurance companies is not restricted to Lismore; as we have heard from the members for Blacktown and for Wallsend it occurs in other electorates as well. The problem is that following these disasters people are told by insurance companies that their roof has not been maintained. Some 90 per cent of residents would not know there is a problem with their roof until water comes through the ceiling into the house. They would not realise that they have to check their roof. What experience would they have that enables them to check their roof annually? It is a problem we are faced with after every storm and every flood. I am very disappointed in insurance companies. Quite a few insurance companies are now making ex gratia payments in relation to floods and storms.

Recently I read a paper issued by legal aid in support of people making an insurance claim. The paper contained a cartoon depicting two raindrops talking to each other. One raindrop says to the other raindrop, "Are you floodwater or stormwater?" The other raindrop says, "I'm not sure, let me consult a lawyer." That sums up the case. The flood at Kyogle caused \$200,000 worth of damage to Kyogle Bowling Club. The water came through the club as a result of a deluge of rain into the river. The water did not come from the river—the club is situated on the riverbank. The water did not come from the river and into the club; it came through the club and into the river. Yet the club has been told that it was a flood. The cartoon sums it up. The insurance companies are banking on people fighting them through the courts. That is not right. The insurance companies need to be sympathetic. It is good to see the Minister's representative in the Chamber. I am sure that he will continue to pursue this matter on behalf of my constituents.

### **PENRITH STATE EMERGENCY SERVICE**

**Mrs KARYN PALUZZANO** (Penrith) [10.40 a.m.]: Today I acknowledge the hardworking men and women of the Penrith State Emergency Service. As many members have already said, the storm events that happened this summer were extraordinary. Penrith in Western Sydney is close to Blacktown. I travel to the city by train. As the train approaches Blacktown I can still see the tarpaulins on roofs, which is of concern. The electorate of Penrith has had floods as well as storm damage, but not to the same extent as Blacktown. The storm event on the night of 13 January was short and sharp, with winds of up to 100 kilometres an hour. It wreaked havoc in isolated cells around the city, particularly south Penrith, Cranebrook and Emu Plains, which are little townships along the banks of the Nepean River.

People were working in one car yard that was open on the Sunday afternoon when the storm came through. Winds of 100 kilometres an hour hit the large glass windows of the car dealership and smashed them all. Luckily the workers were not at the tables where they should have been, because the storm event caused a lot of damage. There were approximately 200 to 300 callouts from 3.00 p.m. until about midnight; 210 of those callouts related to jobs that the State Emergency Service undertook that evening. I commend Derek Hudson and his team at the Penrith State Emergency Service, which has existed for almost 50 years.

Recently the Penrith State Emergency Service was called out to the flooded South Creek where there was a report of two young children missing. Those two young people were not found, but many State Emergency Service workers responded to that incident. On Saturday I visited the State Emergency Service headquarters based in Claremont Meadows to thank the volunteers for not only responding to the storm havoc in Penrith but also assisting Blacktown State Emergency Service. One imagines that ensuring that State Emergency Service volunteers throughout the State work together during a storm event takes a lot of command control work. I commend the Penrith State Emergency Service volunteers who have been working in Blacktown since December.

When I spoke to the commander, Derek Hudson, on the night of 13 January to ask how things were going, he said that everything was going well but more assistance could be given. In the past the State Emergency Service headquarters was located in many temporary buildings. Fortunately, with the assistance of the State Government, the local council and the Federal Government, we have worked to make a better command centre based in Claremont Meadows. On Saturday I was able to present the commander with a cheque for a significant amount—\$55,000—to complete that work. I was able to speak to the Minister's office and to secure some funding to assist with the rollout of the services required at the headquarters. I also presented the Penrith State Emergency Service with a cheque for \$5,000 for the purchase of plasma screens or computers. That equipment is necessary to log callouts and to allocate workers to those callouts.

The regional commander for the Western Sydney region, Peter Cinque, was present on Saturday, as were many men and women of the Penrith State Emergency Service whom I have met over the years. Also present were my colleagues the member for Mulgoa and Federal member David Bradbury. We were there with the mayor's representative, Pat Sheehy, to say thank you to the men and women of the Penrith State Emergency Service. I acknowledge that the homes of many Penrith residents suffered storm damage and have tarpaulins on their roofs. Luckily, the fallout from the storm has been fixed fairly quickly. I refer particularly to schools in Blacktown. I wish them well in the future.

#### **LOCAL COUNCILS SECTION 94 FUNDING**

**Mr RAY WILLIAMS** (Hawkesbury) [10.45 a.m.]: As the member for Hawkesbury and also a councillor on Baulkham Hills Shire Council, which represents one of the fastest-growing areas in Australia, I place on record my concerns about many of the planning proposals recently promoted by the Minister for Planning, which I believe will have a disastrous impact on current and new residents in my electorate and local council area. Of great concern to me is the proposal to remove important funding known as section 94 contributions from councils and place them under the control of the State Government. The Minister for Planning would have us believe, incorrectly, that this will supposedly improve housing affordability and facilitate investment in new homes. What the removal of section 94 funding from councils will actually do is remove vital funding for local roads, footpaths, community buildings and playing fields across newly developed areas.

The removal of these funds from local councils will leave new residents without basic services until such time as councils can convince the State Government to give the money back to the community whence it came or raise the money from other areas, which will be almost impossible. Section 94 contributions have been in place for 20 years, with both developers and councils working in unison to provide new housing with appropriate infrastructure for growing areas. To date, in the Blacktown and Baulkham Hills local government areas—which have, incidentally, absorbed the majority of new dwellings in New South Wales over the past 15 years—this has proved very successful. In both these local government areas local roads, playing fields and community buildings are first class, and it is questionable whether one would find better local infrastructure anywhere in the world.

Section 94 contributions are calculated under strict criteria, which ensure robust adherence to both nexus and apportionment. The criteria are based on the costs of required infrastructure to be implemented into growing areas divided by the available square metres of land for development and multiplied by the current market value of land. It should be pointed out that no section 94 contribution plan has ever paid completely for the total costs of local infrastructure. The shortfall is always picked up by other council revenue. The amount of section 94 contributions cannot be altered during the life of a plan and must meet with State Government approval prior to being implemented. This is in conflict with the recent comments by the Minister for Planning, who has publicly stated that section 94 levies "are taxes with no upper limit", which is nothing short of a lie and confirms the Minister's complete lack of understanding of the most basic elements of section 94 contributions.

Section 94 funds are also appealable, meaning that developers can and do appeal the section 94 amounts applied to development of their block of land. This is contrary to the State Government's own

infrastructure levies, which are not appealable and are set in concrete. The State Government infrastructure levies that were applied to the north and south-west growth sectors have completely halted new housing in these areas, and now the Minister is attempting to save face by removing section 94 contributions and appearing to lower the on-costs for developers at the expense of local communities. The fact is that the Minister should admit his mistakes and remove his own restrictive levies, which are the biggest impediment to new housing construction today.

Further ignorance of section 94 contributions by the Minister is evident in his comments regarding increases to these funds over the past 20 years. The Minister would like everyone to believe these funds have been increased at the behest of councils alone, which is grossly incorrect. In the early 1990s, when the Rouse Hill development commenced, section 94 funds per block were approximately \$20,000 to \$30,000 per block of land. They are now in the vicinity of \$50,000 to \$70,000 per block. What the Minister does not tell us is that land prices have increased tenfold over the past 15 years and, given these funds are based on the current market value of land at the time the contribution fund is implemented, this increase is only natural. The other obvious reason that these funds have risen is the increase in the cost of building infrastructure such as roads, footpaths and playing fields.

The proposal to remove section 94 funds comes at a time when every area of service delivery in the State of New South Wales is falling apart, or simply not being implemented after repetitive broken promises. The list of broken promises by the New South Wales State Government on major development projects is far too long to list here. But some that should not escape mention are the north-west rail line, which is now in jeopardy, the Tcard ticketing system, the Tways between Castle Hill and the new Balmoral release area, and a 10-year-old promise by the member for Riverstone to build an overpass at Riverstone railway station, which has also recently been scrapped and replaced with a cheap set of traffic lights. Prior to the last State election the member for Riverstone promised \$120 million for the construction. The residents of Riverstone have every right to feel cheated and disgusted at these continual backflips by their recidivist representative in Parliament.

**The DEPUTY-SPEAKER:** Order!

**Mr RAY WILLIAMS:** The Minister for Planning would also do himself a big favour by learning from the experience and accountability of local government.

**The DEPUTY-SPEAKER:** Order! The member for Hawkesbury will resume his seat. Members cannot reflect on another member except by way of substantive motion. This issue has been raised previously.

**Mr RAY WILLIAMS:** It is on the record.

**The DEPUTY-SPEAKER:** Order! It is on the record. If the member attempts to restate it he will be asked to resume his seat. Attacks on members are not permitted. I remind him that members cannot reflect on another member except by way of substantive motion.

#### **MAITLAND MERCURY HUNTER RIVER SUPER SHOW**

**Mr FRANK TEREZINI** (Maitland) [10.50 p.m.]: I bring to the attention of the House an event that I attended on 16 February at Maitland Showground when the Hunter River Agricultural and Horticultural Association Limited held the 147th Maitland show. This is a prized event in Maitland that I was happy to attend. I was also asked to open the show, which was a great privilege for me given the history of Maitland and its agricultural show.

The history of Maitland is based on agriculture, and it is a very proud one. Back in the 1820s Maitland was known as the hub of the Hunter and the agricultural driving force behind the Hunter's economy. It was very soon recognised by the New South Wales Agricultural Association as such, and, as early as the 1840s, the annual agricultural shows began. It was not until 1859 that the Hunter River Agricultural and Horticultural Association began its involvement in hosting agricultural shows. Since then, barring few exemptions due to wars and other events, shows have been held annually. The showground is the focal point of Maitland's history. The venue hosts many different events, such as dog racing, occasional harness racing and training for the harness racing, and other prized events.

In 2008 Maitland has a fast-growing economy; it is the hub of the Hunter and a driving force behind the entire economy of New South Wales. The *Maitland Mercury* Hunter River Super Show attracts thousands of

people from all over the Hunter Valley. I take this opportunity to congratulate the people involved in putting together such a great event. I congratulate Mr Bernie Sarroff, OAM, President of the Hunter River Agricultural and Horticultural Association. I also congratulate the former member for Maitland, Mr John Price, and his wife, Elizabeth, who were present on the day. Elizabeth has had a longstanding involvement with the show through her role as director of the association. I also thank all the sponsors of this great event. Of course, the *Maitland Mercury* is an institution in Maitland, which dates nearly as far back as the show. Lastly, I would like to thank the community for its support of this great event, which encompasses the history of Maitland. It puts on display many events and exhibitions.

**Mr Thomas George:** Were there any horses?

**Mr FRANK TERENCE:** Unfortunately, this year we could not have any horses because of the equine influenza virus. Even so, it was a very successful event, with art exhibitions, recreational exhibitions and sideshows. We are very proud of the show. I thank the Maitland community for making the event so successful. The Maitland community is growing, and each year people support this event. It is great to see that people are moving to Maitland at a rate of 1,500 a year, which is a growth rate of 2.3 per cent. That growth is reflected in the support that this type of event receives. I congratulate all those responsible for the event. It was a privilege to attend and to officiate at the opening. The *Maitland Mercury* Hunter River Super Show has a very bright future judging from the support it has received thus far.

### PLASTIC BAGS

**Ms CLOVER MOORE** (Sydney) [10.55 a.m.]: Australians use almost four billion plastic bags each year, which creates major waste problems. My constituents frequently contact me about the impact that plastic bags have on the environment. Most plastic bags end up in landfill, where they can take 1,000 years to break down, while others end up in waste streams as litter. It is estimated that plastic bags make up about 2 per cent of litter each year. Clean Up Australia collected nearly half a million plastic bags last year, and State and local governments spend about \$200 million cleaning them up. Wildlife mistake plastic bags in waterways for jelly fish and may eat them, causing intestinal blockages that kill the animal. The bag takes longer to decompose than the animal and is eaten again and again by other animals, which kills them too. Planet Ark estimates that plastic bags kill 100,000 birds, whales, seals and turtles each year.

Plastic bag recycling rates are poor, with only 14 per cent of high-density polyethylene—which is a lightweight plastic bag—returned to supermarkets for recycling. Of that 14 per cent, many bags cannot be recycled because of contamination from ink, food and dockets. Low-density polyethylene bags, which are boutique bags normally used in department stores and specialty shops, are not even recyclable. Plastic bags are a waste of resources. The Australian Retailers Association Code of Practice for the Management of Plastic Bags set out to achieve a number of targets through voluntary measures, including a 50 per cent reduction in bag use and a 30 per cent increase in recycling by the end of 2005.

While plastic bag use did reduce by about 34 per cent, targets were not met. Plastic bag use remains high, and it is doubtful that voluntary measures will ever achieve an adequate reduction. Earlier last year the Total Environment Centre, with the City's financial support, conducted some undercover research in all major supermarkets in the City of Sydney local government area. It found that 64 per cent of customers used a free plastic bag, 42 per cent of supermarkets did not have a recycling bin, and 65.2 per cent did not provide promotional material to reduce bag use. I agree with the Total Environment Centre's conclusion that Australians remain addicted to the plastic bag and that regulation is needed to break this addiction.

Critics of measures to reduce plastic bag use argue that there are no alternatives. However, reusable bags are a great alternative and are less likely to break or rip when goods are carried. Reusable bags can be kept in the car, in draws at work or in handbags, ready for use when required. When shoppers forget bags, retailers could provide recycled paper bags at a fee to prevent overuse. Many people use their plastic bags as bin liners and are concerned about this option being removed. However, environment groups recommend many alternatives, including composting and worm farms, as well as using empty pasta and cereal bags, or even a few sheets of newspaper. Plastic bin liners will still be available for purchase.

Retail outlets have not been distributing free plastic bags forever. They are not necessary, and the community could adapt easily to life without them. A Clean Up Australia survey conducted during last year's Clean Up Australia Day campaign found that 91 per cent of people were in favour of a total ban on plastic bags from retail outlets. I understand that at the next Environment Protection and Heritage Council meeting of State

and Federal Environment Ministers in April Ministers will consider a number of measures to phase out plastic bags by January 2009, including introducing mandatory charges and an outright ban. Many countries have banned plastic bags, including Taiwan, South Africa and Bangladesh. San Francisco did so last year.

Following a ban in a small town in the United Kingdom many other cities and towns in the UK are considering doing the same, including London. Levies and taxes are widely used in European countries, and Ireland imposed a plastic bag tax in 2002. While Ireland's plastic bag tax was immediately successful, the Government had to increase the tax last year in response to a steady rise in consumption. I agree with Clean Up Australia Chairman Ian Kiernan and the Total Environment Centre that, given consumers' ability to adapt to a levy, a total ban is preferable. January 2009 is less than a year away and I call on the New South Wales Government to introduce a total ban on plastic bags from retail outlets in New South Wales, support this measure at the ministerial council and take immediate action to ensure that New South Wales is ready for the change.

### F3 SAFETY AND RELIABILITY

**Mr GREG PIPER** (Lake Macquarie) [11.00 a.m.]: I refer to community concern over problems of safety on the F3 and the impact of traffic incidents on what is for most people the only realistic and worthwhile transport link between Sydney and the Lower Hunter. The 127-kilometre F3 is one of the most important roads in the State. The Lake Macquarie electorate has the greatest share of this road, with 59 kilometres either within or forming part of its boundary. The F3 is one of the two most important roads in the electorate—the other being main road 217, about which I spoke on 7 November last year.

Lake Macquarie residents rely on the F3 for easy access to regional centres and to Sydney. With rail journeys taking longer now than they did 70 years ago by steam train, the F3 is increasingly important for commuters and for travellers with time constraints such as timely access to Sydney airport. A growing list of serious incidents have occurred on the F3, many of which have caused serious injury and death. Many people I speak to are surprised that the number of accidents is not higher when they observe what appears to be a reduction in driving standards by many users who apparently are participating in a free-for-all in an effort to "get there" first.

While speeding is common on the F3, a very worrying observation is the number of vehicles making high-speed overtaking and lane change manoeuvres, often sweeping across all lanes and frequently overtaking in the left-hand lane. I suggest that an increased effort is needed to moderate people's driving behaviour and improve consideration for other road users on the F3. Part of this would be increasing the presence of visible police vehicles on this road. Many of the people I represent were affected by recent closures of the F3. This was particularly so on 29 January when a truck accident caused the closure of southbound lanes for seven hours. There was a statewide sense of déjà vu when on the following day another truck accident closed northbound lanes. These shutdowns elicited a range of responses, with a variety of remedies being raised through the media.

There were calls for a duplication of the F3, a new crossing of the Hawkesbury with a connection to the M7, improvement of the rail service as an alternative to trucks, construction of more links between the Pacific Highway and the F3, construction of more breakdown lanes and more timely use of emergency crossovers between northbound and southbound lanes. There was also an airing of the long list of closures and delays caused by previous accidents and bushfires. The seven-hour delay was the result of a number of factors going beyond the collision and the resulting fire. The collision was beyond the control of the Roads and Traffic Authority [RTA], but the response to it was not. Throughout the seven-hour delay the northbound lanes of the F3 were available. The fact that traffic was not or could not be diverted into at least one of the northbound lanes indicates a failure of the RTA in management of its roads infrastructure.

It is clearly impossible to eliminate motor vehicle accidents as a cause of traffic hold-ups; however, there is certainly scope to reduce their impact. There needs to be a better response time in traffic redirection and there need to be better alternative routes. I have some optimism that there will be long-term solutions and I am sure that a major part of those long-term solutions will be improvements to both commuter and freight rail services. Ten years ago the New South Wales Government announced plans for a high-speed train between Sydney and Newcastle, but it was reported in the media early this month that the Government has all but ruled out the idea.

Routine congestion and recent delays on the F3 suggest that commuters would place a value other than dollars on having a viable rail option as an alternative. The benefits of high-speed rail would go beyond just

financial considerations and I therefore believe that a high-speed rail system should be reinstated as Government policy. I am pleased to note that Mr Paul Broad, Chairman of the Government's Lower Hunter Development Corporation, strongly supports high-speed rail as a key to delivering the vision of a strong Hunter economy. A fast rail service to the Central Coast and the Lower Hunter will become a necessity. There will come a time when the threshold for justification of costs and benefits will be met. In the meantime we need to address the problem of user safety and reliability from a number of directions, including improvement of driver behaviour to reduce driver-initiated accidents and also better management of the F3 by the RTA to minimise both accidents and, most importantly, traffic delays when an incident occurs.

**Question—That private members' statements be noted—put and resolved in the affirmative.**

**Private members' statements noted.**

**DEATH OF JOHN RICHARD BARTLETT, A FORMER MEMBER FOR PORT STEPHENS**

**Mr MORRIS IEMMA** (Lakemba—Premier, and Minister for Citizenship) [11.05 a.m.]: I move:

That this House extends to the family the deep sympathy of members of the Legislative Assembly in the loss sustained by the death on 8 February 2008 of John Richard Bartlett, a former member of the Legislative Assembly.

I support this motion, and I do so with deep and genuine sadness because the untimely death of a colleague is something we all dread, knowing how much sorrow and emptiness it leaves behind, and what a reminder of human mortality it is to us all. John Bartlett's suffering and early death are regretted by everyone in this House, and mourned by everyone in this House. John was valued by us as a colleague, a comrade and a friend, a man who added to the dignity and decency of this Parliament in the eight years we were privileged to share public life with him. I think the member for Marrickville put it best in her farewell remarks in 2006. Carmel Tebbutt said that John Bartlett raised the tone of this place and represented the people of Port Stephens with honour and with passion. I think both of those statements are absolutely correct and, moreover, will stand the test of time.

John Bartlett's journey to this country and this Parliament was not an easy or a speedy one. In life, and in death, he did things tough. Born, in his own words, in the slums of London, John struggled with schooling and had a very disrupted young life with brief stays in England, Wales and New Zealand before finding a permanent home in the Port Stephens area, where he lived, worked, raised a family, represented the people and, ultimately, faced his final challenge with courage and with grace. John was a very proud migrant who loved his Australian citizenship and relished conferring it on others when he was mayor. In his inaugural speech he said how in his citizenship speeches he left his new Australians with the following message:

This is a land of hope and opportunity. Walk softly across this land, nurture this land, and leave it a better place than you found it.

It is fair to say that John was unwittingly describing his own life and his own qualities in those words. He came from the rather grim Britain of the early 1960s to seek hope and opportunity, and he found them. As a gentle man as well as a gentleman, he walked softly across this land. As a conservationist he nurtured the beautiful waters of Port Stephens, which his predecessor Bob Martin said was his paradise. And he most certainly left our State and his region a better place than he found it, better for his life and achievements, but poorer for his passing. And so it is with great personal sorrow, on top of my formal condolences as Premier and Leader of the Parliamentary Labor Party, that I say farewell to John. You lived well, you died bravely. You packed a lot into the years you were given, but those years were not enough, and so we mourn your loss, and we mourn what might have been. We thank you and we honour you for walking softly across this land and for leaving it a better place than you found it. May the soul of this good, decent man, who was truly an honourable member of this House, rest in peace.

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [11.10 a.m.]: I join with the Premier in saying to John Bartlett's family, who are present in the gallery, that John's passing is genuinely regretted by all members of this House who served in this Parliament with him. Just as John Bartlett acknowledged them in his maiden speech, I acknowledge his sister, Wendy Bartlett, his sons, John-Paul and Christopher, his daughter, Elizabeth, and their partners. John will go down in history as almost one of the most remarkable people to be here, if for no other reason than I cannot recall in the eight years John served here that he ever engaged in the antics that Mr Speaker is so determined to stop and that ensure that the reputation of this place as the bear pit continues to this day.

John always sought to work constructively, to speak constructively and to advocate constructively on behalf of his magnificent electorate, an area of the State that as an adopted son and a long-term schoolteacher at the high school, he so clearly loved and was so clearly determined to improve. As with the current member for

Port Stephens, John had a background in local government, and as with the current member for Port Stephens he had been mayor and, as with the current member for Port Stephens it was community first, party second when it came to advocating for his area.

I read John's maiden speech again while listening to the Premier. The only wish that was not fulfilled was his hope that he would pass on the baton to a member of his own party; for that I hope that he forgives us. My association with John, both in this Chamber and in a small room on level 2 when he was well, was always about the personal, never about the political. It was always about getting on with our lives. John struck me as someone who came down to this place to do a job for his community but did not enjoy the prevailing character here. I am sure that Mr Speaker would like 93 such members of this Chamber, and perhaps one day he will have them.

**The SPEAKER:** Hear! Hear!

**Mr BARRY O'FARRELL:** On behalf of the entire Liberal-Nationals Coalition—the Leader of The Nationals and a number of other members will speak to this condolence motion—I extend to the family our regrets at John's passing at such an early age. I was in the Hunter, in Newcastle, within a few days of the announcement of John's death. It was clear from the media reaction in newspapers, on television and on radio just how much John Bartlett was valued, just how much he will be missed. If anyone else in this Chamber can be loved as much by their community they will have gone a long way to contributing to public life.

**Mr BARRY COLLIER** (Miranda—Parliamentary Secretary) [11.12 a.m.]: I support the condolence motion moved by the Premier for our former colleague and my close friend John Bartlett. John was born in Hammersmith, England, in 1949. The family spent three years in New Zealand and two years in Wales before arriving in Australia in 1962. The family settled in port Stephens at Salt Ash after a time in Stockton, Raymond Terrace and Nelson Bay. When the family came to Port Stephens John's father said to him, "Son, I've brought you to paradise". After high school John completed a Bachelor of Arts and a Diploma of Education at the University of Newcastle. He taught at several schools in the Hunter, specialising in history and library.

In 1977 John was appointed the teacher-librarian to Nelson Bay High School, where he remained until 1999. John retired as the member for Port Stephens at the 2007 State election due to ill health and passed away suddenly on 8 February 2008. I was deeply honoured to have been asked by John's family, who are present in the gallery today, to be among those who delivered a eulogy at John's funeral on 15 February 2008. I am indeed fortunate to have had John Bartlett as one of my colleagues, privileged to have served two parliamentary terms with him, and humbled to have had him count me as among his close friends.

I join in today's condolence motion with an enormous sense of loss. John's family has lost a loving, caring and generous father, brother and father-in-law. The Port Stephens community has lost a first-class advocate, our State has lost a first-class parliamentarian, our nation has lost a first-class ambassador, and the Labor Party has lost one of its finest sons. My wife, Jeanette, and I have lost the finest of friends. Many of us who knew John in this place have lost someone who touched our lives in some very special way and in some very personal way. I know that all Ministers, members of Parliament and their staff, and the Parliament House staff past and present who knew John, whatever their politics, whatever their title or job description, will join with me in extending our deepest sympathy to John's family who are in the gallery today, Elizabeth, John-Paul, Chris, Wendy, Cyrelle and son-in-law Matt. I know that John loved each of you dearly, was so interested in everything you did, so very proud of each of you, and of all your achievements.

John's entry into State Parliament followed 16 years serving his community as a councillor on Port Stephens Council, three years as mayor. Along with John, I first entered State Parliament in the class of '99. I had never met John until then, and as chance would have it I just sat alongside the new member of Parliament for Port Stephens on our first day in this House. I did so for the next eight years until his retirement. I could not have wished for a better parliamentary colleague with whom to learn the ropes. I could not have wished for a better friend than John Bartlett.

In his first speech in the House, on 26 May 1999, John left us all in no doubt as to why he had come to Parliament: to serve, to promote and to advance the wellbeing and the interests of the community he loved, the community of which he had been part since age 12. John Bartlett, MP, brought the Port Stephens electorate, its people, their achievements and their aspirations to Parliament in each and every one of his 262 speeches and questions in the House. I, for one, had never heard of Tilligerry, or Tomaree, or Meadowie, or Salt Ash or Bob's Farm till John Bartlett spoke about them in this place.

I well recall my first visit to Port Stephens with my wife, Jeanette, at John's invitation. We began at Anna Bay with John, visited the skate park at Birubi Point and toured R & R Recycling. He then took us to Gan Gan Lookout, where he showed us that marvellous panorama of Port Stephens, the same splendid view that John had proudly plastered across the top of his official letterhead. Speaking of things official, John Bartlett was the only member of Parliament I have ever known with the official parliamentary crest emblazoned on his surfboard. It is often said that all politics is local, and John Bartlett epitomised that. His ambition was not for himself but for his community. John might have been in Macquarie Street but his heart was always in Port Stephens.

But beyond and behind the politics was John Bartlett the person: compassionate, kind, committed, quietly determined and generous to a fault. At age 57 and after just two terms in Parliament John retired due to ill health. He was diagnosed with multiple myeloma. Our friendship continued after John left Parliament and we would often talk about politics and everything else, including his health. I would ask, "How are you today?" John would always give me a rating out of 10, sometimes it was 5, sometimes 8 and at times it was 2 out of 10. He would give me a rating and then we would move on to another topic. But faced with that terrible cancer at a relatively young age and after half a lifetime of public service, could be forgiven for feeling cheated. But for John there were no complaints, there was no bitterness, resentment or regrets.

John's fight against this insidious illness was not just inspirational; it was a study in courage itself. John believed in equality of opportunity, in a fair go for all, and in the fundamental dignity of mankind. John had many friends amongst our indigenous peoples and a close rapport with the Worimi people, the traditional owners of the land around what is now the Port Stephens area. I talked with John on the night before his passing in the early hours of 8 February. I inform the House that he was so looking forward to hearing the Prime Minister's apology on the very next Wednesday, 13 February.

John always spoke with the same respect and showed the same courtesy to all, whether it was the lady who cleaned our offices on the twelfth floor, or the staff on the front desk or in the cafeteria, or his fellow members of Parliament, Ministers or the Premier. That is just one of the many reasons John was held in such high esteem by his parliamentary colleagues, not just in the Australian Labor Party or Country Labor, but on all sides of politics. In the words of his loyal and devoted electorate staff, Lou and Sandra, "John was unflappable". He had a calm constancy about him, taking all in his stride, slow to take offence and quick to see the funny side of life.

John was a realist: he was at once an ardent environmentalist and a conservationist yet a strong supporter of local tourism and small business, a balance that so often eludes so many in public life. It is no secret that John was well travelled. His last trip, even in a wheelchair, was to Hawaii with his family. John was also a fine ambassador for this State and the nation through the Sister Cities Committee, which he was still chairing at the time of his death. John brought the world to Port Stephens. He spoke in the House about a circle of friendship around the Pacific, Bellingham in the United States of America, Tateyama and Yugawara in Japan, Nachodka in Russia, Tauranga in New Zealand and Victoria in Canada, and said, "We are now looking for a sister city in South America to complete the circle".

At John's funeral service in Nelson Bay parish priest Father David told the more than 600 mourners that John's involvement in the sister city was for him a very special memory of our former colleague. Indeed, along with the present member for Port Stephens, Mr Craig Baumann, I well recall standing in for John in November last year during a visit to this House by the Kushiro wetlands delegation from Japan. Our Japanese visitors could not speak highly enough of the person they referred to as "Bartlett San".

We can all speak of John's many achievements, whether in Parliament or on council. We can speak of the many achievements of which he was personally proud: the marine park, cycleways, wetlands preservation, youth programs, Stockton Bight conservation zone, sister city programs, R & R Recycling and his work on public liability reforms. We can speak of the multimillion-dollar projects and the far less costly ones such as the air conditioner for Medowie Preschool. We can speak of his many local campaigns, including his strong opposition to pearl farming, and the establishment of the local liquor accord. We can speak of the 20 community and council committees he regularly attended and served upon as well as the groups he began or was involved with, such as the RAAF Williamstown support group or Sailing for the Disabled.

But John sincerely believed that his most important achievements were the little ones, the smaller improvements that may not have received all the publicity yet made an enormous difference to the daily lives of the people in his community. John's involvement with his community continued after his retirement from

Parliament until his passing. He actively chaired four key community committees—sister cities, R & R Recycling, Port Stephens Real Futures Incorporated and the RAAF Williamtown support group. Such was his devotion to this community.

John's legacy goes on. His commitment extends beyond his passing in his achievements in the projects he began, such as Port Stephens Real Futures Incorporated. This ongoing project involves year 10 students at Tomaree High School. Under the project they make a commitment not to go on the dole but commit instead to completing years 11 and 12 at school or, if they intend to leave school, to do so only to go directly into employment or to take up an apprenticeship. At his funeral his family requested that in lieu of flowers a donation be made to Port Stephens Real Futures Incorporated. I am pleased to say that following a minute's silence in yesterday's Labor caucus the caucus voted unanimously to make a sizeable donation to this very worthwhile project in memory of John.

In John's room on the twelfth floor of Parliament House there was the standard furniture, a photograph of each of his family members, an RAAF poster with fighter planes on it, and a dog-eared ancient history textbook. At eye level on the green felt noticeboard above his desk John had pinned an old photocopy of a poem by the Nobel laureate Rudyard Kipling. The poem "If" summed up John's philosophy, the thoughts he lived by, the beliefs that guided him, and the personal standards he set for himself, the high standards John Bartlett unquestionably achieved. It seems to me appropriate with his family present—I know this poem means so much to them—that I read this into *Hansard*. It has, I would argue, something for all of us in public life. It reads:

If you can keep your head when all about you  
Are losing theirs and blaming it on you,  
If you can trust yourself when all men doubt you  
But make allowance for their doubting too,  
If you can wait and not be tired by waiting,  
Or being lied about, don't deal in lies,  
Or being hated, don't give way to hating,  
And yet don't look too good, nor talk too wise:

If you can dream—and not make dreams your master,  
If you can think—and not make thoughts your aim;  
If you can meet with Triumph and Disaster  
And treat those two impostors just the same;  
If you can bear to hear the truth you've spoken  
Twisted by knaves to make a trap for fools,  
Or watch the things you gave your life to, broken,  
And stoop and build 'em up with worn-out tools:

If you can make one heap of all your winnings  
And risk it all on one turn of pitch-and-toss,  
And lose, and start again at your beginnings  
And never breathe a word about your loss;  
If you can force your heart and nerve and sinew  
To serve your turn long after they are gone,  
And so hold on when there is nothing in you  
Except the Will which says to them: "Hold on!"

If you can talk with crowds and keep your virtue,  
Or walk with kings—nor lose the common touch,  
If neither foes nor loving friends can hurt you;  
If all men count with you, but none too much,  
If you can fill the unforgiving minute  
With sixty seconds' worth of distance run,  
Yours is the Earth and everything that's in it,  
And—which is more—you'll be a Man, my son!

John Bartlett truly was a man for all seasons. In his inaugural speech nearly nine years ago John said this:

When my time comes to pass the baton, I hope the people of Port Stephens will have benefited from my work.

John surely fulfilled these hopes and more. In that same first speech, as the Premier has said, John went on to say that one of his most pleasant duties as mayor was to conduct citizenship ceremonies. He said the test he would apply to himself was the same as the request he made to the new citizens:

This is a land of hope and opportunity. Walk softly across this land, nurture this land and leave it a better place than you found it.

