

# LEGISLATIVE ASSEMBLY

Tuesday 3 May 2005

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

**Mr Speaker** offered the Prayer.

## DEATH OF MR IAN DORIC GLACHAN, A FORMER MEMBER OF THE LEGISLATIVE ASSEMBLY

## DEATH OF MR ALBERT JAIME GRASSBY, A FORMER MEMBER OF THE LEGISLATIVE ASSEMBLY

**Mr SPEAKER:** It is with regret that I have to inform the House of the deaths of the following former members of the Legislative Assembly: on 20 April 2005 of Ian Doric Glachan, who represented the electorate of Albury from 19 March 1988 to 20 March 2003, and on 23 April 2005 of Albert Jaime Grassby, who represented the electorate of Murrumbidgee from 1 May 1965 to 18 September 1969. On behalf of the House I have extended to the families the deep sympathy of the Legislative Assembly in the loss sustained.

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

## ASSENT TO BILLS

Assent to the following bills reported:

Civil Liability Amendment (Offender Damages) Bill  
Independent Commission Against Corruption Amendment Bill  
Road Transport (General) Bill  
Water Efficiency Labelling and Standards (New South Wales) Bill

## SENATE VACANCY

### Resignation of Senator John Tierney

**Mr SPEAKER:** I report the receipt of the following message from Her Excellency, the Governor:

Office of the Governor  
Sydney 2000

The Governor transmits to the Legislative Assembly a copy of a despatch dated 14 April 2005, received from the President of the Senate, notifying that a vacancy has happened in the representation of the State of New South Wales in the Senate of the Commonwealth of Australia through the resignation of Senator John Tierney which occurred on 14 April 2005.

14 April 2005

MARIE BASHIR  
Governor

## Joint Sitting

### Motion by Mr Carl Scully agreed to:

That the House meet the Legislative Council for the purpose of sitting and voting together to choose a person to hold a place in the Senate rendered vacant by the resignation of Senator John Tierney.

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

## ADMINISTRATION OF THE GOVERNMENT

**Mr SPEAKER:** I report the following message from His Excellency the Lieutenant-Governor dated 1 May 2005:

Office of the Governor  
Sydney 2000

The Honourable James Jacob Spigelman, Chief Justice of New South Wales, Lieutenant-Governor of the State of New South Wales, has the honour to inform the Legislative Assembly that, consequent on the Governor of New South Wales, Professor Marie Bashir being absent from the State, he has this day assumed the administration of the Government of the State.

1 May 2005

J. J. SPIGELMAN  
LIEUTENANT-GOVERNOR

**WATER EFFICIENCY LABELLING AND STANDARDS (NEW SOUTH WALES) BILL**

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

**MINISTRY**

**Mr BOB CARR:** In the absence of the Minister for Tourism and Sport and Recreation, the Deputy Premier, Treasurer, Minister for State Development, and Minister for Aboriginal Affairs will be answering questions on her behalf.

**STATE CORONER****Report**

**Mr Bob Debus** tabled the report entitled "Report by the NSW State Coroner into Deaths in Custody/Police Operations 2004".

**INDEPENDENT COMMISSION AGAINST CORRUPTION****Report**

**Mr Speaker** announced the receipt, in accordance with section 78 of the Independent Commission Against Corruption Act 1988, of the report entitled "Report on Investigation into the Alleged Mistreatment of Nurses", dated April 2005.

**Ordered to be printed.**

**NSW OMBUDSMAN****Report**

**The Clerk** announced the receipt, pursuant to section 31AA of the Ombudsman Act 1974, of the special report to Parliament entitled "Working with Local Aboriginal Communities, Audit of the Implementation of NSW Police *Aboriginal Strategic Direction* (2003-2006)", dated April 2005.

**LEGISLATION REVIEW COMMITTEE****Report**

**The Clerk** announced the receipt, pursuant to section 10 of the Legislation Review Act 1987, of the report entitled "Legislation Review Digest No. 5 of 2005", dated 2 May 2005.

**PETITIONS****Alstonville Bypass**

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

**Gaming Machine Tax**

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

**Employee Entitlements Protection**

Petition requesting changes to legislation to provide for payment of all employee entitlements including unpaid superannuation when companies go bankrupt, received from **Mr Paul Gibson**.

**Kurnell Sandmining**

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

**Bungonia Quarry Construction Application**

Petition opposing the application to construct a quarry at Ardmore Park, Bungonia, received from **Ms Katrina Hodgkinson**.

**State Environmental Planning Policy No. 53**

Petition requesting an amendment to State Environmental Planning Policy No. 53 to ensure that the intent of amendment No. 10, to clause 44 of the legislation, is enforced, received from **Mr Barry O'Farrell**.

**Cremorne Community Mental Health Centre**

Petition opposing the proposed relocation of health services provided by the Cremorne Community Mental Health Centre, received from **Ms Gladys Berejiklian**.

**Campbell Hospital, Coraki**

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

**Public Hospital Security and Staffing**

Petition requesting that the Department of Health guarantee the safety of patients and employ sufficient staff in public hospitals, received from **Mr Barry O'Farrell**.

**F6 Corridor Community Use**

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

**Westdale Traffic Arrangements**

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

**Topdale Road Upgrade**

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

**Oxford Street Clearway**

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

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

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

**Pacific Highway Overpass**

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

**CountryLink Rail Services**

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

**Southern Tablelands Rail Services**

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

**Pets on Public Transport**

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

**Murwillumbah to Casino Rail Service**

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

**Macdonald River Signage**

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

**Mid North Coast Airconditioned School Buses**

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

**Wagga Wagga Electorate Schools Airconditioning**

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

**Mount Austin High School**

Petition requesting funding for the installation of airconditioning in all learning spaces at Mount Austin High School, received from **Mr Daryl Maguire**.

**Skilled Migrant Placement Program**

Petition requesting that the Skilled Migrant Placement Program be restored, received from **Ms Clover Moore**.

**Colo High School Airconditioning**

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

**Agnes Banks Village Sewerage**

Petition requesting that the village of Agnes Banks be connected to the reticulated sewerage network of Hawkesbury City Council, received from **Mr Steven Pringle**.

**Kurrajong East and Colo Heights Electricity Requirements**

Petition requesting an assessment of the electricity requirements of Kurrajong East and Colo Heights, received from **Mr Steven Pringle**.

**Water Carting Restrictions**

Petition opposing the decision by Sydney Water Corporation to restrict the operating times for water carters and not allow Sunday cartage, received from **Mr Steven Pringle**.

**Isolated Patients Travel and Accommodation Assistance Scheme**

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

**Crown Land Leases**

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

### **Water-Access-Only Property Policy**

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

### **Darling River and Menindee Lakes Yabby Harvesting**

Petition opposing professional yabby harvesting on the Darling River and Menindee Lakes, received from **Mr Peter Black**.

### **Belmont Aeropelican Air Services**

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

## **QUESTIONS WITHOUT NOTICE**

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### **CHIEF SUPERINTENDENT JOHN HARTLEY REDFLEX HOLDINGS SHARES**

**Mr JOHN BROGDEN:** I direct my question without notice to the Minister for Police. Does he still have full confidence in the Commander of Traffic Services, Chief Superintendent John Hartley?

**Mr CARL SCULLY:** I thank the Leader of the Opposition for his question. In October last year allegations were made that Chief Superintendent John Hartley bought shares in speed camera company Redflex Holdings in June 2003 while acting Traffic Services Commander. As most honourable members would be aware, Redflex had Roads and Traffic Authority [RTA] contracts for fixed digital speed cameras, and an allegation was made that that was not appropriate. My predecessor, the Hon. John Watkins, made a full investigation. I am sure that it occurred under the oversight of the Ombudsman and the Police Integrity Commission. The investigation subsequently cleared Chief Superintendent Hartley of any wrongdoing in the purchase of the shares.

The Opposition obviously gets the media statements issued by the Police Media Unit. I am happy to give them a copy, which is dated 6.00 a.m. Monday 11 April 2005. It states that the New South Wales Traffic Services Commander John Hartley had been cleared of any wrongdoing following the purchase of shares in June 2003. It refers to the investigation being oversighted by the Ombudsman and the Police Integrity Commission. As a result of the allegation and subsequent inquiry and the finding that nothing untoward had occurred in respect of it, the need for police officers to ensure that potential conflicts of interest are avoided has been highlighted. NSW Police has a strict code of conduct and ethics that guides all members. The code reinforces the principle that police officers should not be involved in business activities that might cause a conflict of interest. Attention was also drawn to the need for a pecuniary interest register for senior New South Wales police.

I am advised that a register is currently being finalised by the Office of the Commissioner and will be introduced for all police officers above the rank of superintendent. I assume the Leader of the Opposition may also be alluding to the time of his appointment as Traffic Services Commander when there was a complaint about the method of his appointment to that position. I am advised that a separate investigation occurred that was overseen by the Ombudsman and the Police Integrity Commission. The investigation found that he was appointed legitimately and appropriately and in accordance with all relevant guidelines set out in the Police Act.

There have been two complaints or allegations. The first was in relation to the acquisition of shares in which the finding was that it was legitimate and that nothing inappropriate had occurred. The second allegation was that the method of appointment was inappropriate. An investigation found that Superintendent Hartley was legitimately appointed. So my answer to the question of whether I have confidence in Superintendent John Hartley is, "You bet I do!"

**Mr JOHN BROGDEN:** I ask the Minister for Police a supplementary question. In view of his answer, will he now order a new investigation into the conflict of interest of Traffic Commander John Hartley's purchase of shares in traffic camera company, Redflex, now that a transcript of a police internal interview reveals that Chief Superintendent Hartley was fully aware of the conflict of interest three days before he purchased the shares?

**Mr CARL SCULLY:** Mr Speaker—

**Mr SPEAKER:** Order! Members on both sides of the House will come to order. The Minister has the call.

**Mr CARL SCULLY:** I did not do the investigation. My predecessor did the investigation.

**Mr John Brogden:** Just blame Watkins!

**Mr CARL SCULLY:** No, I do not. I am quite happy with how he handled it. The Leader of the Opposition obviously was not listening. There was a complaint and the complaint was investigated. The investigation found that nothing illegitimate or of concern had occurred. I continue to have full confidence. The supplementary question does not raise anything of concern in respect of my full confidence. Why is the Opposition always hopping into the police? They are always doing that but we should be getting behind the police. Crime statistics reflect the hard work of New South Wales police officers whereas members of the Opposition are up in the tactics room, wherever they have their offices, plotting away.

**Mr John Brogden:** You will know where it is in two years' time.

**Mr CARL SCULLY:** How arrogant! John Hartley is a person who should have our support. He has been thoroughly cleared by those two investigations. To suggest what may or may not have occurred during investigations does not reflect in any way on the finding, which was that he did not do anything wrong, and he was appropriately appointed.

#### **PIT BULL TERRIER ATTACKS**

**Ms ALISON MEGARRITY:** My question without notice is addressed to the Premier. What is the Government's response to community concerns about recent attacks by pit bull terriers and related matters?

**Mr BOB CARR:** We were all horrified by the pictures of five-year old Jordan Wisby lying in hospital with his head bandaged—the victim of a vicious pit bull terrier attack last Friday. He and his brother were walking home from school in Illawong when a dog, which had already been declared dangerous by the Sutherland shire, bolted out of a window and attacked him. The dog has been destroyed and the police are considering laying charges under the Companion Animals Act. Yesterday in another incident, two unregistered pit bulls escaped from their home in Homebush and turned on a 75 year-old man.

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

**Mr BOB CARR:** Today, a stud operator in Appin, Mr Howard Blight, faces the agonising decision whether to destroy two thoroughbred foals that last month were badly mauled by two American pit bulls. Under New South Wales law, if a dog is declared dangerous, the owner must have the animal desexed, muzzle it in public, and keep it in a childproof enclosure. Owners face heavy penalties for breaching these rules or if their dog is involved in an attack. If all else fails, councils have the power to seize and destroy animals. Owners of dangerous dogs can face fines of up to \$22,000, two years gaol and disqualification from owning a dog for life. These are strong laws, but with pit bull terriers, it is clear that we need to go further. A pit bull is a killing machine on a leash. Too often someone ends up in an emergency ward after an encounter with one of these dogs, to say nothing of damage to stock in rural areas.

This week the Minister for Local Government will meet with local government representatives and rangers to discuss how laws can be strengthened to help councils better control dangerous dogs. The Minister will also take this issue to the Ministerial Council on Local Government where he will push for a national approach. But New South Wales is not prepared to wait and that is why the Government will introduce legislation to ban the breeding of pit bulls and similar breeds. The ban will be based on successful laws in force in Queensland. Our new laws will make it an offence to breed, sell, give away or acquire those dogs: and the penalties will be severe. We want to see those dangerous creatures bred out of existence. The Government will also give councils the power to ban ownership of a restricted dog unless the owner has obtained council approval. The vast majority of dog owners do the right thing and are keen to always do the right thing, and most dog breeds are a benign addition to human happiness. However, there have been too many vicious, unprovoked attacks and pit bulls no longer have a place in this community.

**BRONSON BLESSINGTON SENTENCE REDETERMINATION APPLICATION**

**Mr KEVIN GREENE:** My question without notice is addressed to the Attorney General. What is the Government's response to community concerns about the appeal application of Bronson Blessington?

**Mr BOB DEBUS:** Even though the tragic death of Janine Balding occurred in September 1988, the details of that horrific murder are still fresh in the memory of the community and of members of this House. She was a young woman with everything to live for, planning her forthcoming wedding, working hard and saving for her first home. A wild group of young street kids, cut off from society, living off their wits through petty crime, were looking for trouble. In the car park of Sutherland railway station, the path of Janine Balding crossed that of that juvenile gang and she was abducted, raped and murdered, and her body was left in a dam near Minchinbury. I shall not distress members of the House with details of the crime. However, it is instructive to note that on 19 September 1990, when Justice Newman came to sentence juveniles Bronson Blessington, Matthew Elliott and Stephen Jamieson for that crime he said:

To sentence people so young to a long term of imprisonment is of course a heavy task. However, the facts surrounding the commission of these crimes are so barbaric that I believe I have no alternative other than to impose upon [these] young prisoners, even despite their age, a life sentence. So grave is the nature of this case that I recommend that none of the prisoners in the matter should ever be released.

Bronson Blessington, although there is no doubt that he participated in that vicious rape and murder, was aged only 14 at the time of the offence. Over the years many Christian and well-meaning people—including, indeed, Reverend the Hon. Dr Gordon Moyes—have expressed their doubts as to whether it is just or appropriate to impose a life sentence upon a 14-year-old person. The Government—and I must say, with the support of the Opposition—has consistently taken a different view. Under the truth in sentencing legislation passed in 1989, all offenders serving indeterminate life sentences—life sentences that were until that time indeterminate—were entitled to apply to the court after eight years for the establishment of a definite sentence, with a minimum non-parole period and a maximum sentence.

Since 1997 this Parliament has passed a number of pieces of legislation that have made it perfectly clear that notwithstanding the provisions of the 1989 Act, in those very small number of cases in which the courts had previously recommended that an offender never be released, the recommendation should be enforced. Those offenders—such as the murderers of Virginia Morse, Anita Cobby and Janine Balding—will stay in prison for the rest of their lives. In July 2001, when this matter was last before the Parliament, the Government made plain its determination. Given that a life sentence is at stake and fundamental legal principles are in contest, the Government said at the time that it fully expected legal challenges to follow. One such legal challenge has already been taken all the way to the High Court. There the legislation withstood the test; the High Court upheld its validity.

On 15 April, as honourable members would be aware, Supreme Court Justice John Dunford held that Bronson Blessington is entitled to apply for a sentence redetermination. In effect, Justice Dunford has found that the recent legislation does not apply to Blessington because he had an application for redetermination of his sentence already on foot in 1996. I do not criticise Justice Dunford. He has interpreted the law as he saw it, impartially and dispassionately. But the Government cannot and will not let this matter rest.

The Government believes that the intention of the legislation passed by this Parliament is clear. We have sought advice from the Solicitor General, who has advised that there is some prospect of a successful appeal. But the people of New South Wales, and the Balding family in particular, deserve certainty. Both the Solicitor General and the Director of Public Prosecutions believe that the best way to deliver that certainty and remove ambiguity is through an appropriate legislative amendment. I advise the House that the Government will shortly introduce a bill, which puts beyond doubt that the provisions of the Crimes (Sentencing Procedure) Act 1999, as now in force, apply to all inmates in respect of whom a judge has recommended that they should never be released. This will apply regardless of when the inmate applied for a sentence redetermination.

In the case of Baker the High Court has, as I said, recently reaffirmed the soundness of the Government's legislation of 2001. The Government will put before the House shortly an appropriate amendment to remove any possible ambiguity in relation to the application of the law in respect of any particular offender. I am confident that all honourable members will welcome the opportunity to resolve this doubt and to put an end to the perpetual ordeal of the Balding family.

**KEMPSEY DISTRICT HOSPITAL STAFF MEMBER CHILD PORNOGRAPHY ALLEGATIONS**

**Mr ANDREW STONER:** My question without notice is directed to the Minister for Health. Why did the Minister allow a man, charged by police in January with possessing pornographic images of children, to remain in charge of the children's ward at Kempsey District Hospital until April, when the charges were revealed in newspapers?

**Mr MORRIS IEMMA:** I will obtain the information for the Leader of The Nationals.

**POLICE NUMBERS**

**Mr GEOFF CORRIGAN:** My question without notice is directed to the Minister for Police. What is the latest information on police numbers in New South Wales?