That surely is what John Bartlett has done. John Bartlett has passed his test with flying colours. We are all the poorer for the passing of John Bartlett.

**Mr ANDREW STONER** (Oxley—Leader of The Nationals) [11.25 a.m.]: On behalf of the New South Wales Nationals I express my sincere condolences to the family of our former colleague John Bartlett, including those in the gallery—his children Elizabeth, John-Paul and Christopher and his sister Wendy. We were all touched when we heard the sad news of John's passing on 8 February. I think we were particularly saddened to know that John had passed away so soon after retiring from public life. We knew that he had battled cancer over the course of the last term but he never let that interfere with his representation of his electorate. He never used his illness as an excuse in relation to the performance of his duties. In fact I am sure that many were not even aware of the illness that he battled so stoically over that period of time.

John was a fellow member of what we call the class of '99. That is when I came into this place. I recall on my first day he was at the induction of new members and he struck me as a genuine person, a gentle soul, and perhaps not so well suited in many ways to this environment that we sometimes call the bear pit. I came to realise over the subsequent couple of terms that he did not have a nasty bone in his body. I felt, as the Leader of the Opposition said, sometimes he would have preferred to be in his electorate rather than in this place when the environment in which we work became a little heated and nasty from time to time. John nevertheless did a good job for his electorate over those eight years. I note from his background that after coming from England via New Zealand he finally at the third attempt got it absolutely right and landed on the lower mid North Coast, at Port Stephens, in 1976. I suppose in country parlance that just about made him a local, having lived there for 32 years.

He was a grass roots politician, he was a part of his community, and that of course influenced the way he represented his community. Some of the activities he was involved in at a community level included being chairman of the Port Stephens Coalition Against High Rise, Community Choir Committee, Community Band Committee, and Sister Cities Committee; a member of the Port Stephens Australia Day Committee and the RAAF Williamtown Support Group; and president of the Port Stephens Teachers Association. Of course, he was a teacher librarian, his most recent post as librarian at Nelson Bay—now Tomaree—High School for over 22 years.

That community involvement manifested itself in his representation on Port Stephens council from 1983 to 1999, including a period as mayor from 1997 to 1999, whereupon he entered this Parliament. Today I learned that one of the things I had in common with John Bartlett was surfing. I am sure that he found that to be a great escape from the pressures of public life, as I did. As I said earlier, I found John to be a gentleman, a fine representative of the community that he served and a gentle soul. We will all be that much poorer for his passing. Once again, I express my deep sympathies to John Bartlett's family and friends.

**Mr GERARD MARTIN** (Bathurst) [11.30 a.m.] I support the condolence motion moved by the Premier and supported by the Leader of the Opposition. I acknowledge the members of John Bartlett's family who are with us in the public gallery. Today I pay tribute not so much to a parliamentarian but to a good mate. The Leader of The Nationals, John Bartlett and I came into this Parliament as part of the class of 1999. Over that eight-year period I established a good personal relationship with John. Jan, one of the staff members from the Whip's office, had a close relationship with John as he used to come to Sydney for treatment. When Parliament was not sitting he would always duck into the Whip's office, have a cup of coffee and catch up on the latest gossip.

About a week to 10 days before John died I had an opportunity to ring him up. It is always my intention to ring up my mates, but on this occasion I had a sixth sense so I rang John and we spent half an hour talking on the phone. John never complained other than to say, "The year 2007 was not my best year but I am looking forward to 2008. I have things to do. I will be down there to see you and the rest of the Country Labor team, have a meal and talk about issues." The issues that John talked about always involved his beloved Port Stephens. All members believe that their electorates are paradise. When visitors to the Bathurst electorate leave the area they understand why it is paradise. However, I could never convince John Bartlett about that. John was passionate—there should be stronger words to describe it—about his area.

Earlier the member for Miranda spoke eloquently about all the things in which John was involved. When I was leaving John's funeral I looked at a sea of sad and distressed faces—people from the community in which John lived, from schoolchildren, to the elderly, to sporting club members. John was respected and loved in every part of his community. For that reason I pay tribute to John as a real local. John and I had something else in common: we both had local government backgrounds and we served our communities as mayor. John always said—and I agreed with him—"It is a pity that they do not run the Parliament as efficiently as we run our councils, in particular, in meeting procedures." John was proud of his contribution.

Much has been said about John's gentle manner. He certainly was a gentleman. If I were to sum up John Bartlett I would say that he was one of nature's gentlemen. That phrase is often used but I cannot think of a more apt time to use it than to describe John Bartlett. In the eight years that I have been a member of Parliament I cannot remember John ever having been noticed by the Speaker, which is a rarity in this place. Of course, I cannot make that claim but I am probably a bit more excitable than John used to be in this place.

**Mr Thomas George:** No, it is your grey hair!

**Mr GERARD MARTIN:** It could be. However, one should not assume from that that John did not make a contribution in this place. On many occasions in this Chamber he spoke eloquently and passionately on issues primarily related to his electorate, not always the major issues about which we were talking. John had a great command of the issues about which he spoke. When I was looking for a speaker on a certain issue I knew as Whip that if I got John to speak he would do the research, he would not need anyone to prepare information for him, and he would speak passionately and from the heart. John will be sorely missed in this place. On a personal note I will certainly miss John as a good mate. When we leave this place we will be quickly forgotten, apart from some photographs on the walls. However, John will not be forgotten. We will all remember him—in particular, the members of the Country Labor group and those in the class of 1999—as a true gentleman and a great friend. I mourn his loss.

**Mr CRAIG BAUMANN** (Port Stephens) [11.34 a.m.]: In 2006, when my name popped up as the Liberal preselection candidate, John Bartlett was quoted in the media as saying, "It will be good to run against an intelligent Liberal for a change." The true measure of a man is how he honours his competitors. John Bartlett might never have graced the Government's frontbench, but he deserves the title "honourable". It would have been an honour to run against him for the seat of Port Stephens. Sadly, that was not to be as John's health saw him leave this place and retire from political life. He retired from political life but not from public life. John was a tireless campaigner for community causes. Those who sit around me are better able to comment on John as a parliamentarian.

I knew John first as a councillor and later as mayor. For members of local government, political ideology is often swept aside and a desire to do the right thing by the community takes precedence. This mutual love of the Port Stephens community brought John and I closer together. This is one task that I had hoped I would never have to carry out in this place. In late 2006 John Bartlett's health deteriorated, but he battled on and maintained a close community involvement until, mercifully, he suffered a massive stroke on Friday 8 February. I used the term "mercifully" because John lived life to the full and a lingering and painful death would not have seemed fair.

John Richard Bartlett was born in England in 1949 and came to Australia with his family in 1962. The family settled in Port Stephens. As the member for Miranda said earlier, John's father used to say, "Son, I have brought you to paradise." That theme is continued in the work of many Port Stephens politicians. We are vigorous in our representations for the region not because of our party political affiliations but because we recognise we are truly blessed to live in such a place. I know that John felt that way about the place he called home for almost 50 years. John was elected, unopposed I seem to recall, to Port Stephens Shire Council in 1983. In 1987, four years later, I met him at my first council meeting.

One item on the agenda recommended sending a councillor to a coastal engineering conference in Tasmania. Being young and inexperienced I opposed that proposal as a ridiculous waste of ratepayers' money and suggested that they send an engineer by all means but that no councillor could possibly benefit. My opposition was successful and after the meeting John approached me and said, "I have a great interest in coastal engineering and I have been attending that conference for four years. Thanks for nothing." John eventually spoke to me again about six months later. I was forgiven, I was much wiser and we became good friends.

In 1993 John was elected as the last shire president of Port Stephens Shire Council and, under the Local Government Act, he became the first mayor of Port Stephens Council. He saw the opening and occupation of the new council administration building and he oversaw the appointment of a new general manager. It was an important time of change and renewal for Port Stephens Council. Councillor Steve Busteed and I joined him and councillors from Newcastle City Council on a committee to discuss taking ownership of the civil terminal at Williamstown airport. The Minister for Transport, Peter Morris, had offered ownership to Port Stephens Council, but in the off chance that it might become a white elephant we approached Newcastle City Council to share the risk and possible blame. The ownership structure that ensued enabled Newcastle airport to become the best regional transport infrastructure in New South Wales, and John was very much a leader in that process.

John spent 16 years in the Royal Australian Air Force reserve. He had a passion for aviation that continued as he worked towards making Newcastle airport one of the best regional airports in the country. I have many fond memories of John Bartlett from his days as a councillor. In the early 1990s Port Stephens Council sat at 7.00 on Tuesday nights. Councillors were left to their own devices for dinner and, inevitably, after three or four hours of sometimes heated, sometimes pointless, debate the Labor councillors would follow me back to my home where we would have a cool drink over my snooker table. I was lining up a shot, not really listening to the conversation, when I heard one of them say, "We will have to caucus on that." As I looked up John said, "Old son, we are going to caucus so you will have to leave." I racked my cue, asked them to put out the dogs and turn off the lights when they left, and I went to bed. Not many of my colleagues would admit to having allowed a bunch of Australian Labor Party councillors in their poolroom—but John could be very persuasive!

On my fortieth birthday John and Labor Councillor Steve Busteed had a plaque engraved with the words, "It takes a Liberal until he is forty to realise his most dependable mates are in the Labor Party." We might not always have seen eye to eye, but at least we kept our sense of humour. On John's passing my sons reminded me of John taking us to canoe down the Gloucester River—which was doubly memorable because it was in flood and John did not give any driving instructions—of taking my family to Little Gibber for a picnic after making me leave the four-wheel-drive and walking in, and of camping on Stockton Beach one New Year's Eve when this time we drove in although John insisted on walking.

John was very active physically. The network of cycleways around Port Stephens is his legacy to the community after he continuously had us apply for matching Roads and Traffic Authority [RTA] funding to construct them. The funding became somewhat easier to obtain when John came to this place. I was elected mayor in 1994 after being drawn twice from the hat, the second time against John. Later over the snooker table John said, "Glad you won. I'll be spending some time overseas this year"—and here I was feeling guilty! John was re-elected mayor in 1996 and remained until after the 1999 local government election, which he did not contest. On John's retirement from council he was inducted as a Freeman and Emeritus Mayor of Port Stephens.

Whilst mayor John established the Royal Australian Air Force [RAAF] Williamstown community support group to foster good relations with the personnel of our largest corporate citizen, of which many are transient. When he was elected to this place in 1999 he maintained responsibility for this support group, and my last conversation with John was when he announced the Royal Australian Air Force Williamstown Citizen of the Year on Australia Day this year. He spent 16 years in Royal Australian Air Force 26 Squadron Williamstown as a reservist, most of the time as a Flight Lieutenant OPSO or operations officer. He was forced to resign his commission on being elected to Parliament.

As member for Port Stephens John started Real Futures—a program that asks all year 10 students on the Tomaree Peninsula to commit to ongoing education or employment at the completion of year 10. The results from this program have been exceptional as the whole community provides encouragement, jobs or training for a great bunch of normal kids going through one of life's more difficult stages. *Hansard* contains three speeches John made on Real Futures and his passion comes through when you read them. John continued to run Real Futures until his death and at his request flowers for the funeral were declined in favour of donations to Real Futures.

John leaves behind many friends. I pass on my condolences to his three children, Elizabeth, John-Paul and Christopher, his loving sister Wendy, and Cyrelle and Matt, who are in the gallery. As his time approached he took his children on a cruise to Hawaii—a last opportunity to be with those he loved. John leaves behind many close sister-city friends from around the Pacific rim. As the member for Miranda stated, last November John assisted in organising a sister-city visit from Kushiro in Japan. Approximately 80 delegates arrived to celebrate the Kushiro-Shortland Wetlands Agreement. John briefed Port Stephens Council on a visit and then advised me that he organised to host a Melbourne Cup luncheon for his Japanese guests in this place and had booked the room in my name. He said, "Old son, what are friends for?" The member for Miranda will attest that it was a successful function, only marred by John's inability to attend as he had been forced back into hospital for yet another blood transfusion.

I acknowledge the presence in the gallery today of former member for Port Stephens, the Hon. Bob Martin, who I know was a very close friend of John's. The three of us share a particular bond as members for this great region everybody calls paradise—we call it paradise anyway. Since the Port Stephens electoral district was gazetted in 1988 only three people have been chosen to represent it. I am proud to have shared that honour with John and Bob. John leaves behind his many mates who served with him on council and the many community groups. Bruce MacKenzie, a councillor for more than 30 years, Freeman of Port Stephens and

former shire president, who was at the other end of the political spectrum, attended John's funeral and told me, "We seldom saw eye to eye, but so what? He did all he could for Port Stephens and you cannot do better than that." A fitting epitaph for councillor, shire president, mayor, Freeman and member for Port Stephens—the mate we all called Barty.

**Mr ALAN ASHTON** (East Hills) [11.44 a.m.]: I join the Premier and other members in expressing my condolences on our loss of John Bartlett, the former member for Port Stephens. John Bartlett and I were elected in the March 1999 election. I served with John for many years on the Public Bodies Review Committee. We became very good friends. John was a decent, thoughtful and gentlemanly man—attributes other members have commented on. His politeness and intelligent contributions often stood in stark contrast to what frequently passes for debate in this bearpit. His speeches always were well researched. I cannot remember even an occasion when Opposition members interjected. John Bartlett never set out to goad or upset the Opposition. He was more interested in making a positive contribution to debate in this Chamber, focusing on policy and improving life for citizens all over New South Wales but, particularly, as other members have said, in his Port Stephens electorate.

He made those same thoughtful contributions in the Labor Caucus; he was not one to upset somebody or put forward some factional line, of which we can all be guilty at times. John's contributions were always thoughtful and taken quite seriously by Premiers Bob Carr and Morris Iemma. John loved the people and the features of his Port Stephens electorate so much. I remember when we were all inquiring about the types of letterheads we could use that John's electoral letterhead was the most amazing one: it featured a picture of the ocean, the beach and headland area of Port Stephens. I tried to copy that effect with a picture of the Georges River and a walkway—but I did not quite achieve the same effect! John was creative with those sorts of ideas. He was a keen participant also in private members' statements; he was always happy to step in when other members were not available. When he spoke in the Whips office and other places he referred always to his "patch"—a term, no doubt, he brought from his native England. I know he was very young when he arrived in Australia.

I enjoyed many discussions with John about football. Arsenal was the team he passionately supported, most of the time bringing him great joy. My team, Newcastle United, only ever brought me grief. We played squash together. John was very good at squash. He used to just stand there, serve the ball lightly and then I would run around the court madly while John just seemed to be always in the right place. He had a deft serve. I used to serve like I was playing tennis at Wimbledon—I guess quite inappropriate in a game of squash. Like John, I too was a teacher before being elected to this place. I know John really cared about the problems faced by young people in our community. I appreciate that instead of flowers being sent to his funeral, donations were sent towards the endeavours of year 10 students at schools in his electorate—a fine tribute to John.

John's Christmas cards also taught us a great deal. In the early days most of us would choose Christmas cards from a selection. We later came up with the idea of schoolchildren entering competitions from which we produced our glossy Christmas cards. John Bartlett's Christmas cards were a photocopied message on a red piece of paper—sometimes green—because he believed the money could be better spent by making donations to worthwhile charities and causes in his electorate. I thought that was an interesting gesture. I truly regret John's illness over the past years and his tragic passing. I pass on my sincere condolences to his family, who are in the public gallery today. They should know that a more decent man has never been elected to this Chamber.

**Ms KATRINA HODGKINSON** (Burrinjuck) [11.48 a.m.]: I join members in speaking to this very sad condolence motion to mark the passing of John Bartlett. In common with many members who spoke earlier, I commenced my parliamentary career with John Bartlett in 1999. I have to say that for the entire time I knew John, he was always so true, fair, kind and honest, irrespective of which side of the House a member was on. I could always strike up a decent conversation with him; he was always willing to have a chat. Some of his biographical details led me to a part of one of his speeches that encapsulates the man as I knew him:

One of the delightful aspects of my being an out-of-town member of Parliament starts at the beginning of each day: walking from my unit through Hyde Park, past the Art Gallery, past Mrs Macquarie's chair, through the Botanic Gardens, around the Opera House, back through the Botanic Gardens to Shakespeare's statue and thence to Parliament House. It is a magnificent walk, unparalleled anywhere in the world I would suggest. No wonder I always had a smile on my face when I arrived at Parliament House. Most people have breakfast, lunch and dinner with their families, but out-of-town members of Parliament develop friendships and relationships with a whole variety of parliamentary staff. Those relationships have made my stay in Parliament in Sydney most delightful.

At a time when so many country members come to this place and whinge and complain about not being with their families and their friends back home and about having to travel considerable distances between their electorates and Sydney, John was a man who could make the most out of any situation. He was always happy

and always thinking positively about the beauty that surrounded him. We know how much he loved his electorate of Port Stephens. I know that he was born in the slums in England. He came from very humble beginnings, which probably had a lot to do with the appreciation he had for the environment around him.

John's death is such a tragedy: he was truly a wonderful man. Many people have spoken about his career, but I remember him as a truly gifted and talented person in the way that he could develop relationships with anybody around him. I thank the people of Port Stephens for bringing him into this place. He contributed in a very positive way and certainly benefited many members. I pass on my very sincere condolences to his family and friends at this difficult time. He was well loved in this place. Vale John Bartlett.

**Mr TONY STEWART** (Bankstown) [11.51 a.m.]: By any standards, John Bartlett was an amazing person, a person of great stature and a person who had a huge passion for life as well as a vibrancy that was quite contagious. I first met John Bartlett through my friend and mate Bob Martin, a former Minister for Mineral Resources and Minister for Fisheries. When Bob announced his retirement, he told me there was a "bonzer bloke" who would take over the reins, someone whom Bob had carefully selected and with whom Bob had worked over a considerable period. I visited Port Stephens as the Parliamentary Secretary for Education. At that time I thought I was full of knowledge about this place, having been a member already for four years. I thought I would give John Bartlett a lecture, but I learnt very quickly that that would not be the case.

I sat down with him in God's own country—Port Stephens—looking across at a beautiful stretch of water. We were having a cup of coffee, I think. I started to tell him a little about Parliament. He said to me, "What is it like there? What can you do?" I said, "Well, really mate, the suggestion that a member of Parliament has power is really an illusion. You really don't have power. As a mayor, you would have much more opportunity to get things done than you do as a member of Parliament." I gave him an analogy, "Being in Parliament is like having a toothpick and chipping away at a mountain." I remember that he just looked at me, took a breath, and said, "Then you can do a lot with very little." I came to know that that is the way he lived his life.

I also told him that in this place, rather than friends, we sometimes make acquaintances. In saying that, I do not wish to cast aspersions on any individual: that is the nature of being a member of Parliament. But I can truly say that John Bartlett became a friend. That was easy to do with John because he was so engaging. He taught me a lot about people and a lot about humanity and that is something I can transfer into my role as a member of Parliament. I hope that I am a better member of Parliament because of my friendship with John.

Like me, John had a background in teaching. We had a lot in common. He was a librarian-teacher. I thought being a librarian would be about as interesting as watching grass grow. He demonstrated that there is a lot more to librarians and libraries than I thought. He even explained to me over a glass of wine what the Dewey decimal system was all about. I would not have thought that I would have listened for more than a minute and a half about the Dewey decimal system, but we discussed that for approximately 20 minutes before I put my hand up and said, "I believe you." That was another mission accomplished for John Bartlett.

I conclude by saying to John's sister, Wendy, his daughter, Elizabeth, and her husband, Matt, and his sons, John-Paul and Chris, and of course Cyrelle, John's partner, that you have had an amazing brother, father and partner and someone who has truly made a difference for the betterment of this world. That is not something I say lightly. Other members have said a great deal about the substance of John's life. As the Premier and others have said, particularly the member for Miranda, Barry Collier, John made a difference for the better. He leaves Parliament a much better place for his having been here. Moreover, he has been a true father to the community of Port Stephens—something that that community should forever cherish.

**Mr THOMAS GEORGE** (Lismore) [11.55 a.m.]: I am saddened but honoured to speak to this condolence motion. John was only 58 years young and his life has been well and truly discussed this morning. My association with John began when he was elected to Parliament as part of the class of 1999. I soon realised that he was a gentle and caring person who always took a personal interest in people. His only mission was to truly represent the electorate of Port Stephens. John was proud of his family. I know from conversations I had with him that his family was uppermost in his mind. He was always proud of his family and proud of their achievements. His family meant so much to him.

John was always a keen walker, as other members have mentioned. The member for Burrinjuck spoke about his frequent walks. At 11 o'clock at night I would sometimes find John in his walking gear about to walk back to his apartment. It used to frighten me. However, he had no worries whatsoever about walking home.

I expressed my concern for him walking through the Domain to go home, but it did not worry him. Every morning when I go for a walk I proudly wear a cap that John gave me. He had one like it and was so proud that it had "Hawk" on it. I commented on it and he said, "That's Port Stephens, mate, and I am very proud of that." I admired the hat and a week later he gave me one. I wear it with pride every morning that I go walking. In the past couple of days we have received the photograph of members of the Fifty-Third Parliament. Whose face is shining right in front of the rest of us? John Bartlett's. If his family has not seen the photograph, I am sure a Whip will gladly show them. It is a lovely photograph of John in his prime as a member of Parliament.

To Wendy, John's sister, and his sons, John-Paul and Chris, and his daughter, Elizabeth, and her husband Matt, and to Cyrelle, I again apologise for not being able to attend John's funeral. I phoned to explain why I was not able to attend. My heartfelt sympathy, thoughts and prayers are with you all. John Bartlett, MP, may you rest in peace.

**Mr GEOFF CORRIGAN** (Camden) [11.58 a.m.]: I am proud to support the condolence motion moved by the Premier. I commence by simply saying that John Bartlett was a good man, a gentle man and an outstanding advocate for his electorate. I got to know John because he provided me with advice when I was elected to Parliament in 2003. I had been staying at the Royal Automobile Club, which had been recommended by my predecessor. However, the digs were not really to my liking. I mentioned it to John, who said, "Why don't you come down to the Mariners Court at Woolloomooloo where I stay?" Believe it or not, the selling point was that it did not have air-conditioning. I thought that was a strange selling point, but John said that he preferred a place without air conditioning. I stayed there until the last election. John stayed there until he moved to his son's place near Hyde Park.

On Thursday mornings when we were preparing to return to our electorates, sometimes after a late sitting, I would leave Parliament House to return to Camden at nine o'clock. He said, "Well, that's no good, Geoff. I'll be up at three or four, and by the time you get up, I'll be out on the ocean on my surfboard." He always talked at length about Port Stephens and surfing. After John died I sent a brief note to the owners of Mariners Court, where we used to stay—I no longer stay there. I said:

Dear Robert and Lesley,

I didn't know if anyone let you know but our good friend John Bartlett (former Member for Port Stephens) passed away last Friday 8 February 08.

Thought you'd like to know.

They responded:

Hi Geoff,

Thanks for letting us know. Very sad indeed, as he was a most friendly and charming man and a pleasure to know.

Regards

Robert and Lesley

The number of speakers today evidences that John was well respected, including Opposition members who spoke well of him. John caught us by surprise on 7 September 2006 when he made a brief private member's statement about parliamentary staff and surrounds. Today the member for Burrinjuck read it and the Premier referred to it. I ask all people to read it. Luckily, at the time the member for Marrickville realised that it was John's farewell before he went to start his cancer treatment. Although the Premier has already read this, I will repeat what the member for Marrickville said about John Bartlett:

I will respond on behalf of everyone here, and everyone who cannot be here, to the comments of the honourable member for Port Stephens. He is a popular and well-respected member around this House. I place on record our appreciation of his commitment to his electorate.

On that day the member for Murrumbidgee used part of his five-minute private member's statement to respond as well. He said:

I join others in this Parliament in congratulating the honourable member for Port Stephens on his contribution to the Parliament over the past eight years. It is difficult being a member of Parliament at the best of times, let alone being an out-of-town one with the additional time taken away from one's family. To have the support of friends, and the great vista he has on his way to work, makes a difficult job that little bit easier. I thank him very much for his contribution to this place.

I commend those words. The respect John paid to the parliamentary staff who assisted him during his eight years in this place was returned to him at his funeral. Dennis Wilson, Bianne Nordin, Jan Clifford, former canteen supervisor Maureen—her surname escapes me at the moment—and Ian Faulks all made the trip to Port Stephens for John's funeral, and the member for Wagga Wagga drove to Port Stephens for the funeral. I was also pleased to see—I have probably missed some people—the former member for Port Stephens, Bob Martin, whom I know very well, John Mills and Paul Crittenden at the funeral.

Paul Crittenden and John had something in common, other than their ability to stir things up. Each year the Labor Party holds an end-of-season dinner, which everyone attends. Both Paul and John were award winners in 2005. Paul Crittenden won the Stirrer of the Year award—in a tight contest with the member for Bankstown, who has already spoken today. On that occasion John outdid the member for East Hills, which no-one thought would ever happen. Although the member for East Hills is wearing a moderate tie today, he usually wears the most outrageous tie he can find. However, in 2005 John Bartlett won the prize for the most outrageous tie. The tie was yellow but I cannot recall exactly what was on it. It certainly took the award for outrageousness! John Bartlett was a wonderful man and it was a pleasure to know him.

**Mr DARYL MAGUIRE** (Wagga Wagga) [12.03 p.m.]: Along with other members in this place, I was genuinely saddened to hear of the passing of John Bartlett. John Bartlett came into this place, along with many of us, in 1999. John and I served on several committees together: the Library Committee, the Public Bodies Review Committee, and the Road Safety Committee, or Staysafe. In all the time I served on those committees with John I cannot ever recall him raising his voice or having a bad word to say about an individual, whether they be a parliamentarian, someone from his electorate or someone from the wider political scene. Also, I cannot recall him thumping the desk, as some of us would, to get a point across. He always spoke in a considerate and quiet manner, but he always made his point.

John always made a contribution, whether at public hearings for one of the inquiries we were conducting in regional and rural New South Wales or whether he was talking to the chairman of the board of the New York Stock Exchange. John represented this place and his electorate in a manner that we can all be proud of and that future politicians can look to as a guide to the way in which people should be encouraged to act. As members of Parliament we are required to serve together on committees. Members of the public looking in from outside think the only things we do in this place are fight and row. Well, we do. At certain times there are things that we agree on unanimously and enthusiastically; and there are times when we disagree, and rightly so because that is the forum of a Parliament and what this place is for.

There will always be points of difference in our robust debates, but when we walk out of the Chamber there is always a different atmosphere that members of the public do not often appreciate. The media do not portray the fact that, although we fight and blue in here from time to time, when we step outside many friendships cross the political divide, and rightly so. We share a lot of common interests. I always tell new members of Parliament when they come into this place, "Leave your blues in here and when you go out into the foyer be civil and take the time to get to know those people and you will be rewarded." And that is what John did, as members' contributions today have shown.

John and I travelled widely in New South Wales. I had the privilege of travelling overseas with John on two occasions. One trip took us to New York, where we met representatives of the New York Stock Exchange. We were in the process of conducting two inquiries, one of which was law and mental health. John was very interested in social issues, and at that time the Office of the Protected Commissioner and Office of the Public Guardian were involved. We were trying to come up with a solution to the problems that affected those people who have lost the ability to make a decision for themselves—that is, people with dementia, the elderly, people with an acquired brain injury or people who for some reason were incapable of making decisions regarding their wellbeing. When the report of that inquiry was brought to the Parliament 24 of the 25 recommendations were adopted unanimously.

One thing that family members can take away from this place is that John had a major input into that inquiry because he was interested in and passionate about people with a mental illness, just as he was interested in and passionate about the environment and his electorate. At Christmas time during seasonal felicitations I mentioned that we had been to New York. I pointed to the fact that we had finished our work and were about to travel home. Catherine Watson, who was travelling with us, was about to make some arrangements via the Internet, and we had an hour to spare. She said, "Boys, what are you going to do?" I said, "I think we'll go to the nearest pub and have a beer and then get on the plane." John said, "No. I think I'd like to go to the World Trade Center. I've never been there before." I said, "Why would you want to do that?" To tell the truth, I was scared;

I was frightened by the World Trade Center as it looked so tall and large. I was a bit of a chicken; I did not want to go.

But John said, "No, I'd like to go there and Catherine said we should go because we may never get the chance again." Those words ring in my years. So we went. We paid our \$27 and went to the top of the World Trade Center. It took 58 seconds to travel from the bottom to the top. There were about 60 people in the lift, which was enormous. There we were on top of the World Trade Center, where I took some photographs.

After we had a beverage I could not get down from the building quickly enough. John was quite at ease and comfortable. No matter where he went, John was comfortable and fitted in with everyone. He could always find entertainment of some description. It took 58 seconds to descend from the top to the bottom of the World Trade Center. The next I thought of it was two months later to the day, when my wife woke me to look at television reports of the bombing of the World Trade Center. My undeveloped photographs were still in the camera. Now the framed ticket and photographs hang on a wall in my office in Wagga Wagga. That is just one of the memories of John.

John and I attended an inquiry at Wagga Wagga into council liabilities regarding roads and bridges that were not maintained properly. In fact, litigation was occurring. Catherine made arrangements for a Tarago to be provided for the trip. I met the committee members in Wagga Wagga and we travelled to Tumbarumba, through the picturesque areas of my electorate. I was driving, and the committee members were happy to be transported around. However, I soon realised that something was not quite right. We stopped at a service station and I discovered that one tyre was bald with the steel showing. Someone had stolen the good tyres supplied by the Parliament and left the near-bald tyres that endangered our lives. We could have been killed but John took it all in his stride. I was agitated and animated—

**Mr Alan Ashton:** So was I.

**Mr DARYL MAGUIRE:** So was the member for East Hills and others. We were driving along corrugated mountainous roads in difficult terrain in a defective car, but John took that in his stride, *que sera*. On the same occasion we went to my farm. John always took great interest in my olive grove. He loved everything to do with nature—the waterways and the natural environment. I attended the funeral, as did many others, and I learnt a lot more about John. In many ways he kept a lot of information to himself. I would have to press him to talk about some things.

I was a regular visitor to his electorate. In fact, I rang him several times when I visited the current local member, Craig Baumann. On the last occasion I invited him to lunch but, sadly, he was too unwell to attend. We knew he was fighting the good fight. John said that he would take a raincheck, but we never had that lunch. I knew that I could always ring him, and I will miss his warm and friendly greeting. We had long conversations but John never said how unwell he was or sought sympathy. Even when he was diagnosed he did not say a lot about the difficulties he was facing; we would have to extract that information from him. But that was the mark of the man.

John often talked about his children. John-Paul delivered a eulogy at John's funeral. I commented later that while ever that boy walks this earth John Bartlett will never be dead because John-Paul is so much like his dad. It is difficult to deliver a eulogy about a family member in such trying circumstances, but John would be very proud of the way in which his son did so. I extend to Elizabeth, Chris, John-Paul and Wendy, John's sister, my sincere condolences. The Nationals Whip and my good colleague, the member for Lismore, mentioned a photograph. I happen to have a copy in the Chamber—I am sure Mr Speaker will not mind me using it as a prop.

**The SPEAKER:** It is entirely in order.

**Mr DARYL MAGUIRE:** I am sure the Parliament will make available a copy of this photograph for the family to keep. I am happy to give you mine. It is a difficult and a sad time, but in a way it is also a time for celebrating John's life and his contribution to this place, his electorate and his family, of whom I know he was very proud. I am sorry that we have to make contributions like this, but it is fitting for a lovely man to have such a tribute.

**Ms LINDA BURNEY** (Canterbury—Minister for Fair Trading, Minister for Youth, and Minister for Volunteering) [12.15 p.m.]: In remembering and honouring John Bartlett I pay my respect—for the second time this week—to the Gadigal, and particularly the Worimi, peoples from the area that John represented. My

contribution will be brief but very heartfelt. Yesterday I got such a shock when I learned in Caucus that John had passed away. I want to share with John's family and with members my experience of two acts of enormous kindness and generosity on John's part. I am sure that everyone has said almost everything that can be said about John.

Parliament is a really scary place for new members. There are many rules and regulations and ways of doing things that take a while to get used to. When I first came to this place someone said "You'll know the place in two years". I thought "Oh, get away; it won't take me two years". I can assure members that it has taken me two years. One of the great acts of kindness I experienced in my first week was when I ran into John on level 12 and he said, "How about I take you out to lunch?" We went to a little Japanese restaurant in the MLC centre. It was so nice to have someone say, "Come on; it's not all that scary. You're allowed to leave at lunchtime, believe it or not!" John stayed a friend and he checked on me all along.

Last February—almost 12 months ago—I visited Port Stephens. I wanted to visit John, as I had not seen him since he left Parliament. We spent the day together. We visited Tomaree High School, a playgroup at Nelson Bay Baptist Church and a local primary school. We held a community information session. John was magnificent and clearly loved. Coincidentally, it was an Aboriginal cultural day—it had nothing to do with my visit. John walked me around the school and introduced me to teachers. He was wearing Bali pants, which were like long board shorts, and he looked great. It was such a pleasure to have John share that special day, which will stay with me.