**Mr CARL SCULLY:** I thank all members of Parliament who recently went to Goulburn to witness another graduation. The local member, the honourable member for Burrinjuck, was there and I thank her for her presence. A number of members from this side of the House attended, including the honourable members for the electorates of Heffron, Heathcote, Drummoyne, Penrith, Charlestown, Illawarra and others. We witnessed 117 new recruits into the New South Wales police force. They have chosen a very rewarding and tough career. Members of the Opposition have been a little mischievous. They have gone to their electorates and started a misleading and deceptive discussion about police numbers. The Government welcomes debate on this issue, but it should be an honest and fair debate. We believe that if members of the Opposition want to criticise the Government's performance on police numbers they ought to make sure that the public is aware of their record on police numbers. That is only fair.

Members opposite should start their discussions with comparing the current authorised strength to that in November 1994. We cannot have those characters opposite pretending that they have an angelic record on police numbers. Currently New South Wales has 1,500 more authorised police officers than when the Coalition was last in government. Its authorised strength was 12,907. But it gets worse: members opposite are comparing actual strength with authorised strength. When honourable members have this debate in their electorates—and I include all honourable members in a broad-brush approach—and they are criticised by the shadow Minister or by others, they should ask, "What was the authorised strength in this command or what was the equivalent patrol when Opposition members were last in government? What is it now? What is the actual strength now compared with the actual strength when Opposition members were in government?" Opposition members have been comparing actual strength with authorised strength.

When Coalition members were in government I do not recall actual strength being consistently well above authorised strength. The former Government was consistently a few hundred officers below authorised strength, but this Government's record on authorised strength is well above, and it will remain above. Those 117 recruits will ensure that the numbers remain above the authorised level. I refer also to frontline policing. How many frontline police did the former Government have in the field compared with this Government? What overall strength did the former Government have in the field doing the work?

I am told the former Government boasted that it had 9,500 police officers assigned to patrols. In fact, it had only 8,868 officers, so about 70 per cent of actual strength was in the field. This Government has 11,738 police officers in the field, so it has 80 per cent of officers in the field on frontline policing. That represents 3,000 additional frontline officers compared with the miserable figure for which the former Government was responsible. I know that this is a contentious issue. Opposition members speak to representatives from their local papers and tell them lies, they deceive them and they give them misinformation.

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

**Mr CARL SCULLY:** When Opposition members do that I want Government members to ring them and to hold them to account for their appalling performance on police numbers. They should compare the performance of the former Government with the performance of this Government. This Government has backed the cops at every point. It has given them resources, power and support and it has given them an additional 1,500 officers—more than they ever had when the former Government was in office.



### GOULBURN WATER SUPPLY

**Ms KATRINA HODGKINSON:** My question without notice is directed to the Minister for Energy and Utilities. Will he guarantee that the people of Goulburn will not be left without water at an affordable price should the water supply run dry before the proposed new bores are operational?

**Mr FRANK SARTOR:** After a recent Cabinet meeting in the country I took the opportunity to go to Goulburn and to meet the mayor and officials in Goulburn. I was disappointed that the honourable member for Burrinjuck was not there.

*[Interruption]*

I did advise her that I was going but she did not turn up. Let me give honourable members some background on this serious issue.

**Mr SPEAKER:** Order! The honourable member for Lachlan will stop inciting those on the Government benches. The Minister has the call.

**Mr FRANK SARTOR:** This Government has provided \$176,000 for ground water investigations. A test drilling program has established that five megalitres a day are available for up to six months from an aquifer in the Sooley Dam catchment. Recently I offered further financial assistance of \$618,000 to develop the Kingsdale bore field and associated pipe work. Those works, which should be completed by August, will extend the supply for up to six months at the current level of restrictions with minimal inflows into the storages.

In addition, Goulburn Mulwaree Council is considering a transfer pipeline from the Wollondilly River near Kenmore to Sooley Dam. That will significantly increase the potential water catchment by including Mulwaree Ponds and tributaries on the Wollondilly downstream of Rossi Weir. This Government has acted with council to ensure that it is not only taking steps in the interim but also preparing contingency plans. The health department is carrying out investigations to establish whether or not we can access water from the Mulwaree Ponds, which is downstream of the town, to augment and greatly enhance Goulburn's water supply. The Government is taking this issue seriously. I visited Goulburn to discuss this issue with council.

**Ms Katrina Hodgkinson:** Point of order: The Minister must tell us what will happen if we run out of water before the bores are put in place.

**Mr SPEAKER:** Order! There is no point of order. The honourable member for Burrinjuck will resume her seat. The Minister has given his response.

### HOSPITAL BED NUMBERS

**Ms ANGELA D'AMORE:** My question without notice is directed to the Minister for Health. What is the latest information on the Government's initiatives to increase the capacity of New South Wales hospitals?

**Mr MORRIS IEMMA:** I am pleased to inform the House of the Government's plans to boost the capacity of our public hospitals. At the weekend I was pleased to announce the latest phase in the Government's plans to add additional capacity to our public hospitals. What was announced at the weekend is one of the largest investments in the opening of acute overnight beds in more than two decades—a \$227 million recurrent increase in bed funding. This bed plan is part of the Government's response to the needs of an evolving health system. Like the community that it serves, the needs of our hospital system are changing.

Over time, the trends in health care, clinical practices and demographic change arising from the ageing of the population place different demands on our public hospitals. Patients in our hospitals are older and sicker and they are staying longer in hospital. It is the increasing length of stay of elderly citizens in our hospitals that is driving the demand for more public hospital beds. The Government is responding to this change in demand with record resources. The announcement at the weekend of an additional 800 permanent beds, including 57 intensive care, paediatric and neonatal cots and beds represents a strong response to these changing demands. It is interesting to note and it is worth highlighting the comparison between the Government's response and what occurred in the period between 1988 and 1995.

Under the Greiner and Fahey governments the number of public hospital beds dropped by 7,500. There was also the sell-off of 30 hospitals. This Government has a proud record of adding extra beds to meet growing

demands and providing more capacity in our public hospitals. I am pleased to inform the honourable member of our latest plans. I note that those plans involve an additional 15 beds at Concord that are now open because of the Government's strong plans to recruit more nurses to the public hospital system. The Nurse Reconnect Program has resulted in an additional 1,200 nurses being returned to the public hospital system. The second part of the plan involves boosting the TAFE trainee enrolled nurse program.

Over the next two years that will result in additional trainee enrolled nurses in our public hospitals. The first intake has already commenced. Over the next two years 1,800 trainee enrolled nurses will be offered jobs in our public hospital system. I can also provide an update on the third phase of the nurse recruitment program that was launched just over a week ago. Approximately 105 nurses have responded to the mental health nursing scholarship initiative. They have been assessed and referred to area health services for jobs. Those are just three parts of this Government's very strong plan to add more nurses to our public hospital system.

This Government is responding to the changing and increasing demands on our hospital system and it is planning to provide an additional 800 beds. I mentioned earlier that at the weekend this Government announced a critical care package. Those 57 intensive care beds, including paediatric intensive care beds and neonatal intensive care cots, and the Government's \$25 million plan is the biggest boost ever in critical care services. I am pleased to inform the House that regional New South Wales will share in those additional resources. There will be an additional two beds for the intensive care unit at Tamworth hospital. There will be an \$800,000 redevelopment and re-equipment of the Armidale hospital intensive care unit. Coffs Harbour hospital and Shoalhaven hospital will each receive an additional intensive care bed. Nowra is on the list too.

There will be the most significant expansion in newborn neonatal intensive care cots ever. Our public hospitals will receive an additional seven level-5 and level-6 fully ventilated cots. Two will go to John Hunter Hospital and two will go to the Royal Hospital for Women. Royal Prince Alfred Hospital will receive an additional neonatal intensive care cot and there will be additional cots at Liverpool and Nepean hospitals. This will be followed by the provision of an additional 23 level-3 and level-4 cots, including three surgical cots, for newborn babies. The non-surgical cots will be distributed to our hospitals in five clusters of four. I am very pleased to inform the House that one cluster will be established at John Hunter Hospital. Those four level-3 and level-4 cots are additional to the two neonatal intensive care level-5 and level-6 cots that form part of the package.

Our children's hospitals will also benefit. The children's hospital at Westmead will receive one additional paediatric intensive care bed. That hospital will also receive four additional step-down ventilated beds, and the Children's Hospital at Randwick will receive two such beds. This represents the most significant investment—\$25 million and the provision of 57 beds and cots—in critical care services ever undertaken in New South Wales in response to the changing needs and increasing demands and pressure placed on our hospitals. The Government has responded with record resources and we will keep working to improve and do more.

## LAND TAX

**Ms PETA SEATON:** My question is directed to the Treasurer. Given that the Bracks Labor Government has today made Victoria an even more attractive destination than New South Wales for mum and dad property investors by increasing the land tax threshold, will the Treasurer now agree to abolish the property tax increases that his own backbenchers describe as the world's dumbest taxes?

**Dr ANDREW REFSHAUGE:** I thank the honourable member for Southern Highlands for her question and, on behalf of the entire Government, I congratulate her on her elevation to the position of shadow Treasurer. It was a very good decision.

**Mr SPEAKER:** Order! Government members will come to order. I call the honourable member for Murray-Darling to order.

**Dr ANDREW REFSHAUGE:** One of the problems that has been pointed out to me, I think by a member on the Opposition back bench, is the position in which the Opposition has placed the shadow Treasurer. The shadow Treasurer position used to be at No. 1 or No. 2; now it is down at No. 16. That is the level of seriousness with which the Opposition views the Treasury portfolio and economic management. The note I got about this—

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

**Dr ANDREW REFSHAUGE:** The note pointed out that the shadow Treasurer had not moved one spot further up the front bench. This is an example of how the Opposition does not take the economic management of this State seriously. I cannot see whether the note is from the honourable member for Upper Hunter—he knew the importance of the Treasury portfolio even though he gave \$50 million to Luna Park—or whether it is signed by the uglies, the group that is always watching on behalf of Deputy Leader of the Opposition the trend line that gauges the Government's popularity.

As we stack up, the Deputy Leader of the Opposition gets happier and happier. The trend line around his gut gets smaller but his smile gets bigger as our popularity increases. It is no wonder the Deputy Leader of the Opposition has lost a bit of weight lately! Turning to land tax and what Victoria has done, it is interesting to note that Victoria now has the highest land tax rate in the country, at 4 per cent. So any small business people with businesses that have a significant land value—

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

**Dr ANDREW REFSHAUGE:** They should know that the Opposition will make them pay thousands of dollars more in land tax. Well done!

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

**Dr ANDREW REFSHAUGE:** It is very hard to hear the honourable member for Southern Highlands from down at No. 16 on the Opposition front bench.

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

**Dr ANDREW REFSHAUGE:** Let us have an example. We see that the Victorian land tax rate, at 4 per cent, is the highest in the nation. Even with the phased reduction announced by the Victorian Government, the top marginal land tax rate in Victoria will still be double the land tax rate in New South Wales. This is a great model that the Opposition is going for! In Victoria someone running a small business on land worth \$2 million—

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

**Dr ANDREW REFSHAUGE:** That small business owner would pay about \$10,000 a year more than he would if that same business were located in New South Wales. No wonder the shadow Minister for Small Business is sitting so close to the shadow Minister for land tax. Maybe they could start talking to each other and cut the land tax rate, because the Victorian proposal is not the one to go for. A medium size business in Victoria with land worth \$4 million would pay about \$50,000 a year more in land tax than it would pay here. It could not cover the cost of employing people. The Opposition wants us to match Victoria but it would put hardworking small and medium businesses in New South Wales out of business. On the subject of business taxes, let us consider stamp duty in Victoria. Average house prices in Melbourne are about the same as they are here: \$500,000. But stamp duty in Victoria costs \$25,660 and in New South Wales it costs \$17,990—that is \$7,500 less in New South Wales. What a wonderful start by the honourable member for Southern Highlands in the Treasury portfolio!

**Mr Carl Scully:** What sort of Treasurer would she be?

**Dr ANDREW REFSHAUGE:** That is a very good question.

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

**Dr ANDREW REFSHAUGE:** The honourable member for Southern Highlands has been trying her hand at playing the share market in the Southern Highlands. The *Southern Highland News* is playing a share game. It invited celebrities and ordinary people to play the share market: one of them is the local member of Parliament and another is a school captain.

**Mr SPEAKER:** Order! I call the honourable member for Clarence to order. The honourable member for Southern Highlands will come to order.

**Dr ANDREW REFSHAUGE:** The participants were given a hypothetical \$5,000 each to invest in the share market. The honourable member for Southern Highlands tried very hard but she was the only participant who was constantly—every day—at the bottom of the list. If she brought those skills to the management of the New South Wales economy, we would be \$3.23 billion worse off! But I would be happy to look at employing Cameron Sutton, the captain of Moss Vale High School, because he would deliver a \$228 million profit.

Let us look at some of these taxes and the furphies that go with them. There is talk about how taxation might be stopping investment. I, like you, Mr Speaker, read the *Sun-Herald* newspaper on the weekend and saw the headline in the "Weekend Property" section that said, "Boomtime is back, big time". That is not bad. The author was Michelle Singer, the property writer, and she refers to the Australian Bureau of Statistics [ABS] building approvals for March 2005. We should look not just at what is happening now that the boom time is back but also at what is happening into the future. Let us look at the dwelling units approved. What are we looking forward to in the future? What is happening in New South Wales with the mix of taxes we have, and what is happening elsewhere?

**Mr SPEAKER:** Order! The honourable member for Southern Highlands has asked a question. She should listen to the reply in silence.

**Dr ANDREW REFSHAUGE:** The ABS says the trend estimates for the total dwelling units approved in New South Wales for the March 2005 quarter rose by 1.9 per cent, the fifth consecutive monthly rise. New South Wales had an increase of 1.9 per cent in building approvals, and an increase five months in a row. In Victoria—the honourable member for Southern Highlands wants to bring in that State's land tax rate, which is 4 per cent—the trend with private sector houses has been a small rise for the past three months. The trend estimate for total dwellings rose by 0.3 in the latest month—we were 1.9—but they have declined over the past 16 months.

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

**Dr ANDREW REFSHAUGE:** The trend for private sector houses has been relatively flat for the past three months in Victoria, but in New south Wales our mix of taxes is not stopping properties being sold. The boom time is back big time.

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

**Dr ANDREW REFSHAUGE:** Look at the dwelling approvals for the future and we are doing significantly better than Victoria.

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

**Dr ANDREW REFSHAUGE:** And Queensland has shown a general decline in total dwelling approvals over the past 18 months. We are doing better than Queensland as well. I thank the honourable member for her question. I suggest that if she could do a little bit better she may actually get further up the list, because the Treasury spokesperson must do better than just pick up a figure from Victoria, which has a 4 per cent land tax rate. That is a very silly idea.

#### SYDNEY WATER SUPPLY

**Mr ALLAN SHEARAN:** My question is addressed to the Minister for Energy and Utilities. What is the latest information on Sydney's water supply?

**Mr FRANK SARTOR:** As honourable members recall, in November last year the Government launched the Metropolitan Water Plan, a comprehensive plan to address our water needs both in the current drought and in the long term. It is part of our \$30 billion spending on infrastructure in the next four years.

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

**Mr FRANK SARTOR:** The good news is that we have been working very hard on implementing that plan and it is well in progress. We had a unified approach, a strategy to deal with the current drought as well as

the long term. The work overseen by my colleague the Minister for the Environment—accessing the deepwater storage at our two major dams, Warragamba and the Avon/Nepean, which will yield 30 billion litres of water—is six months ahead of schedule. I congratulate the Minister and his staff on their work. One contract has been let at Warragamba and another will be let shortly. Detailed designs have been carried out for Warragamba and that project is well on track. My colleague the Minister for the Environment is also overseeing catchment groundwater access, and that is also four to six months ahead of schedule.

**Mr SPEAKER:** Order! There is too much audible conversation in the Chamber. I include the Minister for Gaming and Racing and the Minister for Mineral Resources in that warning.

**Mr FRANK SARTOR:** Substantial drilling has taken place near the Avon and Nepean dams near Appin. Drilling is now under way in the upper Nepean catchment near Kangaloon, where early results indicate a potential for significant quantities of groundwater. If results are confirmed, a decision will be made late this year to construct bores that will yield three billion litres more water than is being accessed now. The third major drought initiative has been work on desalination. Major work is well under way and will be completed shortly to allow us to provide up to one-third, if necessary, of Sydney's water by 2008.

**Mr John Brogden:** I don't think Laurie Brereton would want it to go in Palm Beach.

**Mr FRANK SARTOR:** I think it should go to Warriewood, don't you?

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

**Mr FRANK SARTOR:** That detailed work is a part of our systemic drought response.

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

**Mr FRANK SARTOR:** As a consequence of those initiatives and in light of other long-term issues we are upgrading our drought response plan. But there are other long-term projects such as the Shoalhaven transfer project where detailed work is under way. It is on schedule.

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

**Mr FRANK SARTOR:** We can access that and deliver benefits from the Shoalhaven transfers in times of excess water flow.

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

**Mr FRANK SARTOR:** This is beyond the drought. This is long-term supplementation of Sydney's water by up to 60 million litres, and it is well under way.

[*Interruption*]

That is exactly right, the Tallawa Dam. As for the re-use plan, the Minister for Infrastructure and Planning is preparing a report on delivering up to 80 billion litres of re-use water, in addition to the 14 billion litres already in re-use in Sydney. The 14 or 15 billion litres of re-use water—15,000 million megalitres—are now accounted for with Blue Scope Steel, and the figure will rise to 17.3 billion in the next few months. A similar quantity is currently under consideration.