John loved a chat; boy, did he love a chat! He would tell story after story, many of which have been recounted today. The chats were gentle, they were funny, and they were about life. I remember John saying to me when we were sitting in the second row of the Government benches during a division, "You know, Linda, I don't want to be a Minister. I just want to represent the people of Port Stephens". I thought that was just astounding because it was honest. It was a mark of John when he said, "I just want to serve the people of Port Stephens". And, at the end of the day, that is what we are about in this place: we are about service. If we ever forget that we do not deserve to be in this House. I can share with his family—and I know they know this—that John was absolutely about service. I finish by saying three words that, to me, epitomised John Bartlett: kindness, humanity and humility. If those three words are attached to any of us at the end of our life, we will have lived a good life. As they say in the Kimberley, "Kaó John".

**Mr KEVIN GREENE** (Oatley—Minister for Community Services) [12.21 p.m.]: Today we remember John Bartlett and speak of his sad passing. Along with many members who have spoken in support of the Premier's motion, I was elected as part of the group known as the class of '99. John was a member of that group, as was Tony McGrane, who has also sadly passed away. It is at times such as this that we reflect on the contributions that people such as John have made not only to Parliament but more so to their family and their community. Today members have rightly expressed passionately their respect—I emphasise that—for John and his contribution.

Many members have said that John had a great love for his family and his community. As the Minister for Fair Trading said eloquently, John's great ambition was not to be a Minister, the Premier, or whatever people come to this place to be. John's great ambition was to be a servant of the people of Port Stephens. As the Minister for Fair Trading also said so eloquently, there can be no more noble ambition. John was a great servant of his community. Today many members have spoken of the respect in which he was held throughout Parliament because of the way that he presented his arguments, his case, his feelings and his desires to make life for the people of Port Stephens so much better. That is what John was about.

John would share stories about his community—about Anna Bay, Nelson Bay, Fingal Bay and the many hamlets in his area. He showed me copies of his newsletter, which always focused on a different part of the community. He was very passionate about that. It was good to sit on the backbench, as the member for Miranda mentioned, and talk about his community. In his private members' statements he took the opportunity to talk about the great things that had happened in his electorate. John did that without notes. He talked about various functions he had attended, or the needs of his community, with great passion.

As the member for Burrinjuck and the member for Lismore mentioned, John loved going for walks. John would tell us where he had walked in the morning, and how much he enjoyed the opportunity to be around the harbour. He also enjoyed a game of squash or snooker. He enjoyed talking about his surfing exploits and his local environment. Today many of us have placed on record our respect and our love for John Bartlett and, importantly, we do so with a great sense of loss. John Bartlett was a man who contributed in his own small way

to the Parliament of New South Wales but in a huge way to the Port Stephens community. His loss, his family's loss and our loss is an even greater loss to the wider community. I thank the House for the opportunity to share my thoughts on a great man, John Bartlett.

**Mr STEVE WHAN** (Monaro—Parliamentary Secretary) [12.25 p.m.]: I join my colleagues in wholeheartedly endorsing the wonderful and well-deserved comments about John Bartlett and his service to his community and this Parliament. Earlier the member for Bathurst spoke of John as one of our Country Labor colleagues. As the current convenor of the parliamentary Country Labor group, I will focus on that aspect. John was a very valued member of Country Labor. John came to Parliament four years before I did. But in the four years we were both here I enjoyed his contributions to our discussions during the early morning Country Labor meetings and his passion and advocacy for the area that he represented.

John Bartlett, despite all the things that have been said about how polite and quiet he was, was never quiet or backward in coming forward if he felt that something had not been delivered that he felt should have been. I often sat and chatted with John when the member for Bathurst chaired those meetings—not that members talked while he was chairing, of course—and John would comment about something that he thought should have been done. I would sit there, as a backbencher, thinking that I was glad I would not be in the Premier's office when John went down to make sure that it would be delivered. Despite his politeness, which has been referred to—and it is a well-deserved compliment—John was certainly very passionate in advocating for things that he knew needed to be delivered.

The member for Bathurst was the convenor of Country Labor for the four years that both John and I were members of this House, and he has commented on that too. From Country Labor's perspective, I place on record the fact that we have really missed John's contribution to our caucus. We miss him bringing us a diversity of views. That has gone. I recall he was a strong advocate for quite a while regarding the problems faced by oyster farmers—a matter on which he had an impact. We followed up on many of the issues he raised in caucus. As a result improvements were made and help was provided to oyster farmers.

Many members have spoken of John's kindness in welcoming and helping new members to settle into this place. I was a beneficiary as well. But before I was elected to this place John rang me and offered to come to Cooma to explain the difficulties that clubs were experiencing with public liability insurance—an area about which he was very passionate. John gave a seminar to clubs in the area voluntarily and off his own bat. It was a tremendous thing for him to do: to help a candidate campaigning in their electorate. It was even kinder of him not to tell many people that after I picked him up at the airport in my clapped-out old car it ran out of petrol. Fortunately we were not too far from a service station. John uncomplainingly jumped out, helped push my car across the road and helped me get to the service station for petrol. He then proceeded to do a campaign advertisement and tell the owner of the service station what a great local member I would be. I was grateful that he never stirred me too much about that rather embarrassing moment. A lot of members have said that John went out of his way to welcome them to this place, and that was part of his kindness. It is a great tribute to John that today we have heard such genuine comments from members on both sides of the House.

Caucus also paid a great tribute yesterday. John achieved the longest period of silence in caucus since I have been in this place! That is difficult to achieve but it shows the respect that his colleagues had for him and our feeling that it is so unfair that someone who should have been able to enjoy a long retirement after such great service has been taken so quickly. A couple of John's colleagues who sat in the Chamber with him have spoken about their experiences. Those of us less respectful and perhaps newer members of the place call that section of the House "sleepy hollow". That is because it has the most comfortable seats in the House! I can assure members that we never actually witnessed John living up to the name given to that corner of the Chamber because he was always intent on his work and responsibilities in this place.

I remember most that although he was the quiet, polite and considerate person that everyone talks about and was always able to say a kind word about people rather than a bad word, he was certainly tough when it came to advocating for his area. That is a great tribute to him. As convenor of Country Labor, I put on record Country Labor's great appreciation of John Bartlett's efforts for our part of the Labor Party. I pass on our condolences to all family members.

**Mr GRAHAM WEST** (Campbelltown—Minister for Gaming and Racing, and Minister for Sport and Recreation) [12.30 p.m.]: I offer my condolences to John Bartlett's family. John Bartlett loved life and he loved his community. I entered Parliament at a by-election in 2001 and when one comes into this place, as other members have said, one finds it strange and unusual. One knows from the beginning there are people one cannot

turn to because they will lead a member astray. I also quickly learnt that there are others, including some of those sitting behind me, who one thinks are giving the right advice but are leading one up the garden path.

**The SPEAKER:** I remind the Minister that Hansard is taking notes!

**Mr GRAHAM WEST:** I did not say which members! John was not one of those. John and the late Jim Anderson were members who would take a young bloke and say, "This is the way to do it. Don't listen to those blokes, son", and make sure one was looked after. John also was an MP who wanted to share what worked. In a profession where we like to engage in one-upmanship, he never did that. He shared his information. He said, "Son, this is what works: keep it local. You've got to tailor it to your area." He was really passionate about sharing. He certainly was a gentleman but I think there was a real vein of steel running through him. He was always stressing the importance of acting locally. I know that this was not just talk; he lived it.

All who knew him or met him found that etched in him was a love of his family, the environment and of Port Stephens. He took on the big issues, but he always gave them a local focus. The member for Miranda highlighted that in his speech. It struck me while going through the over 250 contributions he made in this place, which is in itself an amazing achievement, that long before the petition in the newspapers to stop whaling John led the debate against whaling. He did that not once in the Parliament but a number of times, including using private members' statements. He always related it to his local area and what it meant to the people of that area.

He campaigned vigorously for national parks. He believed they were a key to a sustainable future, not just as part of the environment but also as part of the economy. His first question in this place was about jobs. He saw, and it was clear in all his contributions, that education was the way forward, the way out of poverty and so vital for children. There is much that can be gained from reading the over 250 speeches that are on the record but, as all members know, there is much more to a person than what he says in this place. This was clear at John's funeral service, which was a fantastic celebration of his life, filled with sadness, laughter and humanity. Much was shared at the service led by Father David and it gave me a greater insight into John. John-Paul's eulogy moved us all and captured much of John, including I think his sense of humour. In using that humour, John-Paul spoke of there being big shoes to fill. They definitely are big shoes, but I am sure that John is proud of John-Paul.

It was also not until the funeral that I heard the full poem *If*. I know that John-Paul is ribbed for not being able to recite it in full and never claimed the prize that John offered. It is an even greater shame to me that my grandfather used to quote from that poem and I did not know what poem it was. I think that poem had been written for John, for in a profession that twists and turns and has pressures exerted on it and is certainly not the most popular in the community—sometimes with good reason—John stood tall. John was not only a man, in the words of the poem, he was also his own man.

**Mr GRANT McBRIDE** (The Entrance) [12.35 p.m.]: I rise to express my condolences to the family and friends of John Bartlett, and also to honour a friend and colleague who was recently taken from us. Others have listed and will list John's achievements in life, local government and State Parliament. However, today I will address John, the man, as I knew him. Friendships are difficult in this place, given that we come from all over the State and are members of different parties and sometimes the only time we see each other is during the chaotic bustle of the sitting weeks of Parliament. Still, in the midst of this chaos, friendships are formed and often, through membership of parliamentary committees and, dare I say it, doing House duty in the Parliament, there is time on occasions to exchange thoughtful review of ideas, sport, and politics always, but across a spectrum of issues. John and I were on the Staysafe committee, where he made a substantial contribution given his commitment, vast experience of life and politics, sharp intellect and thoughtful and welcoming demeanour.

John initially was an enigma to me. He was a big man with a quiet self-assurance who seemed totally at ease with himself, life and politics. He had that laidback, carefree attitude that is the characteristic of people who surf and who love it. As someone who loves surfing and is still part of the culture, I think we clicked somewhere out there past the break zone. John, who never sought aggrandisement, promotion or any form of public recognition, was unique. He was one of a kind and a man who challenged me to the core in terms of my beliefs and values. There are very few John Bartletts in the world and it is a rare privilege in life to meet one. It is a privilege I will always value. John was and is a great bloke. For me, his spirit will always live.

**Ms MARIE ANDREWS** (Gosford) [12.37 p.m.]: I join with the Premier and my parliamentary colleagues in paying tribute to a friend and esteemed former colleague, John Bartlett, who represented his electorate of Port Stephens with great distinction from 1999 to 2007. I feel privileged to have been in Parliament

with John for that period. John was highly regarded on both sides of the House and was known as a champion of the people in his electorate. He was a true gentleman and a scholar. John was also a keen sportsman and I know he was a great fan of the wonderful game of cricket.

During his time in this place John oversaw significant improvements in his electorate. He lobbied hard for improved local services and was particularly passionate about youth having access to a quality education, having been a teacher librarian for 22 years before entering Parliament. In his quest to enable those from less advantaged backgrounds to gain an education, John was instrumental in setting up the Tomaree Real Futures Program, which aims to assist local youths to stay in school and gain their higher school certificates. I know that John was passionate about giving youth who perhaps felt alienated and had given up on school a second chance at reconnecting with society through education or work training. The success of this program is testament to the type of person that John was and the commitment he made to his electorate.

When I served on the Standing Committee on Public Works the members of the committee visited Port Stephens in the course of one of our inquiries. John as the local member, and a most hospitable host, organised for members of the committee to visit a number of sites in his electorate. It came as no surprise to members of that committee, which comprised people from both sides of the House, that John was highly respected and well thought of everywhere. My thoughts and prayers go at this time to John's children—Elizabeth, John-Paul and Christopher—and to John's sister Wendy. I offer them my deepest condolences. May John Bartlett rest in peace.

**Mr RICHARD AMERY** (Mount Druitt) [12.39 p.m.]: I join all members in supporting this condolence motion and expressing grief at the loss of John Bartlett. If ever there were to be a funeral for a former colleague that I would not miss, it would be the funeral of John Bartlett, but miss it I did. On that same morning I delivered a eulogy for Mr Brian Newham, the husband of a dear friend and a pioneer of the Rooty Hill area. It was distressing to have two good friends pass away and to have their funerals conducted on the same morning. Because of that I missed what I understand to be a funeral service befitting the person that we all knew John Bartlett to be.

I have a copy of the eulogy given by John's good friend Barry Collier, the member for Miranda. I congratulate Barry and John-Paul on doing John, his family and all members proud. John was born in 1949 and he came to Australia in 1962. As the newspapers and members of this Parliament referred to his family and to his role in local government in one of the longest condolence motions on record I will not repeat much of what has been said about John's background. John Bartlett's story started when the story of his predecessor, Bob Martin, ended. Bob Martin is in the gallery today. Bob, a good friend of John, wrote a justifiably glowing obituary for John in the local press, which I am sure most members have read.

Bob Martin won the seat of Port Stephens way back in 1988. After listening to all the contributions today I am sure that I am one of the few members who was not elected in 1999. In fact, after listening to all the speeches today one would think that the whole Parliament was elected in 1999. Bob Martin held the seat from 1988, serving as a shadow Minister and as a Minister until his retirement in 1999. When he indicated that he was retiring he was asked by many, including me, who he hoped would follow him. He did not hesitate in saying, "John Bartlett." Political analysts have shown that the seat of Port Stephens has never been easy for Labor to win or to hold.

Following Bob's departure he was confident that this fellow on the council would hold the seat, and hold it he did for Labor. John Bartlett won that seat comfortably. However, after both Bob Martin and John Bartlett retired from public life those scoundrels in the Liberal Party took the seat. John Bartlett was elected to Parliament in 1999 and his inaugural speech and subsequent contributions were all about the Port Stephens electorate, which has been eloquently referred to by other members. He would gloat about its beaches, its scenery and the people who led the local community. He never let us forget that he was proud to represent such a beautiful place in the State Parliament.

I have never served in local government and—heaven forbid!—I would never be game to surf. There were a lot of things that John and I did not have in common, but I am pleased that we seemed to get on extremely well. During his first term in office he was always raising matters with me about his electorate. During that time I was Minister for Agriculture, and Minister for Land and Water Conservation. A memorable moment for me was when John invited me to open a jetty alongside one of his coastal strips. I do not know what to do with jetties or coastal strips, but on the day I was required to do more than unveil a plaque.

John showed me a North Sea patrol boat that had been bought by a rescue service in his electorate and he spent a long time explaining how that boat worked and how it was unsinkable. Apparently, if it was tipped

upside down in the North Sea it would just pop back up, like a kid's toy. Because of the boat's safety record he persuaded me to board it. He asked my staff and other departmental people to meet us on the other side of the port while he took me around and showed me every nook and cranny of a beach. I gained the impression that that part of Port Stephens was his personal property. He and I posed for a number of photographs, as one does on those occasions, one of which I put in a frame that has been in my office for about five or six years. I look at it now with much more sadness than I did in the past.

It has been said that John was a quiet, respectful and well-spoken man. John liked to laugh. On occasions he would call me to his office, which was located on the top floor overlooking the Domain and the harbour. Perhaps the harbour reminded him of his electorate. His office opened out onto a little courtyard where he had a couple of deckchairs that seemed more suited to one of the beaches around his electorate than to Parliament House. For about 15, 20 or 30 minutes, depending on the day, we would sit in those deckchairs, chat and have a cup of tea—what John would refer to as "a deckchair moment". He used the phrase "a deckchair moment" to describe many things.

I admit now how I cherished those moments. Our relationship was not always friendly. I reprimand the member for East Hills for referring to the dark side of someone's personality and background in a condolence motion. This is not a debate to talk about such issues. However, now that those issues are recorded in *Hansard* I have to admit that our relationship was not always friendly. No matter how well people get on something always stretches the bonds. The member for East Hills highlighted John's only real shortcoming. His only example of poor judgement was that he was an Arsenal supporter. For people in New South Wales, that is like calling somebody a Manly supporter; one does not get much lower than that.

Arsenal is the premiership team from London that currently leads the competition in England. My father came from Burnley in the north, and Burnley and Blackburn were the local football teams. Money can bring down many members of Parliament and money can stretch the bonds of friendship. As a result of this clash John and I had a standard bet of a \$2 lottery ticket each time Arsenal played Blackburn and, very rarely these days because Burnley is in a lower competition, the Clarets from Burnley. In the early days our bets were shared fairly evenly. However, over the past few months, Arsenal inflicted some defeats on my teams. The referee was a crook!

Before Christmas Blackburn was defeated by Arsenal. Then in a Football Association Cup match in the early part of the New Year, Blackburn defeated Burnley 2:0. I sent the lottery tickets in the mail. Sadly, since John passed away, Arsenal has again defeated Blackburn but, of course, John was not there this time to send him the ticket that I owe him. I am pleased to pay tribute to John Bartlett. He was a proud family man who showed us all what the word "courage" means, especially when he was diagnosed with cancer prior to his retirement from this place. Some members referred to the fact that John did not want to talk about it; he just took it in his stride. On many occasions he told me that he felt 50:50, or 75:25, and so on.

Since John's retirement we spoke on the phone on a number of occasions and we enjoyed sending letters and lottery tickets to one another—unfortunately, I sent John more lottery tickets than he sent me. His letters were always handwritten on paper that was mainly blue, showing off scenes of Port Stephens—gloater that he was. I kept those letters as special items that one day I will take with me as souvenirs of associations with members of this House. They are now great and treasured souvenirs of a member I have known. John Bartlett was a nice bloke to have around; he was a good friend to those whom he liked; and he was proud of his family and the constituency he proudly represented in this place—the Parliament of New South Wales.

As I mentioned earlier, John would often invite me to his office for a deckchair moment. My John Bartlett deckchair moments include: the way in which he proudly showed off his electorate when I visited; his emotional tribute in the condolence motion in this place for my good friend Jim Anderson; the look he would give me when I walked into the caucus room after Arsenal had won him another lottery ticket; the broad grin that would follow any comment that amused him; and the atmosphere he created just because he was in someone's company. I am deeply saddened by John's death and I extend my deepest sympathies to all his family members—to Elizabeth, Christopher, John-Paul and his sister Wendy. I understand his number one son-in-law, Matt, made reference in a lovely card I received from the family this week to the letters we shared since John's retirement—apparently they knew about them. John was an excellent member of this House, but a dear friend to many of us and we will all miss him.

**Mr ROBERT OAKESHOTT** (Port Macquarie) [12.49 p.m.]: I join the Premier, the Leader of the Opposition and all members who have spoken in this Chamber to honour, respect and celebrate John Bartlett the

man and member of Parliament, but also to honour and remember the little voice in my ear over the past couple of years that was John Bartlett. Members who sit in the second back row know exactly what I am talking about: a member in the back row who leans forward may be only two feet from the member in front. In those circumstances members cannot fail to get to know each other well through conversations, mostly about anything other than what is happening in the Chamber.

I am really pleased that other members from the back rows on this side of the House have acknowledged that we are known as the "sleepy hollow". But with that glowing admission we have also outed ourselves as being occupants of a place more akin to gossip central than sleepy hollow, and have all spoken in good terms about conversations that occur there. Communication between the members of this group, including John, has not been mindless gossip but rather conversations on a broad range of topics that have been enjoyed genuinely by each of us. John was right in the heart of them. If I have one lasting memory of John, it is his extraordinary depth of knowledge on a vast array of topics. We had some great conversations over the past couple of years about so many different things and I found it fascinating mostly just to listen to John.

Once John had quickly explored my lack of depth of knowledge on a range of topics we got to our common topic—surfing. I, like the previous speaker, was a member of this place before 1999. I was a pretty lonely surfer here and it was great to have John come along; others have since joined us—members from the electorates of Oxley, Kiama, Central Coast, Manly, Pittwater and Coogee. I apologise if I have missed anyone. It was one of John's wishes, which we drifted towards often, to get everyone here who surfs to just enjoy the water together in a great bipartisan way.

I was absolutely fascinated by John's strategy of enjoying the sport he loved while he continued to work as a local member of Parliament. I am sure every member has this dilemma in their electorate work. You do not want to be seen as a lazy disengaged local member; you have to find a way to balance your passions outside Parliament with what you do as a local member. But John had a further dilemma in that many in the community do not regard surfing as a sport that projects the image of a hardworking local member. The best and most creative answer to that dilemma, which is faced by all members in this Chamber, came from John Bartlett: rename the surfboard a "water- testing device".

Once he told me that, we did not talk about surfing. We talked instead about water quality at Port Stephens and how he had been doing some regular monitoring in the area; that the water standards were improving or declining and he had to keep a close eye on the standards of the water in his electorate. A couple of years ago John had the parliamentary crest put on the last long board he had made—territory where I and I am sure any other surfers in this Chamber certainly could not go. Obviously, within his electorate and amongst the surfing community he was quite open and proud about having a surf in the Port Stephens electorate. Full marks to him for managing to pull that off as a passionate surfer and passionate local member.

To finish on our conversations about surfing, I was sitting here thinking that maybe now is the time with John's passing to deliver on what he desired: get a group of surfers in this place to go for a surf on John's behalf. Hopefully, I will hear a snigger from above in my efforts to put together an appropriate expansion of the acronym BARTLETTS. I scratched down Boardriders and Representatives That Like Excellent Times Testing Surfboards—BARTLETTS. We will talk about that and hopefully get in the water together sometime soon to celebrate the man John Bartlett and everything he stood for.

**The SPEAKER:** There have been calls to convene a committee inquiry into that issue!

**Mr KERRY HICKEY** (Cessnock) [12.55 p.m.]: I shall be brief as I know time is getting on. I have been in this House on many occasions during condolence motions, but I must say that this is one time when everyone has been truly genuine. Coming into this place in the class of 1999, I met John Bartlett in March of that year and he taught me a lot about being a good local member. John taught me how to play squash: I spent many evenings in the gym with him. He had that terrible habit of dropping the ball down close at the front and making me run, but John was quite a good sportsperson overall. In my time in this House from 1999 to 2007 I know that John was always well respected. As many speakers have said, he always presented himself in this House with dignity, clarity and respect.

If every politician in this House could achieve the same standards as John Bartlett, we would all be better off for it. I must say, though, that John was not that good a squash player; I did beat him a couple of times. I can say that now because John is not here to argue with me. John-Paul was on the squash courts at times with John, and they played squash regularly when the House was sitting. My mind goes back to what John

achieved. I have never known caucus to donate money to a strike action. When the Boeing workers were on strike John was adamant that caucus should support them; we donated to help the Boeing workers. John was passionate about Port Stephens; John was passionate about everything he did in this House. He has left a legacy for future members for Port Stephens in the boots they have to fill; and, as John-Paul said at John's funeral, they are big boots. I offer my condolences to his family and friends. I think John will be sadly missed not just in this House but in Port Stephens and everywhere else.

**Mr MICHAEL RICHARDSON** (Castle Hill) [12.58 p.m.]: I should like to make a brief contribution in this condolence motion to John Bartlett. I served for a number of years with John Bartlett on the Public Bodies Review Committee. We made a number of trips in connection with some inquiries that were undertaken by the committee. In all that time I never heard John say a bad word about anybody. He was a very gentle man and, as the member for Cessnock said, he was very committed to his Port Stephens electorate and to his family. We had some other similarities that are not related to that committee.

We were both born in England in July 1949—I was born in Leeds, and he was born in London. I suppose I should have ended up in the Labor Party and he should have ended up in the Liberal Party. He was also in the Royal Australian Air Force [RAAF] Reserve for some 16 years. I was also in the RAAF Reserve in the University Squadron at the University of Sydney, and of course we both ended up in this place and as members of the Public Bodies Review Committee. Life certainly moves in strange ways. I do not think that when we were born our parents would have thought that our paths would cross in this place.

I thought that what John had to say in the Public Bodies Review Committee was always considered and intelligent, and we valued his contribution greatly. I recall the incident that the member for Wagga Wagga related previously. When we were in the Wagga Wagga electorate in the Parliament House Toyota Tarago we were driving along a dirt road down by the river and the vehicle seemed to be sliding around a lot. We were becoming concerned about it but we took the vehicle up to Tumbarumba. As things turned out, that was a fairly brave thing to do because when we checked the wheels back in Wagga Wagga we found that somebody had stolen all the good wheels and tyres and replaced them with baldies. We had been driving on a set of baldies. That would never have happened when the Speaker was a member of committees—he would have made absolutely certain of that!

We thought that the situation resulted from an oversight by the Parliament and that the Parliament could not afford a new set of tyres. But we ultimately worked out that the wheels had been replaced by a thief. John was seated in the back of the bus and he just took it all in his stride. He looked around, shrugged his shoulders, and took a "whatever will be, will be" attitude toward the situation. That was typical of him. As I said earlier, I never heard him say a bad word about anybody. I am not saying that he loved the whole world; he stood in this place for the Labor Party and he supported the Labor Party as well as his electorate. He also championed what could be seen by some as an unpopular cause in his electorate—the marine park that currently is the subject of debate. I remember discussing that with him and saying, "You know, I am surprised that you are pushing this." He said, "Well, I really believe in what I am doing."

At that time he had not contracted the cancer that carried him off. Presumably he felt that, despite pursuing what would have been regarded by some sections of the community as an unpopular cause, it would not cost him the next election. Sadly, he had to retire early. The electorate is now represented by another very able member for Port Stephens. We regret what happened and we certainly regret John's passing—the Parliament is the worse for it. I offer my condolences to his family and to his friends.

**The SPEAKER:** I thank all members for their very appropriate tribute honouring John Bartlett, someone who, very clearly as evidenced by the debate, deserved every bit of the acknowledgement he received today. On behalf of the House I offer condolences to Elizabeth, John-Paul, Christopher, to John's sister, Wendy, and their partners. I acknowledge the former member for Port Stephens, the Hon. Bob Martin, and the current member for Port Stephens, whose contribution underlined much of John's wonderful support during his service as a member of Parliament.

I add on a personal note, having heard and enjoyed the whole debate, that many bells rang when comments were made, particularly about the restaurant at the MLC Centre, where John took me when we first entered Parliament in 1999. I note the Minister for Fair Trading, Minister for Youth, and Minister for Volunteering said that John also took her there, to assist her and provide advice, which is what he did for so many members. But in my case, as we were mayors, he took me there and said, "Let's work out what we're both doing in this place because it is very difficult to follow."

I enjoyed that John was a giver: he gave so much, and we have heard a great deal about that today. Much has been said about his contribution in public life, and I agree with every word said about it. But what I will miss most is John's friendship. In every circumstance he gave and he saw things positively in every situation, as difficult as things became for him.

I received a personal Christmas card from John. As we have heard, Christmas cards from John were never expensive. I had invited him to see me and he had written on the Christmas card, "I want to come and see you as the Speaker." His very genuine delight in my election as Speaker meant a great deal to me. I invited him to see me but he said, as he said to others, "I will have to take a raincheck this time but I will see you next year." Sadly, that did not happen. I join with all members in expressing our condolences on the loss of a great person and someone we will very much miss as a friend.

**Question—That the motion be agreed to—put and resolved in the affirmative.**

**Motion agreed to.**

*Members and officers of the House stood in their places.*

*[The Speaker left the chair at 1.06 p.m. The House resumed at 2.15 p.m.]*

### **DISTINGUISHED VISITORS**

**The SPEAKER:** I welcome to the public gallery Annemarie Bonnici, Consul General of Malta, a guest of the Leader of the House.

### **MINISTRY**

**Mr MORRIS IEMMA** (Lakemba—Premier, and Minister for Citizenship) [2.17 p.m.]: I advise the House that today Her Excellency the Governor accepted the resignation of the Hon. Philip Koperberg as Minister for Climate Change, Environment and Water, the Hon. Nathan Rees as Minister for Water Utilities, and the Hon. Verity Firth as Minister Assisting the Minister for Climate Change, Environment and Water (Environment). Today Her Excellency the Governor appointed the Hon. Verity Firth, MP, as Minister for Climate Change and Environment and the Hon. Nathan Rees, MP, as Minister for Water.

### **BUSINESS OF THE HOUSE**

#### **Notices of Motions**

**Government Business Notices of Motions (for Bills) given.**

### **QUESTION TIME**

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#### **MINISTER FOR PLANNING AND TRALEE RESIDENTIAL DEVELOPMENT**

**Mr BARRY O'FARRELL:** My question is addressed to the Premier. What action, if any, has the Premier taken to satisfy himself that the Minister for Planning acted properly in relation to his February 2006 fundraiser and his handling of the Tralee development?

**Mr MORRIS IEMMA:** What a sanctimonious hypocrite! Barry the bagman. What action for smearing the Minister for Planning? For 10 years the Leader of the Opposition stood beside or one step behind his leader, always saying, "If only they'd give me a go, we would be so much better." For all those years, as a former State director of the Liberal Party, was the Leader of the Opposition ever concerned about the issue of donations? If we want a rundown of donations, members might be interested in the Greenfields Foundation in Canberra or the Cormack Trust Foundation, and the millions of dollars in donations that got around the Federal disclosure laws. The Leader of the Opposition should give us full transparency and disclosure of those donations before the sanctimonious hypocrite smears the Minister for Planning, as he did yesterday.

**Mr Barry O'Farrell:** Point of order: My point of order relates to relevance. I suspect that the Premier misheard the question, which referred to the actions he has taken to satisfy himself about the appropriateness of the actions taken by his planning Minister in relation to matters raised publicly and in this House.

**Mr MORRIS IEMMA:** The Leader of the Opposition smears from the textbook written by the member for Vacluse, who, by the way, spent \$93,000 holding onto a supposedly safe Liberal seat. How does that go in his cap of \$30,000, Barry? He smears the Minister for Planning about a phone call he may or may not have made. The issue is not whether a phone call was made about a function; it is about conduct and acting improperly.

**The SPEAKER:** Order! Members will cease interjecting.

**Mr MORRIS IEMMA:** If the Leader of the Opposition has an allegation to make about improper conduct he can take evidence or information to the Independent Commission Against Corruption.

**Mr Barry O'Farrell:** Point of order: I refer to Standing Order 129, which relates to relevance. The Premier has got closer to being relevant. What has the Premier done about improper conduct?

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

**Mr MORRIS IEMMA:** If the Leader of the Opposition has an allegation to make he can send it to the Independent Commission Against Corruption. All of a sudden the Leader of the Opposition has discovered donations. We all know why. The Leader of the Opposition and members of the Opposition are so hopeless nobody would want to donate to them. They have no policies. That is why all of a sudden he is interested in donations. He was not interested in declaring donations or in transparency when the Greenfields Foundation was sucking in those millions. If the Leader of the Opposition has an allegation against the Minister for Planning he can make it to the Independent Commission Against Corruption. He might also take into account that a lot of people in that community want more housing supply, including the former Federal member, the council and residents. He should not come in here with hypocrisy about donations.

### DRINK SPIKING

**Ms ANGELA D'AMORE:** My question is addressed to the Premier. What is the latest information on laws relating to drink spiking?

**Mr MORRIS IEMMA:** I thank the member for her interest in this insidious practice, something that is not harmless or funny. Victims experience trauma, which includes a variety of physical and emotional effects, not to mention the effect of any subsequent criminal acts. A report by the Australian Institute of Criminology about drink spiking found that up to 4,000 cases of drink spiking occur across Australia each year, the spiking agent most commonly used is alcohol, one-third of drink spikings involve sexual assault, four out of five victims are young women and only one in six cases of drink spiking is reported to police.

The Government has already acted to target this sinister practice. It has created the multi-agency drink spiking action group that has worked to make it easier to report drink spiking, educate bar tenders about what dangers to look out for in relation to this insidious practice, raise public awareness of the dangers of drink spiking when people are going out and reinforce that this behaviour is unacceptable and criminal. I announce that the Government will be introducing new laws creating a specific offence for drink and food spiking, making spiking a stand-alone offence for the first time punishable by two years jail and a fine of up to \$11,000.

This morning Karen Willis of the New South Wales Rape Crisis Centre described these new laws as "excellent". This new offence will mean that instead of having to prove a suspect intended to rob or assault somebody after spiking their food or drink police will now be able to prosecute for the act of spiking in and of itself. The new offence is based on national model laws developed by the Model Criminal Law Officers Committee in July 2007 and is very similar to provisions that have been enacted recently in Western Australia, Queensland and South Australia. The new offence of food and drink spiking occurs where the perpetrator causes another person to consume an intoxicating substance in circumstances where the victim is not aware the drink or food contains the substance or that quantity of the substance, and the accused intends the victim to be harmed by the consumption of the drink or food.