Step by step, systematically and comprehensively, the Government is addressing Sydney's water needs. We are doing what is necessary. We are going to ensure that Sydney's water supply is secure. We are not going to risk Sydney's water supply, and we taking steps to secure it. But do members opposite have a plan, or a policy, or an idea? Anything? I cannot see anything—not a proposal. Whatever happened to Brad with his jar of re-use water from Singapore? Whatever happened to Brad? They have even got rid of Brad.

In addition, I have introduced a bill to promote water conservation and savings by industry and residents that hopefully will be debated tomorrow. We will update our drought management plan. We are working hard to ensure that, notwithstanding the worst drought in a century, and the hottest April ever, Sydney's water supply is secure.

**Questions without notice concluded.**

**COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION****Membership****Motion, by leave, by Mr Carl Scully agreed to:**

That:

- (1) Andrew Arnold Tink be appointed to serve on the Committee on the Independent Commission Against Corruption in place of Barry Robert O'Farrell, discharged; and
- (2) a message be sent informing the Legislative Council.

**CONSIDERATION OF URGENT MOTIONS****University of Newcastle Funding**

**Mr MILTON ORKOPOULOS** (Swansea) [3.29 p.m.]: My motion is urgent because 450 academics and administrative staff at the University of Newcastle are under threat because of Federal Government cuts.

**Chief Superintendent John Hartley Redflex Holdings Shares**

**Mr JOHN BROGDEN** (Pittwater—Leader of the Opposition) [3.30 p.m.]: My motion is urgent because it calls on the Government and the Minister for Police to undertake a new investigation into the matter of a conflict of interest relating to the Traffic Commander in New South Wales, Chief Superintendent John Hartley. As the Minister has already indicated to the Parliament, there has been an investigation into this matter but now the Minister has new information in front of him that requires him to undertake a new investigation.

This matter is urgent because the Opposition has a copy of a transcript of an interview between an officer of the Police Professional Standards Command, attended by an Ombudsman senior investigator, and a key witness in the Hartley case. The transcript reveals that Mr Hartley was aware three days before he bought Redflex shares that Redflex were in the traffic red light and speed camera industry; second, that Redflex had traffic camera contracts in New South Wales; and, third, that Mr Hartley was warned of the potential for a conflict of interest. It is all the more urgent because John Hartley, a senior police officer, misled the public about this matter. Mr Hartley told the *Sun-Herald* on 23 October 2004, in relation to this matter:

At that stage Redflex was just a name, just a company to me.

When he made that statement to the *Sun-Herald* Mr Hartley was indicating that, when he bought the shares in Redflex, Redflex was just a name to him—"just a company to me". The transcript clearly reveals that three days prior to purchasing the shares, while in the role of Acting Commander of Traffic Services, Mr Hartley was fully aware that Redflex undertook those sorts of activities. That was a clear potential conflict of interest. The transcript reveals as follows:

Police Officer: What conversation was there about Redflex's involvement in traffic enforcement camera technology, if I can use that term?

Witness: I said they were big on red light cameras. I was quite clear on that.

Police Officer: If I was to say to you that after that meeting in June 2003, John [Hartley] would not have known that Redflex were in the business of the supply and maintenance of speed camera equipment ...

Witness: He would know.

Police Officer: He would have known?

Witness: Yes.

Police Officer: Let me put it to you a second way. If I said to you he would not have known of Redflex's involvement in the supply and maintenance of speed camera equipment in NSW?

Witness: I suspect I would have mentioned the schools contract to him.

The transcript makes the position quite clear. I quote again:

Police Officer: Okay. Now what I want to clarify now, importantly, and we've touched upon this already, so there's some repetition in what I'm about to ask you but I'm just seeking to clarify this before we move on. Out of the discussion during that conversation with John [Hartley] on the 10th of June, 2003, did John understand that Redflex had business interests with the RTA?

Witness: Yes.

**Mr Alan Ashton:** Point of order: I would have given the Leader of the Opposition credit for knowing that he is reading from a document that is not really enhancing his attempt to convince the House that his motion is more urgent than that of the honourable member for Swansea.

**Mr SPEAKER:** Order! The Leader of the Opposition is aware of the standing orders regarding this matter.

**Mr JOHN BROGDEN:** What makes debate on this motion urgent are the revelations in the transcript. Those revelations make it clear that public statements made by Superintendent Hartley that he was not aware that Redflex was involved in the traffic camera technology business, and specifically the speed camera and red light camera technology business, are simply untrue in the face of the revelations in the transcript of interview between an investigating police officer and a witness. Those revelations make it obvious that the Government must now put in place a new investigation into this matter. This is new information before the Minister.

The tactic used in question time is a new one. We call it the JBW tactic: just blame Watkins. The new Minister says, "It's not my fault; I wasn't the Minister responsible". He points to Minister Watkins as the Minister back then, implying that it was all his fault. The reality is that, whoever was Minister, the Carr Government is responsible. It is without a doubt incumbent on the Carr Government to require a new investigation into this matter. We need to know the truth. Also, we need to know whether this matter has been referred by police or others to the Australian Securities and Investments Commission for further investigation based on the matters relating to share trading. This is an urgent matter, and it requires the Government's attention. [*Time expired.*]

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

**The House divided.**

**Ayes, 51**

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

**Noes, 34**

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

**Pairs**

Miss Burton	Mr Hartcher
Ms Nori	Mr Souris

**Question resolved in the affirmative.**

**UNIVERSITY OF NEWCASTLE FUNDING****Urgent Motion**

**Mr MILTON ORKOPOULOS** (Swansea) [3.41 p.m.]: I move:

That this House:

- (1) supports the University of Newcastle, which has developed an international reputation for research and innovation;
- (2) condemns the Federal Government for cutting \$120 million from the University of Newcastle's budget; and
- (3) calls on the Federal Government to immediately restore funding.

Mr Deputy-Speaker, who is in the chair, and other members of this House who represent the Hunter area would have been mortified yesterday to hear that the University of Newcastle was in such dire financial straits. At a meeting with all staff the vice-chancellor outlined his plan to cut 450 academic and administrative positions to deal with the university's \$28 million deficit, which is the result of a cumulative \$120 million funding cut by the Federal Government since 1996. This House must, in a bipartisan way, acknowledge that the University of Newcastle, a major regional university with an international reputation for research and innovation, deserves our support, and it must condemn the Federal Government for cutting \$120 billion from the university's budget since 1996. Accumulated funding cuts to universities around Australia amount to \$4.994 billion.

The University of Newcastle, which services the Hunter region and operates a campus at Ourimbah on the Central Coast, cannot sustain funding cuts of \$120 million. The university has tried to meet the competing demands of more than 20,000 students, maintain a research base and provide postgraduate studies. Since the Federal Coalition Government has been in power the student-to-staff teaching ratio has increased by 36 per cent, the Higher Education Contribution Scheme has increased to 25 per cent and students are forced to pay undergraduate fees. In an article in today's Newcastle *Herald* the vice-chancellor identified that courses in the arts and humanities would be cut because the university cannot reduce its staff numbers by 20 per cent and maintain a proper teaching load. The student-to-staff teaching ratio has already increased from 15:1 to 20:1 and it will continue to increase as a result of this funding cut, which will impact on the quality of teaching.

The University of Newcastle is unique because it caters for students in the Hunter from non-English speaking backgrounds and low socioeconomic backgrounds who would not be able to access university education in any other regional or city university. We have been blessed to have the University of Newcastle operate in the area for more than 50 years. As a member of the University Council, you, Mr Deputy-Speaker, would be aware that the university has been struggling financially and that these cuts are unsustainable. The Federal Coalition Government's attack on the people of the Hunter is indefensible. The university has been forced to cut teaching and administrative positions at a time when the demand for student places has increased.



It is imperative that the Howard Government, which has cut \$4.9 billion from university education Australiawide, be brought to account.

What is happening to the University of Newcastle will happen to other universities; other regional universities around Australia will be under attack. It is up to The Nationals to ask serious questions, such as how the Federal Government, with its Treasury coffers full of surpluses, can starve our universities of funding, forcing them to sack staff to meet the income levels set by the Federal Government. But what are the options? Obviously, one option is to get rid of staff, which will impact on students and research programs, et cetera. Another is to cut back on research, which is not the path the Hunter region has chosen since the cessation of steelmaking at BHP. For many years the University of Newcastle, together with manufacturers, trade unions and members of this place representing the Hunter, have worked collaboratively to ensure research, innovation and export through our ports to the large markets of Sydney and the rest of the world.

It will be impossible to continue the momentum if the search for investment in innovation and research is continuously being carried out against a background of savage cuts which, in this instance, will result in the loss of 450 jobs. It is shameful that the Howard Government not only has attacked the University of Newcastle by cutting back its funding by \$120 million since 1996 but also has reduced funding to universities throughout Australia by \$4.994 billion. The Federal Government's university funding policy particularly disadvantages regional universities, which are integral to regional economies and strive to contribute not only to the regional export earnings but also to local economies.

**Mr DONALD PAGE** (Ballina—Deputy Leader of The Nationals) [3.50 p.m.]: Before turning to the substance of the issue of funding arrangements of the University of Newcastle, I make it plain on behalf of all members of the Coalition that the Coalition strongly supports the University of Newcastle. Indeed, the Coalition supports all universities in this State. From my personal perspective, having been the beneficiary of a regional university education, I strongly support regional universities. I am a graduate of the University of New England and my grandfather was the first Chancellor of the University of New England, which in the late 1950s was the first university established outside a capital city in Australia. I understand perhaps better than most the importance of access to tertiary education for students who live in regional areas, obviating the necessity for them to travel to capital cities to further their education.

While I am on the topic of serious subjects, I also make the point that this debate is yet another tactic on the part of the honourable member for Swansea and the Carr Government to divert attention from the problems experienced by the Government in attempting to manage the affairs of this State. The Government is seeking to debate a Federal issue. I remind honourable members that issues for debate in a State Parliament should be confined to important State matters. I have no doubt that the honourable member for Swansea has moved this motion with the best of intentions. However, he has stated publicly that the Carr Government is clearly on the nose and that it needs to address a number of issues at a local and State level. He has also referred to land taxes that are hurting pensioners who live in his electorate, and his comments are part of the public record. The motivation for moving this motion is the Carr Government's desire to launch yet another attack on the Federal Government to divert attention from its own very clear inadequacies in managing the affairs of this State.

I turn now to the substance of the motion. I will place a few pertinent facts on the record. The University of Newcastle has \$755 million in assets. Currently it has no borrowings at all and has \$62 million in cash and liquid assets. As a consequence of Federal Government reforms, which the Federal Labor Party opposed, the university will receive an additional \$16 million over the next three years in addition to its total \$270 million a year in revenue. I point out to Government members that, as a result of my experience of serving on the council of the Southern Cross University, I am aware that in some instances, particularly in the case of the University of New England a decade or so ago, the financial problems experienced by universities are quite often the result of poor financial management within the universities themselves. That is not always the case, but often it is. If an institution is experiencing problems managing its resources, members opposite and Federal members of the Labor Party should consider whether those problems relate to the way in which the university is being governed and administered.

The solution to the problems currently being experienced in higher education is not simply to reach into taxpayers' pockets and say, "You must give us more." It is important to point out that while the University of Newcastle will have a deficit of \$28 million this year, over the previous four years it recorded deficits of \$13.8 million, \$5.6 million, \$3.8 million and \$3.8 million respectively. It is quite clear from those deficits that the university has had management issues for some time. I also point out that the relatively new Vice-Chancellor, Nick Saunders, stated during an ABC radio interview following his appointment:

There have been mistakes made in the last few years with regard to the financial planning to the University.

A little later he said:

I am confident now that we actually know the financial situation of the university, and I'm also confident that we'll be up to move forward.

In other words, the vice-chancellor acknowledges that there has been some financial mismanagement at the university and is confident that as he is now aware of the extent of the problems he will be able to resolve them. Yesterday, in an interview relating to funding, he stated that class sizes will inevitably increase as staff leave, but even though some courses will eventually disappear, current students will not be disadvantaged. It is important to note that the vice-chancellor has assured current students that they will not be disadvantaged. He said:

We have a moral and legal obligation to our students who are currently enrolled that they can graduate from the programs they enrolled in and we'll be making sure that obligation is honoured.

While I acknowledge that there will be staff losses, the vice-chancellor has quite plainly stated—contrary to the suggestions of the honourable member for Swansea—that so far as the student body is concerned the university will honour its moral and legal obligations to ensure that all students who are currently enrolled will be able to graduate from the programs in which they have enrolled.

It is clear that the University of Newcastle has had management issues for some time. It is wrong to suggest that the current difficulties are purely the result of the Federal Government's funding arrangements. Indeed, as I pointed out at the commencement of my speech, as a result of a new formula the University of Newcastle will receive an additional \$16 million from the Federal Government over the next three years. I also make the point that if the State Government is serious about assisting the University of Newcastle, it has an opportunity to do so by abolishing payroll tax. The University of Newcastle currently pays this Government \$10 million in payroll tax.

**Mr Daryl Maguire:** How much?

**Mr DONALD PAGE:** It pays \$10 million. This year the university is looking down the barrel of a deficit of \$28 million and, as I have already said, it has had deficits of \$13.8 million, \$5.6 million, \$3.8 million and \$3.8 million respectively over the last four years. I do not know exactly what the payroll tax over those four years would have amounted to, but I am sure it would be substantial because over that period the university virtually maintained the size of its work force. I estimate that over a period of five years the Carr Government has taken away from the University of Newcastle \$50 million in payroll tax. If the honourable member for Swansea and other members of the Carr Labor Government are sincere in their desire to support the University of Newcastle, as are members of the Coalition, including me, why do they not approach the Premier and ask him to do something about payroll tax?

Frankly, I believe that payroll tax is inappropriate. I hate payroll tax; I think it is wrong because it is a tax on employment. In particular, it is appalling to impose a payroll tax on a university because it is an educational facility whose purpose is to provide opportunities for people to prepare for the future. It is wrong for this Government to slug the University of Newcastle with a payroll tax of \$10 million. As I indicated earlier, according to advice that has been made available to me by the Federal Government, the University of Newcastle has cash and liquid assets in the order of \$62 million and has no borrowings. It is not as though it is in a long-term unsolvable financial position. The university is solvent but it will have to address issues from a management perspective that have caused it to be in deficit for the past five financial years and to have a current substantial deficit of \$28 million dollars.

I point out also that the New South Wales Government's contribution to the University of Newcastle in 2003 was a mere \$990,000. The Government is taking away \$10 million in payroll tax and is giving back \$990,000 in an average year. Clearly that means that the Government is taking away the university's capacity to balance its budget rather than adding to it. On the basis of my argument, the Opposition is very pleased to support paragraph (1) of the motion. However, there is no way we can support paragraphs (2) or (3). Accordingly I move:

That the motion be amended by leaving out all words after "innovation".

**Mr JOHN BARTLETT** (Port Stephens) [4.00 p.m.]: I support the motion moved by my colleague the honourable member for Swansea. I am a graduate of the University of Newcastle, which I attended from 1969 to 1972. Last week, some 30 years later, I attended the graduation ceremony for my son and my son-in-law in banking and finance at the Great Hall. It was a truly moving experience for me, as it was for the students who were awarded their degrees. For what do we have to thank Mr Howard, Mr Nelson, Mr Baldwin and Mr Tierney? No wonder Mr Tierney is resigning his position as representing the Hunter. This is a regional disgrace.

My parents paid for me to attend university. In this House there would not be a university graduate whose parents did not pay, through taxes, for their child's free university education. I was one of them. Parents in the Hunter had the ideal of working to give their children a secure chance in life. Students now face Higher Education Contribution Scheme bills as high as \$100,000 for a degree; even a finance and banking degree incurs a debt of \$35,000. Children from working-class families who want to access a bright future are challenged by the cost of a university education. It is disgraceful that our generation—who received free university education—now treats university students in this manner. A recent article, by an unknown author, appearing in *Opus*, the Newcastle University Student Magazine, states:

Students are not consumers!

We are not consumers of our tertiary education. Why not? Because education is simply not a commodity to be consumed.

... what is the purpose of a university? It is to educate the next generation, or is it an institution to make money? Obviously, while a university needs to keep an eye on its costs, it has no particular need to make a profit. Its "return" will be a generation of tertiary educated people. Our government, with their usual short-sightedness, seems not to see the situation this way. Surely if you want an education accessible and of good quality, the next generation of Australians will be educated and skilled to "carry the country forward" ... Even now we are lamenting our lack of skilled workers and are talking of increasing skilled migration—

That increase is to be 20,000 people. The University of Newcastle serves people of the Hunter, Port Stephens, Swansea, Cessnock and Maitland, but we are putting students in a position of economic and educational disadvantage compared to former students. The suggestion of using payroll tax in this area was raised. At the State level we are trying to increase university participation rates in the Newcastle area. The Callaghan campus takes students from three schools: Wallsend, Jesmond and Waratah. Jesmond covers school years 11 and 12, with links to the nearby university. The Wallsend and Waratah schools are for years 7 to 10 and funnel children into the university.