So good natured and well-intentioned celebrations involving alcohol will not get one arrested but intending to harm someone by slipping them a stiff drink or a drug without their knowledge could land a person in serious trouble. The new offence will also contain a defence for health professionals who have to use medication in the course of their professional practice. I advise the House that our laws will also modernise the more serious offences in the Crimes Act that are relevant to drink spiking offences such as sexual assault and

robbery where intoxicating substances are used, and make abundantly clear that they cover spiking events where only alcohol is used, the most commonly used drug in drink spiking. The legislation makes good on a commitment by the New South Wales Government to address community concern and crack down on this antisocial and dangerous behaviour.

#### **MINISTER FOR PLANNING AND TRALEE RESIDENTIAL DEVELOPMENT**

**Mr ANDREW STONER:** My question is directed to the Minister for Planning. How can the public believe that the Minister has never, ever, allowed donations to influence his decisions when his approval of the Tralee development was in direct contradiction of the advice of his independent panel, the views of his two predecessors in the Planning portfolio and the views of the Federal Minister for Energy and Tourism, who warned him to not think about lining the pockets of one developer?

**Mr FRANK SARTOR:** The Leader of The Nationals is getting confused between the former Federal shadow Minister and the current Federal Minister. I am glad that I have the opportunity to explain the Queanbeyan situation because I stand by these decisions 110 per cent. Let us be clear about the situation relating to Queanbeyan. Queanbeyan needs 10,000 new homes in the next 25 years. It has been agreed with the Chief Minister of the Australian Capital Territory that the New South Wales Government should supply 10 per cent of the housing needs of the Canberra-Queanbeyan region over the next 25 years as land and housing prices in Queanbeyan are rising. The situation for the Government is very simple: We have a draft Sydney to Canberra corridor plan that recommends a certain amount of development, including the expansion of housing in Queanbeyan. Our strategies in metropolitan Sydney, in the Hunter and everywhere in this State are about 25 years of land supply and about providing adequate land in multiple ownership to provide affordable housing for people of this State. That is what is driving these decisions, and nothing but that.

Let us get to the facts. By the time I am finished the Opposition will not enjoy my answer. In 2000 Steve Whan—before he was elected the member for Monaro and before the current developers bought options on their land—argued that some areas needed to be released for land supply for Queanbeyan. When I became the Minister for Planning I had to address the problems of there being no land releases and the intractable fight between the Canberra airport, the Queanbeyan City Council and the Queanbeyan community. I will go through the facts one by one. I will not skip anything today, because Opposition members want to trash someone's reputation and skirt over the facts. They want to forget the facts, but I will go through them one by one. I do not care how long it will take me or how boring it will be. I will explain this in great detail.

**Mr Andrew Stoner:** Point of order—

**Mr FRANK SARTOR:** You asked for it!

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

**Mr Andrew Stoner:** I refer to Standing Order 129, which relates to relevance. I fear that the Minister will blather on for too long without addressing the substantive issue. Why did the Minister go against the advice?

**The SPEAKER:** Order! The Leader of The Nationals will resume his seat. The Minister's answer is relevant to the question that was asked.

**Mr FRANK SARTOR:** At the time I convened a panel to look at certain issues relating to the redevelopment of Queanbeyan. That panel considered a range of matters and came up with a short-term to medium-term land supply strategy. The panel recommended that we release Googong, with between 5,000 and 7,000 dwellings, which would meet demand for 10 to 15 years. The panel also, for some reason, recommended that I supply enough land for 200 years of industrial use, which I found a little difficult to understand. Even Canberra objected to that recommendation. In my view the panel did not adequately address affordable housing. However, it was an important input to the process.

We looked at the panel's recommendations. I thought to myself that I could accept the Googong recommendation, even though the land is a lot further south, a lot further away from Queanbeyan and therefore had significant infrastructure implications for new roads. The problem is that it would allow for one monopoly developer to supply land in Queanbeyan. Do we like the idea of a monopoly developer controlling land prices? Maybe that developer is a mate of the Opposition. I am told the Opposition got a donation from that monopoly developer. So they do not get backing just by developers; they want monopoly development.

**The SPEAKER:** Order! Members will cease interjecting.

**Mr FRANK SARTOR:** Anyone who knows anything about land supply knows that you have to have adequate supply to keep downward pressure on land prices. It is pretty basic economics. I would have thought that the Opposition would understand that. So, faced with the proposition of allowing one developer to control and drip-out a little more housing in Queanbeyan when it suited him, I had to see whether other options would expand land supply in Queanbeyan. What did I do? I consulted extensively. I met with the community, who, by the way, want the development in Queanbeyan. I have a petition containing the signatures of 680 residents of Queanbeyan. It states:

the recommendations of the Queanbeyan Land Inquiry propose to impose industrial development on the residents of Jerrabomberra—

that is, the 12,000 hectares of industry for 200 years—

and deny community facilities including a new local High School. These recommendations are not supported by evidence to the Inquiry and are contrary to the evidence.

Your undersigned petitioners therefore ask the Legislative Assembly—

it is a petition to this House—

to ignore the recommendations of the Inquiry and endorse the development of Tralee and Environa in a manner which will result in the Jerrabomberra High School and various community facilities, and will not result in industrial development.

This petition is from 680 Queanbeyan voters—obviously all in the pocket of the Australian Labor Party, every single one of them!

**Mr Adrian Piccoli:** Point of order—

**The SPEAKER:** Order! Government members will cease interjecting.

**Mr Adrian Piccoli:** I refer to Standing Order 129, which relates to relevance. I understand that the Minister stands by his planning decisions 110 per cent. The question is specific: it is about what measures the Minister has taken to make sure—

**The SPEAKER:** Order! I have heard enough of the member's point of order. The member will resume his seat. The point of order related to relevance. The Minister's answer is relevant to the question that was asked.

**Mr FRANK SARTOR:** As if that petition back in those days was not enough, only last week—I sit down on the weekend or late on Sunday night reading my correspondence—I received a letter from the residents of Jerrabomberra. I had met with them at a Cabinet meeting in Cooma and discussed the issue with them. Members would know that residents line up and want to meet the various Ministers. Interestingly, after I had met with the residents I said, "Look guys, I am trying to resolve some of these ambit claims by the airport. I have met with Minister Albanese, the new transport Minister. We are trying to work through the detail." They were very upset and wrote a letter that stated:

Thank you again for your time yesterday.

I need to convey that I am disappointed at the lack of progress made by the NSW Government in furthering the rezoning of the Jerrabomberra Valley and the commencement of the development of the Jerrabomberra Anglican Secondary School.

The community has told me that the Government is going too slow, not that it is going too fast. In those files one could probably find five or ten letters from the city of Queanbeyan imploring us to do it. As I said, I have met with representatives of the city of Queanbeyan a number of times, I have met with the residents a number of times and I have met with representatives of the airport several times. Guess who the airport is funding?

**Mr Adrian Piccoli:** Point of order: I again refer to Standing Order 129. The question was specific. If the Minister is trying to tell us—

**The SPEAKER:** Order! I have ruled on the point of order. Some aspects of the question were broad. I suggest that the member for Murrumbidgee read the question again. The Minister's answer is relevant to the question. I will not hear any more points of order in relation to Standing Order 129, unless the Minister deviates from his relevant answer. The member for Murrumbidgee will resume his seat.

**Mr Adrian Piccoli:** Mr Speaker, the question is very simple.

**The SPEAKER:** Order! I ask the member for Murrumbidgee to resume his seat. I call the member for Murrumbidgee to order. I call the member for Murrumbidgee to order for the second time. I call the member for Murrumbidgee to order for the third time. I ask the Serjeant-at-Arms to remove the member for Murrumbidgee from the Chamber.

*[The member for Murrumbidgee left the Chamber, accompanied by the Serjeant-at-Arms.]*

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

**Mr FRANK SARTOR:** Let me continue telling the story of Queanbeyan because it is a long story. It is a story of assiduous work, because we looked at everything very carefully. After the various discussions with the airport and everyone else, I invited the City of Queanbeyan to put to me what it thought the residential strategy ought to be, which it did. I also had during the course of that, I might add, a number of discussions with Gary Nairn, who was a former Howard Government Minister and the member for Eden Monaro. I have a nice little press clipping here in which Gary Nairn endorsed the redevelopment of this area, of Tralee. He endorsed it and he and I had a number of telephone conversations about it. He rang me several times and spoke to me about it. Having done all that, I invited Queanbeyan City Council to produce a proposal, which they did. They said, "Go ahead with Googong but we want another 5,000 dwellings around Tralee, Poplars and Environa." They are, basically, all on the western side of the rib of development in Queanbeyan.

When the proposal came to my department it did what it normally does: it looked at it thoroughly, we had further discussions and it came up with a recommendation. The recommendation of my department, which I endorsed and approved, was really quite simple. Contrary to this being some sort of rash decision favouring one developer, we allowed Googong to go ahead with 5,000 dwellings but said the developers had to deal with some transport issues. That was recommended by the inquiry, so it got a tick. It is a lot further away, there are issues, but it got a tick. We allowed that to go ahead because housing is needed. We reduced the amount of employment land to 100 hectares, which is about 25 years' supply. We did not really need 200 years' supply. We deleted that from the northernmost residential precinct, Poplars, because of the uncertainty over the noise contour.

Incidentally, when all this was happening the airport operator wanted to introduce another stunt. Members should remember that airports these days are no longer run by governments, they are run by the private sector. Who did all this? The Federal Government. Remember Sydney Airport Corporation Limited wanting to put a shopping centre at the end of the third runway? Shoppers would have needed earmuffs with their shopping trolleys. They would have needed earmuffs every time they went to the supermarket. Capital Airports Group, the operator of Canberra Airport is, to all intents and purposes, another developer. It is just another developer that has funded the Liberal Party. It suits that company's strategic interests, both in terms of its own land use and in sterilising that land, to have no-one living in the general vicinity. There was a noise contour that we had all been following and adhering to and suddenly Capital Airport Group produced a new noise contour based on assumptions that in 2050 there would still be 747s flying everywhere, it would become a 24-hour freight hub, and a million other things it threw in just to push the noise contours up.

Where did that leave this poor hard-working Minister for Planning? The Minister said, "I think they're telling me lies but I've got to take it seriously." I have to take seriously what everyone says to me, even when I think they are telling me lies, including the Opposition. Well, the Opposition always tells me lies. What did we do? I took a very cautious approach in this decision. We said no to the northern end, which is closer to the airport; we said the middle bit, North Tralee and Environa, would be deferred while we tried to find out the truth about the future noise contours. We want the truth, the whole truth and nothing but the truth. That is what we look for. In relation to the southern end, Tralee South, which is further away from the airport, we said we would allow a process to begin to accommodate 2,000 dwellings.

So, out of the 5,000 dwellings these developers wanted, I gave the go-ahead in principle for a process to deliver 2,000. I did not approve a rezoning or a development; I just allowed a process to begin. Not only did I do that, I said also, "You will need to provide community facilities, deal with the airport noise issues and so on." This is the enormous scandalous travesty of how we handled Queanbeyan, and 7,500 potential dwellings, which had been flagged in this decision, is still not enough. I need to find another 2,500. I need to supply enough land owned by enough property owners and developers so the people of Queanbeyan can get decent housing at a reasonable price. We imposed all these conditions and a process is happening.

When the good Lord smiled upon us and put Kevin Rudd and his Government into power in Canberra, I knew I had a Federal Minister I could go and talk to, so I did. I met Anthony Albanese and said, "Anthony, I've got this problem. In the old days governments controlled noise contours and airports, but now private developers are doing this. They have come up with all these dodgy contours and they have no obligation to buy land. If a mining company was imposing this proposal on anyone else it would have to buy the land, but Capital Airports Group, that great funding source for the Liberal Party, does not seem to care about that. We need to find a sensible way through for all airports. What are we going to do?" He is looking at that at a national level.

The Federal and State governments are having joint discussions to try to find out the truth about this noise contour so I can settle the development envelope in that area. I make no apology for the fact that we need to release more land. Whenever land is released, one developer or another will benefit. What I will not do is allow the Coalition's favoured developer to have a monopoly supply of land in Queanbeyan. This matter did not stop there. After I made the decision, this House debated the matter. In fact, the motion before the House was:

That this House welcomes the decision by the Minister for Planning to secure the expansion of Queanbeyan through approval of future development at Googong and in the Jerrabomberra Valley.

That is Tralee. The member for Monaro moved a motion in this House, which was debated. During the debate, the member for Wakehurst said, "Minister Sartor and the Government should be working with the people who can bring this land to the market at a reasonable price." Brad, you are a fool!

**Mr Brad Hazzard:** Point of order. The Minister is a fool because he took \$164,000 for the Labor Party before he made the decision.

**The SPEAKER:** Order! The member for Wakehurst will resume his seat. He has not taken a valid point of order.

**Mr FRANK SARTOR:** What about some of your fundraisers, Brad? Just be careful, Brad.

**The SPEAKER:** Order! The Minister will address his remarks through the Chair.

**Mr FRANK SARTOR:** At the end of the debate in this Chamber, the New South Wales Parliament reviewed one of my decisions, and the motion was put and carried on the voices. There was not even a division. This House endorsed my decision on 27 September last year. So much for a hidden secret deal! There is more. The Coalition has asked for this. The Wran Labor Government introduced laws to require disclosure of political donations and election funding. The very reason we can have this debate is because of the transparency that we, the Labor Party, introduced. Guess what the Liberal Party said at the time?

The Election Funding Bill asked for two things: strict disclosure requirements and public funding. The Coalition opposed it because it had all these undisclosed private donations. The Leader of the Opposition at the time said, "The Opposition is totally and absolutely opposed to the principle of the legislation. Some measures of the legislation are the most horrendous assaults on the rights of the individual this Parliament has ever seen, such as the right of freedom to express support for a political party and the right to privacy. The Opposition opposes this legislation and will do so in every possible way."

There have been 18 amendments to the Election Funding Act provisions and the Coalition has opposed every one of them. What did Howard do about election funding? Let us be really clear. There used to be a \$1,500 threshold so that anyone who donated more than that would be identified on the public record. When it all went to Howard's head after he won a majority in the Senate, he increased the threshold to \$10,500. Opposition members have no moral authority on this issue whatsoever. The disclosures that we have now are because of our side of politics.

**The SPEAKER:** Order! The Premier will cease interjecting.

**Mr FRANK SARTOR:** That is right; we have done everything to tighten up the rules. The Premier has already said that we will tighten up the rules even further. Opposition members—some people charitably refer to them as scumbags, but I will not—continue to try to trash people's reputations. The Leader of the Opposition tried to do that before the last election and look where that got him. He is on a road to nowhere in his attempt to try to trash people's reputations. Look at the merits of every one of my decisions and look at the public record.

**The SPEAKER:** Order! The House will come to order.

## WORLD YOUTH DAY

**The Hon. CARMEL TEBBUTT:** I direct my question to the Deputy Premier. Can he update the House on World Youth Day?

**Mr JOHN WATKINS:** Sydney is Australia's capital city for major events. We proved that in 2000 with the best ever Olympic Games. Images of the games were beamed all around the world, and they still are being beamed.

**The SPEAKER:** Order! The member for Upper Hunter and the member for Terrigal will cease interjecting.

**Mr JOHN WATKINS:** We proved that again last weekend with Super Sunday when the *Queen Victoria* and *Queen Elizabeth II* came to Sydney Harbour. Again, images of those ships have been beamed all around the world. On Super Sunday we also hosted that very successful A-league final, two dance parties and the cricket at Moore Park. It all went very smoothly. I thank and congratulate the people of this great city for their cooperation. We have to love this city; it is a great and grand place. We carried hundreds and thousands of additional people on our public transport and our roads and it went smoothly.

On the day, Anne Sherry, chief executive officer of Carnival Australia, remarked that the images of the event that were being beamed all around the world was the kind of publicity that one just could not buy. She was right. Sydney does those events well because we like to show off to the world the great gifts that we have. We love our city and Sydneysiders have shown time and again that they are great hosts. We hope to do it again in 2018 if we are successful in that bid for the 2018 World Cup. New South Wales will certainly back the Rudd Government's application.

But before we get that chance, in July this year Sydney will be hosting one of the biggest events in the world, that is, World Youth Day. That will bring about 300,000 visitors to Sydney, more than 100,000 from overseas, to enjoy our fantastic city. Organisers estimate that about 3,000 of the world's media will be here to focus on participants and the first visit to Australia of the Holy Father, Pope Benedict XVI. Again, it will be publicity that Sydney just could not buy on the world stage. It will be further proof, if that is needed, that Sydney can host these major world events and do it well.

Today I announced iconic Sydney locations that will be on show during that event in July. World Youth Day participants will experience the beauty of key Sydney locations, including Barangaroo at East Darling Harbour, the Domain, Sydney Opera House, the Sydney Harbour Bridge, Darling Harbour, Randwick Racecourse and, of course, Centennial Park. Barangaroo at East Darling Harbour will be unlocked to public access for the first time. Demolition of the terminal facilities is well underway and will be completed by July. The harbour itself will be on display.

With a papal visit we are accustomed to the idea of motorcades and a pope-mobile, but this event will take to the water with a boat-a-cade down the harbour, from east of the harbour up to Barangaroo, to officially welcome the Pope to Sydney. I could not think of a better way to welcome a Head of State and the head of the Catholic Church to Sydney. Friday will see the stations of the cross event, about which the church has already released details. That will include performances at live sites scattered around the foreshore of Sydney Harbour, including Hyde Park, the Domain, the harbour foreshore and the Sydney Opera House. Saturday will see an overnight vigil at Centennial Park and Randwick Racecourse leading up to the papal mass at Randwick on Sunday.

It is a complex task to coordinate all these major events and to maintain the normal day-to-day operations of this teeming international city, but Sydney is up for the challenge. Public transport services will be enhanced during the week of 14 to 21 July to ensure that there is as little disruption as possible to the operations of our city. We will be working hard to minimise those disruptions and, at the same time, we will welcome tens of thousands of visitors to Sydney. These events are great for Sydney and for New South Wales.

The Department of State and Regional Development estimates that the benefit to our economy will be somewhere between \$152 million and \$196 million. The Sydney Chamber of Commerce is more optimistic—it suggests that it will bring about \$231 million to our economy. But these figures are not even half the story; they do not take into account the impact on our \$23 billion tourism industry in New South Wales. I acknowledge that support for World Youth Day is bipartisan; members of the Opposition are involved in the local organising committee. I acknowledge that and thank Opposition members.

Speaking of bipartisanship, just before question time I got the shock of my life when I was looking at websites on my computer and I came across the website of the member for Manly. In a spirit of bipartisanship, to my great surprise—some would say horror, but I do not—I saw a photograph on the website of Mr Mike Baird and me, front and centre on his website. For the benefit of members I blew up that photograph, which is in colour. I have to say to the member for Manly that I always wanted to get on the website of the member for Vacluse, but I was always overdressed.

Considering the positioning on that website, I would like to ask people on this side of the Chamber to shift up a bit so that the member for Manly can come across to the government side. After all, that is the only way that he will ever be a Minister. In a spirit of bipartisanship I have one last request: Could the member for Manly please have a word to the member for Willoughby about her constant criticism of me. She could learn something from the member for Manly. If ever there was an event that could demonstrate what we can do as a city it would be World Youth Day this coming July. This magnificent event will ensure that we are on show as best we can be and it will bring benefits to our economy. It is not just a religious event; it is an event for us all in this city. We certainly look forward to it. On that issue I do speak in a spirit of bipartisanship.

### **MINISTER FOR PLANNING AND DEVELOPER POLITICAL PARTY DONATIONS**

**Mr BARRY O'FARRELL:** My question is directed to the Premier. Can he explain why he is prepared to allow his Minister for Planning to determine the outcome of multimillion-dollar developments belonging to individuals and companies who have donated to his fundraising events and to the Labor Party, so creating a climate conducive to corruption?

**Mr MORRIS IEMMA:** The role of the Minister for Planning is determined by part 3A of the Planning and Assessment Act. Under the circumstances and thresholds of that Act the Minister has a statutory responsibility to be—

*[Interruption]*

As members just heard in the comprehensive answer the Minister for Planning detailed to the House about 10 minutes ago—

**Mr Barry O'Farrell:** He rejected the former Minister's advice.

**Mr MORRIS IEMMA:** The development in Queanbeyan that the Leader of Opposition is talking about was debated in this House. How much more accountable can one get? The very development about which the Leader of the Opposition is raising concerns was debated in the House. The Minister for Planning just provided a comprehensive response in relation to Queanbeyan. So far as the first part of the question is concerned, that is what the legislation provides. The Minister has always acted with integrity in accordance with his statutory duty.

**The SPEAKER:** Order! The member for Willoughby will cease interjecting.

### **JUVENILE JUSTICE CENTRE SECURITY**

**Mr NINOS KHOSHABA:** My question without notice is addressed to the Minister for Juvenile Justice. What is the State Government doing to improve security at juvenile justice centres?

**Mrs BARBARA PERRY:** The Iemma Government is working hard to build and maintain a secure juvenile justice system. One way it is doing this is through better intelligence to clamp down on drugs and gang-related activity. Drugs are one of the biggest factors associated with juvenile offending. If the community and the Government are to stand any chance of turning young lives around, we need to enforce the law, cut supply and re-educate offenders—these are essential components of rehabilitation. Besides keeping the community safe, it is important also that we target the cause of the problem in line with the major objectives of the State Plan.

The Drug Intelligence Unit in the Department of Juvenile Justice is a highly specialised unit established to help stamp out drugs and other contraband entering juvenile justice centres. The unit gathers crucial information that relates to the safety and security of centres and court locations as places where contraband may be passed on. It breaks down the chain of criminal opportunity. It is an iron screen for anyone dumb enough to

try to smuggle drugs or other contraband into our juvenile justice system. The Government has given centre managers tougher powers to ban from visiting centres those people caught with or suspected of attempting to bring contraband into our centres. Of course, drug use not only is illegal, it prevents offenders from engaging in relocation programs aimed at turning around their lives. The unit utilises a number of means to achieve its objectives.

**The SPEAKER:** Order! Members will cease interjecting.

**Mrs BARBARA PERRY:** One method to achieve these objectives is through the Arunta phone monitoring system. Arunta is an advanced computer-based system that enables detainees in juvenile justice centres to make approved, timed and pre-programmed external phone calls. The Drug Intelligence Unit monitors calls when there is a suspicion that an attempt is being made to obtain contraband. The department uses also the Department of Corrective Services' K9 unit, which comprises drug-detection dogs to search facilities and visitors. Surprise and programmed sweeps of centres are conducted to ensure contraband is detected, its transfer to a detainee defeated and those responsible are dealt with according to law. These measures are having an impact and driving down criminal activity.

In the 2006-07 financial year searches by drug-detection dogs uncovered just 20 contraband finds. Such finds could be as simple as legal tender and cigarettes to more serious items such as drugs. This was a significant reduction on the 2004-05 financial year, when a search resulted in 144 contraband finds. The simple truth is that security at juvenile justice centres is far greater and more effective than when Labor first returned to office. Detainees can be tested if they have a history of drug use or if they are suspected of attempting to obtain drugs or other contraband. During the first year of testing 14 per cent of tests returned a positive result: the latest and most recent available figures show that this result has more than halved.

One key strength of the Drug Intelligence Unit is the way it assembles different pieces of information from different places. Juvenile Intelligence Management is an electronic system that data mines detailed information held by the department. This enables crosschecking of large chunks of information, and the mapping of networks that can exist between an inmate and the community. Gathered information that may shed light on possible criminal activity is passed on to the relevant custodial or law enforcement authority. The message is clear for anyone trying to break the rules: you will be caught.

Recently an attempt was made to smuggle contraband through regular mail. The unit intercepted a phone call and heard that a detainee was expecting contraband smuggled in a magazine. The unit contacted the management of the centre and immediately placed it on alert for any incoming mail for that detainee. Drug Intelligence Unit staff attended the centre and a package for the detainee was identified and opened. Contained in the package was a magazine that had been modified to secrete contraband. I am pleased to report that the unit has been so effective its benefits are reaching outside our juvenile justice centres. One recent case followed a search of a new inmate that revealed him to be in possession of a sum of money. Suspicions were raised about the money being the proceeds of an armed robbery.

The Drug Intelligence Unit monitored that detainee's phone calls. Information received led to the recovery of five stolen firearms and a stolen laptop computer. Owing to the hard work of our Drug Intelligence Unit, today there are five fewer guns on the street. Given these success stories, we are expanding the role of our unit. General juvenile justice staff will receive targeted training in methods to clamp down on contraband, and to build and maintain an even more secure juvenile justice system. There will be greater scope to engage in joint operations with New South Wales Police. I wish these officers well in their difficult but invaluable work. The introduction of the Drug Intelligence Unit has boosted significantly the ability of the department to curtail the influence of this scourge on young offenders. We are working effectively to reduce crime and reoffending behaviour. We are keeping our community safe also. In doing so, we are delivering on our commitments to the people of New South Wales.

#### **MR PATRICK LOWE NSW MARITIME GENERAL MANAGER APPOINTMENT**

**Mrs JILLIAN SKINNER:** I direct my question to the Minister for Ports and Waterways. Will the Minister explain why the member for Riverstone's disgraced former staffer, Patrick Lowe, who escaped possible discipline from the Independent Commission Against Corruption in 2001 because he had resigned his government position, was later appointed as a general manager in NSW Maritime in 2006? Does the Minister say he did nothing wrong in this regard, as well?

**Mr JOSEPH TRIPODI:** This is not a new question, of course. The very same question was asked in the estimates committee hearings last year, at which the answer was provided by the Chief Executive, Chris Oxenbould. I refer the member to that answer.

### MENTAL HEALTH REHABILITATION PROGRAMS

**Ms CHERIE BURTON:** I address my question to the Minister Assisting the Minister for Health (Mental Health). Will the Minister update the House on how the Government is expanding successful mental health rehabilitation programs?

**Mr PAUL LYNCH:** I thank the member for Kogarah for her question and note her longstanding interest in this area and contribution to this field. I am pleased to say that the housing and accommodation support initiative [HASI] is implementing a further stage—HASI in the Home. The housing and accommodation support initiative provides for people with a mental illness to obtain and maintain their own housing. Access to secure and safe accommodation is fundamental in building a life. Those suffering mental illness face particular challenges to achieve that. Mental illness often is episodic and can result in turmoil for sufferers. The housing and accommodation support initiative is devised to try to overcome those problems. This statewide initiative links stable housing to clinical and accommodation support for people with mental illness.

The program is based on three elements. The Department of Housing provides housing and tenancy management, area health services provide expert clinical support, and non-government organisations funded by New South Wales Health provide day-to-day accommodation support. The housing and accommodation support initiative has moved away from congregate care models: the concept of housing people together when the only thing they had in common was mental illness. The initiative was developed in response to what mental health consumers wanted—choice in their options for housing, and with whom they do or do not live. Consumers want and need support to live in and be part of the community.

To assess the effectiveness of this program, NSW Health, in partnership with the Department of Housing, contracted with the Social Policy Research Centre from the University of New South Wales to do a two-year longitudinal evaluation of the initial stage of the Housing and Accommodation Support Initiative—HASI stage one. That evaluation gave an overwhelmingly positive result. It also showed that people with mental health problems and disorders want to be able to live in a range of situations and to be able to receive accommodation support. They want to have the choice of living with family or friends and still be able to receive housing and accommodation support through this initiative.

In response to the findings of that evaluation, the Housing and Accommodation Support Initiative stage 4B, HASI in the Home, has been developed. It is aimed at people from 16 years of age to older adults living in a range of situations. It will help people from culturally and linguistically diverse backgrounds who have mental health problems or disorders and who traditionally remain living with family members. It will help people who may move from family member to family member because this flexible support can follow them. HASI in the Home will also help young people and their families and older people living with their parents to access support in their community. The New South Wales Government is committed to funding the HASI in the Home Program at the rate of \$5 million a year. That will provide 240 places of support across New South Wales.

Each area health service will receive 10 medium support and 20 lower support HASI in the Home places. In the Greater Southern Area Health Service, these places will be located in Cooma, Albury, Goulburn, Young, Harden, Temora, Cootamundra, Deniliquin, Finlay, Berrigan and Moama through the Psychiatric Rehabilitation Association [PRA] and St Lukes. In the Greater Western Area Health Service, these places will be located in Bourke, Cowra, Coonabarabran and regional areas around Orange, and will be provided through Mission Australia and the Richmond Fellowship of New South Wales. In the North Coast Area Health Service, these places will be located in Tweed Heads, Lismore, Coffs Harbour, Kempsey and Port Macquarie, and provided through New Horizons.

In the Hunter New England Area Health Service, the places will be located in Taree and Moree, and provided through the Psychiatric Rehabilitation Association. In the Sydney West Area Health Service, the places will be located in Hawkesbury, Blue Mountains and Lithgow, and provided through Uniting Care. In the Northern Sydney Central Coast Area Health Service, the places will be located in Hornsby and the Central Coast, and provided through Uniting Care. In the Sydney South West Area Health Service, the places will be located at Bankstown, Croydon, Canterbury and Wollondilly, and provided through Neami Limited and New Horizons. In the South Eastern Sydney Illawarra Area Health Service, the places will be located in the eastern

suburbs-inner city areas, St George-Sutherland and the Illawarra, and provided through Neami Limited and the Richmond Fellowship.

The places will become operational in April 2008. That brings the annual funding of the whole Housing and Accommodation Support Initiative program to \$29.4 million and the total number of housing and accommodation support places in New South Wales to more than 1,000. The \$1 billion for mental health is a record budget for this State and reflects the commitment of the Government to addressing an area that has been overlooked by all sides of politics at all levels for far too long.

#### **PORT MACQUARIE BASE HOSPITAL FOURTH POD EXPANSION**

**Mr ROBERT OAKESHOTT:** My question is addressed to the Premier. Will he review and reconsider the recent decision not to include the fourth pod expansion at the Port Macquarie Base Hospital within the Department of Health's forward capital works program for the next four years?

**Mr MORRIS IEMMA:** I heard the member ask a question about the Port Macquarie hospital and the facility that is part of development at the hospital. But I did not hear, because of noise, the first part of the question.

**The SPEAKER:** Order! I ask the member to repeat the question.

**Mr ROBERT OAKESHOTT:** Will the Premier review and reconsider the recent decision not to include the fourth pod expansion within the Department of Health's former capital works program for the next four years?

**Mr MORRIS IEMMA:** I will seek the advice of the department and review that decision.

#### **LOCAL AND REGIONAL SPORTING FACILITIES**

**Mrs KARYN PALUZZANO:** My question is addressed to the Minister for Sport and Recreation. What is the latest information about the Government's support for local and regional sporting facilities?

**Mr GRAHAM WEST:** The Iemma Government is getting behind local communities that are working hard to deliver sport and recreation options for all ages by supporting them through \$6 million in sport and recreation grants this year. Sport is one of those essential elements for communities. It brings people together, gives those who are struggling with drought or other problems a chance to let off steam, and teaches teamwork and respect. It does all that on the back of hundreds of thousands of volunteers who, aside from running the club, refereeing, adjudicating disputes and providing mentoring, also run raffles, sausage sizzles and lamington drives to raise money for sport.

The funds are about getting behind local communities, giving them confidence in themselves and giving them a hand where it is needed. A total of \$6 million has been allocated for more than 300 projects around New South Wales under the 2007-08 sport and recreation grant programs. Yet again our rural and country colleagues have done extremely well: of the \$6 million allocated this year, \$3.5 million, or more than 58 per cent, goes to rural and regional New South Wales. It has been my privilege to meet many of the volunteers firsthand and thank them for the work they are putting in to projects.

While I do not intend to run through the full list of projects around the State, there are a couple of projects I will touch on briefly. The member for Penrith and I visited the Penrith Waratahs Junior Rugby League Club and met fantastic volunteers—salt-of-the-earth people who are working hard. The member for Bankstown and I visited the sport and recreation club and were told about the work the club is doing for children who have autism—teaching them skills and getting them involved in sport. It is fantastic. I also joined the member for Barwon on a visit to Coonabarabran, where we looked over the youth club and inspected the fantastic work that is being undertaken there to reduce youth problems in the area.

A place that is a particular favourite of mine is the Forbes Men's Shed, which the president, Hilton Ellis, showed me around. He pointed out the way that that organisation gives men a chance. One of the older men there said that when his wife died he was ready to pack up and die also, but getting involved in the Men's Shed gave him and others like him reason to live again. I have outlined some of the fantastic programs of support around the State. These programs continue to assist communities to build improved sporting facilities.

They are an investment in healthy communities for the future. On behalf of the people of New South Wales, I record my thanks for the hard work that local communities have put into these projects.

**Question time concluded.**

## **PETITIONS**

### **Pets on Public Transport**

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

### **Hawkesbury River Railway Station Access**

Petition requesting improved access to Hawkesbury River railway station, received from **Mrs Judy Hopwood**.

### **Public Library Funding**

Petitions requesting increased funding for public libraries, received from **Mr Phillip Costa, Mr Thomas George, Mr Kerry Hickey, Ms Katrina Hodgkinson, Mr Daryl Maguire and Mr Donald Page**.

### **Tumut Renal Dialysis Service**

Petition praying that the House support the establishment of a satellite renal dialysis service in Tumut, received from **Mr Daryl Maguire**.