It is an absolute disgrace that because of a longstanding financial crisis the university has lost 450 staff—approximately 20 per cent—involving up to 290 administrative staff and 180 academic staff. Newcastle university is not the only one in that position. About 20 universities around the country are in the same position. [*Time expired.*]

**Mrs JILLIAN SKINNER** (North Shore) [4.05 p.m.]: The point should be made that the University of Newcastle has \$755 million in assets, currently it has no borrowings, and it has \$62 million in cash and liquid assets. As a consequence of the Federal Government's reforms—which the Labor Party opposed—the university is to receive an additional \$16 million over the next three years in addition to \$270 million a year in revenue. I am absolutely floored that the Labor Party members from the Hunter have not acknowledged the advantage to Newcastle university of that additional \$16 million over the next three years on top of its yearly revenue of \$270 million. The motion, in effect, congratulates the university on its research and so forth.

**Mr Milton Orkopoulos:** Innovation.

**Mrs JILLIAN SKINNER:** Yes, innovation, absolutely, 100 per cent. The University of Newcastle does wonderful work. I have knowledge of its courses in the medical field, which are second to none. I know graduates of the university, who are held in very high regard, who have led the way in structuring and selecting participants in those courses. The suggestion that the university is worse off under the Federal reforms to funding is incorrect; in fact, a deficit has been built up. Over the previous four years the university has had deficits of \$13.8 million, \$5.6 million, \$3.8 million and \$3.8 million respectively. However, it also has \$62 million in cash and liquid assets, and it is extraordinary that Labor members of this House do not acknowledge that.

As my colleague the honourable member for Ballina said, if the Government were genuinely concerned about helping all universities it would stop slugging them through payroll tax. The University of Newcastle alone has been levied \$10 million in payroll tax, but in the past financial year the Government has given it a mere \$990,000. The Government could do a lot to assist that university, and to alleviate the concerns of local

members, by giving it back something by way of a reduction in the payroll tax levy. I call on all honourable members who want to support the University of Newcastle to show their credentials by asking the Premier and the Treasurer to give the universities a break, give them relief from payroll tax instead of trying to blame someone else. The Federal Minister, Dr Brendan Nelson, has received tremendous support for his reforms from many vice-chancellors and universities. I have spoken to many of them.

**Ms Linda Burney:** That is rubbish, and you know it is.

**Mrs JILLIAN SKINNER:** It is not. Not long after I became shadow Minister in 2003 I attended conferences at Southern Cross University at which a number of them spoke to me about their support for the reforms introduced by Brendan Nelson. Up until that time universities were stagnating; they are now moving ahead. That is a result of the pathways that have been put in place as a consequence of the reforms introduced by the Federal Government. Over the next three years the University of Newcastle will receive an additional \$16 million a year, as well as \$270 million a year in revenue. I would like the honourable member for Swansea to tell us why he is so concerned about this additional money coming from the Federal Government.

**Mr BRYCE GAUDRY** (Newcastle—Parliamentary Secretary) [4.10 p.m.]: This incredible cut of \$120 million by the Federal Government will have an impact on the University of Newcastle over a period of years. At the moment we are seeing the end products of that cut in funding. The University of Newcastle, which has been operating under a deficit, has tried to maintain its responsibility to its students to ensure that they complete their research and their degrees. About 290 administrative positions and 180 teaching positions at the university will be cut. That represents 18 per cent of the 600 administrative positions and 20 per cent of the 888 teaching staff at the university. With the increase in class sizes that cut will affect face-to-face lectures and tutorials and impact on the assistance provided to students in research, library access and the humanities. An article in today's *Sydney Morning Herald* states:

Professor Saunders said the cuts would be shared across the board but many are set to come from the arts the humanities after the university council adopted a report on Friday recommending an end to about 100 courses, including more than 80 in the humanities.

That section of the university provides access to students undertaking university degrees, particularly disadvantaged students from lower socioeconomic groups. I agree with the sentiments expressed by the honourable member for Ballina. He said that regional universities provide access to a whole range of people who would not normally have access. The University of Newcastle, through its faculty of health, provides leading-edge education to Birabahn and Wollotuka students. The University of Newcastle, a fantastic facility, has the highest number of graduate Aboriginal students in all areas of medicine: doctors, researchers and paramedical workers. All of that is now threatened. The Federal Government cannot cut 20 per cent of the staff and expect the university to produce the same outcome. When the Federal Government proposed these cuts in 2003, the university forfeited 607 government-funded places. Thirty-one per cent of students at the university are from families with a low socioeconomic backgrounds. This savage attack on our universities by the Federal Government will have a dramatic impact on the ability of the most disadvantaged in our community to access universities.

The University of Newcastle, which is located in my electorate, has an outstanding research capacity in materials handling, coal research and health. The honourable member for Maitland, the Deputy-Speaker, would be aware of the tremendous outcomes achieved by the Hunter Medical Research Institute in six or seven areas of medical research. I am involved with the Braun fellowship, which brings to the university a range of clinical and other research workers in medical and biomedical research. The university also does a large amount of work in community growth and development. These cuts in humanities will have a savage impact on the university, which has an international reputation for research, and the university's umbilical cord to the community will be cut. The Federal Government should be condemned. I am sure the honourable member for North Shore is aware that regional universities have suffered as a result of these cuts by the Federal Government. I support the motion.

**Mr MILTON ORKOPOULOS** (Swansea) [4.15], in reply: I acknowledge the thoughtful speech of the honourable member for Ballina. He was quite right: University administration is a difficult and complex issue. I acknowledge his credentials in governance at regional universities and his commitment to regional universities in general. The issues raised by Opposition members in reply to the motion were puny. That is why Government members will reject the amendment moved by the honourable member for Ballina. I refer to the argument raised earlier relating to payroll tax. Opposition members said that if the Government were seriously concerned about the University of Newcastle suffering a \$120 million cut in funding from the Federal Government it should make a contribution to something for which the Federal Government is responsible. Since 1996 the Federal Government has cut \$120 million from the University of Newcastle. The Federal Government has cut \$4.994 billion from universities across the country.

It is claimed that one of the solutions to the problem is the States kicking in. The Federal Government receives a huge amount of money from income tax, company tax and the GST but the States have to kick in by providing \$10 million while the Federal Government gets away with cutting \$120 million. Clearly, we cannot support that proposition. Approximately 450 academic and administrative staff members are under threat. The Federal Government has cut \$120 million from the University of Newcastle and there are more cuts to come. The effect of those cuts will be cumulative. They will also impact on voluntary student unionism, which is the subject of another attack on universities by the Federal Government.

How will universities and student unions, which provide services to students and members, be able to maintain those services when we have voluntary student unionism, cuts to universities, full fee paying students being brought into Australia and Higher Education Contribution Scheme contributions being raised by 30 per cent? It is clearly unsustainable. For that reason the Federal Government must accept responsibility for its constitutional mandate. It cannot be allowed to get away with a \$120 million funding cut while the State kicks in \$10 million in loose change. The honourable member for North Shore cited figures such as \$270 million a year. But that is the normal grant funding that the Federal Government should give the University of Newcastle. It is nothing extraordinary and is meaningless in the context of this debate. There should be more funding.

**Mr Bryce Gaudry:** They want to sell the university.

**Mr MILTON ORKOPOULOS:** The honourable member for Newcastle has let the cat out of the bag: The Federal Government wants universities such as the University of Newcastle to go private. It is running down its contributions to those institutions and forcing them to go private. Labor members who represent electorates in the Hunter will stand up for the University of Newcastle and oppose the amendment moved by the honourable member for Ballina.

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

**The House divided.**

**Ayes, 51**

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

**Noes, 32**

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

**Pairs**

Ms Burton  
Ms Nori

Mr Hartcher  
Mr Souris

**Question resolved in the affirmative.**

**Amendment negatived.**

**Motion agreed to.**

**SENATE VACANCY****Joint Sitting**

**Mr ACTING-SPEAKER (Mr John Mills):** I report the receipt of the following message from the Legislative Council:

Mr SPEAKER

The Legislative Council, having taken into consideration the Legislative Assembly's Message dated 3 May 2005, agrees to meet the Assembly for the purpose of sitting and voting together to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator John Tierney, in the Legislative Council Chamber, on Thursday 5 May 2005, at 4.00 p.m.

Legislative Council  
3 May 2005

M. BURGMANN  
President

**WYONG GAS EXPLORATION****Matter of Public Importance**

**Mr KERRY HICKEY** (Cessnock—Minister for Mineral Resources) [4.31 p.m.]: I am pleased to bring before the House a matter of vital public importance, that is, gas exploration in the Wyong area. As Minister, my number one concern is the misinformation presented to the people of the Central Coast about proposed gas exploration activity. It is of the utmost importance that all residents of the area and, indeed, the people of New South Wales are presented with the facts. This matter is of public importance because we need to look at gas exploration, and the history and current status of the project, including the efforts I have made on behalf of the Carr Labor Government to ensure that the people of the Central Coast are in a position to make their own informed decisions about this State issue.

New South Wales is Australia's most populous State. Despite that, and despite our broad industrial base, we are the only mainland State without a sizeable gas industry. At present gas accounts for only 1.5 per cent of the fields used in electricity generation, and our electricity demands are growing. We have to buy our gas from South Australia and Victoria and transport it long distances by pipeline at a considerable cost to residential and commercial customers. The higher prices we pay for gas add to production costs, making New South Wales industry less competitive. Importing gas also adds to the energy bills of hundreds of thousands of families across New South Wales.

Furthermore, if members cast their minds back to the New Year 2004, the devastating fire at the Moomba gas plant in South Australia demonstrates the risks involved in relying on interstate gas supplies. The development of a local gas industry is crucial if we are to continue delivering jobs and economic growth in regional New South Wales. Local supplies would unlock thousands of jobs and boost investment in gas-dependent industries such as manufacturing, minerals processing and power generation, broadening the economic base for towns across this great State. We could create income and wealth for families in the bush who are hurting because of the drought, and reduce the human tide that has Sydney bursting at the seams.

For those reasons, governments of all persuasions—the Liberal-Nationals Coalition and the Australian Labor Party, Federal and State—recognise the need for New South Wales to develop its own gas industry. New South Wales has reserves of both natural and coal seam methane gas. Coal seam methane is a natural gas absorbed on the surface of coal and held in place by water pressure. Coal seam methane is produced by fracturing the coal seam and lowering the water level in the coal seam. As water level decreases, gas flow increases. At Wyong, coal seam methane gas is present in coal seams, which are approximately 500 metres deep. The poor-quality water in this coal seam is not connected with the good-quality aquifers close to the surface.

The first field work in the Wyong area was carried out last year when Sydney Gas drilled exploration wells at two sites, known as Jilliby 1 and Jilliby 2. That explains why the issue has come to such prominence recently. But gas exploration in the Wyong area is not a new idea. It has been on the agenda for more than a decade. In 1991 the New South Wales Office of Energy gave the Australian Petroleum Co-operative Research Centre \$835,000 over three years for its coal seam methane gas program. The Greiner Government also drafted the Petroleum (Onshore) Bill 1991, the legislative framework that enabled the original petroleum exploration licence over the Wyong area to be granted by the then Minister for Mines, the Hon. Ian Causley on 11 December 1993. That legislation increased exploration licence terms from one year to six years, and provided for 21-year renewable production licences. The public importance of gas exploration in the Wyong area was highlighted in 1992 by the then Minister for Energy, the Hon. Garry West, who told the joint estimates committee on energy:

If we cannot extract that coal seam methane gas, it is going to cost many more thousands of jobs than have already been lost by the extremist environmental movement.

Petroleum exploration licence 5, which covers the Wyong area, was subsequently transferred by the original licensee, Pacific Power, to Sydney Gas in 2001. The same year the then Federal Minister for Industry, Science and Resources, Senator Nick Minchin, granted \$4.1 million to exploit the coal seam methane gas resources of the Sydney Basin, including the Wyong area. In a media released dated 14 March 2001, Senator Minchin stated:

There will undoubtedly be major benefits flowing to consumers ... the coal bed methane project in the Sydney Basin will help Australia meet its domestic (energy) demand ... (and) the cleaner gas would also have an impact on the Kyoto Protocol commitments which seeks worldwide reduction in greenhouse gas emissions.

That said, all sides of politics recognise that gas exploration and development must not come at the expense of residential amenity or our unique environment. Under the terms of petroleum exploration licences each application for a new exploration well or group of wells needs to be accompanied by a review of environmental factors [REFs] for approval under the Environmental Planning and Assessment Act 1979. The proposal before me is for the drilling of a further two wells on private land. These wells are known as Jilliby 9 and Jilliby 13. Approvals are based on clear scientific evidence. The material provided in the REF and technical knowledge within the Department of Primary Industries-Mineral Resources is used to determine the level of potential environmental impacts.

Low-impact exploration licence conditions only permit methods that are unlikely to have a significant effect on the environment, including critical habitat or threatened species, populations or ecological communities, or their habitats. If the REF indicates significant environmental impacts a full environmental impact statement [EIS] is required. To date drilling activities at Wyong have not required an EIS. Sydney Gas submitted an REF for the Jilliby 9 and Jilliby 13 exploration wells to the Department of Primary Industries-Mineral Resources on 16 December 2004. The REF was assessed by Mineral Resources under Part 5 of the Environmental Planning and Assessment Act 1979. Under the Act, there is no legal requirement for public display or consideration of public comments on REFs.

However, in a show of goodwill to the community, I directed Mineral Resources to assess a hydro-geological report by Tim Jones, of Northern Geosciences which was commissioned by a community group, the Australian Gas Alliance. Furthermore, in the interests of greater transparency, Sydney Gas was asked to submit an electronic copy of the REF so it could be published on the department's web site. The company did so, and the REF was placed on the Mineral Resources web site on 4 March 2005. Furthermore, I have directed the department to develop a draft policy and discussion paper for the future public display of REFs. These decisions clearly demonstrate goodwill and Government transparency over and above the legal requirement.

I have at all times maintained an open, honest and receptive approach to this project and the high level of community interest it has created. Last September I appointed an independent chairperson, Ms Margaret McDonald-Hill, to form the Wyong Community Consultative Committee. The committee has met three times, on 13 December 2004, 14 February 2005 and 12 April 2005. The department also held an information session for community members at Dooralong on 7 April 2005. Senior departmental officers at this session explained the exploration prospects, the conditions applying to exploration in the area, landholder rights, community consultation, and how environmental issues associated with exploration are addressed.

As I have said, I based my decision on the best available scientific evidence. I have taken advice from departmental officers on both the REF and the Australian Gas Alliance report, and I have made this information publicly available. It is apparent to me, and for that matter to anyone who reads the reports and analysis on the web site, that the information in the hydro-geological report authored by Tim Jones is not the best available

scientific evidence. That report is the basis for much of the misinformation being circulated to the Central Coast community. It is a scare campaign of the highest order. I am interested in transparency and openness, and decisions based on fact, not fiction. That is why I approved the exploration activity on 28 April 2005. I want to make it very clear that I have a responsibility to carry out my ministerial duties for the good of people right across New South Wales. This decision is for the good of the whole State.

**Mr CHRIS HARTCHER** (Gosford) [4.41 p.m.]: This is a matter of great public importance to the State and to the people of the Central Coast. Last October I gave notice of a motion seeking an inquiry into activities related to gas exploration in the Yarramalong and Dooralong valleys. It is not without significance that the Government, though prepared to discuss the issue in the House by way of a matter of public importance, which cannot be amended or put to a vote, accordingly allows itself the luxury of claiming that the House has debated the matter while not allowing members of the House to discuss issues relating to the committee or to express their opinion by way of a formal vote.

That said, the importance of the gas industry is not disputed. Everyone in New South Wales and Australia knows that methane gas is a clean form of energy and one of the best means of complying with the Kyoto protocol. As the Minister said, New South Wales does not have a strong gas industry, which it needs. Balanced against that is the need of 300,000 people on the Central Coast to have access to safe, clean water—and that issue lies at the very heart of this debate. It is well-known that there are areas of gas other than in the Yarramalong and Dooralong valleys. It is just that these two areas are more accessible to markets in Sydney and Newcastle and by the existing gas pipeline that runs between Sydney and Newcastle.

However, the people of the Central Coast cannot be sacrificed on the altar of economic expediency. Their entitlement to clean, safe water must be paramount. Of enormous concern to those who look carefully at the Minister's speech is that, although the Minister listed all of the steps he has taken and how he has dealt quite exhaustively with the process, the issues critical to Central Coast water supplies have not been addressed. For example, the Minister dismissed scientific information supplied to him by the Australian Gas Alliance as "not the best available scientific evidence", but gave no justification for that statement. That scientific information was dismissed in a single sentence. The people of the Central Coast are entitled to more. Now we discover that on 28 April 2005 the Minister approved two additional wells, at Jilliby 9 and Jilliby 13.

It is well-known that in the northern Pilliga forest, massive environmental damage was caused by Eastern Star Gas at its Bohena No. 2 drill site as a result of exploration practices. Experiences in the United States of America, and in the State of Wyoming especially, clearly demonstrate disastrous problems associated with this industry through groundwater loss, contamination and waste water. Water is used extensively in gas exploration, as it is in gas mining and development. The Yarramalong and Dooralong valleys account for 50 per cent of the water catchment of the Central Coast. This is in a country that is short of water, in a State that is now in its fifth year of drought, and in an area of the Wyong shire that at present is required to purchase water from the Hunter Valley. Therefore the ground water issue is not an irrelevancy or one to be dismissed in a single rhetorical phrase. It is at the very heart of this debate.