### **Lismore Base Hospital**

Petition requesting funding for stage 2 of the Lismore Base Hospital redevelopment, received from **Mr Donald Page**.

### **Ballina Hospital Rehabilitation Unit Hydrotherapy Pool**

Petition requesting that a hydrotherapy pool be installed at the rehabilitation unit at Ballina Hospital, received from **Mr Donald Page**.

### **Hornsby Palliative Care Beds**

Petition requesting funding for Hornsby's palliative care beds, received from **Mrs Judy Hopwood**.

### **Mental Health Services**

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

### **Licence Laws for Older Drivers**

Petition asking for an inquiry into licence laws for older drivers and the implementation of a suitable licensing system for senior citizens, received from **Mr John Turner**.

### **Pet Shops**

Petition opposing the sale of animals in pet shops, received from **Ms Clover Moore**.

### **Lismore Fire Service**

Petition requesting the provision of a permanently staffed fire service in Lismore, received from **Mr Thomas George**.

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

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [3.16 p.m.]: I move:

That General Business Notice of Motion (General Notice) given by me this day [State Planning System] have precedence on Thursday 28 February 2008.

Today the Minister for Planning commenced his answer by enunciating some facts. So let me give the Minister for Planning—and the Premier, more importantly—some other facts. First, for 13 years, there has been no reform to this State's campaign finance or donation laws. Second, over 13 years there has been increasing centralisation of planning powers in the hands of the Minister for Planning. Third, there is growing concern across this city and across this State about the linkages between decisions and donations under this State Government. Fourth, the Minister for Planning in New South Wales is able to personally approve multimillion-dollar development applications from anyone without any accountability and without any transparency. There is certainly no accountability to this Chamber because the motion to which the Minister referred wrongly was amended to address housing affordability but he failed to mention that the member for Burrinjuck had raised precisely the concerns that I am outlining today.

Fifth, we have had revelations in the past two days concerning the Minister for Planning, the use of his powers and his picking up the phone to encourage developers to attend a political fundraiser. Today we heard the Premier indicating clearly that he has taken no action to satisfy himself whether the Minister for Planning has acted properly or improperly in relation to those matters. What about the Premier's public duty? The Premier continues to be dragged, like a kid to the dentist, to act on these issues. Instead of upholding standards in this State, the Premier always seems to be exposed and caught out. No wonder government in this State is sinking faster than a stone!

Sixth, for six months the Government has ignored an ICAC report, which was presented last year, that proposed that a disclosure regime of donations be implemented in this State. The report suggested that proposals for developments lodged by political donors with Ministers should become designated developments, subject to a commission of inquiry or the subject of an expert report, or subject to the possibility of a third-party appeal. In other words, the ICAC report of September last year is arguing what the Liberal and National parties are arguing for: campaign finance reforms, and an end to the rorts that lead to community concern and the perception that donations buy decisions.

This report argues what we are arguing for in relation to planning decisions: Get the Minister for Planning away from making decisions on individual applications; separate the strategic and the policy from the operational. If the Government does that it will not only avoid the perceptions of conflict of interest and bribery but eliminate any potential for bribery or conflict of interest. Seventhly, the fact remains, as unpalatable as it is to members opposite, that the need for reform exists. Imposing a limit on annual donations provided by individuals and companies would overcome the sorts of problems we have seen ventilated in this House over the past two days, increasing concern in the media over the past week, and growing disquiet across the community.

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

**Mr BARRY O'FARRELL:** Imposing a limit on what candidates, parties and third parties can spend in election campaigns avoids the reality and the perception that dollars are buying campaigns: that dollars given by corporations and individuals are helping to ensure that the Labor Party stays in power. We need to separate some things here. If the Labor Party is concerned about what its organisations are doing, fine. Let us reform campaign finance and donations in the way I have suggested. But when people come into this place as members of Parliament and when people are sworn in as Ministers of the State, their first obligation and duty is to the people of New South Wales to uphold integrity in office and act honestly and appropriately.

Even the State Government's watered-down ministerial code of conduct requires Ministers to avoid the perception of conflicts of interest, let alone the reality. It stinks. In the past two days we have seen two great examples of what is wrong with our planning system in this State, when a Minister can have too much power without any transparency or accountability. We have seen what happens when for 13 years this State Government has ignored the issue of campaign finance and donation reforms. We have a series of dud Ministers opposite, but the biggest dud is the Premier for his continued refusal to enforce any standards, to uphold his public duty and to do anything until another scandal erupts. The time for that has finished.

**Mr JOHN AQUILINA** (Riverstone—Leader of the House) [3.22 p.m.]: The Leader of the Opposition and others have made various allegations against the Minister for Planning, but they have not presented any facts. No facts—just allegations! Indeed, when the Minister attempted to present the facts to the House earlier today there was a concerted attempt by members opposite, particularly the member for Murrumbidgee, to shut him up. We are concerned to ensure that the facts come forward and that people's reputations are not smeared by allegations. The facts are these. Comprehensive planning reform is being undertaken. A discussion paper was exhibited from 27 November last year to 8 February this year. More than 500 submissions were received from a wide range of stakeholders, and the discussion paper attracted considerable public interest and debate.

**The SPEAKER:** Order! Members will cease interjecting.

**Mr JOHN AQUILINA:** Key matters raised during the submission period related to strengthening the rights of strata owners, strengthening the provisions relating to private certifiers such as audits and sanctions, increasing complying development for minor developments, improving the plan-making process or local environmental plans, and introducing a planning assessment commission for large projects and joint regional planning panels. The Minister for Planning is undertaking these things, about which there have been more than 500 submissions. These issues are part of reforming the planning process. These are the facts.

**The SPEAKER:** Order! The member for Hawkesbury will remain silent.

**Mr JOHN AQUILINA:** Members opposite attempt to ignore the existence of the facts. Indeed, they tried to shut the Minister up when he presented the facts to the Parliament earlier today. The Department of Planning has also commissioned an independent firm—I emphasise the word "independent"—to prepare a summary of the results of a public exhibition process. The analysis of submissions will be taken into consideration in the drafting of legislation. Some things need to be highlighted in relation to the reform process. I draw the attention of members to some of the key recommendations contained in that reform package, such as establishing a planning assessment commission.

**The SPEAKER:** Order! The member for Murray-Darling will remain silent.

**Mr JOHN AQUILINA:** Currently, the Minister for Planning determines about 170 applications a year. This is comparatively high in terms of the number of applications determined by planning Ministers in other States. It is proposed to establish a planning assessment commission as a determination body for the majority of applications currently considered by the Minister. It is envisaged that the commission would deal with more than 80 per cent to 90 per cent of applications currently dealt with by the Minister. The Opposition is asking for transparency. What greater transparency could one have than a planning assessment commission?

**Mr Barry O'Farrell:** Point of order: My point of order relates to Standing Order 129. You want more transparency: Here is the ICAC report!

**The SPEAKER:** Order!

**Mr JOHN AQUILINA:** Once again, members opposite do not like the facts. Any time Government members present the facts rather than dealing with allegations, members opposite try to shut them up. They try to come over the top, they throw pieces of paper across the Chamber, and they imply that the facts are irrelevant as far as they are concerned. They are always raising points of order under Standing Order 129, which establishes that what is being said is relevant. We are giving the relevant facts, which are on the public record.

**The SPEAKER:** Order! The member for Wakehurst will cease interjecting.

**Mr JOHN AQUILINA:** Those issues are relevant to this case and to this debate. I am pleased to say that, along with other stakeholders, the ICAC lodged a submission to the Government's planning reforms. The guiding principles of the ICAC's submission include identifying a better planning system based on sustainability, transparency, accountability, efficiency, simplicity, objectivity, consistency and equity. Those issues have been put forward, and they are precisely the reason the public process should be allowed to proceed. We should get on with the job of reviewing the planning reforms and the submissions. That is why the request that this matter have precedence tomorrow is denied.

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

**The House divided.****Ayes, 38**

Mr Aplin  
Mr Baird  
Mr Baumann  
Ms Berejikian  
Mr Cansdell  
Mr Constance  
Mr Debnam  
Mr Draper  
Mrs Fardell  
Mr Fraser  
Ms Goward  
Mrs Hancock  
Mr Hartcher

Mr Hazzard  
Ms Hodgkinson  
Mr Humphries  
Mr Kerr  
Mr Merton  
Ms Moore  
Mr Oakeshott  
Mr O'Dea  
Mr O'Farrell  
Mr Page  
Mr Piper  
Mr Provest  
Mr Richardson

Mr Roberts  
Mrs Skinner  
Mr Smith  
Mr Souris  
Mr Stokes  
Mr Stoner  
Mr J. H. Turner  
Mr R. W. Turner  
Mr J. D. Williams  
Mr R. C. Williams  
*Tellers,*  
Mr George  
Mr Maguire

**Noes, 49**

Mr Amery  
Ms Andrews  
Mr Aquilina  
Ms Beamer  
Mr Borger  
Mr Brown  
Ms Burney  
Ms Burton  
Mr Campbell  
Mr Collier  
Mr Coombs  
Mr Corrigan  
Mr Costa  
Mr Daley  
Ms D'Amore  
Ms Gadiel  
Mr Gibson

Mr Greene  
Mr Harris  
Ms Hay  
Mr Hickey  
Ms Horner  
Ms Judge  
Ms Keneally  
Mr Khoshaba  
Mr Lynch  
Mr McBride  
Dr McDonald  
Ms McKay  
Mr McLeay  
Ms McMahan  
Ms Meagher  
Ms Megarrity  
Mr Morris

Mrs Paluzzano  
Mr Pearce  
Mrs Perry  
Mr Rees  
Mr Sartor  
Mr Shearan  
Mr Stewart  
Ms Tebbutt  
Mr Terenzini  
Mr Tripodi  
Mr Watkins  
Mr West  
Mr Whan  
*Tellers,*  
Mr Ashton  
Mr Martin

**Pair**

Mrs Hopwood

Mr Koperberg

**Question resolved in the negative.****Motion negatived.****MINISTER FOR PLANNING AND TRALEE RESIDENTIAL DEVELOPMENT****Personal Explanation**

**Mr BRAD HAZZARD**, by leave: I wish to make a personal explanation. Earlier the Minister for Planning said that in regard to a motion moved by the member for Monaro about the development at Googong and Jerrabomberra that I had in some way supported his motion. I draw the attention of the House to an amendment I moved to that motion, which stated:

This House condemns the New South Wales Government for its failure to adequately plan for New South Wales housing and infrastructure requirements.

I simply point out, Mr Speaker, in a discussion about credibility one should consider my words—

**The SPEAKER:** Order! The member for Wakehurst has corrected the record.

## CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

### Forward with Fairness Industrial Relations

**Mr FRANK TERENCE** (Maitland) [3.36 p.m.]: The motion of which I gave notice earlier today is urgent because no public issue has attracted as much unpopularity as the WorkChoices legislation. The motion is urgent because WorkChoices has resulted in the loss of working conditions by tens of thousands of workers and working families in New South Wales. Secret data collected by the Workplace Authority shows quite clearly that 89 per cent of Australian workplace agreements lost at least one protected condition, 83 per cent removed two or more, and a shocking 52 per cent removed six or more protected conditions.

**Mr Gerard Martin:** This mob still like it.

**Mr FRANK TERENCE:** They supported it, and still do. The Rudd Labor Government has taken immediate steps to rectify the situation. The Rudd Government's Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008 marks the beginning of a smooth transition to a new cooperative Federal and State industrial relations system. This matter is urgent because the bill provides a solid base for modern, fair and flexible workplace relations.

**The DEPUTY-SPEAKER:** Order! There is too much audible conversation in the House.

**Mr FRANK TERENCE:** This matter is urgent because despite a clear rejection of WorkChoices by the Australian people the Coalition appears to be ignoring the overwhelming mandate. The Coalition's initial failure to support the abolition of Australian workplace agreements and the restoration of workers' unfair dismissal protections suggest that it hopes to keep WorkChoices alive by voting against it in the Senate.

### Australian Labor Party Fundraising and Development Approvals

**Mr ANDREW STONER** (Oxley—Leader of The Nationals) [3.39 p.m.]: My motion deserves priority because it outlines another example of the stench of corruption surrounding this Labor Government. As the Leader of the Opposition said, this Labor Government is presiding over a system of development approval that is conducive to corruption. Large donations from developers and favourable decisions for those developers are occurring on a regular basis under this Labor regime. We have seen it happen in Wollongong and now we see it Queanbeyan, where the Minister for Planning has approved the Tralee development against the advice of his own planning committee. This is the same Minister who has personally called other developers to get them to attend Labor fundraising functions.

This matter is urgent because it has been revealed that the Village Building Company has donated a total of \$164,900 to the New South Wales Labor Party, and more to the Federal Labor Party. Despite the recommendations of two former Labor Ministers for Planning, Knowles and Refshauge, against this development, and after lobbying by the member for Monaro and one of his best mates Paul Whalan, a consultant lobbyist, combined with pressure from Sussex Street, which got a nice tidy little earner of \$160,000, the Minister for Planning approved this development. Another person was saying, "Don't do this, don't go there", and that was Martin Ferguson, the former Labor shadow Minister who was opposed to the development and was quoted in the Federal Parliament as saying:

I simply say to the New South Wales Minister for Planning, Mr Sartor, think smart—

I know that would be hard, Frank—

do not think about lining the pockets of one developer, placing at risk the future operation of Canberra Airport and potentially undermining an appropriate noise-sharing arrangement that benefits all.

**Mr Andrew Fraser:** Who said that?

**Mr ANDREW STONER:** That was Martin Ferguson. Why place all this at risk to please a self-interested developer? Despite all that advice, after a \$160,000 donation and after a lot of lobbying from the member for Monaro, the Minister for Planning has agreed that in so doing he has adversely affected the amenity of all the Queanbeyan residential areas.

**Mr Steve Whan:** Point of order: Very clearly the Leader of The Nationals is not arguing urgency. He is going into what he says are the facts. But, unfortunately, he does not seem to have listened to the Minister. The development has not been approved.

**The DEPUTY-SPEAKER:** Order! There is no point of order. The Leader of The Nationals has the call.

**Mr ANDREW STONER:** It is a priority for the people of Queanbeyan. I know that the member for Monaro does not understand this, but you have merged the flight paths of those aircraft, and the noise goes over all of Queanbeyan, and you have sold out all of those residents. Previously the noise was in a confined area, but you got your development through, didn't you?

**Mr Steve Whan:** Point of order. I ask the member to withdraw the suggestion that I have sold out the people of Queanbeyan, when they very clearly support this development. In fact, no flight path has been moved.

**The DEPUTY-SPEAKER:** Order! Is the member for Monaro asking that the Leader of The Nationals withdraw his comments?

**Mr Steve Whan:** I am asking for a withdrawal of his comments.

**The DEPUTY-SPEAKER:** Order! The member for Monaro has asked the Leader of The Nationals to withdraw his remarks.

**Mr ANDREW STONER:** I did not actually say that; he said it. But I am glad it is in *Hansard*. I cannot withdraw something I did not say.

**Mr Steve Whan:** To the point of order: I very clearly heard him say those words, and *Hansard* will reflect it. He is making up this stuff. He has no facts. He has been put in his place by the Minister today and he just cannot admit it.

**The DEPUTY-SPEAKER:** Order! The member for Monaro will resume his seat.

**Mr ANDREW STONER:** It is a little bizarre that the member for Monaro is getting so worked up about this. In 1998 he campaigned as a candidate for the seat of Eden Monaro with the then shadow transport Minister, Lindsay Tanner, opposing any residential development near Jerrabomberra, so that the flight path could be moved over vacant land. He has since changed his position. He changed his position after he got sporting tickets to the Brumbies, to the Bledisloe Cup, and \$4,900 for his campaign. He has breached the code of conduct.

**Mr Steve Whan:** Point of order: I ask for a complete withdrawal of those accusations. I would like to explain why.

**The DEPUTY-SPEAKER:** Order! No. The member for Monaro will resume his seat.

**Mr Steve Whan:** The member opposite does not know the difference between the Poplars development and Tralee.

**The DEPUTY-SPEAKER:** Order! Earlier the member for Monaro took a point of order requesting that the Leader of The Nationals withdraw his comments. The Leader of The Nationals has decided not to withdraw his comments. I did not hear the comments. The debate has been robust. Members should establish why their motions should be accorded priority. Points of order should relate to why priority is being established.

[*Personal explanation*]

**Mr STEVE WHAN,** by leave: I wish to make a personal explanation. In the comments just made by the Leader of The Nationals he suggested that I changed my position over time on certain developments around the Queanbeyan area. The fact is—

**Mr Andrew Fraser:** Point of order: A personal explanation can be taken only when there is a break in business. The motion is yet to be decided. If the member wishes to make a personal explanation he should do so after the motion has been put and decided by the House.

**The DEPUTY-SPEAKER:** Order! I have sought the advice of the Clerk. It is appropriate under the forms of the House for the member for Monaro to make a personal explanation at this stage.

**Mr STEVE WHAN:** As I was saying, the member opposite sought to suggest that I had changed my position. The 1998 development that he referred to was the Poplars development, which I opposed then and continue to oppose. I have consistently supported the development at Tralee, even before the current owners owned the land.

**The DEPUTY-SPEAKER:** Order! The member for Monaro has made his point. Debate will continue in a constructive way. The member for Wyong will cease interjecting.

**Question—That the motion of the member for Wyong be accorded priority—put.**

**The House divided.**

**Ayes, 47**

Mr Amery	Mr Greene	Mr Morris
Ms Andrews	Mr Harris	Mrs Paluzzano
Mr Aquilina	Ms Hay	Mr Pearce
Ms Beamer	Mr Hickey	Mrs Perry
Mr Borger	Ms Horner	Mr Rees
Mr Brown	Ms Judge	Mr Sartor
Ms Burton	Ms Keneally	Mr Shearan
Mr Campbell	Mr Khoshaba	Ms Tebbutt
Mr Collier	Mr Lynch	Mr Terenzini
Mr Coombs	Mr McBride	Mr Tripodi
Mr Corrigan	Dr McDonald	Mr Watkins
Mr Costa	Ms McKay	Mr West
Mr Daley	Mr McLeay	Mr Whan
Ms D'Amore	Ms McMahon	<i>Tellers,</i>
Ms Gadiel	Ms Meagher	Mr Ashton
Mr Gibson	Ms Megarrity	Mr Martin

**Noes, 37**

Mr Aplin	Mr Hazzard	Mrs Skinner
Mr Baird	Ms Hodgkinson	Mr Smith
Mr Baumann	Mr Humphries	Mr Souris
Ms Berejikian	Mr Kerr	Mr Stokes
Mr Cansdell	Mr Merton	Mr Stoner
Mr Constance	Ms Moore	Mr J. H. Turner
Mr Debnam	Mr Oakeshott	Mr R. W. Turner
Mr Draper	Mr O'Dea	Mr J. D. Williams
Mrs Fardell	Mr Page	Mr R. C. Williams
Mr Fraser	Mr Piper	<i>Tellers,</i>
Ms Goward	Mr Provest	Mr George
Mrs Hancock	Mr Richardson	Mr Maguire
Mr Hartcher	Mr Roberts	

**Pair**

Mr Koperberg

Mrs Hopwood

**Question resolved in the affirmative.**

**FORWARD WITH FAIRNESS INDUSTRIAL RELATIONS**

**Motion Accorded Priority**

**Mr FRANK TERENZINI** (Maitland) [3.53 p.m.]: I move:

That this House:

- (1) Congratulates the Rudd Labor Government for taking positive steps to reverse the damage caused by WorkChoices;
- (2) Notes the divisive and damaging impact WorkChoices has had on New South Wales workers and their families; and
- (3) Condemns the Coalition's confused industrial relations policy position.

I take this opportunity to congratulate the new Commonwealth Government on taking positive and decisive steps to reverse the damage inflicted on workers around Australia, including New South Wales, and their families by the Howard Government's WorkChoices legislation. Restoring balance to the industrial relations system is fundamental to the future economic prosperity of Australia. The policies that the former Coalition Government took to the people in the lead up to the 2004 election contained no reference to WorkChoices. There was not one hint during the campaign that such damage and hurt would be inflicted by the radical industrial relations changes that were implemented during the following term of government. We had an arrogant government that was out of step and exploited its unexpected majority in the Senate to push through those changes.

Compounding those changes and their secrecy and total lack of transparency was the attitude of the former Workplace Relations Minister and the former Prime Minister who displayed a combative approach to this issue. They engaged the States in an adversarial and combative environment and, as a result, nothing was done. Through the unilateral use of the corporations power, WorkChoices undermined the award safety net of conditions enjoyed by a majority of workers in New South Wales, replacing it with an unbalanced and adversarial system and triggering a race to the bottom, to use that time-honoured cliché, which is exactly what occurred. The Iemma Government was forced to act. It used practical measures to protect as many workers as it possibly could.

**Mr Anthony Roberts:** You sacked them!

**Mr FRANK TERENCE:** We took action to shield public sector workers, including nurses, ambulance officers, TAFE teachers and bus drivers, from WorkChoices. We got annual leave and long service leave entitlements for all State local government employees. We amended the Industrial Relations Act to minimise the impact of WorkChoices on vulnerable workers, including injured workers and clothing workers. We provided industrial parties that were involuntarily swept into the WorkChoices regime with a mechanism to preserve the dispute resolution system delivered by the Industrial Relations Commission. More importantly, we also enacted the Child Employment Act 2007 and developed child employment principles to provide young workers with a safety net of pay and conditions benchmarked against the New South Wales award system. In response to the barrage of horror stories and criticism in the media and the sliding opinion polls, the Federal Government responded by putting in a fairness test, which simply demonstrated how unfair the system was. It was tokenistic and purely cosmetic and it showed up the system for what it was—completely unfair.

The only way to resolve the problem is to get rid of the whole system. That is what the Rudd Government intends to do. That is why the New South Wales Government welcomes the Rudd Government's pledge to restore fairness and flexibility in the federal workplace relations system by implementing its Forward with Fairness policy. This policy is about fairness and flexibility in the workplace, sensible transition arrangements, and certainty and stability for business. The first step was taken in the first week of the new Parliament with the introduction of a bill that makes a number of important amendments to WorkChoices. The Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008 marks the beginning of a smooth evolution to the new Federal system, which will be fully operational from 1 January 2010. Members will be pleased to know that the draft legislation does not contain any nasty surprises.

The content of the bill is consistent with the Australian Labor Party's 2007 election commitments. It seeks to prohibit new Australian Workplace Agreements; establish interim Transition Employment Agreements; introduce a new no-disadvantage test; extend the fixed term of notional agreements preserving State awards; and empower the Australian Industrial Relations Commission to conduct a process of award modernisation. These are all positive actions that will deliver immediate benefits to the workers of New South Wales. The Federal Workplace Relations Minister, Julia Gillard, deserves to be commended for moving so quickly on this reform. The New South Wales Government believes that Forward with Fairness provides a solid basis for a modern, fair and flexible workplace relations system. It must be recognised that the WorkChoices experience proved beyond doubt that no one government on its own, even the Commonwealth Government, can go it alone and achieve the best outcome for Australia as a nation.

Since the Federal election the Iemma Government has repeatedly stated its willingness to work with the Rudd Government to create a more harmonised industrial relations system. Now is the time to enhance our existing industrial relations system to meet the future needs and challenges of the Australian workplace. Unlike the policies of the former Howard Government, the Rudd Government's idea of stakeholder consultation extends to genuine cooperation and engagement within State and Territory governments, which is quite a novel idea. At a recent meeting of State and Territory industrial relations Ministers and Federal

workplace Ministers the Federal Government confirmed that it was committed to working with the States and Territories by agreeing to establish a high-level officers group to collaborate on the development of a new system with an interface with State systems.

All jurisdictions are now actively engaged in practical and constructive discussions with the Rudd Government, creating a range of important policy considerations with a common objective for a truly national, harmonious, cooperative and collaborative industrial relations system. The options for that will begin with a paper put out by Professor George Williams, one of Australia's leading constitutional lawyers, entitled "New South Wales Working Together", which will explore a range of options for achieving a harmonious system and represent an important step in dismantling this draconian WorkChoices legislation. It will accommodate the interests of families, businesses and workers and reflect the need for all States and Territories to work well as a Commonwealth. It supports a framework of cooperation between the States, Territories and the Commonwealth as an optimal model for Australian families, businesses and workers.

I am pleased to state that the Williams report, which has attracted the support of the State, Territory and Commonwealth governments, will be a starting point for discussions about a truly national system. The Iemma Government is looking forward to working closely with the Deputy Prime Minister, Julia Gillard, and our colleagues in the States and Territories in bringing about improvements that will benefit workers and businesses and get this State moving. This confident and united WorkChoices stance by the Rudd Labor Government stands in stark contrast to the Coalition's position on the matter, which is confusing. The Federal Coalition is in complete disarray over this matter. It seems to alternate between saying that WorkChoices is gone and it then distances itself from the unpopular regime.

Immediately after the election last year Brendan Nelson, the Leader of the Opposition, said that WorkChoices was dead. The Leader of the Opposition went so far as to declare that WorkChoices was dead at the end of last year, but as recently as last week shadow workplace relations Minister Julie Bishop continued to sing the praises of Australian workplace agreements [AWAs]. She seemed determined to cling onto that part of the agreements that were a central part of the WorkChoices regime. Brendan Nelson and Julie Bishop, who have been swimming against the tide of their own party's position on the matter, finally declared that they intended to use their numbers in the Senate to delay the progress through the Parliament of Labor's transitional bill.

One would have thought that the message from the electorate at the last election was crystal clear and unequivocal. However, the Federal Opposition wants to use its majority in the Senate to block these changes, which is nothing short of a disgrace. I can only describe it as an insult to the Australian people who voted overwhelmingly at last year's election to reject WorkChoices. That stands in stark contrast to the Rudd Labor Government, a fresh new government committed to change and to ensuring that the conditions of workers in New South Wales do not deteriorate. We will get rid of that regime and we do not want it returned.

**Mr ANTHONY ROBERTS** (Lane Cove) [4.00 p.m.]: I move:

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

this House acknowledges the role of the Howard Government in achieving the highest level of national employment in over 30 years and the lowest level of industrial disputation for over 100 years.

**Mr Frank Terenzini:** Point of order: The standing orders are clear. If a member moves an amendment it has to be consistent with the original motion.

**The DEPUTY-SPEAKER:** Order! The amendment complies with the standing orders.

**Mr ANTHONY ROBERTS:** How unusual! The rusty artillery of the union movement was just dragged creaking and groaning out of its cave after the Federal election and pointed unsteadily at the former Howard Government and the New South Wales Opposition. What a bunch of ungrateful hypocrites! What a collection of union lackeys! What a flock of chirping, chattering class traders we have in this New South Wales Labor Government! They are nothing but a bunch of suitcases looking for a developer's donation. They should stop croaking and be thankful for the wonderful job that the Howard Government did in fixing industrial relations in New South Wales.

**Mr Gerard Martin:** What did the Business Council of Australia have to say about it?

**Mr ANTHONY ROBERTS:** I was about to get to that. Members should not just take my word for it; they should look at what the Australian Chamber of Commerce and Industry stated. Its wonderful chief

executive, Peter Hendy, was quoted on ABC radio late last year as stating that the current Federal Labor Government's plans, which were aimed at restoring the balance, would instead push up unemployment. Julia Gillard then announced that her party would scrap award coverage for people earning more than \$100,000 to boost flexibility for people like mineworkers and unfair dismissal laws would be brought back under Labor's plan.

Of course, we have seen a number of backflips since then. The unions said that they were disappointed that Labor did not promise to scrap Australian workplace agreements [AWAs] until they expire in 2012. The Federal Labor Government is doing its best to keep Australian workplace agreements in place. Kevin Reynolds from the Construction, Forestry, Mining and Energy Union [CFMEU] said that Kevin Rudd had backed down on key principles to appease big business and win government. The union movement is disappointed that the Federal Government and this State Labor Government are right wing and very anti-union, which is what we saw yesterday. Television programs reported that 20,000 unionists marched through the streets in protest as this Government was selling the generators. What a disgrace! This Government has turned its back on its party and the workers who put it in office, and it will be held accountable.

**The DEPUTY-SPEAKER:** Order! Members will cease interjecting.

**Mr ANTHONY ROBERTS:** The Australian Chamber of Commerce went on to state:

Labor is not tinkering with workplace laws; it plans to tear them up. Implementing a whole new system would be a colossal headache for small business.

I refer to the small business survey conducted this year by the Australian Chamber of Commerce and Industry. What did we find when individuals looked into the microcosms of our economy after the Howard Liberal Government was replaced by this socialist menace in Canberra? Business conditions are down, expected economic performance is down, sales revenue is down, wage growth is down, non-wage labour costs are up, selling prices are up, profit growth is down, employment is down, overtime utilisation is down and investment in buildings and structures is down.

While I am talking about overtime I remind members that we are looked after very well by fantastic staff in Parliament House. We have heard much about why we are sitting family friendly hours, but we know why that is occurring. Effectively, it is to cut the budget and to reduce overtime for workers. This Government is cutting overtime for workers in Parliament House. Hansard staff do a wonderful job. They do not come into this Chamber to look at this wonderful Government. They are not interested in family friendly hours so that they can go home at 7 o'clock and watch *The Biggest Loser* because they spend all day watching the biggest losers in this State. Give them a chance! They deserve their overtime because they do a great job. Government members should not have a shot at workers in this place. They have crushed this wonderful place and they are saying that it is for family friendly reasons. They are becoming economic rationalists, like their union mates. They want to destroy workers and they have sold out to class traders.

The survey covered the December 2007-March 2008 quarter and almost 2,000 people responded to it. We learnt that when examining productivity—which, of course, is a key indicator as to how well the company is going—WorkChoices mirrored what occurred under Labour in New Zealand where we saw productivity and wages increase—

**Mr Gerard Martin:** You did not in New Zealand. You are misquoting.

**Mr ANTHONY ROBERTS:** —and employment increase.

**Mr Gerard Martin:** No, that is wrong. They went down the gurgler in New Zealand.

**Mr David Harris:** Who wrote your speech?

**The DEPUTY-SPEAKER:** Order! Members will direct their remarks through the Chair.

**Mr ANTHONY ROBERTS:** It was introduced in 1993 and a report for the Australian Chamber of Commerce and Industry [ACCI] by Econtech estimated that "reforms to other unfair dismissal rules will increase productivity by 1.4 per cent". Let us go through them. Investment was up. The Governor of the Reserve Bank said:

I think most people agree that, if you remove labour market flexibility as a general idea that is productivity disenchanting and welfare disenchanting for the aggregate economy.

The benefits were investment in small, medium and large businesses, employment growth by 417,000—I will come back to that—and the wage index effectively was the best in a 10-year period. In fact, once annualised the wage price index increased by 3.8 per cent. More importantly, there was growth. The various industries represented in this report show an increase of tens of thousands of additional workers. They probably would not join the union these days because not much is offered for membership. Workers were so happy with the new conditions under WorkChoices that they flocked to industry. Employment numbers increased.

Industrial disputes in the post-WorkChoices period were the lowest on record for the first time since 1913—88,000 working days were lost to industrial action during the 12 months to June 2007, which was down on the 243,000 days lost for the 12 months to June 2005. The number of disputes was more than halved: 144 in 2007 compared with 569 in 2005. That was because workers had choice. They were paid better, they had better quality of workplace, they had more flexible hours and they had more flexible arrangements. They were happy. The union menace was removed from the workplace. I am sorry I have to refer to this newspaper article and the headline "Rudd's razor horror". The Government already is doing in New South Wales and in this House what will happen federally, but is doing so in the most backhanded way.

**Mr David Harris:** We fix it up.

**Mr ANTHONY ROBERTS:** Who said fix it up? Like the Government is fixing electricity by sacking people? The Rudd Government is sacking thousands of workers, according to this article by Steve Lewis. I am happy to discuss this issue further at a later stage, of course. The independent economic research by Econtech has confirmed that some of these wonderful results will be put at risk with a rollback of workplace reform.

**Mr Gerard Martin:** Explain who Econtech is, come on.

**Mr ANTHONY ROBERTS:** It is a consulting firm. How much further do you want to go?

**Ms Reba Meagher:** How much did they pay you?

**Mr ANTHONY ROBERTS:** I did not invite them to lunch.

**The DEPUTY-SPEAKER:** Order! The member for Lane Cove will conduct his remarks through the Chair and resist any temptation to respond to interjections from Government members.

**Mr ANTHONY ROBERTS:** I conclude my remarks by saying that we should give thanks to the Federal Howard Government for the wonderful job it did for workers and workplace arrangements.

**Mr PHILLIP COSTA** (Wollondilly) [4.13 p.m.]: What a wonderful presentation! I must respond to the comments of the member for Lane Cove. I am pleased to support my colleague and member of the class of 2007.