I am well aware of the Department of Primary Industries report dated 28 March 2005. It deals thoroughly with the importance of water. I am aware of the Tim Jones report, which also deals with water. But those matters are not addressed by the Minister. I would be happy to move a motion to extend this debate by half an hour to allow the Minister to address water system issues. But he would simply indulge in rhetoric to justify his conduct. It is not good enough for the Minister to say: I have been transparent; don't shoot me. When the Minister appeared on *A Current Affair* he was constantly caught out by new evidence that was put to him by the presenter of that program. All the Minister could say was, "I will take it on board." All he could say about the new evidence was, "I will consider it."

Only a couple of weeks ago the Australian Gas Alliance met with the Minister and supplied him with legal opinions by Mallesons Stephen Jacques and a Queen's Counsel that show that in fact his action—then only a threatened action—may well be in breach of part 5 of the Environmental Planning and Assessment Act. The Government has now gone so far down the track that it has committed itself to the eventual granting of gas exploration rights in the Yarramalong and Dooralong valleys. At present there are two wells in operation, with a further two wells announced. The Government has done very little work on the crucial issue of safe water for the people of the Central Coast.

The Government has avoided a full parliamentary debate on this issue. By the way in which it has crafted this debate, the Government allows only one speaker from the Opposition. The Minister delivered his



speech, one Government speaker will support him, and the Minister will reply. Only one Opposition member is allowed to speak. Effectively, there will be three speeches from the Government in favour of this proposal and only one from the Opposition against. That is the way this Government deals with an issue of great significance for the people of the Central Coast. The people of the Central Coast are very conscious of the fact that this Government walks all over them. They know the Government does not take a great interest in their concerns.

Wyong Shire Council has resolved unanimously to oppose further methane mining in the Yarramalong and Dooralong valleys. The Minister said nothing in his speech about the concern expressed by the Wyong Shire Council. The Gosford-Wyong Joint Water Authority has expressed its considerable concern about the potential damage to the Central Coast water catchment. The Minister did not deal with that issue. The proposal with which we are presented is process driven. It may well comply with the Act, but it certainly is not compliant with the need of the people of the Central Coast for clean, safe water.

The final issue that remains is whether the Minister is complying with part 5 of the Environmental Planning and Assessment Act. The Minister believes he is, but the legal opinion presented to the Minister only two weeks ago would suggest that he is not. It may well be that this is not resolved by the Minister granting his fiat. I draw the Minister's attention to the opinion given by the Environmental Defender's Office on 26 August 2002 in relation to coal seam methane in the Pilliga and Goonoo regions of New South Wales, the concern expressed by the National Parks Association, and the legal opinion presented to the Minister by Malcolm Craig, QC, and Mallesons Stephen Jaques.

No-one in New South Wales disputes the need for a gas industry. But we on the Central Coast are entitled to satisfactory answers from the Government about our concern for our water supply. I do not believe that any member of this House representing the Central Coast would allow this to go ahead without asking that the water supply to the Central Coast be dealt with. We have not dealt with that today. A recent report by Daniel Cross dealing with Jilliby Creek and little Jilliby Creek addresses the impact of mining on stream beds, and the potential for bed cracks, segmentation of stream systems and ground water movement away from streams and alluvium. We face a serious issue and we are entitled to a better explanation from the Government.

**Mr PAUL CRITTENDEN** (Wyong) [4.51 p.m.]: The Minister for Mineral Resources made me aware of this matter of public importance at around noon today. As recently as 4.30 yesterday afternoon in my electorate office I met with constituents from Jilliby who were on one side of this debate. It is important to realise that we are in the exploration phase. Recently, in the course of this debate, the Minister advised the House that he had approved another two exploration drillings on the basis of a satisfactory review of environmental factors, including hydrology. I would be keen to get further details on that.

To date, media coverage has involved a lot of spin on both sides of the debate, which is an unsatisfactory development in the course of politics in this State and this country. We must distil the facts from the spin, and the facts are that we must ensure there is a proper environmental impact statement [EIS] if it is proposed that the project go beyond the exploration phase. Rather than rumour, innuendo, dancing at shadows, or whispering in the back seat we must ensure we get to the truth of the matter, which will be determined in the course of the environmental impact statement process.

On the weekend I was advised of a rumour that the Minister for Mineral Resources and the newly appointed Minister for the Central Coast had made a deal to avoid an EIS. I have no doubt that both these Ministers are absolute powerhouses in the Government, but they simply cannot avoid an environmental impact statement. That is the time for debate, when all the information will be revealed. Many local people have approached me. The most high-profile person would be Neville Wran. I have not met with representatives from the company, although I noticed on Friday—which I now find out is the same day on which the Minister signed the approval for the two exploration licences—that they are seeking to have a meeting with me. A lobbyist firm called In Government sent me an email on Friday or Saturday morning, which I found interesting.

My approach to this matter is totally consistent with how I represent my community. I do not shoot until I see the whites of the eyes. I cannot see any point in wasting valuable time on spin, rumour and innuendo. If anyone were to look at my track record on Warnervale Airport they would realise that I apply the test of "What is a fair thing?" I look forward to ensuring that a proper EIS is undertaken on this most important matter. It is the only basis on which to proceed and it is the way to go forward as a rational community. If the exploration phase determines the existence of a viable quantity of gas, I look forward to the full, frank and robust debate on the EIS process that must ensue.

**Mr KERRY HICKEY** (Cessnock—Minister for Mineral Resources) [4.56 p.m.], in reply: The old swamp fox himself, the honourable member for Gosford, said that some 3,500 people need safe clean water. At last the people of Wyong will know what the Opposition is trying to hide: the original petroleum exploration licence was granted during the golden days of the Fahey Government by the Hon. Ian Causley on 11 December 1993. Sure, it was a long time ago. Those opposite really should have been speaking to the honourable member for Lachlan, the honourable member for Upper Hunter, the honourable member for Gosford, and the honourable member for The Hills, because they were in Cabinet at the time. I realise that the honourable member for Upper Hunter was busy with Luna Park but the old swamp fox has no excuse. He was the Minister for the Environment. He is trying to rev up the people around the Gosford area. He is sitting there pretending to be blue on the outside and green on the inside.

For a former Minister for the Environment to compare the geology around Wyong with that in Wyoming in the United States of America is bizarre. For the benefit of my friend, there is a clear difference between the shale area: Wyong has a clay base that keeps the two aquifers apart. There is no seeping between the two aquifers. It is hypocritical for him to say in this place that I have not dealt with the water supply issue when he has not looked at the site. He is questioning the analysis of Tim Jones and many months of work by our senior Mineral Resources people. What would be the benefit to Tim Jones? What is his title? Tim Jones is a hydrologist in Rockhampton. He has no idea of the hydrology in the Wyong area, and neither has the honourable member for Gosford.

I find it totally bizarre that the honourable member for Gosford should come into this Chamber and attempt to rev up the people who live in the Wyong area by circulating misinformation and lies and engaging in deceit. The honourable member for Gosford needs to understand that people are not stupid and that they will see straight through him. His comparison of what happened at Eastern Star Gas with what is happening at Jilliby is ludicrous. After water from a bore in the Cessnock region is transported to the Jilliby area and pumped in, it fractures the coal seam. Later the water is pumped out and transported to a treatment plant for processing. The clean water is then pumped back into the Hawkesbury River. Can the honourable member for Gosford show me how that process impacts upon ground water in the Gosford electorate—because my department's chief geologist cannot.

**Mr Chris Hartcher:** Tim Jones can.

**Mr KERRY HICKEY:** The honourable member for Gosford is a very shallow person. He is misleading this House, misleading the public, and giving people false information. He has been stirring people into a frenzy. Quite frankly, it is bizarre to think that he is a representative of the people in this House. The misinformation he is circulating is a joke; he should not do that. He should search his soul. I do not know how he can look at himself in the mirror when he is shaving—and, frankly, he does a fair bit of shaving. I find it bizarre that in this House he should be critical of truthful and factual information. He is a liar who circulates fictitious information that totally and utterly contradicts what has been said by a senior geologist in the Department of Primary Industries.

**Mr Chris Hartcher:** Point of order: As recently as a couple of weeks ago, as I am sure Mr Acting-Speaker, the honourable member for Wallsend, will recall, a ruling was made that the term "liar" is not permitted.

**Mr KERRY HICKEY:** The honourable member for Gosford has made this debate political. I will retract the term "liar", but at the very least it should be replaced with "fibber" or "a deceitful person". I really believe that, based on the misinformation peddled by the honourable member for Gosford, he should not be representing people in this House.

**Discussion concluded.**

**Mr ACTING-SPEAKER (Mr John Mills):** Order! It being reasonably close to 5.15 p.m., with the agreement of the House I propose to proceed to the taking of private members' statements.

#### PRIVATE MEMBERS' STATEMENTS

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#### SCHOOL STUDENTS LITERACY LEVELS

**Mr JOHN BARTLETT** (Port Stephens) [5.02 p.m.]: In 1988 I was a teacher in charge of a remedial reading program at the Nelson Bay High School. I recall the week when a Minister in the Greiner-Fahey

Government, Dr Metherell, announced the sacking of 2,000 teachers. In the same week the Organisation for Economic Co-operation and Development [OECD] ranked Australia at 22 out of 28 countries throughout the world in student literacy levels. The decision by the former Minister for Education and Youth Affairs, Dr Metherell, probably did more to adversely affect staff morale in public schools in New South Wales than any decision I can remember a Minister for Education ever having made.

At that time I was running a remedial reading program that had a lot of input from the local community. Volunteers comprised staff, members of the community, parents, ancillary staff, and senior students. At that time we were working on the neurological impress method [NIM] to teach reading. Basically that meant that simultaneously with a child, a volunteer read over a child's shoulder at a normal speed without worrying too much about the content, and would try to increase the speed at which the child could read. One should not underestimate the importance that reading has in a child's development. A famous American educator expressed the importance of reading in modern society in this way:

Between 0 and 8, a child learns to read. From 8 on, they read to learn. If they cannot master reading, they are burnt toast.

Since coming to office in 1995, the New South Wales State Labor Government has appointed 970 reading recovery teachers in this State. The major election promise made by the Carr Government for the period 2003 to 2007 is to reduce kindergarten and years 1 and 2 class sizes. The effect that this Government's commitment is having on the State's reading programs is absolutely tremendous. Nothing better can be done for a child than to teach him or her to read, and to read well.

Recently I noted a list of top 10 achievements by the Carr Government. These include the repayment of \$12 billion of debt and achieving the lowest unemployment rate in 20 years. Although all of this Government's achievements are very important, the achievement in my opinion that has benefited the largest number of people in New South Wales, by securing their future, has been the huge improvement in literacy rates. The employment of 970 reading recovery teachers and the reduction in kindergarten and years 1 and 2 class sizes have cost a lot of money, but the cost is well worthwhile. Nothing better could be done for a generation of young non-readers than the investment by a government in the development of their literacy competence.

Since 1995 the New South Wales education budget has increased from \$6.5 billion to just under \$10 billion, at a time when student enrolments are beginning a slow decline Australiawide. The result of employing 970 reading recovery teachers and the work they are doing has been absolutely outstanding. The 2005 OECD figures place New South Wales, not Australia per se, in the top three of the 32 OECD countries in the 15-year-old students category. In 1988, New South Wales was placed at 22 of 28 OECD countries. The latest figures indicate a tremendous result for New South Wales teachers.

The results of younger children are equally impressive. The work performed by teachers in primary schools and high schools is absolutely outstanding. It is a credit to teachers that they have fallen in behind the Government and contributed such an amazing effort to turning around the New South Wales ranking in OECD literacy assessments. I am very proud of the New South Wales literacy assessment results. As someone who has a background in remedial reading programs, I believe that this Government's reading recovery programs represent a huge benefit for all the children of this State. [*Time expired.*]

#### **LOYALTY ROAD STORMWATER RETENTION DAM VANDALISM**

**Mr WAYNE MERTON** (Baulkham Hills) [5.07 p.m.]: A matter of increasing concern relating to vandalism at the Loyalty Road Stormwater Retention Dam on Darling Mills Creek in the Bidjigal Reserve in Northmead has been brought to my attention by Carol Isaacs of the Baulkham Hills Shire Bushland Conservation Committee. The dam was constructed by the Upper Parramatta River Catchment Trust as part of measures to mitigate the effect of flooding on properties in the north Parramatta, North Rocks and Northmead areas.

Members of the Bushland Conservation Committee have expressed their concern over the destruction of the area. Bushwalkers are greatly concerned at the magnitude and scale of graffiti on every wall of the dam, including the high ledges. I am told that the graffiti often includes obscene words and drawings. Natural formations, including rocks and cliffs, have been permanently damaged. All signs relating to Ventura Road and Loyalty Road have been so badly defaced with spray-paint that they are now unreadable. Empty spray cans litter the dam area. Large household appliances have been dropped from the highest point of the dam wall. The remnants of appliances can be seen below the northern side of the 26-metre-high crest of the dam wall which is adjacent to the tunnel entrance.

The problem appears to be that the dam structure is easily accessed via the access road which was constructed to build the dam. The area was previously unspoilt bushland, but this easy access route now encourages antisocial activity. The community believes that it is offensive to allow graffiti and other antisocial behaviour in the only remaining natural bushland in the area. Members of the Bushland Conservation Committee are very concerned also for the future of Aboriginal cultural sites in the reserve. It was mentioned to me that on occasions periodic detainees have been utilised to remove some rubbish and paint over the graffiti. Although grateful for such action, local residents have indicated that they would like to see the basin patrolled at regular intervals by a security guard who is licensed to record the identification of any offenders.

Residents have also suggested that suitable signage be erected at the dam, as well as at the park entrances at Loyalty and Ventura roads, advising that offenders would be prosecuted. I have been informed that the Excelsior Park Bushland Society brought this matter to the attention of the Upper Parramatta River Catchment Trust in 2001. Members of the society are disappointed that the promised signage has still not been installed. I call upon the Minister to investigate the situation at that stormwater retention dam. This is a very important area in the Baulkham Hills electorate, and the original construction was part of the Upper Parramatta River Catchment Trust's activities to combat flooding of properties in the North Parramatta, North Rocks and Northmead areas. That was an initiative of the Greiner Government in the late 1980s. I visited that area before and during the construction and know that the flood mitigation policies and measures have been very successful.

People with little disregard for our heritage, for nature and for the essential beauty of that part of the Baulkham Hills electorate have vandalised and destroyed rock formations, an essential part of our heritage. People with nothing else to do, people with a jaundiced and ill-conceived notion and perspective on society, undermine and destroy things that give the vast majority some pleasure. These concerns are important, because in some cases the damage cannot be rectified and the rock formations will be lost forever, depriving future generations of the natural beauty of the area. Vandalism and graffiti problems in my electorate are difficult to control. This morning I was listening to the Alan Jones 2GB radio program and heard of problems in the Bella Vista area in my electorate that has experienced vandalism. I will pursue that matter as well, because the wonderful Baulkham Hills area needs protecting. [*Time expired.*]

#### PENRITH ELECTORATE POLICING

**Mrs KARYN PALUZZANO** (Penrith) [5.12 p.m.]: I congratulate probationary constables who graduated from Goulburn recently and joined 12 probationary constables from last year's graduation at the Penrith Local Area Command, within my electorate. They join other probationary constables who have been allocated to the Penrith electorate in the past year, including five at the St Marys Local Area Command and 12 at the Blue Mountains Local Area Command. I congratulate the work done by all police within those three local area commands, in particular Superintendent Ben Fezchuk of Penrith, Superintendent Ray Filewood of St Marys, and Superintendent Patrick Paroz of the Blue Mountains, on the work they have done. I congratulate also the police to whom I awarded Police Medals at a recent ceremony in Penrith.

I will refer later to the crime rates, which are down, and the technology that is being rolled out in police cars. I note that 2005 is the ninetieth year in which women have been accepted into the New South Wales Police Force. Crime is down in the Penrith electorate. The latest quarterly data from the independent Bureau of Crime Statistics and Research shows that all major categories of crime in New South Wales continued to fall, or remained steady, over the past two calendar years. That achievement was due to the Government's significant efforts in increasing the number of police, as well as the work carried out by police during that time. In the Penrith local government area all the news is good, with large falls in a number of crime categories.

Those figures were noted during a recent visit by the Minister for Police to the Penrith police station. The categories of major crime that are falling include: steal from retail store, down 38 per cent; steal from a person, down 23.7 per cent; break and enter from a non-dwelling, down 29 per cent; robbery without a weapon, down 6.4 per cent; and break and enter from a dwelling, down 10.3 per cent. Our local police can take pride in those figures and deserve our gratitude on their unrelenting efforts. It is important to note that across the State the figures are: steal from a person, down 23.9 per cent; break, enter and steal from a non-dwelling, down 18.4 per cent; steal from a motor vehicle, down 8.8 per cent; and motor vehicle theft, down 5 per cent. Minister Scully said that the impact of record numbers of police and a record \$2 billion Police budget were felt across the State.

I turn now to the technology rolled out in police vehicles. Last week I visited the NSW Police College at Goulburn with some caucus colleagues. As I have a university background I was interested in the subjects

offered as well as their practical usage. The college has a courtroom and a mock police station in which they undertake lessons. We viewed the training undertaken in the driver education area as well as the subjects for bronze-level and silver-level accreditation. The Government is rolling out and outfitting police cars with the latest generation of mobile data terminals, known as phase two MDTs, and 45 have been installed in general duties and highway patrol cars and random breath test buses in New South Wales. The MDT units are a significant asset to police at Penrith. I congratulate the Penrith and St Marys highway patrols on their successful amalgamation, an indication that policing across the State and in the local area commands is working well.