**Mr Daryl Maguire:** What's his name?

**Mr PHILLIP COSTA:** Frank! I should like to make one statement: I am a very proud unionist. I have been a union member for 37 years. In response to previous comments about WorkChoices, a member of my family was asked to sign an absolutely disgraceful document. My recommendation to him was, "Don't sign it. Find another job." That is what he had to do.

**Mr Daryl Maguire:** And he is very happy.

**Mr PHILLIP COSTA:** I would not say he is happy. WorkChoices simmers beneath the surface and by virtue of its sinister nature continues to erode employment conditions further over time as its impact affects increasing numbers of working people across the State and, indeed, this wonderful country.

**Mr David Harris:** It is a disgrace.

**Mr PHILLIP COSTA:** It is an absolute disgrace. It is imperative that this House is aware of just how severe and unworkable WorkChoices has proven to be. It is important that Australian businesses and workers are given the opportunity to participate in a new, fair and sensible workplace relations system. WorkChoices delivered a fundamentally flawed workplace relations scheme characterised by overly complex and

unnecessarily prescriptive legislation. My son shared with me information in a WorkChoices document he found very difficult to follow. The onerous record-keeping requirements impose a significant regulatory burden on employers and have stifled business productivity.

Under WorkChoices employers and employees have no capacity to bargain collectively for better conditions even when a majority of employees at a workplace want a collective agreement. WorkChoices gave priority to individual agreements that contained severe consequences for vulnerable workers: public holidays, redundancy pay and meal breaks were up for grabs. I remember working with my union for many years to achieve better working conditions, but now they have been challenged. Just last week the Federal Minister for Employment and Workplace Relations, Julia Gillard, released disturbing Australian workplace agreement [AWA] statistics that the previous Federal Government denied existed and, understandably, wanted to keep well under wraps.

The data collected by the Workplace Authority before the last election found that a staggering 89 per cent of Australian workplace agreements removed at least one protected condition, 83 per cent removed two or more protected conditions and a shocking 52 per cent removed six or more protected conditions. It is disgraceful that the work conditions unions had worked hard for decades to achieve were removed. WorkChoices has marginalised the independent umpire, the Australian Industrial Relations Commission, by dispensing with the considerable knowledge and expertise of its members. Since the inception of WorkChoices thousands of employees in New South Wales and, indeed, throughout this country have been deprived of many basic rights and entitlements—rights that many Australians fought for over many decades. They have been stripped of penalty rates, overtime and shift loadings; they have been denied access to unfair dismissal remedies; and they have lost important family provisions.

As disapproval of WorkChoices grew and an election loomed, the Howard Government introduced its so-called fairness test. It was a flimsy attempt to counter public perceptions that WorkChoices was unfair. The fairness test was supposed to deliver a fairness to WorkChoices employment agreements; however, in practice it was complex, lacked transparency and applied only to a limited number of protected conditions. The unpredictability of the test leaves workers unable to evaluate whether the agreement offered to them is either fair or enables them to meet their financial commitments. The fairness test does not guarantee that Australian workplace agreements will provide benefits of equal value to the award.

WorkChoices is unjust and has had a detrimental impact on our society and economy. It has caused widespread fear—fear that caused considerable stress to some people—panic and disempowerment in the community, and continues to hurt New South Wales workers and their families. On 24 November 2007 the Australian electorate delivered a clear message: the Australian people were sick of WorkChoices. They had had enough of the Howard Government and preferred the fresh ideas presented by Kevin Rudd and the Australian Labor Party. The Rudd Government was elected with an overwhelming mandate to abolish WorkChoices and to restore fairness and balance to the industrial relations system through the implementation of the policy package called Forward with Fairness.

**Mr JOHN WILLIAMS** (Murray-Darling) [4.18 p.m.]: When WorkChoices was introduced industrial relations had reached a point of being in no-man's-land. People were moving away from the award system. Collective bargaining had been removed because of lack of union numbers. We were seeing a real change in the labour market. No doubt the pressure was for labour market reform. Governments make decisions and some may be flawed. Unfortunately, during this process we heard all the horror stories. During the Federal Government's WorkChoices campaign, only one person could be named who said that they had suffered disadvantage as a result of a contract under WorkChoices. I told the Barrier Industrial Council at Broken Hill that if it could find someone who had suffered disadvantage I would go in to bat for them, but the council could not give me a case. That is the truth. Unfortunately, people did not accept that.

The Rudd Government promised to immediately put an end to WorkChoices, but WorkChoices will be with us for another five years. People are still working under WorkChoices agreements and the agreements are still working, so it is not over. In the meantime the Rudd Government will have to play ducks and drakes to come up with another system that will recognise that people do not want the award system any more but want to negotiate their own arrangements. Greg Combet recognised that when he said that there would be no more collective bargaining. Unfortunately, somewhere along the line the gap between awards and workplace agreements will have to be bridged.

During the 30 years I have been an employer I have noticed generational changes. Young people seeking employment are interested in one thing and one thing only: an hourly rate. They are prepared to trade

off conditions provided they are given an hourly rate. They are driven by the thought of earning X dollars an hour. WorkChoices allows people to trade off holidays. We have already heard about the member for Wollongong having three months off. Working people do not want three months off. They want to go to work every day and put some money in the bank, and they are prepared to trade off conditions to obtain an hourly rate. In my organisation some employees left the over-award rate I was paying and good conditions I was offering to take up employment that was subject to an Australian workplace agreement. The local union said that the employees would be back, but they did not come back. They obtained an hourly rate that they were happy with. They are still on workplace agreements and they are not complaining.

I have tried to tease out the details of the horror stories we all hear about, but there are no names. The people who are supposed to be suffering the problems are phantoms or ghosts. We cannot find anyone who is prepared to put up their hand and say, "I have been disadvantaged by AWAs." The electorate has made its decision, but I believe that voters were sold a pup on WorkChoices and climate change. All those problems will not be fixed. The Iemma Government also has been sold a pup. We were told that the Minister for Health would receive large-scale funding under the Council of Australian Governments [COAG] agreement and that the State Government will solve everybody's health problems. It is strange that I have not heard the Minister for Health complimenting the Federal Government on what a great job it has done of resolving her woes.

GST revenue amounting to \$2.8 billion is supposed to have been put in the bank, pending development of a new power station in New South Wales. Where is that money? Repeatedly we have heard that GST would be returned to the State Government so that it could be put to work, but where is the money? I do not know. The member for Kogarah referred to a great childcare policy that the Rudd Government will introduce, but when will we see that? This debate is an opportunity for Government members to talk about how the Labor Party has mended industrial relations in Australia, but I hate to tell members opposite that all they have done is modify what has already been done.

**Ms Noreen Hay:** Point of order—

**The DEPUTY-SPEAKER:** The member for Wollongong has not been present in the House.

**Ms Noreen Hay:** I have come into the Chamber to take a point of order because the member for Murray-Darling has misled the House.

**The DEPUTY-SPEAKER:** Order! As the member has been listening to the speech, she may state her point of order.

**Ms Noreen Hay:** As usual, the statement made by the member for Murray-Darling displays his complete ignorance. He suggested that I was off work for three months. He is out of order and he knows it. He is misleading the House.

**The DEPUTY-SPEAKER:** Order! No point of order is involved. In the future, the member for Wollongong might like to ask for such comments to be withdrawn.

**Ms MARIE ANDREWS** (Gosford) [4.23 p.m.]: I speak in support of the motion moved by my colleague the member for Maitland. While listening to the member for Murray-Darling, I could not help but think of how his remarks contrast starkly with contributions made by the previous member for Murray-Darling, Peter Black. Like me, the previous member for Murray-Darling was very much a unionist and definitely opposed to WorkChoices. From the outset, the Iemma Government has stood firm against the appalling WorkChoices attack on the rights and entitlements of New South Wales families. The Rudd Labor Government should be congratulated on taking positive steps to reverse the damage inflicted by John Howard's failed laws.

The Iemma Government looks forward to working closely with the Rudd Government to develop and deliver Forward with Fairness, improve the working lives of employees and foster the growth of Australian businesses. WorkChoices is a policy disaster, and it should be noted that it was supported wholeheartedly by members of the Opposition, with the former Leader of the Opposition pledging to hand over New South Wales workers to the Commonwealth if the State Liberal Party had won the 2007 State election. That is something we should never forget.

The Coalition's current industrial relations policy seems to comprise little of substance; rather, it is dominated by excuses, contradictions, reversals and backflips while simultaneously ducking and weaving criticism of its WorkChoices record. The former Minister for Workplace Relations, Joe Hockey, claimed that when he took over the job he and his Cabinet colleagues were not aware that people could be worse off under WorkChoices and that certain conditions could be taken away without compensation. I find it difficult to believe that Mr Hockey and his colleagues were so far removed from the policy agenda that they were unaware of the malicious intents of the Howard Government's WorkChoices legislation. Either his statement is untrue or it is an admission of gross incompetency.

Following the Howard Government's election defeat, a number of Federal Coalition members admitted publicly that WorkChoices was a disaster in all senses of the word. Most recently, the shadow Minister for Foreign Affairs, Andrew Robb, acknowledged that WorkChoices was deeply unpopular in the community, reflecting that the big mistake the Coalition made in WorkChoices was to scrap the no-disadvantage test. He said, "That's what killed us there. That's where we over-reached." I have to question whether this distancing from WorkChoices is politically motivated rather than stemming from a genuine acceptance that WorkChoices was divisive and damaging. While some Coalition members were quick to show remorse for the pain inflicted on Australian workers, others have been much more reluctant, particularly the Federal Leader of the Opposition, Brendan Nelson, and the shadow Minister for Employment, Business and Workplace Relations, Julie Bishop.

Last December Brendan Nelson declared WorkChoices dead, only to be contradicted by Julie Bishop, who continues to advocate the continued relevance of Australian workplace agreements. And what is her justification? Australian workplace agreements predate WorkChoices. Never mind the fact that the promotion of inferior individual contracts and the abolition of a meaningful no-disadvantage test was the root of WorkChoices unpopularity! While the Coalition is publicly pretending that it no longer support WorkChoices, actions speak louder than words. The reality is that they are prolonging its life by deliberately frustrating the Federal Government's legislative program for change. The Coalition threatened to use its numbers in the Senate to delay the Senate inquiry into the Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008. Its actions completely disregard the fact that the Rudd Government has a clear mandate to dispose of WorkChoices.

Last week it was reported that the Federal Leader of the Opposition told a party room meeting that the Coalition had "listened to the public, and that Work Choices would no longer be part of Opposition policy". The reality is that Brendan Nelson and Julie Bishop grudgingly bowed to party room pressure and agreed to not intentionally block the Federal Government's transition bill as it makes its way through parliamentary processes. The inability of the Federal Leader of the Opposition and the shadow Minister for Employment, Business and Workplace Relations to demonstrate a unified stance serves to highlight the Coalition's disarray, with the Federal Opposition being rife with indecision and a lack of clear policy direction. Further, the Coalition's initial failure to support the abolition of Australian workplace agreements and the restoration of workers' unfair dismissal protections suggests that they hope to keep WorkChoices alive by voting against the substantive industrial changes to be introduced later this year.

I call on the Federal Coalition to guarantee they will support the second stage of the Federal Government's plan to scrap WorkChoices, which is due later this year. Once more I congratulate the Rudd Government on ousting the Coalition's WorkChoices reforms. I encourage members of the House to monitor the Coalition's ever-changing policy position with interest. The Coalition deserves to be condemned.

**Mr FRANK TERENCEZINI** (Maitland) [4.28 p.m.], in reply: Although Government members find it amazing, we are not surprised that, despite an unequivocal decision by the Australian people on such an unpopular issue that disadvantages tens of thousands of Australian workers, Coalition members persist with their attempts to sing the praises of the WorkChoices legislation. The Coalition was totally prepared to divest itself of the New South Wales industrial relations system and hand it over to the Commonwealth. That would have been an absolute disaster for the people of New South Wales, yet members opposite are still attempting to sing the praises of WorkChoices by citing rubbery figures. That clearly demonstrates that members of the Opposition are professionals at opposing. The Opposition has a policy-free zone. The Opposition has no creativity. Coalition members will be occupying the Opposition benches for a long, long time.

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

**ROAD TRANSPORT LEGISLATION AMENDMENT (CAR HOONS) BILL 2008****Bill introduced on motion by Mr David Campbell.****Agreement in Principle**

**Mr DAVID CAMPBELL** (Keira—Minister for Police, and Minister for the Illawarra) [4.30 p.m.]:  
I move:

That this bill be now agreed to in principle.

I am pleased to introduce the Road Transport Legislation Amendment (Car Hoons) Bill 2008. Some people treat our roads as racetracks. They do not seem to realise, or care, that illegal street racing, burnouts or any sort of hoon behaviour is irresponsible and dangerous. At best, their behaviour disturbs the amenity and peaceful enjoyment of our neighbourhoods. At worst, this selfishness ends in carnage and loss of life—not just their own lives but the lives of innocent motorists and pedestrians. While there are already tough measures in place to deal with hoon behaviour such as illegal street racing, the message does not seem to be getting through to those who view our roads as their personal playgrounds.

This bill introduces tough new penalties for street racing and aggravated burnouts—new penalties that suit the seriousness of the offences and the potential consequences. And, since the callous disregard that these hoon drivers have for other road users seems to be matched only by their love for their cars, this bill will hit them where it hurts. Their cars will be able to be clamped at their property and at their expense for up to three months. This will provide a daily reminder of the consequences of their actions, and it will show their neighbours exactly what they have been up to. And for those who persist in their hoon behaviour, this bill allows the Roads and Traffic Authority [RTA] to use those vehicles for crash testing and educational programs.

This bill primarily amends the Road Transport (General) Act 2005 and the Road Transport (Safety and Traffic Management) Act 1999, as well as some other Acts and regulations that are set out in schedule 3 to the bill. The bill introduces tough new penalties and sanctions that can be brought against drivers convicted of street racing or aggravated burnout offences. A street race is any race between two vehicles on a road or road-related area or any speed trial for which permission has not been granted by the New South Wales Police Force. A street race can be pre-arranged or it can be spontaneous—for example, two cars racing away from traffic lights. The bill increases the penalty for street racing to \$3,300 for a first offence and to \$3,300 or nine months imprisonment, or both, for a second or subsequent offence. This will provide a more effective deterrent to those hoons who persist in committing street racing offences, because a second offence now carries the threat of a jail term.

The bill substantially expands the criteria and increases the penalties for burnouts. A burnout is a sustained loss of wheel traction. It can be accidental, such as when a wheel loses traction on a wet or icy road, or it can be a deliberate attempt by a hoon driver to show off to their mates. This bill distinguishes between simple, possibly unintentional, burnouts and deliberate, thrill-seeking behaviour. The Government does not intend to throw the book at drivers who unintentionally do a burnout. However, even negligent burnouts are dangerous driving behaviour that can lead to an accident. That is why the bill provides for a doubling of the penalty to 10 penalty units—that is, \$1,100—for burnouts. The Iemma Government is getting tough on those who deliberately do long, noisy burnouts down public streets or as part of an illegal street race. These types of burnouts are described in the bill as "aggravated burnouts".

Currently "aggravated burnouts" are defined as burnouts committed with the knowledge that an inflammable liquid was on the road. This is one type of aggravated burnout, but the definition falls short and the offence does not capture the worst types of hoon behaviour. The bill provides that "aggravated burnouts" will now include behaviour such as repeated burnouts, long and loud burnouts that disturb community amenity, burnouts that endanger public safety, and burnouts that are committed as part of a group activity. All these factors contribute to the severity of the burnout. As such, they should also contribute to the severity of the penalty. The bill increases the penalty for aggravated burnouts to \$3,300 for a first offence and \$3,300 or up to nine months imprisonment, or both, for a second or subsequent offence.

The bill also introduces tough new penalties for the mates of hoon drivers. Not only will hoon drivers be charged for their reckless behaviour, but also the groups of friends and associates that may gather to watch, or urge others on, or who take photographs or film to glamorise the activity. The bill introduces offences for willingly participating in a group activity involving burnouts; viewing, organising, promoting, or urging any person to participate in any group activity involving burnouts; and photographing or filming a motor vehicle doing burnouts for the purpose of using the photographs or film to promote or organise group activity involving burnouts. The penalties are the same for these people: \$3,300 for a first offence and \$3,300 or nine months

imprisonment, or both, for a second or subsequent offence. This will ensure that all participants in aggravated burnout activities will be charged, not just those driving the vehicle at the time the offence is detected.

The bill will also permit police to immediately suspend the licences of people charged with street racing and aggravated burnout offences at the roadside. In addition, it provides for a 12-month licence disqualification for drivers convicted of an aggravated burnout offence. This is already the case for people convicted of a street racing offence. A number of factors contribute to, or enable, hoon behaviour. One factor is the behaviour of the driver. Hoon driving is inexcusable and dangerous, and this bill introduces tough new penalties to punish it. Another factor is the behaviour of the hoon driver's mates, and we have included this as an aggravating factor in burnouts. A similar offence already exists for street racing. There is a further factor: a vehicle owner who permits their vehicle to be used by a hoon driver.

The Government is aware that for a number of reasons the vehicles used by hoon drivers to commit offences may not necessarily be registered in their own name. Cars may be deliberately registered in someone else's name to avoid higher insurance premiums or to avoid the current confiscation penalties, whereby the owner can plead ignorance and hardship and almost always get to keep the car. That is why this bill distinguishes between drivers who use their own car to commit street racing and aggravated burnout offences and drivers who use someone else's car. In cases where a driver is found guilty of a street racing or aggravated burnout offence committed in their own vehicle, the vehicle can be impounded or clamped for three months for a first offence, and forfeited to the Crown for a second or subsequent offence. A vehicle that is forfeited may be sold or provided to the Roads and Traffic Authority to be used for crash testing.

The Road Transport (General) Act already allows vehicles used in connection with a street racing or burnout offence to be impounded for a first offence and forfeited for a second or subsequent offence. The changes included in the bill are that vehicles may be clamped and they may be used for crash testing. A further change is that the bill restricts the court's discretion to reduce, commute or dispense with a period of confiscation or forfeiture to cases of extreme hardship only. Penalties will not be reduced because of inconvenience. Difficulty in carrying out employment or in travelling to or from a place of employment, business or education will not be considered sufficient to constitute extreme hardship. In cases where a driver is found guilty of a street racing or aggravated burnout offence committed in someone else's vehicle, the bill provides for sanctions to be placed on the registered operator of that vehicle. This is to ensure that hoon drivers who register their vehicles in other people's names, or who share vehicles around amongst themselves, do not avoid confiscation penalties.

If a driver found guilty of a street-racing or aggravated burnout offence is not the registered operator of the vehicle, the Roads and Traffic Authority will issue the registered operator with a suspension warning notice. The warning notice puts the registered operator on notice that additional sanctions will apply if any vehicle owned by them is used in the commission of a further street-racing or aggravated burnout offence within five years of receiving the warning notice. No further action is proposed to be taken against the registered operator at this stage, provided that no further offence is committed in a vehicle owned by them. If, however, a vehicle owned by them is used in a second street-racing or aggravated burnout offence within five years of the suspension warning notice being issued, the Roads and Traffic Authority may suspend the vehicle's registration for up to three months.

There will be instances when the Roads and Traffic Authority will be unable to suspend the vehicle's registration—for example, if the vehicle's registration is already suspended or about to expire within 28 days, or if the vehicle is already unregistered. In those cases police may cause the vehicle to be clamped or impounded. If a vehicle belonging to that same registered owner is used in connection with a third offence within five years from the date a suspension warning notice is issued, the vehicle may be forfeited to the Crown. I make no apology for this tough stance. Car owners will not be penalised for the driving offence committed, but rather for failing to adequately supervise the use of their vehicle.

Receipt of a suspension warning notice will not attract a registration sanction. However, it will advise the owner that if they do not keep better custody of their vehicle there will be further penalties. The bill does, however, include provisions to cover instances when a registered operator has taken all reasonable steps to prevent the use of their vehicle without consent or when the confiscation of the vehicle will cause extreme hardship. May I again emphasise, however, that inconvenience does not constitute extreme hardship. If people repeatedly permit their vehicles to be used in a manner that puts the lives of members of our community at risk, I send them this message: Be prepared to be inconvenienced. Vehicles will not be returned because of weak excuses, or because they suddenly have to find alternative means of carrying out their day-to-day life.

The bill also provides police with new powers to wheel-clamp vehicles. Vehicles used in the commission of a street-racing or aggravated burnout offence, and owned by the driver who committed that

offence, may be clamped. Wheel clamping will be available as an alternative sanction to impounding. The advantage of clamping is that it will minimise the need for police to maintain holding yards for hoon vehicles. Vehicles may be clamped at the owner's home—often in full view of both them and their neighbours. This will serve as a daily reminder of their crime and act as a deterrent to both them and others.

The bill permits the New South Wales Police Force to appoint a clamping agent. It also allows for a vehicle to be clamped at a road or public place, any place used for the clamping of motor vehicles by a clamping agent, or the home address of the driver or registered operator. Clamping agents will be permitted to charge a fee for wheel clamping. This fee will be determined within regulations relating to the clamping of the vehicle. It will be the responsibility of the registered operator of the vehicle to pay all clamping fees. The bill also introduces a penalty of \$2,200 for those who tamper with, damage or remove wheel clamps from a clamped vehicle. Clamping agents will be required to carry identification. They will face a penalty of \$2,200 if they cease to be a clamping agent and do not return this identification. Police will retain the option of impounding rather than clamping a vehicle should it be necessary, for example, when there is no suitable place for the vehicle to be clamped on the owner's property. The Government intends to trial the wheel-clamping provisions in the bill for a 12-month period in one metropolitan location and one regional location.

The bill also recommends amendments to the current confiscation provisions to allow police to enforce them more effectively. Currently, police can seize a vehicle only if they can find and have access to it. This is not of much use if the vehicle is deliberately hidden or disguised. The bill provides police with a power to demand, from either a driver or the registered operator, that a vehicle be produced for confiscation. Non-compliance with this production notice without reasonable excuse will be an offence with a maximum penalty of \$2,200. The Roads and Traffic Authority will also be able to suspend the registration of that vehicle for up to three months. This is a two-faceted penalty: a fine for not complying with a police direction and a vehicle sanction for not producing the vehicle for confiscation.

The hoon activity of a few should not be allowed to disturb the peaceful enjoyment of many; nor should it be allowed to put other road users at risk of serious injury or death. This bill toughens the penalties for street racing and aggravated burnouts to provide more appropriate sanctions and a more effective deterrent. The bill targets the drivers, the vehicles used to commit the offences, the vehicle owners who let hooners use their vehicles, and the participants who actively encourage hoon behaviour. It sends a clear message to the community that hoon behaviour is not acceptable and will not be tolerated. I commend the bill to the House.

**Debate adjourned on motion by Mr Daryl Maguire and set down as an order of the day for a future day.**

## **LOCAL GOVERNMENT AMENDMENT (ELECTION DATE) BILL 2008**

**Bill introduced on motion by Mr Paul Lynch.**

### **Agreement in Principle**

**Mr PAUL LYNCH** (Liverpool—Minister for Local Government, Minister for Aboriginal Affairs, and Minister Assisting the Minister for Health (Mental Health)) [4.46 p.m.]: I move:

That this bill be now agreed to in principle.

I am pleased to introduce the Local Government Amendment (Election Date) Bill 2008. The bill reflects an ongoing commitment to providing an effective system of electoral administration for New South Wales local councils. The purpose of the bill is to return the day for the holding of the ordinary local government elections to the second Saturday in September every four years. This will mean that the council election date for this year will be brought forward by two weeks from 27 September to 13 September. In doing so, the bill acknowledges concerns raised by the local government sector and the Executive of the Local Government and Shires Associations of New South Wales that holding the elections on the fourth Saturday of September would clash with the start of the New South Wales public schools holidays.

A clash is avoidable. This bill will ensure that voters will not be inconvenienced and that candidates will not be disadvantaged. The bill will also bring the Local Government Act 1993 back into line with previous elections practice. By returning the election date to the second Saturday in September it will correct an anomaly caused by amendments made in the upper House to legislation passed in 2003. When the 1993 Act was first introduced it provided that the ordinary election of the councillors for a local government area was to be held on

the second Saturday of September every four years. The Act was then amended in 2003 to postpone council elections from the second Saturday in September 2003 to the fourth Saturday in March 2004.

That change was the result of the Local Government Amendment (Elections) Act 2003, which, when introduced in Parliament, was intended to change the election date from the second Saturday in September to the fourth Saturday in March for all future elections. The purpose of those proposed amendments was to align the local government election cycle with the local government strategic planning process. Those amendments were also designed to shift local council elections out of the same four-year cycle as the State elections so that New South Wales voters would no longer be required to go to the polls twice a year. This shift would also ease the burden on the New South Wales Electoral Commission in having to conduct both State and local council elections within six months of each other.

However, an amendment to the 2003 bill was moved in Committee by Reverend the Hon. Fred Nile in the Legislative Council to allow the deferral of the ordinary elections from the second Saturday in September 2003 to the fourth Saturday in March 2004 only, and to return future elections to September every four years from 2008 onwards. But the Committee amendment overlooked that on returning future elections to September, it should have also returned them to the second Saturday in September rather than the fourth. By supporting the deferral of the September 2003 elections to March 2004, Reverend the Hon. Fred Nile acknowledged the advantages to the public in separating the local council and State election cycles. We are now in the unsatisfactory situation where the current election date of 27 September 2008 will fall on the Saturday before the third-term public school holidays—29 September to 10 October 2008.

There is concern that electors will be away on holidays and will not be able to exercise their right to vote. While postal and pre-poll voting is available to these electors, absentee voting is not. Absentee voting is impractical in the local government context because of the large number of electorates in council elections—152 council areas with 63 of them divided into wards. Absentee voting in council elections would require the unwieldy interchange of enormous numbers of ballot papers between electorates with associated issues of high administration costs to be met by councils, security of ballot papers and delays in election results.

The Government wants to make sure that all ratepayers and residents have every opportunity to exercise their right to vote at the next council elections. This bill will ensure democracy is upheld by enabling optimum voter participation. It will prevent inconvenience to voters and will eliminate the potential for an increase in instances of ratepayers and residents being fined for a failure to vote. The bill also ensures fairness to candidates by addressing concerns that the registration of a number of political parties might be invalidated if the elections are brought forward. Political parties must be registered with the New South Wales Electoral Commission for at least 12 months before they are eligible to participate in local government elections.

Registration allows party endorsement on ballot papers, nomination of candidates and registration of electoral material. Savings provisions have been drafted into the bill to provide certainty for those political parties registered on time last year in anticipation of the elections being held on 27 September this year. The bill ensures that those registrations will not be invalidated just because the elections will be brought forward by two weeks. I commend the bill to the House.

**Debate adjourned on motion by Mr Daryl Maguire and set down as an order of the day for a future day.**

## **MARINE PARKS AMENDMENT BILL 2007**

### **Agreement in Principle**

**Debate resumed from 26 February 2008.**

**Dr ANDREW McDONALD** (Macquarie Fields) [4.52 p.m.]: Yesterday I talked about the need for protection of our marine environment to ensure sustainable long-term use, both commercial and recreational, of that fragile ecosystem. I spoke of the consultation process for the community with regard to zoning, and the need for that consultation to begin at the commencement of the planning process. As I said, the Marine Parks Authority has undertaken extensive community consultation in the development of zoning plans. As the member for Pittwater also said last night:

It is vital that genuine participation take place, particularly when revisiting the operation of a zoning plan.

For that very reason a local community-based advisory committee has been established for each marine park in the early stages of park planning to advise the authority. Focus groups that complement the local advisory committee are often formed to provide targeted advice on key issues. To better understand broad community views on marine park values and management, a community and visitor questionnaire is typically then undertaken in conjunction with community meetings. Collation and mapping of this information helps to outline usage patterns for marine parks. A draft zoning plan is then prepared by the Marine Parks Authority and the community for each marine park, with advice from the local advisory committee.

Once the draft zoning plan is developed there is a three-month public consultation period during which the public are invited to comment. More stakeholder and focus group meetings are held during public exhibition of the draft zoning plan. The process for review of zoning plans provided for in this bill will be supported by similar extensive public consultation processes. Should a zoning plan review result in Ministers determining that changes to a zoning plan are required, the same public consultation processes that guide the making of zoning plans would apply. I commend the bill to the House.

**Ms PRU GOWARD** (Goulburn) [4.55 p.m.]: The Coalition has a proud history of support for marine parks and would normally be delighted to support a bill that strengthens the management and protection of our marine parks. We certainly agree that it is necessary that zonings and management plans for marine parks get regular review and updating—which is, of course, the focus of the Marine Parks Amendment Bill 2007. However, on this occasion we believe we need to move some amendments to address some manifest shortcomings of the bill, which my colleagues and I will progressively address.

It is worth asking why the bill is needed. Obviously there is a theoretical argument that once zonings and management plans are in place a mechanism is needed for reviewing and updating them—one would have thought that would be an obvious part of the original bill. But given that it was not and that we are considering it now, it would be helpful if the Government had been able to provide evidence of damage to our marine parks, of endangered species becoming even more endangered, of the fishing-out of reefs or of habitats that are no longer habitable. That would have been helpful when considering a bill that appears to have come out of nowhere. That is not a helpful or healthy context for the ensuing debate. The Minister's opening remarks did not attempt to build a case for the necessity of ongoing review.

I turn now to the consultation period. The bill was introduced on the last day of the 2007 sittings, and essentially the consultation period was over the Christmas break. The bill has now been brought into the House very rapidly, with no opportunity provided to various community and interest groups to review it. However, for whatever reason—or absence of reason—the House is now dealing with a series of amendments that further restricts and punishes recreational fishing and that may or may not be necessary.

The Minister has failed to make a case for the amendments in her opening remarks. In addition, the single biggest source of damage to the marine habitat, other than oil spills, is effluent, which is not mentioned in the bill. This bill is supposed to embody the latest thinking on how we manage our marine parks but it does not refer to the need for expertise on the advisory committees of our utilities, particularly our water and waste treatment utilities. Given what we now know about the impact that sewage treatment and, indeed, even heating water can have on marine habitats, I would have thought that should have been included. We know from the number of beaches that are closed regularly—including this summer—just how poorly our sewage treatment plants are managed. If the discharge is bad enough to close beaches to human use presumably it would also damage the reefs and offshore areas, much of which may be within the zoning of our current marine parks. Sadly, there is no reference to that in the bill. The Coalition believes the management plans must take account of those factors, and they need to be a specified requirement of the Act.

A number of my colleagues have spoken, or will speak, in this debate, but I would like to focus in what remains of my time on the importance of proper consultation and the transparency of those consultations through the mechanism of local advisory committees. Whilst we would all agree that advisory committees should be locally based and should include at least nine members, as the legislation specifies, including the National Parks and Wildlife Service, Aboriginal people, tourism, commercial fishers, recreational fishers and so on, the legislation should also specify that local associations be represented so that committees do not end up with somebody's mate who just happens to be a recreational fisherman. Local associations are more likely to provide evidence and advice that is more broadly representative of interest in the community.

Another difficulty facing advisory committees, as our amendments will identify, is that they must be able to access scientifically based argument. When they make recommendations they must be required to

provide evidence to support those recommendations, and it should be scientifically based. Advisory committees are presently required to give advice in relation to a number of matters that are set out in the legislation, but there are no requirements as to what they are to consider. There is certainly no reference to the resourcing of that advice. In other words, if an advisory committee felt it needed some specialist scientific work done on the impact of a sewage outfall on a conservation area or a marine park there is nothing in the legislation that enables a committee to access the resources to do so. It may of course recommend this to the Minister, but there is nothing that enables the group of people most closely and locally concerned with the problem to ensure that the work is carried out.

Advisory committees have great power. They may advise on management arrangements and on the zoning of an area, which may or may not restrict access by the public and commerce. When committees have powers such as this they should be publicly accountable. They should be required to be part of the public consultation in the three-month period that follows the giving of their advice to the Government. I do not mean consultations in the form of written submissions that can be buried in the bottom drawer of a cupboard in someone's office, but submissions that should be tested by members of the advisory committee. The evidence that the committee has taken those submissions seriously and tested them against scientific principles of evidence and proof should be part of the ongoing three-month period of public consultation. It is very easy for public consultation to be no more than putting in a written submission and hoping that the advisory committee or the authority does the right thing.

There is enough anecdotal evidence to suggest that if an advisory committee is not of good mind and good heart or it is not properly resourced to do such testing, we might as well forget the public submission period. The submissions will not be read or the ones that are read will be those supporting the views of the advisory committee. If we are to involve the community in what is in principle a very welcome part of our participatory democracy, this aspect must be taken seriously. Committees must be properly resourced and their views and the basis on which they provide advice must be publicly contestable in the three-month period. We will address a number of these issues in the amendments we will move.