Today nearly 25 per cent of the NSW Police Force is represented by women. By comparison, in police forces in England and Wales females represent approximately 19 per cent, and in America females represent 12.7 per cent. I congratulate the women who are entering the academy and becoming policewomen.

**Mr BRYCE GAUDRY** (Newcastle—Parliamentary Secretary) [5.17 p.m.]: I congratulate the honourable member for Penrith on advising the House of the statistics on policing and crime prevention in the Penrith Local Area Command. In my time as the Parliamentary Secretary for Police, in the days when the former Leader of the House, Paul Whelan, was Minister for Police, I had the great pleasure of accompanying him at the graduation of the first and largest contingent at Goulburn. Earlier today the Minister for Police said that New South Wales has record numbers of authorised police. It is good that crime rates are down and that increasing numbers of women are joining the NSW Police Force. As the honourable member for Penrith mentioned, new technology, including mobile data terminals, is assisting police.

The Government has introduced better weaponry for police, capsicum spray, and better levels of police protection, ensuring that New South Wales has not only the best training for police but also high levels of safety for police officers. The reduction in crime rates is due to higher visibility policing, intelligence-based policing, and the co-operation between police and the community in dealing with those issues. I congratulate the honourable member for Penrith on her report to the House.

#### **MS BARBARA HILL NEIGHBOURHOOD DISPUTE**

**Mr ANDREW STONER** (Oxley—Leader of The Nationals) [5.19 p.m.]: I draw the attention of the House and in particular the attention of the Minister for Police to a deeply concerning matter involving a middle-age woman and her elderly mother who are about to lose their home and their life savings as a result of the Government's actions. This is a sorry saga involving a neighbourhood dispute between my constituent, Barbara Hill of Nambucca Heads, and a police officer who was renovating a Police and Community Youth Club [PCYC] property next door. Ms Hill said that her property had been damaged and she successfully approached council for a stop-work order.

In the course of the dispute Ms Hill was advised by local police to take out an apprehended violence order [AVO] against the PCYC officer, whom she found threatening and abusive. She followed that advice and applied to the court, whereupon the officer concerned engaged an expensive legal team to defend him. Ms Hill had been advised that she would not need costly legal advice to pursue the AVO. However, she and her counsel were totally outgunned by the legal team flown in from Sydney to defend the officer concerned. Subsequently the magistrate ruled against Ms Hill and awarded costs against her—an unbelievable sum of \$111,000 for a three-day hearing.

Ms Hill has now been told that the officer's lawyers will seize her home, and the home of her elderly mother, to recover these costs. Ms Hill rightly feels a gross sense of injustice. She feels wronged in relation to the work undertaken next door and further wronged by the perceived threats and abuse. She now feels that she is about to be made homeless and destitute because she followed police advice and took the matter to court. When Ms Hill and her dear mother, who came to see me in Kempsey earlier this year, asked me to pass a confidential submission to the Commissioner of Police I undertook to do so.

On 15 February I wrote to Commissioner Moroney and I enclosed Ms Hill's submission in my letter. I sought the commissioner's direct attention and stressed the urgency of the matter. Some six weeks later Ms Hill had received no response, other than two acknowledgements. Early in April she received a letter from the Parliamentary Secretary Assisting the Minister for Police in response to a letter that she had sent to the Minister for Police. That letter basically resulted in the Government washing its hands in relation to Ms Hill's awful dilemma. She still has not received a response from the commissioner and she is understandably frantic about her future and the future of her mother.

There is a way to resolve Ms Hill's sorry situation, that is, for the Government to meet the legal costs of the police officer concerned. That is within the Minister's power and, in my view, it is only fair considering that

the incidents that gave rise to the court case involving the costs, which now threaten to make these women homeless, initially involved a police officer on duty. It is also fair in view of the fact that Ms Hill was told by another local police officer to take the matter to court. It is not good enough for the Minister to say that Ms Hill should further pursue justice in the courts by her own means. Clearly she has no funds to do this.

Understandably she has no confidence in the judicial system, given her earlier experience in the courts. I now plead with the Minister to fix this injustice. Only the Minister can make Barbara Hill's nightmare go away. For him not to do so will see a woman who is nearly 60 years old and her 85-year-old mother, an ex-service woman, turfed out of their home and onto the streets. The Minister will have to accept personal responsibility for their heartbreak. Have a heart, Minister, and make right this terrible wrong.

### **LIVERPOOL CITY ROBINS SOCCER CLUB**

**Mr PAUL LYNCH** (Liverpool) [5.24 p.m.]: Tonight I inform the House of the appalling treatment meted out to Liverpool City Robins Soccer Club by Liverpool City Council through its staff and some of its former councillors. The Liverpool Robins have existed for about 40 years. Most of the participants involved in the club are constituents of mine. The club's focus was originally on soccer but it has now moved to include other activities such as netball. It is a consciously low-budget club and many of the families involved have limited financial resources. The council is forcing them off their current ground and it has failed to fulfil its many previous commitments to find them adequate and appropriate alternative premises. Obviously a sporting club that does not have a sporting field does not have much of a future.

The fact that this uncertainty has continued for so long has just exacerbated the situation. I have spoken with club members and supporters and especially with the club's secretary, Steven Ingram. Currently the Robins have a home ground called Paciullo Oval. Paciullo Oval was caught up in that notorious fiasco known as the Oasis, which involved Canterbury-Bankstown, Macquarie Bank, Woodward Park and a number of other bodies. As part of the Oasis arrangement the land was to go to Macquarie Bank for residential development. Despite the ignominious collapse of the fantasy called Oasis, the club will still have to leave Paciullo Oval. In return for the Robins leaving, council gave an undertaking, made a commitment, restated numerous times, to find alternative premises for the club. The club believes that that commitment has not been kept.

It is also worth noting that the club used its own financial resources to develop the ground. Money spent by the club on Paciullo Oval will effectively be abandoned if it has to relocate. On 1 March 2000 the club met on site at Paciullo Oval with the then Mayor Paciullo and council officers. The club raised the impact of the Canterbury-Bankstown Woodward Park development on Paciullo Oval. Council eventually said that the club had to move from Paciullo Oval. However, council then identified Amalfi Park as an alternative site, but said that it would require work and redevelopment. That was not a throwaway line; it was a very clear proposal from council. It was sufficiently formal that meetings were held and minutes were kept recording that the club expected it would be playing at Amalfi in 2002. Council did not adhere to that timetable. On 14 August 2001 I faxed a letter to the mayor that stated, amongst other things:

In short, the club advises me that commitments made to them by the council have not been kept.

On 16 August 2001, two days later, a meeting was held with club officials, several council officers and Councillor Steve Bowman. A plan of management for Amalfi was to be produced by October. The club made it clear that the sponsorship it received was dependent on its relocation to Amalfi. Planning was to be finalised by July 2002. The club was assured that things would be satisfactorily resolved. By June 2002 it was patently clear that that was not the case. Council then said that it did not have the money to carry out the developments it had promised at Amalfi.

The club continued its efforts to get council to adhere to its commitments and to meet its obligations. Mr Ingram addressed council on 24 February 2003 at its ordinary meeting. On 5 February 2003 he appeared on the front page of the *Liverpool Leader*. Councillor Bowman was quoted on behalf of council as saying that council was still committed to relocating the club to Amalfi. There was a subsequent meeting with the mayor on 28 May 2003. The plan was still for council to relocate the Robins from Paciullo Oval to Amalfi Park. However, that plan was subsequently overturned because of the construction of a stormwater retention basin adjacent to Graham Avenue. So here we are, five years later, and the club has been told that Amalfi is now off the agenda because of the retention basin.

One would be entitled to wonder what Bowman, Paciullo and council officers had been up to for all those years. One option that was then raised involved the club moving to a new field near Ash Road. Because of

the Oasis proposal the club had to get off Paciullo Oval. For five years council said that it should go to Amalfi but then council said that that was not on, and that the club should look to Ash Road. The club tried to do precisely that except that the council reneged on that option. Council has now said that there must be an open and transparent tender process. So at best the Robins will have to await the outcome of that process—which is catastrophic for a club that wants to do any long-term planning. Worse than that, the tender process now involves financial commitments by the tenderers. It means that the club now has to put in some money. The likelihood of the Robins being successful in that process is quite remote. They simply do not have the money to compete with some of the other potential tenderers.

All this resulted in me making written representations to the council's administrator, from whom I eventually got a response. In essence, the administrator's letter suggested that the Robins could take a flying leap. To begin with the administrator said that the Robins would have to be off Paciullo Oval by the end of 2005. That was the first the club had heard of that proposal and it was outraged, with considerable justification. The club has had two other options put to it, but both options are inadequate for its purposes. This 40-year-old club has been lied to, conned and traduced by previous elected councillors and council officers. It is now at risk of being destroyed by council officers who do not live in Liverpool and who have no interest in it. It is a tragedy and a disgrace.

### **NARDY HOUSE RESPITE CARE FACILITY**

**Mr ANDREW CONSTANCE** (Bega) [5.30 p.m.]: Tonight I bring to the attention of the House a situation involving Nardy House respite care facility, which is snuggled in the Bega Valley near the township of Quaama. Over the past five years the local community and the Nardy House committee have worked extensively to put in place a brand new respite care facility. People who drive down the Princes Highway can see this magnificent \$500,000 facility just sitting there. It is absolutely unacceptable that the State Labor Government is not allowing the facility to open simply because the Government is trying to ram through an alternative model of care. The fact is that when the facility was committed to initially, the Government knew full well the intentions of the Nardy House committee and the expectations of the local community. It would seem that the facility will not open as planned because of a Government policy backflip that the Department of Ageing, Disability and Home Care [DADAHC] is delivering to the Nardy House committee behind closed doors. It appears that the statements of various Labor Ministers in the past five years and the model to which the department is now trying to commit are entirely different.

In 2000 then Minister Faye Lo Po' announced capital funding for the Nardy House project and stated publicly that the respite care facility would be funded recurrently. Now that the facility is almost in place the Government wants to move the goalposts on the committee by introducing an unacceptable service model that cuts corners in order to fund recurrently the respite care facility. In essence, the Government wants to run a bring-your-own-carer facility whereas the facility should be run as a respite facility that is staffed 24/7 and meets both occupational health and safety and disability service standards, as promised and committed to by Labor. There is concern that a range of the Government's proposals are untenable, including the sourcing of ongoing funding, the continuity and retention of staff, staff training, maintenance of the facility and the fact that the facility is simply not designed for the Government's intended purposes.

The Minister for Ageing, and Minister for Disability Services, John Della Bosca, has some pretty serious explaining to do, both to the community and to Parliament. He must ensure that the Government delivers on its service model commitments that were given in the Minister's initial policy announcement about the facility. It is important that the Minister assures the Nardy House committee that it will be presented with a contract for the recurrent funding of the Nardy House respite facility that reflects the purpose-built nature of that facility, the high-level support needs of its clients and the original intention of this successful and government-funded project. Most of that funding was sourced ultimately from the Commonwealth Government. The Minister must also ensure that there is consideration in the upcoming budget for funding the level of service required by the Nardy House respite facility on 24-hour, seven-day-a-week basis, as Minister Faye Lo Po' promised initially.

The Nardy House committee is chaired by Sarah Anderson, who is ably assisted by Denise Redmond. It is a magnificent facility with a wonderful outlook. It aims to give people with profound disabilities and their carers much-needed respite. The committee knows—I am sure DADAHC is aware of this as well—that 45 people in the immediate area will benefit from the facility. It is unacceptable that month after month the department tries to back away from its commitments as outlined by Faye Lo Po' in 2000. The reality is that the facility is ready to go and the Government is back-peddalling in a cruel and callous way from those families who

want this facility up and running. I call on the Minister to step in, pull back his bureaucrats and ensure that the correct service model is in place that will allow this facility to open as desired.

### **SYDNEY (KINGSFORD SMITH) AIRPORT REDEVELOPMENT**

**Ms KRISTINA KENEALLY** (Heffron) [5.34 p.m.]: Sydney (Kingsford Smith) Airport is located in the State electorate of Heffron. The Sydney Airports Corporation, which is governed by Federal regulation and legislation, announced on 18 April 2005 that the Federal Government had approved a development plan that will result in additional car parking and commercial facilities built at Sydney's international terminal over the next few years. The Hon. John Anderson, the Federal Minister for Transport and Regional Services, approved the major development plan that includes the construction of 7,900 car spaces and 18,000 square metres of commercial space. According to the Sydney Airports Corporation, the airport will develop an airport ground travel plan in consultation with relevant local and State authorities. Phased construction of the new facilities, which is subject to the approval of the airport building controller, is expected to commence in 2006.

In October 2003 the Sydney Airports Corporation released a master plan for the next 20 years. The key recommendations arising from the master plan that affect the electorate of Heffron are that Sydney airport will remain the sole airport in the Sydney Basin; there will be a near doubling of aircraft movements from 254,000 to 412,000 per year; passenger numbers will triple from 23.9 million per year to 68.3 million; the aircraft noise footprint will be spread over an additional 1,454 streets across 51 suburbs; the policy of noise sharing will continue; and there will be no changes to the curfew or to flight paths. The airport submitted the master plan to the Federal Government on 23 December 2003 and the Federal Minister for transport, John Anderson, accepted it on 22 March 2004.

The New South Wales Government has rejected the master plan and said that the Sydney Airports Corporation must go back to the drawing board and come up with a better plan. In particular, the Government has condemned the master plan's proposed expansion of the noise footprint. Under this proposal, suburbs such as St Peters, Alexandria, Pagewood, Rosebery and Kensington will bear the full brunt of aircraft noise for the first time. The New South Wales Government submission points out that this master plan will more than triple the number of people affected by aircraft noise from 125,000 to 389,000. Eighteen more suburbs will experience a massive increase in aircraft noise and an additional 12,700 people will be exposed to worse noise levels. Some 98 schools will be affected by aircraft noise and many will require noise insulation. Hundreds of hospitals, child care facilities, theatres, churches and community services will also be affected. Some 5,230 homes will need to be insulated and new residential, business and commercial development areas, such as Green Square and Cooks Cove, will be affected.

As I said in my submission to the master plan process, residents of Heffron have borne for too long the burden of living next door to Australia's major airport. The expansion of aircraft noise across our area is unacceptable. The current proposal to develop commercial space at Sydney airport is worrying from a traffic perspective but the master plan's proposed tripling of passenger numbers to 68 million people is the real threat. This will mean a massive increase in the number of people travelling through our community to access Sydney airport. On the other hand, the commercial development will mean that the airport has less land and less space to expand its aviation business—which means less aircraft noise and less chance of building a fourth runway.

In recent weeks there has been some debate about the proposed development at Sydney airport. A number of mayors from local government areas in and around Heffron initiated a campaign of opposition to the development. Botany Bay council, and particularly its Mayor, Ron Hoenig, came under some criticism for failing to be part of the protest rally and failing to speak out against the proposed development. One criticism that should be totally rejected is that the council failed to speak because it receives rates payments from the airport. To suggest that that income would still the council's voice is to ignore both fact and history.

When the real fight against aviation expansion at Kingsford Smith airport was being waged, Botany Bay council was the only council that stood up in opposition. Councils such as Randwick City Council did not even bother to participate. I note that the Mayor of Botany Bay Council, Ron Hoenig, has not once criticised the Mayor of Randwick City Council, Murray Matson, for failing to oppose the proposed expansion of Port Botany because his council receives rates from the port. It is important that we keep an eye on what goes on at Sydney airport, particularly because any increase in aviation business will mean increased traffic flows through the electorate of Heffron and an unacceptable increase in aircraft noise for local residents.



### MYALL WAY AND PACIFIC HIGHWAY OVERPASS

**Mr JOHN TURNER** (Myall Lakes) [5.39 p.m.]: On 23 April 1,000 people from the tiny coastal villages of Hawks Nest and Tea Gardens in my electorate marched in protest against the Carr Labor Government, and Mr Costa in particular, for their failure to agree to an overpass at the intersection of the Myall Way and the Pacific Highway as part of the current upgrade of the highway at that intersection. I have seen existing plans for a flyover but the Roads and Traffic Authority [RTA] and Minister Costa refuse to construct the overpass now in conjunction with the work on the upgrade. They have told residents of Hawks Nest and Tea Gardens, and the many visitors to that beautiful area, that the overpass will not be put into place until 2016. I have raised this matter in this House before and have asked questions about it. I have also supported the residents of Hawks Nest and Tea Gardens in their quest for an overpass.

It is sheer folly not to put in the overpass now. The land has been acquired and the current road upgrade is being structured and sculpted in such a way that the overpass can be built. There are plans for an overpass but the Minister and the Government say it will not be warranted until 2016. Put simply it is warranted now for two basic reasons. The first is safety, because the proposed intersection is substandard to what could be built. The second is that it is economically imperative to build it now rather than retrofit it later. One thousand people out of 3,000 people from the Hawks Nest and Tea Gardens villages took part in the protest march. That is the equivalent of about 1.2 million or 1.3 million people in Sydney. I am sure if there were a rally in Sydney of 1.2 million or 1.3 million people, the Government would take notice. The Government should not be put off by the fact that it was 1,000 people in Hawks Nest and Tea Gardens because those people have resolved that they want this safety facility built in conjunction with the current work.

They gave the Minister an ultimatum that he should meet a delegation. Some considerable time ago I wrote to the Minister asking him to meet a delegation, but I have not had the courtesy of a reply. The Minister's failure to reply is rude. The people of Hawks Nest and Tea Gardens have indicated that they will rally in Macquarie Street and voice their opinions if the Minister does not meet with the deputation task force that has been set up under the chairmanship of Patricia Mitchell. These are reasonable people who come from walks of life—retirees, business people, young people and old people. Bowlers in their uniforms, representatives from the car club and all manner of the community members marched for a safer road. They are not people who are normally participate in marches. They are genuinely nice people who are angry because the Minister will not talk to them or acknowledge them. He will not even reply to me in relation to this matter.

The only thing the Minister said followed my comments on the radio about the first rally some two months ago, to which 300 people turned up without it having been advertised. I called on him to review the decision in relation to the intersection. He said on the radio "We build roads, not intersections". That is a naïve comment because part of the integration of roads is intersections. I have said previously that the Pacific Highway upgrade is welcome. There is no doubt that the number of head-on fatalities on that road is being reduced, but we are now killing—a harsh but necessary word—people at intersections. That was evidenced at Rainbow Flat in my electorate, where 10 people were killed before the Government finally put in an overpass. I do not want to use body counts to get an overpass. The Minister should courteously meet and talk with these genuine people to explain and justify his decision.

The arrogance of the RTA in relation to this matter has been breathtaking. It is toughing it out and using the usual tricks of claiming an overpass is too expensive. I was told by the RTA that it would cost \$6 million and now the people are being told it will cost \$7 million to \$9 million. That is not good enough. People's lives are at risk and the Government, particularly Mr Costa, must understand that this is an issue of real importance to the people of the area. The Government and the Minister must have the courtesy to meet with the people. A few days ago the Minister was at the turn-off to Nelson Bay. It would have taken him only another 20 minutes to come up the highway to talk to these people, but he did not do so. That showed he is treating them with contempt. I challenge him to meet the deputation and explain why he is putting the lives of these people in jeopardy.

### GUNNEDAH RURAL COUNSELLING SERVICE

**Mr PETER DRAPER** (Tamworth) [5.44 p.m.]: Today I detail a critical situation facing the Gunnedah Rural Counselling Service, which is based in the north-west of the State. With conditions deteriorating rapidly from marginal to drought, the need for this service is as vital today as it was at the time of its genesis in 1988. The current drought is recognised as one of the longest and most severe in the State's history with farmers at their wits end economically and emotionally. The north-west is experiencing one of its driest periods in recent

history with Tamworth, Barraba, Gunnedah and Armidale registering between zero and 1 millimetre of rain in April. With scant falls recorded in the months prior, there is a valid concern that little to no subsoil moisture is available for planting winter crops.

That is the climate in which the Gunnedah Rural Counselling Service, one of the longest serving in New South Wales, is operating. Supported by a strong voluntary committee, the sole counsellor, Mr Pat Gaynor, has provided a free service to help farmers with financial aspects of farm business for the past 17 years. Mr Gaynor covers an enormous area, including all of the new Tamworth Regional Council area, the Gunnedah and Liverpool Plains local government areas and parts of the Narrabri and Warrumbungle shires. Without the service, it's hard to know who the region's farmers would turn to in times of financial need. It is a confronting topic, but according to the Australian Institute for Health and Welfare more than 2,000 Australian men commit suicide every year. Disturbingly, the rate is higher among males living in rural and remote areas, with those aged between 20 and 44 and over 70 years at the highest risk.

A study entitled "Suicide in Australian Farming 1988-1997" revealed that during the study period 921 suicides were recorded of farm managers and labourers. That equated to one suicide every four days, almost as frequent as work-related farm deaths. While the research did not examine the reasons, it pointed to stressors in farming communities such as financial, administrative, legislative, production and family pressures. While Mr Gaynor has not personally dealt with the loss of a client, he is aware of farmers in the north-west who have taken their lives. His comment was:

No counsellor hasn't been touched by this issue, farmers are in pain and they just want to get rid of it, unfortunately some feel there is no other option.

While the Rural Counselling Service is designed to give options to landholders and farmers facing financial hardship, it provides much more. As the human face of the Gunnedah Rural Counselling Service, Mr Gaynor is indeed a friend. He is a person with whom farmers believe they can move onto deeper issues if they can discuss matters as sensitive as finance. In its 17 years the Gunnedah service has assisted 1,070 farmers with a normal year attracting about 140. In 2003-2004 Mr Gaynor assisted 203 farmers, while in the drought of 2002-2003 the number was 321. Members of Parliament, Centrelink, State and local government departments and the legal fraternity are only some of the contact points that refer farmers to the service and without the service there would be an enormous hole in assistance for rural people.

Rural financial counselling is a most successful, cost-effective program as most farmers develop self-reliance and have little need to refer back once financial issues are remedied. It is a partnership between Commonwealth and New South Wales governments and a small community group of dedicated volunteers. Recently I met with the committee of the Gunnedah Rural Counselling Service, which raised a worrying financial position and need for recurrent funding. One of the major pressures is the need for the committee to provide more than one quarter of their funding. I was greatly concerned to learn the service is facing closure through the impact of drought and the inability to secure adequate government financial backing. When the service began, its original funding base was 50 per cent Commonwealth, 25 per cent State and the remaining 25 per cent was cash and in-kind support sourced by the committee. In the early days, the Commonwealth provided grants of up to \$50,000, which increased to \$60,000.

The State Government chose to provide up to \$25,000. Neither funding sources have maintained parity with the Consumer Price Index, meaning the committee is making up the shortfall. Incredibly, there has been no increase in the State's funding allocation from the time of the inception of the service, and the community cash and in-kind contribution today comprises more than 31 per cent of the service's budget. The State Government has made ex-gratia drought payments of \$25,000 for the past two financial years. The current budget has no such provision, forcing the reduction of hours for the part-time administration assistant. The pressures on this voluntary committee are considerable with the added burden of occupational health and safety responsibilities, legal obligations, reporting requirements, risk management, et cetera. The service has made a sincere effort to work within budgetary constraints and use innovative methods to increase its contribution to the service well beyond its original charter.

The costs of the service have continued to escalate—diesel in our area at the moment is more than \$1.30 per litre—but the opportunities to secure funding from the community have become fewer because of the amalgamation of local government bodies. If the Gunnedah Rural Counselling Service is closed or downsized, it will occur at a time when need for its services has never been greater. I urge the Government to allocate adequate funding in the forthcoming budget so that this service can continue to deliver the outstanding work it does in our area.

### AUSTRALIAN DYSPRAXIA SUPPORT GROUP FUNDING

**Mr STEVEN PRINGLE** (Hawkesbury) [5.49 p.m.]: Many honourable members may not know what dyspraxia is. Indeed, I was not too sure until a short while ago. I have used the Internet and other local sources so that I will be able to explain the affliction of dyspraxia to honourable members. Dyspraxia is a developmental disorder that manifests as a marked impairment of the development of motor co-ordination. It is at least four times more common in boys than in girls—some researchers estimate as many as seven times more common—although when girls are affected, they are usually more severely affected. Developmental dyspraxia affects between 2 per cent and 5 per cent of the population and, if not identified early, can have a devastating effect upon a child's performance and, even more importantly, self-esteem.

There is increasing evidence that dyspraxia is a neurological disorder and that metabolic factors are contributors to the condition. Metabolic factors are often apparent before birth. Small-for-date babies, prematurity—that is, birth before 38 weeks—or post maturity—that is, birth after 42 weeks—prolonged labour, poor maternal diet, failure to gain weight appropriately during pregnancy, sickness throughout pregnancy, family history of food allergy or intolerance to wheat or dairy products, family history of asthma, or family history of coeliac disease, that is, intolerance to gluten products such as wheat, rye, barley, oats, et cetera, can all be contributing factors. It has been suggested by some researchers that in 50 per cent of diagnosed cases of dyspraxia, those significant factors are evident during pregnancy.

Developmental verbal dyspraxia [DVD] is a speech disorder. The affected person has difficulty voluntarily making speech sounds and stringing those sounds together in the correct order to make words. There is usually nothing wrong with the muscles used for speech. The difficulty seems to occur because of a breakdown in the motor program sent from the brain to the muscles used in speech. That does not mean that a person with DVD has an intellectual impairment. DVD is a speech disorder that can continue well into adult life.

The American Psychiatric Association's Diagnostic and Statistical Manual, commonly called DSM-IV, lists five criteria for diagnosis: one, a marked impairment in the development of motor co-ordination; two, the impairment significantly interferes with academic performance or even daily living activities; third, the co-ordination problems are not the result of a general medical condition, such as cerebral palsy, hemiplegia, or muscular dystrophy; four, it is not a pervasive developmental disorder; and, five, if developmental delay is evident, the motor difficulties are greater than those seen in normal children.

In the Hawkesbury region a volunteer organisation, the Australian Dyspraxia Support Group, provides advice and support via telephone counselling and email to anyone with a need in New South Wales and, indeed, throughout all of Australia. I understand this organisation is the largest of its kind in Australia. For some years it has been providing support to both the families of children suffering from dyspraxia and to medical professionals who seek information concerning dyspraxia, as well as others. There is evidence that early intervention is providing long-term benefits and improves the quality of life of the individuals concerned. That means less medical intervention and represents a significant saving of public moneys.

The Australian Dyspraxia Support Group is currently experiencing severe financial difficulties. In 2004 it was unsuccessful in securing ongoing funding from the Government and has now reached the stage where its very existence is at risk. I have written to the Hon. Morris Iemma, MP, Minister for Health, seeking his intervention to ensure this worthwhile organisation is saved. At this moment the organisation cannot even afford the \$400 a month it needs to pay for public liability insurance, and that is impacting on the organisation's ability to provide support and advice.

The immediate need is for a small, indeed miserable, grant of about \$10,000 to allow the organisation to secure this insurance and to meet its immediate costs, such as telephone counselling costs. Recurrent annual funding for the whole of Australia is only \$125,000, which would guarantee that this invaluable service can continue to play the important supporting role for which it has become respected throughout the community. It has impacted on many lives. This money is desperately needed. I call on the Minister and seek the support of the House to give this valuable community service the lifeline it so desperately seeks. We may not have heard of this affliction before, but dyspraxia could strike a newborn member of any one of our families at any time. Let us help those who are suffering now and minimise the impact of this disease in future.

### STEINBROOK HALL, TENTERFIELD, RESTORATION FUNDING

**Mr RICHARD TORBAY** (Northern Tablelands) [5.54 p.m.]: One thing that can always be said about country people is that they know how to stretch a dollar and they know how to work as a community. In many small and relatively isolated places the only buildings that remain standing when services and small retailers

have been drawn to larger centres are the halls. It is only in recent times that the heritage value of those halls, their unique bush architecture and the local history they represent have been recognised. Unfortunately, many of these historic buildings have disappeared because funding has not been available to keep them maintained to a reasonable standard. When I was first elected in 1999 I was determined to go in to bat for the small amounts of funding needed to keep the remaining halls still used by local country communities in good repair. It has been a rewarding exercise.

Only last week I visited the Puddledock Hall, just outside Armidale, which was built in 1949 on land donated by the local community. It housed a one-teacher school for many years, and the old schoolroom has now been converted into a kitchen. A \$16,000 grant from the State Government will result in its being repainted inside and out and the roof being replaced so that it can continue to be the centre where the local people gather for social events, meetings, weddings, birthday parties and dances. I have also been successful in enabling a well-intentioned and hardworking group to attract funding for the Arding and Kentucky halls and the Country Women's Association hall in Armidale. I have been impressed by the way the community has been able to stretch that funding and, with voluntary labour and community contributions, keep the halls in good repair for years.

Today I want to talk about the historic Steinbrook Hall, which is 10 kilometres east of Tenterfield. It was facing demolition only nine years ago. A meeting of local people and committee members was held in 1996 to discuss an offer to buy the five acres of land around the hall and to sell the valuable tallow wood floor and whatever else could be salvaged. A majority were in favour, but in stepped Mrs Colleen Burke, who argued passionately against the sale and put a strong case for community action to restore the dilapidated building. Despite the fact that the hall was falling down, had not been used for almost 20 years and required a huge amount of work, she won the night with a narrow vote in favour.

Steinbrook Hall was built in 1921 on the site of an old cheese factory. Part of the hall, now the kitchen area, was the original manager's residence. In the intervening years the small dairy and small cropping farms that fed the cheese factory have disappeared, with most landholders now being involved in cattle grazing. At present, the population of Steinbrook is about 50, and almost every one of them, even those who initially had misgivings, has contributed to the restoration work. Volunteers started by restumping with seasoned timber that matched the building. They were assisted by the Tenterfield council, whose environment officer gave advice about locating the appropriate materials for the job. Next was a donation of \$900 from Country Energy to rewire the building.

I was invited to meet the committee and discuss an application for funding from the New South Wales Government. I am pleased to say that the project received a \$5,000 grant from the Premier. That, and further funding from the Commonwealth, was used to renovate and equip the kitchen, restump the supper room and kitchen, remove all the timber from the walls and replace the damaged boards with matching seasoned timber. Other volunteers dismantled the old fireplace and chimney, cleaned every brick and then rebuilt it. Community volunteers put in thousands of hours from the time the restoration work started in 1999.

There is still more work to be done, and the committee has put in a request for a Green Corps team to sand and oil the external weatherboards. They are currently fundraising to meet the large bill for upgrading the electricity, but the consensus of opinion in Steinbrook is that it has all been worthwhile. Every week of this year several events have been booked. Birthday parties, wedding receptions, meetings, barbecues, country music events, dances, and seniors afternoon teas are regularly held. Just this week Colleen Burke told me she could truthfully say that in the all the years it has taken to restore the hall, there had not been one argument or a nasty word spoken. I have to say, particularly in this House, that must stand as an example to us all.

#### **UNIVERSITY OF NEWCASTLE WOLLOTUKA SCHOOL OF ABORIGINAL STUDIES AND THE INDIGENOUS HEALTH AND EDUCATION UNIT**

**Mr BRYCE GAUDRY** (Newcastle—Parliamentary Secretary) [5.59 p.m.]: Earlier today in debate on funding for the University of Newcastle I referred to its outstanding contribution to Aboriginal education. I refer now to the graduation ceremony and awarding of scholarships I attended on Monday 18 April at Birabahn, the purpose-built building for the Wollotuka School of Aboriginal Studies and the Indigenous Health and Education Unit. The purpose statement of the school is:

For the Aboriginal and Torres Strait Islander generations of the past, present and future, Wollotuka strives to empower through knowledge.

Knowledge will ensure that Aboriginal and Torres Strait Islander people maintain cultural practices and values and links with the land.

Education will enable us to nurture and facilitate respect for our traditions, which is the strength of our people and the land. This is the foundation of our involvement in Higher Education

I congratulate the students on the enormous range of studies they undertake. Beth Campbell, Sarah-Jane Gibbons, Sara Johnston, Joseph Somers, Paula William, Greg Lawford, Tanya Keane and David Murray graduated with Bachelor of Medicine degrees. The medical school has the highest number of medical graduates from the university. Angela Ford and Mathew Moylan graduated with Bachelor of Medical Radiation Science degrees. Rebekah Savage graduated with a degree in Aboriginal and Torres Strait Islander Health Professions. Peta Wilson graduated with a Bachelor of Biomedical Science degree with honours. Louise Bayliss graduated with a Bachelor of Fine Arts degree. David Bill graduated with a Bachelor of Education degree. Barry Bird graduated with a Certificate in Educational Studies. Christine Clarkin-Dever, Mandy Gale and Clinton Deen graduated from the Open Foundation course.

Another important aspect of the University of Newcastle is the access it provides, through open foundation and community-based courses, to people who have not achieved a standard of higher education. Thomas Croft and Kristy Cooks graduated with Bachelor in Aboriginal Studies degrees. Tim Doherty graduated with a Diploma of Business Administration and a Master of Business Administration degree. Michelle Drylie graduated with Bachelor of Communications and Bachelor of Laws degrees. Brooke Ferguson graduated with Bachelor of Teaching and Bachelor of Arts degrees. Melissa Hall graduated with Bachelor of Teaching and Bachelor of Health and Physical Education degrees. Wollotuka gives access and support to Aboriginal students across a range of studies.

Two major scholarships were awarded on the day. The Eddy Koiki Mabo Scholarship was awarded by Roger and Pat Reardon, who have made it their purpose to ensure that people from disadvantaged backgrounds have access to higher education. Lyndall Coen from the Newcastle Aboriginal Support Group awarded the Jack Doherty Scholarship to Nat Heath, John Doolah, Elkie Hull and Tara Byron. Jack Doherty was a fantastic man. He was a teacher and a university lecturer who started the Newcastle Aboriginal Support Group, which brings together non-Aboriginal and Aboriginal Australians to assist the Aboriginal community, particularly in education. From the Ourimbah campus one student graduated with Master of Management degree, three students graduated with Bachelor of Teaching and Bachelor of Arts degrees, one student graduated with a degree in Social Science and one student graduated with a Bachelor of Arts degree with honours class one. It was a magnificent celebration for our indigenous students. I congratulate Wollotuka, all of the graduates and everyone else involved.