Other than that, obviously we are concerned about the level of the fines that are to be imposed. Does this mean that more or fewer people will be caught? What is the purpose of doubling the fines other than to send a signal that we do not like people breaching arrangements and protection in our marine parks? We would like to see the removal of all ministerial discretion when it comes to advice in this area. Ministerial discretion is allowed in what are called "minor matters". Minor matters can become very big matters and in light of current circumstances and the smell surrounding this Government, ministerial discretion is very dangerous. Rather than saying that we would like to see representatives of the nine interest groups involved we should insist on there being nine representatives from those groups. Otherwise we will be in danger, in theory, of identifying the need to include the tourist industry, the fishing industry, and the commercial fishing industry and conservation interests. In practice, there is either no representative of those groups on the committee or there is a representative who is palpably inadequate.

This bill is a commendable recognition of the need to upgrade management of our marine parks on an ongoing basis. However, there are so many shortcomings in the bill there is a grave danger that it will not address the public disquiet, particularly in some coastal communities, about the way this legislation is currently administered, and the sense of unfairness among many people at being cut out of this process so that their concerns are not properly taken account of. This is not about whether we believe in marine parks; this is about whether we want a robust, publicly accountable and transparent process of public administration.

**Mr STEVE WHAN** (Monaro—Parliamentary Secretary) [5.06 p.m.]: I support the Marine Parks Amendment Bill. I had not intended to speak and I will not deal with many of the more technical aspects of the bill because my colleagues have covered those in great detail. The Minister will also summarise those issues in her reply. I want to talk about some issues relating to marine parks that were raised by members opposite, in particular the Batemans Marine Park. I do not represent any of the South Coast any more, but I am a reasonably regular visitor to the area and many of the people I represent fish in that area. I have certainly followed over quite a period of time the alarmist campaign that was run by some people about Batemans Marine Park and the dire predictions of the death of the recreational fishing industry. An occasional visitor to the South Coast, the member for Bega, was one of the prime movers in that campaign and was allied to some of the more outrageous claims that were made about the marine park. I heard his comments on this bill in the House last night. He said visitor numbers had been quite good this summer but it was only temporary and no doubt they were going to go down in winter. It was like "We'll all be rooned" when this all comes to pass. I point out first that visitor numbers this summer have been fabulous on the South Coast.

**Ms Katrina Hodgkinson:** That's because of the storms on the North Coast.

**Mr STEVE WHAN:** The *Narooma News* stated under the headline "Record numbers for visitor centres":

Eurobodalla Coast Tourism manager John Pugsley said numbers traditionally fell off after New Years Day but forward bookings right through to Easter were very strong.

...

The tourism branch of the shire council has just printed 100,000 brochures as part of its new campaign, most of which had now gone out to visitors centres around the State.

The member for Burrinjuck referred to storms on the North Coast. Certainly they would have been a factor. The *Narooma News* also said:

In Narooma, charter boat operators were disappointed to cancel several trips over the Christmas break due to bad weather but the campgrounds were all reporting very good numbers.

The visitor centre in Batemans Bay had been visited by as many as 1000 people per day, while Narooma's centre saw between 300 and 500 visits, but these were still record numbers.

The weather was good on the South Coast this Christmas but last year there were absolute doom and gloom predictions from the Coalition about what was going to happen. The weather was sunny, but having been down there for part of the time I can say that it was very rough. That is why there would have been some impact on charter boats going out. I know it was particularly rough because the Wharf to Waves Swim at Tathra, which I compete in regularly, was a bit of a struggle this year and I had to escort my 14-year-old daughter through the waves when she did the swim. The conditions would not have been great for people going out in boats, which no doubt had an impact on the event. I hope that next year's event is even better. On 11 January an article in the *Bay Post* carried the headline, "Moruya fishers hooked on Batemans Marine Park." That article states:

Fishing tackle suppliers in Moruya say visitors seemed happy with the Batemans Marine Park on the first summer holidays since it was introduced.

The article goes on to state:

Gone Fishing's Graham Herbert said his customers were accepting the Marine Park and it had been a good season for his business.

He mentioned that the beaches had been slow and that the weather might have had an impact on that because large waves were breaking on the beach. He talked about the need for better awareness of the marine park—no doubt something that will be worked on over time. Evidence in those newspaper articles suggests that the marine park is not producing the dire results that were suggested by some people. In fact I have anecdotal evidence from fishermen that it is producing good results. I was delighted that people who were concerned about the marine park and who had spoken to me before came back to me and talked about the improvement in the number of fish in the Clyde River near Batemans Bay. They were positive about the impact that these changes had had in that area and about the better catches.

If the member for Bega stepped outside the rental property in which he lives occasionally in Batemans Bay and he talked to some of the people in the area he would know that that is occurring. I understand that Rob Paxevanos, a fishing expert who expressed concerns about the park, is now reasonably positive about the park. I have not been able to confirm this but I remember seeing him recently in an advertisement promoting the park. I do not think he would be doing that unless he believed it to be the case. One of the park experts recently quoted in The *Narooma News* referred to Montague Island as the Crown jewel in the park. He said:

By removing trawling this has resulted in increases in flathead and gummy shark numbers.

This expert said that he had spoken to between 200 and 300 people and that no negative comments about fishing in the park were forthcoming. After talking to a broad cross-section of people a different picture has emerged. Rather than being negative about things—as Opposition members often are—and saying that it will all be disaster and doom and gloom, Government members recognise that it is important to protect these areas to ensure that this vital recreational industry has fish supplies for years to come. Recreational fishing is of massive economic benefit to the South Coast and it is something that this Government is keen to promote.

One of the best things to happen to recreational fishing in this State was the reintroduction of fishing fees that have funded many new facilities for recreational fishers. The recreational fishing levy has funded better

facilities up and down the South Coast and it has funded great stocking programs for inland waterways in the mountainous areas that I represent. Recently I had the privilege of opening extensions to the Gaden Trout Hatchery, which produces great benefits for recreational fishers. I am pleased that the member for Bega is now in the Chamber. I hope that he tells us about his rental property in Batemans Bay.

**Mr Andrew Constance:** You should be worried about what is being said in the upper House.

**Mr STEVE WHAN:** The member for Bega is referring to things that are occurring in the upper House. The member for Bega—

**Ms Katrina Hodgkinson:** Point of order. I ask you to draw the member back to the leave of the bill.

**ASSISTANT-SPEAKER (Ms Alison Megarrity):** Order! Members will cease interjecting. The member for Monaro will be heard in silence.

**Mr STEVE WHAN:** Madam Assistant-Speaker, I appreciate your assistance in trying to focus attention on the bill. The important thing about this marine park is that we are starting to see the benefits. The visiting member to Batemans Bay does not want to acknowledge that because he got a great deal of publicity as a result of his opposition to the marine park. But that is what is happening. That is what fishermen are starting to say and that is the feedback I am starting to get from them. This is a positive initiative. We must approach these things in a way that will ensure the future of the recreational fishing industry. We must also ensure that that great economic boost to our region is continued for many years to come.

**Ms KATRINA HODGKINSON** (Burrinjuck) [5.14 p.m.]: I wish to make a brief contribution to debate on the Marine Parks Amendment Bill 2007. People might be surprised that I am making a contribution to debate on this bill as the Burrinjuck electorate is landlocked, but many thousands of people within my electorate love to fish in the beautiful fresh waterways and dams, such as Wyangala and Burrinjuck dams. They also love to travel to the South Coast to spend summer holidays with their families and to take part in recreational fishing activities. Members would be surprised to learn that a large number of people within my electorate hold fishing licences.

Fishing is a popular pastime, which is why I wish to contribute to debate on this bill. This bill will amend the Marine Parks Act 1997 in a number of different ways. The member for Goulburn and the member for Coffs Harbour, the shadow Minister who led for the Opposition in debate on this bill, forecast amendments to be moved later by the Opposition. As parliamentarians we are conscious that meaningful public consultation should occur prior to the gazettal of marine parks. The member for Monaro referred earlier to Batemans Marine Park. As shadow Minister for tourism I visited a number of places on the South Coast and spoke to many people about Batemans Marine Park and they expressed genuine concern about the park. It was not just froth and bubble as the member for Monaro suggested earlier.

These people's livelihoods depend on what is dictated by the Government in Macquarie Street. If communities in these local areas who are impacted by legislation that is introduced in this place are not fully consulted they will feel very let down and disappointed, and they will fear for their livelihoods. Many people on the South Coast rely 100 per cent on the tourism industry. Many have spent hundreds of thousands of dollars, if not millions of dollars, building up their small to medium-size businesses. It is very threatening for them to have their livelihoods threatened as a result of legislation that is introduced in this place without being consulted about an industry that they know so much about.

I met with a lot of people involved directly with the tourism industry. I met with operators and those involved in the diving industry and I met with commercial and recreational fishermen. These people kept expressing concern about the lack of consultation prior to the marine park proposal in the Batemans Bay area. It was not just people at the coalface who expressed concern; people from inland New South Wales who believed that their summer holidays would be affected were also concerned. They believed that their sons and daughters would not be able to go to their favourite fishing spots to do their recreational fishing.

Clearly, this Government failed to consult the community prior to the establishment of that marine park. It is valid and justifiable to have good public consultation with communities that will be impacted the most by the gazettal of any impending legislation to establish a marine park. First and foremost such legislation would impact on the residents of a local area. The Opposition will move a number of other amendments that merit a positive response from this Government, not the least of which is the need for the incorporation of

science-based or evidence-based decision making before new parks are established. That is basic commonsense. We do not know what impact this will have on the local marine environment.

I say a personal thank you to all those fishermen who go out day after day and haul in those catches because I am a great fish eater. I have a passion for eating fish, so I thank those fishermen for all that they do for us. I conclude my remarks by saying that the Opposition amendments are sensible and rational. I certainly encourage the Government to look upon them favourably, as I am sure the people of New South Wales will.

**Mr DONALD PAGE** (Ballina) [5.19 p.m.]: Let me state at the outset that in general terms I support marine parks. It is important that their creation and the zonings within their boundaries are based on sound science. I believe also that it is important to provide for the future conservation of marine life, but this must be achieved without excluding the use of marine parks by certain human activity that has no adverse impact on the conservation of marine life and biodiversity. I had much to do during the creation of the Cape Byron Marine Park, which stretches from Brunswick Heads in the north down past Byron Bay and Cape Byron to Lennox Head further to the south. Whilst the creation of the Cape Byron Marine Park, for example, generally is supported by the community I represent, considerable concern was expressed about the consultation process prior to and after its gazettal.

The exclusion of recreational fishers from certain fishing areas is a matter of considerable concern. Generally, the complaint was that fishers can fish in areas where there are no fish, but cannot fish in areas where there are fish. I acknowledge the work undertaken by Ken Thurlow, spokesperson for ECOfishers, which represents a large number of recreational fishers along the New South Wales coast. I applaud his scientific approach to the needs of recreational fishers and marine parks over the years. Community members, particularly those who walk their dogs on the beach, have expressed concern also that they have suffered considerable restrictions. I wonder sometimes whether those sorts of restrictions really are influential for the protection of marine life—however, I raise that as a concern of some people.

I support the Opposition amendments because I believe they will improve the legislation and make the creation of marine parks and what happens within them less controversial, particularly with recreational fishers. One major weakness of the bill is that a marine park can be, and is, gazetted prior to any public consultation taking place; that is, the boundaries of the park are gazetted and then the consultation process commences as to what happens in the park. It is important that prior to gazettal the public has a say about where those boundaries should be. This was Coalition policy at the last election and is very good policy. It is only fair that the community in a liberal democracy that puts some value on the consultation process should have a say about the location of marine park boundaries.

It is quite wrong that the Minister has the power to gazette marine park boundaries without any public consultation and then afterwards talk about what happens within that park. Marine park boundaries are important for the community, which has a right to say where those boundaries should be situated. The Minister approves also the operational and zoning plans of marine parks. At present the Minister is not required to take into consideration community submissions before approving those plans: this is fundamentally wrong. The Minister should be required to consider these submissions prior to making decisions that affect what can and cannot happen within the park. One assumes the Minister would take those submissions into consideration; however, the bill contains no requirement for the Minister to do so. Many people believe the Minister did not take community submissions into consideration in the creation of Cape Byron Marine Park.

My attention was drawn more recently to the issuing of permits for tour operators in marine parks. It is accepted that tour operators do not damage marine conservation and biodiversity, but the Marine Park Authority seems hell-bent on making life as difficult as possible for them. The permits now have conditions that are difficult to accept and are issued for only a 12-month period, after which the tourist operator must reapply for a new permit. This process imposes a lot of bureaucracy; I cannot see why a permit could not be issued for a period of three to five years, for example.

Finally, I welcome the clarification that sand dredging for beach nourishment within a marine park does not constitute mining. This was an issue in the Cape Byron Marine Park when beach nourishment at Byron Bay using accumulated sand off the Cape was not permitted in the past because it was considered to be mining, which, of course, is not allowed in a marine park. The former Chairman of the Coastal Council of New South Wales recommended beach nourishment as an appropriate process to reduce the erosion level in Byron Bay. Notwithstanding the eminent recommendation of Professor Bruce Thom, it was not brought into effect because under the Marine Parks Act sand nourishment was deemed an act of mining and therefore was not able to be

implemented—yet, it was the softest environmental proposal proposed by no less than the former Chairman of the Coastal Council of New South Wales.

I welcome that amendment because clarification is required. In many cases beach management is an appropriate form of erosion prevention. We see it happening in the Tweed with sand bypasses. Clearly, it is wrong to regard beach nourishment as mining and not permitted in a marine park. In conclusion, I support the Opposition amendments and again make the observation that community consultation is needed prior to gazettal of the boundaries of marine parks, and that it should be compulsory for the Minister to take into consideration submissions received during the consultation process.

**Mr ANDREW STONER** (Oxley—Leader of The Nationals) [5.27 p.m.]: In speaking to the Marine Parks Amendment Bill 2007, I should first make clear that the Oxley electorate, which I am honoured to represent in this place, has a large number of coastal communities comprising many resident recreational fishers and some commercial fishers. Significant numbers of jobs are associated with recreational and commercial fishing. Places like Crescent Head, Hat Head, South West Rocks, Nambucca Heads and the appropriately named Fishermen's Reach—I could name more—all have fishing as part and parcel of their lifestyles and local economies. Large numbers of people retire to the coast to pursue a lifestyle which includes being able to wet a line with their mates and enjoy a traditional pastime.

These fishermen and women for the greater part are very conscious of the environment they enjoy. They do their part to conserve fish stocks and the environment in general. They do not want to spoil it for themselves, their children or their grandchildren. The Government has pandered to a small minority who believe that fishing should be regulated and that those who enjoy these God-given resources, including those who look after those resources, should be tied up with red tape and regulation. Hence, in the view of many people, the whole concept of marine parks is perceived by the State Labor Government as a way of pandering to a small minority, who are extreme Greens. The member for Coffs Harbour and shadow Minister for Primary Industries has referred to the dodgy science underpinning the whole marine park concept.

**Mr Andrew Fraser:** No science!

**Mr ANDREW STONER:** As the shadow Minister says, there is no science. The figures bandied about for endangered species, including the grey nurse shark, have no scientific basis. I have spoken to many fishermen, including those who fish in areas around South West Rocks, and they tell me that the figure of 300 for the remaining population of grey nurse sharks is laughable. If that is the type of justification being used as a basis for expanding marine parks and locking up fishing areas inside marine parks, that is a great tragedy for our State.

The bill before the House contains a number of amendments to the Marine Parks Act and to subordinate legislation. Some of the amendments are commonsense. The member for Ballina referred to the amendment which clarifies that sand dredging for beach nourishment within a marine park does not constitute mining, and that commonsense amendment is supported by the Opposition. But the amendments in toto represent a conferring of extensive powers on the Minister to extend marine parks with minimal public consultation. Under the current process entire communities are saying that the Government has only ever undertaken Clayton's consultation by publishing a notice in an obscure part of a Sydney paper and putting information on a website that is not properly promulgated to the communities affected. The Government should understand that many people in country communities do not have access to broadband, simply do not own a computer, and do not buy Sydney papers, so consultation in those forms cannot be effective.

Already people are saying that marine parks are a done deal. The Government has done deals with the Greens in exchange for preferences, simply to hang onto power. In the process the Government is prepared to trade off lifestyles, in particular the great Australian tradition of being able to go fishing with your mates. This bill will be regarded by many people as a backdoor way of extending marine parks. I refer in particular to the amendment of section 17E which will allow Ministers to make or amend regulations to alter the zoning plan at any time after consulting the Marine Parks Authority. The amendment effectively eliminates public consultation.

The amendment to section 20H doubles the penalty units for various offences under the Act. The amendment to section 25 will allow the Marine Park Authority to prepare draft operational plans and refer them to a marine parks advisory committee, and have the Minister authorise them within 28 days without appropriate consultation. The amendment to section 33 provides for the Marine Parks Advisory Council, when making

zoning plans or regulations applying to marine parks, to do so "from a statewide perspective" which, in effect, could result in marine parks being placed in exclusion zones under a cautionary principle relating to statewide populations. However, I point out that whereas statewide populations of species may be low, in a local area populations of the very same species could be high. The amendment to section 35A (2) removes the current requirement of fisheries and Department of Environment and Climate Change officers to be appointed as rangers. In future, if the amendment is passed, those officers may be an employee of a government department or of a public or local authority.

I point out to the Government that there are more than two million recreational fishers in New South Wales who are not happy with such a continued attack on their lifestyle. They want to be trusted and valued to do the right thing, given the proper incentives. By and large they comply with bag limits and size limits. As I say, they try to look after their own backyards, but this Government wants to bludgeon them with heavy-handed regulation and wants to cut them out of decision making through inadequate public consultation. The Government prefers to concentrate on chasing Greens preferences, simply to hold onto power.

Recreational fishers will not tolerate the Government's approach. There will be a big backlash against the Government if it continues its attack on a lifestyle that features recreational fishing. The member for Coffs Harbour and shadow Minister for Primary Industries has foreshadowed a number of amendments that will be moved by the Opposition. The Opposition urges the Government to take on board those amendments to allow for proper consultation with those who will be affected by the decisions.

**Mr MICHAEL RICHARDSON** (Castle Hill) [5.35 p.m.]: The key provision in the bill before the House is that it establishes a review process for zoning plans for marine parks that includes public consultation. The Opposition challenges the view that the provision goes far enough, but certainly there is a need for public consultation in the creation of marine parks. Our opposition to the creation of the Port Stephens and Batemans marine parks revolved entirely around inadequate public consultation. The member for Wollongong referred to support for the Jervis Plan Marine Park in her local community. She said:

When the zoning plan for the Jervis Bay Marine Park was developed there was a significant reduction in impact on recreational fishers between the draft and final zoning plans. Zoning of the park avoided closing to fishing 13 out of 15 of the most popular fish to areas.

That is entirely the Opposition's point. The creation of the Jervis Bay Marine Park took approximately six years. It is one-quarter the size of other national parks at 80,000 hectares. Very extensive consultation took place. The reason there was a significant reduction in the impact on recreational fishers was that the government of the day was prepared to bring the local community along with it. Everybody in Jervis Bay supports the Jervis Bay Marine Park. Opposition to the marine park not only was muted but also was reduced to single figures. However, the same thing cannot be said of the new parks that have been created, or indeed of the Lord Howe Island Marine Park.

In 2005 I received a visit from Mr Clive Wilson, MBE, who is a well-known identity on Lord Howe Island. He spoke to me about his concerns relating to the proposed marine park for Lord Howe Island. His argument, which I consider to be soundly based, was that a large number of people visit Lord Howe Island to fish offshore. The problem is that while the Lord Howe Island Marine Park would take up only 27 per cent of the island's waters, it occupies 75 per cent of the most productive and sheltered areas of the waters surrounding the island. Honourable members should bear in mind that Lord Howe Island is very remote: it is the most remote part of New South Wales. It is right in the middle of the Tasman Sea. Mr Wilson made the point that when a north easterly is blowing, as happens very frequently, it would be impossible to take out a boat and fish and he felt that that would have a very significant impact on tourism income for the island.

On Mr Wilson's behalf I wrote to the Minister and received a reply. I again wrote to Mr Wilson and in his response he stated that, contrary to the response provided by the Minister, the loss of the areas has had, and continues to have, dramatic negative impacts. He stated:

It is a strong island view, and particularly the view of those most affected, that we need urgent review of the sanctuary zones.

Earlier this year Minister Macdonald was invited to visit the island for firsthand discussions. Some 24 persons directly affected signed that invitation. This action followed the Minister meeting several of us, and listening to our concerns. However up to this day nothing has transpired.

Tourists are continuing to write and to be very outspoken on the issues of both shore based and boat fishing.

However just this last week or so we appear to have made some progress reference anchoring of larger vessels in the lagoon.

While it is true that generally tourists are on guided trips when fishing in boats, on the shore the majority use tourist maps or go to specific well known spots.

It is not true to claim that government agencies, including the Marine Park Authority, have been working closely with the island residents—

I ask members to note that it is not true that the agency has been working closely with the island residents—

to obtain the best long term benefits. It is true that some residents receive hearings, but many continue to be ignored.

With regard to the marine park, influences from outside the island have had a far greater bearing on outcomes.

This is the view of someone on the island born and bred, a view echoed by many people, not just on Lord Howe Island but also in the Bateman and Port Stephens areas. The difficulty in both these cases, as with Lord Howe Island, was the limited consultation and that the Government declared the marine parks before it told people what the zonings would be. I recall visiting Port Stephens and talking to local fishermen, who were loud in their condemnation of the Government's lack of consultation. There was a single meeting in Port Stephens without even a facilitator being present.

It was a matter of just going through the motions, and those meetings always tend to be stacked by public servants anyway. That is neither genuine community consultation, nor is it taking into account the views of local residents. The other issue raised is the lack of scientific certainty used in creating these marine parks. The member for Bega quoted extensively from a letter from Dr Robert Kearney, an Emeritus Professor of Fisheries at the University of Canberra. Amongst other things Dr Kearney said:

My paper demonstrates that the Bateman Marine Park is so badly conceived and designed that it will not bring the possible benefits on which international support for marine protection is based. Put simply, the Bateman's Marine Park is not a marine protected area. It fails to provide the protection of biodiversity, and individual species, conservationists and fisheries managers expect in a marine protected area. No significant protection is given against even the key threats identified by the Marine Parks Authority. Even its sanctuary zones are nothing more than fisheries allocation mechanisms, and extremely poorly designed ones at that. No amount of wishful reference by the Minister, or the Marine Parks Authority, to the benefits that might have flowed had the Park been well designed, will change the fact that it is not.

That criticism could not be made of the Jervis Bay Marine Park because it was properly conceived and created with full community consultation. As I have said before, the vast majority of the local community supports that marine park. This bill will provide for a limited three-month consultation process over zoning plans and for a compulsory review after five years in the first instance and then every 10 years after that, which would be a full review of the operational zoning plan. However, new section 17D, which relates to review of the zoning plans, makes no provision for community consultation. There is provision for a limited period of three months consultation by the advisory committee when a draft zoning plan has been prepared.

It could be said that because it is in the legislation it is a step in the right direction but, in fact, the Government engaged in less than three months consultation when it created the Port Stephens and Bateman marine parks, so once again the Government is unlikely to get it right. However, it gets worse. New section 17E allows the two Ministers to amend the zoning plans for marine parks at any time by way of regulation and they need only have consultation with the advisory committee for the marine park; they need not consult with the community. Preventing the local community from having a say will result in worse outcomes for the environment, worse outcomes for the local community and worse outcomes overall. That is the reason the member for Coffs Harbour has foreshadowed amendments to new section 17E, in particular.

It is the Opposition's view that there must be a better process for creating or changing marine parks. It should not be done simply by ministerial fiat. It should be achieved through community consultation and with input from scientists. Interestingly, in 2006 I made a freedom of information application with respect to Port Stephens Marine Park and found that all the evidence to support the creation of these marine parks was based on what had happened overseas. No evidence was provided from marine parks here in Australia. The circumstances here in Australia, a large country with a population of only 21 million, are very different from those pertaining to say North America or the United States of America, which has a similar area to Australia but with a population of more than 300 million. Clearly the pressures on the marine environment there would be very much greater than the pressures here in Australia. That is not to say that marine parks do not have a place. We are very supportive of the Jervis Bay Marine Park and the concept of marine parks, provided they are created properly. That is why the foreshadowed amendments will improve the legislation. I commend them to members.

**Mr STEVE CANSDELL** (Clarence) [5.46 p.m.]: It is a pleasure to speak on the Marine Parks Amendment Bill 2007. I recall vividly in 1997 when Pam Allan, the then Minister for the Environment,

converted the marine reserves created by the former Coalition Government into national parks. This was a philosophical move to make the park appear more protected; the name meant nothing. Unfortunately, converting them to national parks removed the management and control of the Fisheries Department, which had a thorough understanding of marine life whereas those in the National Parks and Wildlife Service had limited understanding. Indeed, only one or two Fisheries officers remained as part-time advisers, so this was negative action by the Government.

The marine reserves already contained exclusion, sanctuary and habitat zones, which provided limited access. Exclusion and sanctuary zones provide virtually no access, which is fair enough because areas need protecting at different times. The reserves also had general-purpose zones. Even though the exclusion zones in the national park are only 5 per cent to 7 per cent of the entire park, the 93 per cent to 95 per cent available for recreational fishers is almost like a desert. The main fishing habitat areas have been locked up and recreational fishers have been excluded from those areas. Because the main fishing habitat areas have been put into an exclusion sanctuary zone, the acknowledged fishing spot in the remaining area will be pillaged and raped. As a result, that area, too, will be locked up. The fishing areas should be opened up and spread out, thereby protecting the species. Many of the species being protected are pelagic fish that do not have one habitat. They travel through the park and into other areas, but the area where they normally feed becomes an exclusive zone.

This bill will eliminate appropriate public consultation. There are two million recreational fishers, as well as professional fishers, but those people are not included on any advisory board. The bill does not refer to scientific proof. The commonsense amendments circulated by the member for Coffs Harbour would ensure that scientific proof is required before an area is closed or locked up, that there is proper committee consultation, and that recreational fishers and professional fishers will be appointed to the advisory boards to provide commonsense and factual input before any decision is made.

If these amendments are not accepted, the Minister will be undertaking Clayton's consultation for 28 days, and then he can close a popular fishing area on his whim. Let us hope that in 2011, when there is a Coalition government, the Minister will have the right to open exclusion zones that have been unfairly locked up. I have received many representations from recreational fishers, professional fishers and families in my area that simply turn up at Duranbah, Wooli and other areas to go fishing. Most regular fishermen—I say "most" because in every area there will be a rogue—are responsible fishermen. There are bag limits in place, and some species cannot be touched—they must be thrown back if a fisher catches them on the line. Fishermen in my area have told me that they have been fined unfairly when buoys have moved.

In some cases exclusion zones and sanctuary zones are not clearly marked. There are no markings on the land to show the whereabouts of sanctuary and exclusion zones. It is easy for an inexperienced fisher to be caught on the edge or just inside an exclusion zone because it is not clearly marked for the general public. As I said, it is all right to have exclusion zones. Under the reserve system, the fisheries department had control. At that time there were ample fisheries inspectors in the field to advise people and, if the advice was ignored, to prosecute people who abused the sanctuary zones or marine reserves as they were known.

The purpose of this bill is to establish a review process for zoning plans for marine parks that includes public consultation. As I said, it is a Clayton's review process. The review is shallow; there is no proper public consultation and review, and there is no scientific evidence or scientific proof going into the review. We would like to see fair dinkum consultation that includes stakeholders. In any area, one includes stakeholders because they have local, hands-on knowledge of the area. The Government should not simply consult an extreme green movement because it wants the Greens' second preferences at the next election. We need to get proper local, hands-on knowledge before a decision is made to lock up more areas. As I said, I fully support the amendments foreshadowed by the member for Coffs Harbour. Let us hope the Government recognises that the amendments are commonsense and will support them.

**Ms VERITY FIRTH** (Balmain—Minister for Women, Minister for Science and Medical Research, Minister Assisting the Minister for Health (Cancer), Minister Assisting the Minister for Climate Change, Environment and Water (Environment)) [5.53 p.m.], in reply: I thank members for their contributions to this debate. I shall start by addressing concerns about the level of research we are undertaking in our marine parks. At present we have in place an extensive habitat mapping program for our marine park system. It is providing more and more detailed information on the location and nature of habitats in our marine parks. This science is used in the habitat maps that are fundamental to the development of zoning plans.

We have assessed the scientific information covering each bioregion on the coast of New South Wales. The resulting bioregional assessments show the scientific approach that was used in the identification of

candidate sites for marine parks. We are conducting and participating in many individual research projects in our marine parks. Core projects are examining marine communities within and outside different types of zones and marine parks. We also monitor fishing effort and scuba diving to see how people are using parks. I shall now focus on the specific elements of this bill to clarify its purpose and address the specific issues raised.

First, zoning plans are a key management tool for marine parks. They describe the locations of zones and the activities permitted within them. The Government has always indicated that it would review zoning plans five years after commencement, but under the present legislation there is no practical mechanism for this to occur. At present all marine park zoning plans have been made as amendments to the principal Marine Parks Regulation pursuant to the Marine Parks Act. Under the Subordinate Legislation Act, this regulation, including the zoning plans contained within it, is reviewed every five years. If this review was to occur without the changes proposed in this bill, all the zoning plans would need to be reviewed at the same time, even if they were not yet five years old.

Some zoning plans would be reviewed within a year or two of being developed. This is clearly problematic. Contrary to the suggestion by the member for Bega, postponements to the repeal of the Marine Parks Regulation 1999 have been sought, as is appropriate. This review is not overdue. This bill provides for the establishment of separate regulations containing only the zoning plans. These will be exempt from the five-year statutory review provisions of the Subordinate Legislation Act because a detailed process for the review of the zoning plans is to be established under the Marine Parks Act.

Most importantly, this gives us the ability to review zoning plans for individual marine parks at suitable intervals, rather than all at once. Reviewing the zoning plans for all of our six marine parks during one review project would make it difficult to consider the issues in the type of detail with which local communities want to engage. I turn now to the specific comments raised by members. Suggestions that no consultation will occur during the zoning plans are simply not true. Let me be clear: the marine parks advisory committees, made up of local community members, will be involved in commenting on the review report. This is specifically detailed in new section 17D (4). I also point out that the advisory committee comments are to be provided to Ministers in accordance with new section 17D (5).

In response to the comments by the member for Goulburn on the representative nature of our marine park advisory committees, I want to be very clear that we have a whole range of stakeholders providing advice on our parks. We have recreational fishers, commercial fishers, spear fishers, tourism industry representatives, conservationists and Aboriginal representatives. Let me also be clear: As I stated in the agreement in principle speech, it is the Government's intention that public consultation on zoning plans will occur for at least two months during the development of the review report. Clearly, the community views on the current zoning plans will be an essential component of each review report. New section 17E provides for amendments to zoning plans. In some specific cases these amendments can be made without public exhibition of the new draft zoning plan.

These cases are where a critical habitat declaration, threat abatement plan or recovery plan has been made under State threatened species legislation; where formal instruments are made under the Commonwealth's Environmental Protection and Biodiversity Conservation Act which are relevant to the marine park; or where the amendments are minor in nature. The intent of these cases is that community consultation will have already occurred during the making of the critical habitat declaration, threat abatement plan, recovery plan or formal instruments under the Commonwealth Act, and there will be no need for the marine park, if it needs to reflect these rules, to repeat this consultation. The intent of allowing minor amendments is merely to fix minor problems such as typographical errors in zoning plan regulations. This approach is sound practice.

The member for Coffs Harbour suggested that 95 per cent of reefs in the Solitary Islands Marine Park were excluded from fishing. At present around 13 per cent of the area of reefs in the Solitary Islands Marine Park is protected—which is not even close to what the member for Coffs Harbour suggested. Marine park zoning plans protect examples of reefs and the range of other habitats in marine parks; they do not protect just reefs. The member for Coffs Harbour raised the use of aircraft over marine parks. Marine parks were established to conserve biological diversity and it is only in the case of impacts or threats to biodiversity that the regulation of aircraft may occur. Although we are not dealing with immediate issues, the amendments merely ensure we have the ability to regulate aircraft should the need arise. I make it clear that there is no intention to regulate commercial flights to Coffs Harbour Airport, our State's busiest regional airport. The suggestion that diving will somehow be prohibited at grey nurse shark habitat sites through a marine park zoning plan is baseless. A code of conduct is in place for diving with grey nurse sharks at critical habitat sites, including those within and outside marine parks.

The member for Coffs Harbour raised the suggestion, both in the House and with me, that fines will be automatically doubled. It is not automatic that fines will be doubled under the Marine Parks Act, given that an increase in the maximum penalty from 100 to 200 penalty units is proposed. The size of penalties that will actually be imposed will be in accordance with the seriousness of offences. Serious and major offences under the Marine Parks Act, such as the removal of wrecked vessels, can now be dealt with more effectively. This change brings the maximum penalty for marine park offences in line with other environmental legislation, such as the Protection of the Environment Operations Act. I note that any person receiving a penalty notice has an opportunity to make representations in their defence. The Marine Parks Authority produces a range of communication material to inform people about marine park zoning plans, and it is widely available. An advisory period is also adopted when zoning plans commence to ensure that people have time to be informed of, and adjust to, new arrangements.

With regard to the member for Coffs Harbour's assertions about the impact of the Coffs Harbour City Council deep sea release ocean outfall, I can advise members that the outfall has been complying with Department of Environment and Climate Change licence requirements, with the last annual return reporting only very minor infringements. The licence requires extensive monitoring of volume and quality of the discharge. I am advised that Beachwatch data has been gathered and has indicated no direct impact of the outfall. Effluent reuse has been maximised during dry weather periods and has reduced discharge. A comprehensive report into the potential impacts of the ocean outfall, including marine biological data, has been undertaken at the discharge point and the surrounding area and will be considered by the Department of Environment and Climate Change.

Not only are the scientists telling us that marine protected areas are important but, as evidenced by the response received to recent surveys, the community wants us to act on this. Clearly not everyone is looking down on our marine parks. Indeed, I will relate to the House an anecdote. When the zoning plans were first introduced at Batemans Bay I visited the area. I met with local councillors and the Marine Parks Authority, and looked at that beautiful area on our precious coast. When I returned to Sydney I visited the website. I enjoyed my trip so much that I wanted to see whether there was any holiday rental accommodation in the area. Within one week of the zoning plans being declared for Batemans Bay Marine Park, local tourist operators were already advertising that the marine park was in existence. So I logged onto the website. Within one week of the zoning plans coming into existence, already local tourist operators were saying, "Come and see the glory and beauty that is the State's newest marine park."

We know that 87 per cent of the 407 people recently surveyed in the Coffs Harbour, Bellingen Valley and Clarence Valley communities are in favour of conserving the Solitary Islands Marine Park, with 80 per cent in favour of sanctuary zones in the marine park. Similarly, for Jervis Bay Marine Park we found that 84 per cent of 402 people recently surveyed in the Shoalhaven area are in favour of conserving Jervis Bay Marine Park, with 82 per cent in favour of sanctuary zones in the park. Australians love their coastline; they love their beaches. And they want their coastline and their beaches to be there for their children and their grandchildren, and they want their great-grandchildren to be able to fish in their favourite fishing areas. This will only happen if we act now to protect habitat zones, if we act now to ensure that our environment is there for future generations to enjoy. When I talk to people they tell me that things have improved. Since the introduction of marine park sanctuary zones and marine park habitat protection zones they have seen the fish return. This can only be a good thing, not only for the environment but also for our local community and our local fishermen. While the amendments proposed to the Marine Parks Act do not signal any fundamental shift in policy, they provide greater clarity in a number of key areas and for this reason they are important improvements to the legislation. I commend the bill to the House.

**Question—That this bill be now agreed to in principle—put and resolved in the affirmative.**

**Motion agreed to.**

**Bill agreed to in principle.**

**Consideration in detail requested by Mr Andrew Fraser.**

**Consideration in Detail**

**Clauses 1 to 5 agreed to.**

**Mr ANDREW FRASER** (Coffs Harbour—Deputy Leader of The Nationals) [6.06 p.m.], by leave:  
I move Nationals amendments Nos 1 to 9 in globo:

- No. 1 Page 4, schedule 1 [6], proposed section 17C (3), lines 21-25. Omit all words on those lines. Insert instead:
- (3) Within 3 months after receiving the draft zoning plan, the relevant Ministers are to cause public notice to be given of the draft zoning plan.
- No. 2 Page 4, schedule 1 [6], proposed section 17C (5), line 34. Omit "relevant Ministers are". Insert instead "Authority is".
- No. 3 Page 4, schedule 1 [6], proposed section 17C (5), lines 36 and 37. Omit "relevant Ministers allow". Insert instead "Authority allows".
- No. 4 Page 5, schedule 1 [6], proposed section 17C (6), lines 3-9. Omit all words on those lines. Insert instead:
- (6) Within 3 months after the date referred to in subsection (4) (b), the Authority is to submit a zoning plan to the relevant Ministers with such modifications as the Authority thinks fit.
  - (7) Within 3 months after receiving the zoning plan, the relevant Ministers are to submit a regulation to the Governor setting out that zoning plan.
- No. 5 Page 6, schedule 1 [6], proposed section 17E (4), lines 33-39. Omit all words on those lines. Insert instead:
- (4) Section 17C (2)-(7) apply to the making of an amendment to the zoning plan for a marine park in the same way as they apply to the making of a zoning plan under that section.
  - (5) In addition to the requirements of section 17C (4) in its application to a proposed amendment to the zoning plan for a marine park, the notice referred to in that subsection is to:
    - (a) give a summary of the purpose of the proposed amendment and state whether there is a scientific basis for it, and
    - (b) specify the address of each place at which a more detailed explanation of that purpose and any scientific basis for the proposed amendment may be inspected.
- No. 6 Page 9, schedule 1 [20], lines 3 and 4. Omit all words on those lines.
- No. 7 Page 12, schedule 1 [35], proposed section 35 (2), line 6. Omit "such members as are". Insert instead "not more than 10 members".
- No. 8 Page 12, schedule 1 [35], proposed section 35 (3), lines 17-20. Omit all words on those lines. Insert instead:
- (3) The advisory committee for a marine park must include at least one, but may include more than one, representative in respect of each interest referred to in subsection (2).
- No. 9 Page 12, schedule 1 [35], proposed section 35. Insert after line 24:
- (5) Where possible, when appointing a member to represent an interest referred to in subsection (2) (a)-(g), the relevant Ministers are to appoint the nominee of a local body or local association that represents that interest.

Yesterday evening I outlined a large number of reasons as to why these amendments would be moved, so I will speak in general terms. In my contribution I did not speak to amendments Nos 7, 8 and 9, which relate to the make-up of the advisory committee, but the member for Goulburn has done so. I believe they are absolutely suitable amendments in relation to who should be represented on the advisory committee. The amendments propose that two members be represented in respect of the interests referred to in proposed section 35 (2), that is, recreational and professional fishermen.

Many complaints have been received about the fishing zones and exclusion zones. A fellow by the name of Jeff Parker, who is a recreational fisherman, attended all the early meetings in relation to the Solitary Islands Marine Park. Indeed, he proposed a lot of sensible amendments during the consultation process but they were totally ignored. In fact, recreational fishermen were willing to give up fishing areas because they believe, on their knowledge of the marine park and the areas where they fish, that the proposal they put forward would provide greater sanctuary and greater protection for the exclusion zones than what was being proposed.

Unfortunately, the amendments proposed by Jeff Parker and the other recreational fishermen were totally ignored, which is very sad. Having such people on a committee of an advisory board would take away some of the angst felt by the community. I believe that 100 per cent of people in my electorate support the marine park, but we want more flexibility and public and open discussion. Yesterday I expressed my concerns

and I agree with the Minister who said that she can change the legislation within some parameters and with ramifications, but she failed to mention section 17E (2) which states:

- (2) Without limiting subsection (1), the relevant Ministers may recommend the making of a regulation to amend the zoning plan for a marine park as a consequence of any of the following: ...
  - (d) the making of a proclamation under this Act varying the area of a marine park.

Unlike the Minister I do not regard that as a minor amendment. If an amendment varies the area of a marine park it is a major amendment. Under that section the Minister may vary it with little or no public consultation. The Opposition seeks an opportunity for the public to be more involved. Mark Clayton, a marine scientist for whom I have a lot of time, set the boundaries of the Solitary Islands Marine Reserve, managed the area and set up the exclusion zones. He also went to Western Australia to set up some reserves. Mark knows fishing biology and science extremely well. He was basically given the sack when the marine park was established. He had already conducted studies on fish that were coming back into sanctuary and exclusion zones. His studies, which are on the public record, prove that the area was thriving as a marine reserve.

The costs of managing the marine park by two departments—the Department of Environment and Conservation and the Department of Primary Industries—compared with the costs of managing the marine reserve by New South Wales Fisheries are hugely in excess of what they were previously. I do not believe there has been any real benefit to the park. I listened with some interest to the Minister about the proposed fines. She said they would not necessarily be imposed. As I said privately to her and publicly in the Chamber last night, Gerio Rossi, who was fined \$500, was fined incorrectly, first, because of the global positioning system readout that was given to him whilst he was on the water and, second, because the officers talked to him for 15 minutes discussing everything except where he was, during which time he was drifting north.

When he checked the coordinates that he gave to the officers he found that they were different to the coordinates on the notice he received in the mail. That is a fairly autocratic approach. It is a jackboot approach that fishermen do not appreciate. This bloke was out in his tinny and he was fined \$500. He has fished in the area all his life. He is a retired businessman and a man of great repute. He is quite disturbed that he was issued with a fine. Under the new amendments, even though the Minister gave assurances, a uniformed officer with a badge will not issue a minimum fine. Gerio Rossi was fined \$500, but under this legislation he would be fined \$1,000. I believe that is an extremely harsh penalty for someone who, first, I do not believe was in the zone and, second, his tinny was drifting while he was talking to the deck officers.

The park does not have enough signage or buoys. A lot of people who come from western New South Wales in the holiday period to fish do not know that it is a marine park. The signage is reasonable, but if someone takes out a boat before light and comes in after it is dark they do not know where they have been. We need buoys and a better advertising campaign. When someone buys a fishing licence or tackle in Coffs Harbour they should be properly informed. I have been told recently that many of the outlets that sell fishing licences have been prohibited from doing so for many reasons. During the Christmas period a tourist phoned me at home and asked me where they could buy a fishing licence. I told them of a couple of places to go—

[*Interruption*]

No, not in that way. I actually help my constituents and their relatives and friends who come to Coffs Harbour where we love tourists spending their money. Later the tourist called me back to say that one of the places—a major service station in Coffs Harbour—no longer issues licences because their permission to issue them had been withdrawn. The Government could be far better equipped to give people notice to ensure that people who want to do the right thing, do the right thing. I disagree with the Minister and say that 100 per cent of people like marine parks, but they do not like the autocratic approach and the fact that the Minister can, under this legislation, make decisions on advice without scientific evidence. It is a precautionary principle. These amendments provide that scientific evidence should be taken into account.

I read a fair amount of Emeritus Professor Kearney's report onto the *Hansard*. Professor Kearney, a noted scientist in Australia, has real problems with the way marine parks are managed, the way zones are set and with the lack of scientific evidence. The fact that marine parks set exclusion zones for red morwong, which constitute 0.02 per cent of the catch in New South Wales and are not in any way shape or form endangered, is farcical and that is where credibility is lost. Members of the Opposition do not have a problem with the concept of the marine park. As the Minister knows the Opposition amendments were put together in a fairly hurried manner today. I thank the member for Goulburn for her additional amendments, which are absolutely logical and could remove some of the angst felt by the community.

The Opposition may refine those rushed amendments or move similar amendments in the upper House. I am disappointed that the Minister has already indicated she will not accept the Opposition amendments. I assure her that the amendments will improve the legislation, and the amenity and use of marine parks to ensure that all people can enjoy them. They will also ensure that we do not end up with a lock-out zone, which could create angst with both recreational and professional fishermen. I commend the amendments to the House.

**Mr ANDREW CONSTANCE** (Bega) [6.18 p.m.]: I support the amendments and note that they were put together very quickly by the shadow Minister. It is not good enough that the wider community has not been consulted on bill. On 7 December the Minister made it very clear to the community that the bill was going to lay on the table until this session and, obviously, consultation would take place. I would be interested to know to whom the Minister spoke in that time about the legislation because certainly in the electorate of Bega, which takes in the area south of Durras all the way down to the Victorian border, I do not know of anyone who was approached by the State Government to seek their input in relation to the bill.

One of the key concerns of the Opposition relates to public consultation and that is why these amendments seek to enshrine greater public consultation. It is not good enough that the Marine Parks Authority did not have the time to individually assess the thousands of submissions it received in relation to the Batemans Marine Park in the time frame that the zoning plan was prepared. As a result, there was a lot of angst within the community. People who felt they had done the right thing by the Government in contributing submissions to the zoning plan process found that they were ignored on the basis that the Marine Parks Authority could not cope with the sheer volume of submissions received. I do not discount that some submissions were similar but a lot of individual submissions were not assessed in the proper manner. Through these amendments we are seeking to enshrine public consultation in the bill. I have concerns about the further centralisation of power and the Minister's capacity to make changes to the marine park. What is a minor change? Where is the definition of "minor change" in the amending bill? It is up to the Minister's discretion as to what a minor change means.

**Mr Andrew Fraser:** A change to boundaries of the park.

**Mr ANDREW CONSTANCE:** It could mean, as the Member for Coffs Harbour said, a change to the boundaries of the park or the various zoning plans within the park. The changes might not be minor in nature: they could be very substantial. I am aware of one sanctuary zone at Nangudga near Narooma where there has been a fair bit of public angst in relation to the Batemans Marine Park. The present Minister may consider required changes to that sanctuary zone to be not minor in nature but a future Minister might describe them differently. The situation is unclear, and the Minister must address it. We are seeking to remove the provision to ensure greater clarity on that point.

Other feedback that I received about last night's debate related to penalties. It is important to put that on the record. I note the Minister's comments in her reply about maximum and minimum penalties, but we all know what is going to happen. We know that the Marine Parks Authority officers will issue people with \$1,000 fines. We might see council officers, NSW Maritime officers or water police officers issuing people with \$500 fines. There will be inconsistency in the implementation of those fines. There is no clarity as to what constitutes a major breach in the park versus a breach of a less serious nature. Where does the discretion lie? Where is the fairness in the amending bill before the House?

On this side of the House we are passionate about seeing an evidence-based approach taken to the zoning plan process. The Minister was not in the House last night when the bill was debated, but she is here now. I reiterate that the concerns of many people about the Batemans Marine Park relate specifically to the science and the ongoing justification offered by the Government for zoning plans. People want to see the science. They would like the Government to produce the science: show where it is documented, who produced it and lay it on the table. I am sure the Minister has some personal views in relation to Emeritus Professor Bob Kearney, a professor in marine biology. I urge the Minister to revisit that issue. One problem we had with the Batemans Marine Park was the way in which the zoning plan process worked. A leading Greens councillor in our region said that the park's boundaries were based on politics. So even the conservationists recognise that it was a park based on politics rather than sound science.

One of the benefits of having an evidence-based approach is that we can ensure that fish species in particular are protected and not jeopardised as a result of shifting efforts on the part of commercial and recreational fishers. It is also worth noting that a key problem in the general marine park debate relates to the fact that there has been a complete focus on fishing. The objectives of the Marine Parks Act go far and beyond the management of fish stocks. This is incredibly important. The Opposition is seeking to amend a piece of

legislation that does not take an evidence-based approach. We want to see an evidence-based approach enshrined in legislation so that it becomes law and is followed by the State government of the day. This will prevent overfishing and it will stop our environment and marine ecosystems being harmed simply because the government of the day got the zoning plan wrong.

Some people who serve on the advisory boards are political appointments. But there are also those who have no idea about marine environments but who are making critical environmental decisions about our coastline. The Minister spoke about the beauty of the far South Coast, which she visited. I do not want to see that environment harmed as a result of a process that is political as opposed to evidence based. The area has incredibly sensitive estuaries. But local conservationists who serve on the advisory committee produced a zoning map they had drawn up the night before while sitting around the kitchen table that showed habitat-protection or general-use zones in key fish-breeding grounds. The process was a complete furphy.

Like the member for Coffs Harbour has said, the process should consider closely the scientific basis for decision making. I do not discount the views of Professor Bob Kearney, who has asked the Minister to provide the evidence of those scientists who disagree with him. I certainly hope the Minister can address that issue. I welcome the Opposition amendments. We reserve the right to amend the legislation further in the upper House if necessary because of the time frame for its consideration in this place. I encourage the Minister to consult on the legislation. The House will likely pass the bill tonight but there will be a backlash against the way in which it has been handled. I urge the Minister to take the time to speak more broadly to the community. I do not understand why the bill was introduced in this manner. Last year was the first of a four-year election cycle. What is going on with the bill? Who drove it? Who put it on the Minister's desk? Who did the Minister meet with about it? I urge the Minister to spell that out so the Government's intentions in relation to this legislation are open and transparent.

**Ms PRU GOWARD** (Goulburn) [6.28 p.m.]: I would like to speak to three groups of amendments in a little more detail. The first concerns the importance of omitting "relevant Ministers" and instead inserting "authority". As the member for Bega explained, if we allow ministerial discretion in what are blithely described as "minor matters", it is just a question of definition; it is in the eyes of the beholder. It is better if Ministers remove themselves one step further from the process by replacing their discretion with that of an authority. An authority is at least going to be advised formally and will not have to be sensitive to political issues whereas Ministers might. We believe that is a very sensible ministerial protection. The history of government administration shows that whenever ministerial discretion is granted Ministers face problems they are not always able to address.

The second set of amendments relates to the importance the Coalition places on the need for a scientific basis to recommendations, particularly those of an advisory committee. The functions of a marine park advisory committee include advising relevant Ministers or the Marine Parks Authority on the appropriate classification of areas within the marine park for the purposes of a proposed zoning, the provisions of an operation plan or zoning plan, the conservation of marine biological diversity, the ecologically sustainable use of the marine park and whether any particular use is not ecologically sustainable, and the use and enjoyment of the marine park by members of the public. That last function must be balanced with some of the preceding functions, on which advisory committees are expected to advise.

But how can any group of nine people—men and women, good and true—possibly address the scientific and biological complexities of some issues without access to scientific advice and without the requirement that that advice be reflected in the group's advice to the Minister and the authority? It is said that justice must not only be done but be seen to be done. We must understand the basis on which a committee makes its recommendations. The evidence will be contestable if it is scientifically based. It can be verified and referred to experts—which the Coalition has done. The process will strengthen the role of, and the public's regard for, advisory committees. It will enable the committees to meet a high standard of assessment. The Coalition's amendments are targeted not at reducing or increasing the number of marine parks but at ensuring that in this extremely sensitive area, where there is a great deal of public disquiet about the way in which advisory committees have functioned to date, we can all be confident that the information on which the committees base their advice is sound and verifiable. It is very important that science is verifiable.

The final group of amendments relates to advisory committees. It is important to limit the number of committee members. Perhaps there may be a need to co-opt members when a particularly complicated or scientific problem arises and expert advice is needed. The Coalition maintains that it is more difficult for large committees to reach a sensible decision and suggests that not more than 10 members be appointed. Instead of

giving the Minister discretion as to committee membership we suggest that representatives from at least one of the nine interest groups must be appointed. All members have agreed that the National Parks and Wildlife Service, Fisheries, marine conservation groups, Aboriginal people and the tourism industry must be represented on an advisory committee. This will remove the risk of any group being overlooked, particularly when appointing a member to represent an interest that is referred to in subsections (2) (a) to (g) of proposed section 35.

The Minister must appoint the nominee of a local body or local association that represents those interests. Otherwise, someone's mate who happens to be a fisherman or a scuba diver and who does not necessarily have local community knowledge will be appointed to the committee. The amendment underscores the importance of broad local representation that does not wander into the realm of personal friendships or convenient appointments to ensure that Ministers get the answers they want.

The amendments are worthy of consideration. The Coalition will pursue them in the Legislative Council if necessary, along with other amendments that will improve the three-month consultation period. The purpose of the amendments is to build public confidence in the three-month consultation process. The bill gives groups enormous power, and the public will scrutinise their decisions closely. If the public does not have confidence in the process by which the committees make their decisions and if that advice is not tested by the authority and the Minister, the law will fall into disrepute. That is no way to treat the New South Wales environment.

**Ms VERITY FIRTH** (Balmain—Minister for Women, Minister for Science and Medical Research, Minister Assisting the Minister for Health (Cancer), Minister Assisting the Minister for Climate Change, Environment and Water (Environment)) [6.35 p.m.]: The Government does not support the Opposition's amendments. The Marine Parks Amendment Bill 2007 includes clear processes for the review and amendment of zoning plans. The implementation of the reviews will, of course, cater for the needs of the particular communities and local stakeholders involved. The review will involve the release of an information package, along with a series of information days and stakeholder workshops, and a minimum of two months for the community to consider the information and make submissions.

I expect the review of zoning plans will commence shortly for our oldest marine parks, at Jervis Bay and the Solitary Islands. Further information on opportunities for local communities to be involved in the reviews will be advised at the start of the review process. As I indicated in my agreement in principle speech on this bill, the reviews of zoning plans will involve a minimum of two months formal community consultation. That is, the community will have a specified period of two months to lodge submissions on the current zoning plan. In addition, consultation will occur with communities at the marine parks, with events such as information days and stakeholder workshops being conducted.

In response to the comments of the member for Goulburn about the representative nature of our marine park advisory committees, I make it very clear that we have a whole range of stakeholders providing advice on our parks. The stakeholder workshops that are to be conducted will involve recreational fishers, commercial fishers, spear fishers, tourism industry representatives, conservationists and Aboriginal representatives. The bill makes it clear that local marine park advisory committees are heavily involved in reviewing zoning plans. They will have the opportunity to comment formally on the zoning plan review report developed by the Marine Parks Authority. Those comments and community submissions will be considered by Ministers in deciding whether to continue with the present zoning plan or to proceed to amend it. The bill also includes time frames that require the preparation of a review report within 12 months of the commencement of a review, and ministerial consideration of the review report within three months of its receipt by Ministers.

Professor Bob Kearney is literally the lone voice in the scientific community opposing marine parks. There is international consensus on the role of marine parks and habitat protection. It is frustrating that the Liberal Party and The Nationals in this country always come to such issues late. The Federal Coalition has spent the last 11 years being climate change sceptics. Now, beyond all opinion offered by the global community, they are challenging the nature of and scientific justification for marine parks. There is now broad worldwide scientific consensus on the significant benefits of protected marine areas. The basis for the development of marine protected areas has been documented in a wide array of scientific literature. In 2007 on World Oceans Day 275 scientists published a consensus statement calling for the establishment of marine parks to conserve biodiversity marine life. Yet the Coalition still continues to question the science. I would have thought that 11 years of running the leadership on the argument that "there is no such thing as climate change" would have taught them to listen to international opinion and scientific fact.

I point out that New South Wales marine parks and the relatively small areas that are declared sanctuary zones are not solely about protecting species of fish. They are designed to protect the whole spectrum of marine life and to ensure our marine environments continue to function healthily into the future. To have done nothing about the State's rapidly deteriorating coastal ecosystems, as some people continue to advocate, would have been an abrogation of our fundamental responsibility to leave our natural environment in better shape than that in which we inherited it. The member for Coffs Harbour and the member for Bega represent two of the most beautiful electorates in the country. In order to preserve their electorates in that condition for generations to come, we have to act on these issues. We cannot drag our feet and we cannot worry about specious arguments. The Coalition has to accept the international consensus on this issue. Like climate change, they need to accept that the science is in, marine parks work and we want to protect our very valuable and beautiful coastline for generations to come.

**Mr ANDREW FRASER** (Coffs Harbour—Deputy Leader of The Nationals) [6.41 p.m.]: Never let it be said I did not have the last word. This bill was introduced on the last day of the last session of Parliament at 10.00 a.m. and the Government told us it would let it remain on the table over the summer months. How many fishing clubs and organisations has the Minister responsible for the legislation written to? Ecofishers, a sensible group of people, want to comment on these issues. They were not consulted on this bill. Consultation on marine parks is like consultation with the Roads and Traffic Authority, whose response always is, "We will do what we want, we will tell you how we will do it, but we will not have real consultation." As to the original zonings in Coffs Harbour, over 4,000 submissions were received from fishers and very few from environmental groups. As the member for Bega said, such submissions generally are written on the back of an envelope, drawn up over a campfire the night before, and they are accepted. Yet reasoned, knowledgeable submissions by fishers who have utilised those areas for years are totally ignored.

The advice of the advisory committees is biased because they are hand-picked by the Minister. As I said in my speech last night, the first advisory committee in Coffs Harbour comprised five members. At a meeting of more than 5,000 people, they were the only five people to vote against the recommendations of the meeting. The local people are not against marine parks. They have seen the advantages from the Solitary Islands Marine Reserve. The Minister referred to sewage at Coffs Harbour. Coffs Harbour has the highest treated effluent in Australia. The reason given by former Minister for the Environment Pam Allan for the closure of the Look At Me Now Headland outlet was that it would cause damage to the environment. Because the effluent is high in nitrates it can be argued that the highly treated effluent could be of benefit to the marine environment. I would suggest that studies now coming from south of the area will show that. I had hoped the Minister would refer to that matter because Coffs Harbour has the highest treated effluent of any area in the Southern Hemisphere.

As I said last night, you could drink it. But I will not drink yours, only mine! The effluent is highly treated and could go into the marine park. In fact, it does go into the marine park. Let us not fool ourselves about that. As the member for Bega said, the Minister should address primary treated effluent in other areas rather than coming in here with scientific evidence and the precautionary principle. The Government says that zoning plans and reports have to be done. A report on the Solitary Islands Marine Park was supposed to be completed last September. It is February and no notice has been given. I believe the amendment of 12 months and then 3 months, making it a total of 15 months, is to grandfather the review that should have been done on the marine reserve in Coffs Harbour on its tenth anniversary.

The Minister said that the Liberals and The Nationals always come on board late. The Coalition Government set up the Solitary Islands Marine Reserve. The conditions attached to that reserve were extremely similar—I would suggest almost identical—to those attached to marine parks—although it was probably managed by New South Wales Fisheries in those days. It was set up on the basis of people making reasoned decisions and we set it in place. The reason the reserves were renamed marine parks was that Pam Allan promised to do so in exchange for Greens preferences. There was no real science attached to it. It was a change in name and in management. The Coalition moved an amendment to include New South Wales Fisheries.

I take exception to the Minister's defamatory comments about Emeritus Professor Kearney. He is highly recognised internationally. He complained that the scientific evidence in support of the science paper, which he discussed at the conference, was mainly based in South Africa and New Zealand. It had absolutely nothing to do with Australian waters, let alone New South Wales waters. For the Minister to say that he is a whinger and that everyone else disagrees with him is errant nonsense. It has been said that 275 scientists worldwide say that we need marine parks. We do not refute that. But we are talking about how they are managed at a local level and whether the results are based on scientific fact. At present they are not. It is easy for the Minister to make bland statements.

The Minister has come straight from Sydney City Council and has been in this place for five minutes—as former member for Bathurst Mick Clough would say, "Less than the length of a cigarette". Yet the Minister talks about how the Coalition acts. As I said, the Coalition introduced the marine reserves, which had similar conditions to those attaching to marine parks. The marine reserves worked exceptionally well. It was a political imperative to rename them marine parks. Coalition members led this debate, not the Labor Party, and had genuine public consultation. We do not want political appointees. We want people who will act in the best interests of the whole community and ensure that these areas are preserved. That is why the Solitary Islands Marine Reserve was set aside in the first place. It is a unique area where the north and south currents meet and has fantastic corals. Everyone in our community wants it conserved, not necessarily preserved. We want to utilise it but make sure it is not damaged. That can be done through better and more open consultation with the community. There has been extremely limited consultation on this legislation. The Minister has an obligation to write to all the stakeholders, or at least those who have shown an interest in the past, and advise them about this legislation.

**Mr ANDREW CONSTANCE** (Bega) [6.48 p.m.]: Like the member for Coffs Harbour, I take issue with the Minister's comments about the science involved. It is not good enough that the Minister has tried to justify the science behind Batemans Marine Park, the Solitary Islands Marine Park and the Jervis Bay Marine Park when the science has been conducted in South Africa and other parts of the world. The Minister cannot justify the science on the basis of international studies and apply it to estuaries off the far South Coast. It is simply not possible.

Another point I want to raise relates to the Minister's comments about Professor Kearney. The Minister has not read his paper, but Professor Kearney frequently acknowledges the benefits that may come from well-designed and well-managed marine protected areas. He goes on to give examples where well-designed area management of aquatic systems may work in the State. He does not cover in his paper, which the Minister does not like, the bias of the accepted principles of science and the use of science for management in the Marine Parks Authority science paper and other documents used to justify the creation of Batemans Marine Park. When Bob Kearney presented his paper on area management for aquatic resources to 70 scientists at the Australian Society for Fish Biology conference the overwhelming response by appropriately qualified scientists, as opposed to politicians from Balmain, was to confirm the validity of the assessments given.

Ultimately the Minister must respond to this. I do not see how the Minister can make the assertions she has when one of Australia's leading scientists has put this argument very publicly at a conference of Australia's leading scientists in Tasmania. I point out that the fisheries scientists attending the conference included the chief scientist in the New South Wales Department of Primary Industries. I also ask the Minister, who seems to be indicating there is a group of scientists who do not agree with Bob Kearney, to qualify that statement and name those scientists so that her remarks can be properly tested.

If the Minister is so concerned about the way in which marine parks are operating in this State and the need to protect wonderful coastlines such as that on the far South Coast, she should pick up the phone to the Treasurer and make sure funding is reinstated to the country towns water and sewerage scheme. That would allow local councils throughout coastal New South Wales to ensure they have the funding to turn off some of the ocean outfalls that are polluting and damaging many of these parks. I dare say that some of the ocean outfalls on the far South Coast are damaging the marine park there. I have not heard anything from the Minister about approaching the Treasurer to ensure funding is reinstated to local councils to enable them to dispose of treated effluent in a more environmentally resourceful fashion than by putting it into marine protected areas.

There is no doubt that the Batemans Marine Park was ill conceived and poorly designed and I again question the science. I encourage the Minister to outline what local scientific research was undertaken in relation to that park. It is not good enough that parts of estuaries, beaches and islands are being put into sanctuary zones without scientific research supporting such a move. The shift of effort that could occur as a result of the sanctuary zones being established means that the environment could be damaged. The Minister has really drawn a longbow in saying there is scientific support for the Batemans and Solitary Islands marine parks when she refers to scientific work carried out in South Africa as justification. I hope the Minister will reconsider her position in relation to the amendments. The Liberals and Nationals have brought forward very good amendments that are designed specifically to ensure an evidence-based approach to zoning rather than the political processes that have been at play courtesy of a Government seeking to do nothing more than secure Greens preferences in the lead-up to elections.

**Mr ROBERT COOMBS** (Swansea) [6.54 p.m.]: I am not from the centre of Sydney, nor do I come from the electorate of Balmain. I come from the electorate of Swansea, a wonderful coastal area that stretches

about 50 kilometres from Red Head in the north to Budgewoi in the south. It was built on commercial fishing, but there was always a very healthy population of recreational fishers, of which I am one. Consequently I have paid very close attention to the comments in this debate today. From a professional, political and practical point of view I am very interested, as are many of my colleagues and friends, in the outcome of this debate. There are plenty of things people might like to argue about in the wonderful coastal area that I come from, but let me tell members that although a large number of people have knocked on my door with all sorts of problems in the 12 months I have been a member of this place, and I cannot recall anyone raising the matter of marine parks, of which we have a few.

*[Interruption]*

Members opposite are starting to get a little excited. I know it is getting towards 7 o'clock, a time when we start to think about relaxing in the evening and not delving to find arguments that simply do not exist. I just love how the Opposition always drag out these roosters. Now it is Professor Kearney. This reminds me of the efforts of the tobacco industry to search out scientific support for its product. Representatives of that industry travelled the world to try to find some person or group to say "Smoking doesn't hurt you, smoking is okay; smoke as much as you like." Nowadays we hear about climate change sceptics. Members will note that those who are quoted are one or two individuals from far-flung countries. Now it seems we have found another fellow who, against all the professional and scientific advice around the place, is prepared to say fishing reserves in parks are nonsense, that we do not need them. Of course we need them, and that is supported by considerable scientific evidence throughout the world, not only in Australia, where we have some fine professional people who have done a mountain of work on this topic.

*[Interruption]*

The answer is very simple. They point at people like me and say, "You've been in there, you've done a lot of fishing and taken a lot of fish out of that area and now we need to give it a little rest." That is all—just a little spell. And then in five or ten years time when we go back and count the fish and see that there are many fish in the area, the brains trust can say, "We can now think about lifting the prohibition that was placed on the area." People like me will then be let back in to start catching fish again. The majority of recreational fishers are good people. They understand that we need to regulate this industry. Recreational fishing was described very recently as Australia's most popular sport. In recognition of that fact and acknowledging that a whole range of matters are generated from recreational fishing, it is only fair that we should continue to ensure that our legislation keeps pace with this expanding industry so it can be provided for future generations of Australians, but most importantly future generations of people who reside in Swansea.

**Mr Daryl Maguire:** Point of order: Do I deduce from the member's contribution that he is advocating for a marine park in his electorate? Has he clearly spelt that out?

**Mr ROBERT COOMBS:** My comments are firmly on the record. I am saying quite clearly that recreational fishermen, of whom I am one, understand the importance of parks up and down the coast to ensure that future generations of fishers are also able to enjoy our sport.

**Pursuant to sessional orders business interrupted to permit the adjournment of the House.**

**Item of business set down as an order of the day for a future day.**

**The House adjourned at 7.00 p.m. until Thursday 28 February 2008 at 10.00 a.m.**

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