**Private members' statements noted.**

## **CRIMINAL PROCEDURE AMENDMENT (EVIDENCE) BILL**

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

*[Madam Acting-Speaker (Ms Marie Andrews) left the chair at 6.05 p.m. The House resumed at 7.30 p.m.]*

## **CIVIL LIABILITY AMENDMENT (FOOD DONATIONS) BILL**

### **Second Reading**

**Debate resumed from 8 December 2004.**

**Mr ANDREW TINK** (Epping) [7.30 p.m.]: The purpose of this bill is to amend the Civil Liability Act 2002 to provide that a person does not incur civil liability for any death or personal injury resulting from the consumption of food donated by the person if the food has been donated in good faith for a charitable purpose with the intention that the consumer of the food would not have to pay for it, the food was safe to consume at the time it left the possession or control of the donor, and the donor has informed the person to whom the food is donated of any relevant food handling requirements or time limit for its consumption. The provisions of the bill will operate in the climate of concern over civil liability generally, and it will deal with the liability of charities and those who, in good faith, collect and distribute food for charitable purposes. I am sure that every member of this House knows many charitable groups and donors in their electorates who contribute very generously to appeals to which this bill relates. There are certainly donors in my electorate.

In the aftermath of the recent tsunami, the support for victims not only by the donation of money but also by donations in kind was absolutely extraordinary. Local retail food outlets donated to the Society of St Vincent De Paul, Sri Lankan charities, and other groups that were organising very vigorously, energetically and effectively to send food to Sri Lanka and other countries along the Indian Ocean rim that suffered so badly from the tsunami. To the extent that there is doubt about the existing law and certainly to the extent that concern has been expressed about the adequacy of the existing law, it is only right that this amending bill should be introduced, even if it does not greatly advance the present legal position.

Often it is important that there is a perception of safety as well as the reality of safety. To the extent that concern has been expressed about the perception of civil liability, it is important to allay that concern with affirmative action, which is what this bill does. Notwithstanding that legislation may already substantially be in place, instead of leaving the law open to argument, chance, or doubt, and instead of leaving doubt in the minds of people who want to be generous and help others, it is appropriate that this bill was introduced to put civil liability in relation to food donation beyond doubt. For those reasons, the Opposition will support the bill.

**Ms VIRGINIA JUDGE** (Strathfield) [7.33 p.m.]: I support the Civil Liability Amendment (Food Donations) Bill and commend the Minister, the Hon. Bob Debus, and his hardworking staff for their preparation of this legislation. The bill amends the Civil Liability Act 2002 to limit the liability of food donors. Provided that food is safe to be consumed when it leaves the possession of the donor, donors will be protected from civil liability in circumstances in which they have donated food in good faith for a charitable purpose or, in other words, when it was the donor's intention that the recipient would not have to pay for the food. When food is required to be handled in a particular way to ensure that it remains safe for consumption, the donor will have an obligation to inform the person to whom the food is given about the necessary handling requirements. Moreover, if food is safe to consume only for a particular period, the donor must inform the recipient of the time limit.

The bill will clarify the responsibility of food donors, many of whom are reluctant to donate owing to a perceived lack of protection against a civil liability claim. I understand that similar legislation passed by the Victorian Parliament has had a significant impact on the number of food donations subsequently made. One charitable organisation, One Umbrella, has reported that whereas prior to the introduction of the legislation it produced and distributed approximately 40,000 meals in Melbourne, the number of meals increased to 75,000 after the legislation was passed, so the legislation made a substantial difference to those who need the food. Some companies and charities do not donate food because of a perceived fear that they may be subject to civil proceedings for death or injury resulting from the consumption of that food. That perception is quite widespread.

Coincidentally, last night I attended a function held by the Exodus Foundation in the Ashfield part of my electorate of Strathfield. The Exodus Foundation is located on Liverpool Road next to the Polish Club. In the past I have been to the foundation's premises when it has served its many wonderful meals to homeless people. I have also observed the great work the foundation does in preparing and distributing Christmas hampers. However, the distribution of donated food is only one aspect of the work of the foundation. It also has classes for young people who experience difficulties with schooling or truancy; it provides intense courses to assist students to master skills that for a number of reasons they have been unable to acquire in the traditional school setting. In more recent years the foundation has adopted a one-stop approach to assisting homeless people by providing dental services, counselling and other forms of assistance. But I digress.

I contacted the Reverend Bill Crews when this bill was first introduced, and he told me that the Exodus Foundation provides approximately 100,000 meals per year—not just sandwiches or snacks but breakfasts and hot meals. It has always relied on donations of food and rostered volunteers to serve or distribute the food and clean up. Without this legislation, the foundation has sometimes had difficulty in persuading organisations to donate food because of the potential for litigation. Reverend Crews told me the bill will go a long way toward addressing that reticence. Although it is hard to imagine, he also told me that many people who come to the Exodus Foundation usually have only \$20 left after they have paid their rent, utilities and medical expenses, and approximately one-third of them are homeless. When we think about people having only \$20 dollars, and that even a cup of coffee costs a few dollars, we can appreciate that some people must be pretty desperate. They must eagerly look forward to having a nicely prepared meal.

The bill will assist the most vulnerable, often overlooked, and marginalised people in our society. I am sure that all members agree that it is part of our role as elected representatives to ensure that we make every effort to reach out to everyone, but particularly to those who are sometimes overlooked. The bill will also reduce

some of the cost borne by charities because it will encourage people to make donations more freely. The bill will also make the law more transparent and accessible to the broader community and reassure businesses that the donation of safe food will not expose them to a civil liability claim.

Earlier this evening when one of the Minister's excellent staff members contacted me, I thought of the many occasions on which food is thrown away because it is in excess of requirements—for example, when a corporation hosts a large function that for some reason, perhaps inclement weather, has to be cancelled. It would be great if someone could collect that food and distribute it to those who need it. What about the food that is left behind after a function in our dining room at Parliament House? A member of the Minister's staff told me she knew there was a charity, but could not remember its name, that collects unwanted food. She mentioned another group, OzHarvest. I will check its web page and find out whom that group comprises and what it does. I understand that OzHarvest is a registered charity comprised of volunteers who collect food, including food donated by prestigious restaurants. Imagine what that food would be like! Some of the food could end up at the Matthew Talbot Hostel or any other places supported by the organisation. I am sure the recipients appreciate the quality of that food.

Perhaps there are other organisations of which I am not aware. I commend OzHarvest for taking the initiative and doing wonderful work to help people. I have been waiting for this bill to be introduced and I will make sure that Bill Crews and Michael know it is to be passed through this House tonight. Hopefully it will pass through Parliament very quickly and more people will become aware that they can donate excess food to help those who do not have a hot breakfast, lunch or dinner. If people have a full tummy, they feel better able to cope with other problems. I commend the bill to the House.

**Mrs JUDY HOPWOOD** (Hornsby) [7.41 p.m.]: I have been waiting for some time to speak to the Civil Liability Amendment (Food Donations) Bill. Its overview states:

The object of this Bill is to amend the *Civil Liability Act 2002* to provide that a person does not incur civil liability for any death or personal injury resulting from the consumption of food donated by the person if:

- (a) the food has been donated in good faith for a charitable purpose with the intention that the consumer of the food would not have to pay for it, and
- (b) the food was safe to consume at the time it left the possession or control of the donor, and
- (c) the donor has informed the person to whom the food is donated of any relevant food handling requirements or time limit for its consumption.

Honourable members know that there are many recipients of food donations, including the St Vincent de Paul Society, the Salvation Army, church groups and fetes. Most recently food donations were made to the tsunami appeal. In my electorate the small but vibrant Brooklyn Public School regularly publishes a newsletter, and at the end of last year the newsletter had a letter from the then Hornsby Ku-ring-gai Lifeline and Community Aid Inc., written by the Manager Counselling Services and dated 22 November 2004. It said:

We are writing with an urgent request for your support of Lifeline Hornsby Ku-ring-gai's Emergency Relief Service.

This service provides a range of welfare assistance to families in the Hornsby Ku-ring-gai municipalities. One form of assistance we provide is food parcels for families who, for any number of reasons, are currently unable to buy enough food for their basic meals. At present we are being inundated with families and needing food parcels as well as other assistance, and we have been providing up to 30 bags of food a week. Our welfare food cupboard is now virtually empty. We are not talking about food for an exciting event such as Christmas lunch, we are talking about food for one good meal a day when children come home from school.

In the past Lifeline has been able to keep up with the demand for food through the support of a couple of local churches whose congregations kindly donate tins of food etc. Our food parcels usually consist of items such as tins of meat, fish, tomatoes, vegetables, pasta sauces, pasta, rice and tins of fruit.

We would like all children and families of your school to kindly consider bringing in one non perishable item of food over the next two weeks and then to possibly consider doing this once a term. If you were able to assist Lifeline in this way we would be extremely grateful, as would the disadvantaged families in our local area, who our service supports.

With kind regards and many thanks for your continued support of Lifeline.

That is a very good example of what the donation of food can do to alleviate some community need. I support the bill.

**Mr DARYL MAGUIRE** (Wagga Wagga) [7.44 p.m.]: I could not sit here without making a contribution to this debate. The contributions of honourable members indicate that the bill will be supported.

The honourable member for Strathfield rightly referred to the people who, night after night, line up at kitchens dotted around Sydney to receive a warm meal that quite often comprises donated food. Some nights when I walk home from Parliament House I almost have to step over homeless people who have had a meal at the Cathedral Street food depot or in Martin Place and then sleep on the steps of this place. Much of that food is donated. Voluntary feeding of homeless people happens not only in Sydney but also across the State. In my home town of Wagga Wagga food is donated for all sorts of purposes, and obviously that is appreciated by the recipients.

In Wagga Wagga, Mica House serves meals to the homeless and to those with mental health conditions who have nowhere else to go and who depend on the services provided by Mica House. Much of that food is donated. Many people who sleep in the streets and access the food distributed by volunteers—those who give their time, or money—and members of this House may not ever realise and appreciate the contributions, the commitment and the dedication continually given by those volunteers. As we sit in this Chamber, having left our fine dining room, volunteers are supplying warm meals to people who have nowhere else to go.

Until recently, many of those who are now homeless did have somewhere to live; they were provided with a roof over their head, with a warm meal and a clean bed. It is a great tragedy that in the past 10 years under the Carr Government people have been forced to live on the streets. No real action has been taken to remedy that growing problem. Each night that I walk past those homeless people I am terribly troubled that I see no improvement in their plight. In fact, the lines are getting longer and the requests for donations are becoming greater. Yet, the honourable member for Strathfield said that the bill will make it easier for people to donate more food to feed the homeless. I would have preferred honourable members to recognise that the Government needs to do more to live up to the expectations of the people of this State.

The Government should acknowledge and resolve the problems—through appropriate funding and housing—of those in need, particularly those with mental health problems. Between 75 and 80 per cent of people who wander our streets and access these services receive food that is donated. We all want to see a reduction in the number of homeless people and people who rely on donated food, but it is not happening. All we have heard tonight is rhetoric. Sadly, in debate after debate all we hear is rhetoric; we are offered no firm solutions. All honourable members should support this reasonable legislation. In country areas food is prepared with good intention to support causes, whether it be a tsunami appeal, a Country Women's Association stall or a charity fundraiser for a footballer who has been injured in a game. Tragedies occur all across this State, and when they do communities rise to the occasion and work to ensure that those affected are adequately cared for. Much of that is done through the donation of food.

As I said, the Civil Liability Amendment (Food Donations) Bill is appropriate. Honourable members make grand speeches in this Chamber in which they encourage people to give more but it is appalling that they do not take action in this place to address problems that continually plague those who are living on our streets. People in my electorate are living under bridges but there is no attempt by this Government to address that issue. Last week a member of my staff rang me and said that two gentlemen had approached my office, as they are entitled to do and as I encourage them to do. When they were asked what was their problem they said that they did not have anywhere to live. My staff asked them their current address and their response was, "Unit 1 under the bridge." That is appalling in New South Wales in 2005.

I encourage legislation such as this that helps the donors of food and those who are assisting others. The challenge to the Minister, to the Carr Government, and to Government members is to help remedy the problems and reduce the lines of homeless people that other honourable members and I walk past every night. We step over people every night when we leave Parliament House. We must ensure that they have food in their bellies and warm and clean beds in which to sleep.

**Mr BOB DEBUS** (Blue Mountains—Attorney General, and Minister for the Environment) [7.52 p.m.], in reply: I thank honourable members for their contributions to the debate on this bill. Although I commend the honourable member for Wagga Wagga for his evident personal compassion I suggest to him that the problem of homelessness is rather more complex than he acknowledged. This bill is about civil liability, not mental health, which is another and more complex issue altogether. The bill does not relate to the policies of the Federal Government with respect, say, to public housing.

If we are to deal with the wider questions of homelessness we must, as the honourable member said, do so by other than mouthing platitudes. That will involve us in an examination of a wide range of government policy. This bill is a mere commonsense reform to benefit charitable organisations across New South Wales. Its aim is to provide businesses that support the work of charities through food donations with some kind of a



framework within which they can set out their rights and responsibilities and be assured that they are protected from liability when they meet those responsibilities.

The bill will almost certainly significantly increase the number of hot meals and food parcels provided by charities to those in need. For some charities an increase in the amount of food donated will generate significant savings through not having to buy so much food, and those savings can be used to help people in difficult circumstances in other ways—through the payment of school fees, electricity bills, or whatever it might be. In Committee the Government will move an amendment that is uncontroversial and addresses the concern of some charities that their work in donating food might not be covered by the bill. The amendment will remove any doubt as to whether the bill covers the valuable work of charities that are part of a chain of donations—who receive donated food and distribute it. Again, I thank all honourable members for their contributions and I commend the bill.

**Motion agreed to.**

**Bill read a second time.**

### **In Committee**

**Clauses 1 to 3 agreed to.**

**Mr BOB DEBUS** (Blue Mountains—Attorney General, and Minister for the Environment) [7.56 p.m.]: I move Government amendment No. 1:

No. 1 Page 3, schedule 1 [1]. Insert after line 7:

*donate* food includes distribute, without payment or other reward, food donated by others.

As I said, the amendment addresses a concern that the work of a number of charities that use donated food might not be covered by the bill. The concern arises because those charities are not primary donors of the food; rather they receive food donations from the public or from businesses and donate it or distribute it to those in need or to other charities. For instance, a charity might collect excess food from a corporate function and distribute it to a soup kitchen or to a hostel for the homeless. Another example is where a charity collects tinned food donated by members of the public during a winter appeal and gives it to families in need. Since we are so concerned to ensure that charities feel safe in that circumstance we are intent on removing any doubt that the bill covers the valuable work of charities that are part of a chain of donation.

**Amendment agreed to.**

**Schedule 1 as amended agreed to.**

**Bill reported from Committee with an amendment and passed through remaining stages.**

### **CIVIL PROCEDURE BILL**

#### **Second Reading**

**Debate resumed from 6 April 2005.**

**Mr ANDREW TINK** (Epping) [7.58 p.m.]: This large and important, though not controversial, bill is an attempt to simplify the rules of court. There are three basic jurisdictions in New South Wales—the Supreme Court, the District Court and the Local Court. They have all had their own separate rules, different procedures, and so forth. The bill seeks to unify and simplify those procedures. In essence, the bill is designed to make things easier for practitioners and litigants, to minimise the chance that technical points will arise from forms and such like, and to allow the substance of matters to be dealt with as quickly, cheaply and efficiently as possible. The bill is all about simplification, efficiency and economy.

I am very pleased that the genesis of this bill lies with the Public Accounts Committee and a report that it released some years ago. This follows some earlier work by the Public Accounts Committee in relation to substantial and important changes to the law. When I chaired the Public Accounts Committee we released a report about public defenders that subsequently formed the basis of some important new laws regarding the

operations of public defenders. Those changes were endorsed strongly by public defenders of the day and, as far as I am aware, are still central to the way in which public defenders operate. So the Public Accounts Committee has had a strong background in this sort of work for many years and it is pleasing to see more recent recommendations of that committee forming the basis of substantial legislation such as this.

Like the Attorney General, I think it is important to place on record my thanks to those on the working party, including Justice Hamilton, Judge Garling and Local Court Magistrate Paul Cloran; Michael McHugh, Greg George and Hamish Stitt from the New South Wales Bar Association; and Peter Johnstone from the Law Society. Last but by no means least, I also thank a number of representatives from the Attorney General's Department, including Tim McGrath, Jennifer Atkinson, Steve Jupp, Stephen Olischlager, Peter Ryan, Peter Shiels and Pam Wilde.

I understand that some amendments will be moved to the bill in Committee. This sort of legislation is never final or set in stone for all time; it is always moving. We must be careful that in constantly changing legislation we do not unwittingly create problems for litigants or traps into which they may fall through no fault of their own. That is certainly not the intention of the amendments to this bill. As far as I am concerned, they aim to put the bill on the right footing before it becomes law. The existence of these amendments does not detract from the important work that has been done on this bill; it simply indicates that the public consultation that has been a feature of the bill is an ongoing process. I believe that is a good and positive development. I support the bill and commend it to the House. I hope it will provide significant practical advantages to practitioners, litigants and the wider community in helping to achieve speedier and more economical justice.

**Mr PAUL LYNCH** (Liverpool) [8.03 p.m.]: I support the Civil Procedure Bill, which is quite an important bill. With all the technical details that surround it, it is perhaps easy to miss one fundamentally positive point: By standardising forms, procedures and formats between different courts the bill is a significant measure of law reform. Demystifying formal processes—making the same type of form applicable to different courts—makes justice more accessible. It makes the courts easier to use not just for practitioners but for everyone. That is a significant legal reform.

As its title suggests, the bill is aimed at civil proceedings. These are probably best explained as non-criminal proceedings. The bill aims as much as possible to make the rules in civil proceedings the same in different courts. It is aimed particularly at the Local Court, the District Court, the Supreme Court and the Dust Diseases Tribunal. I note from the second reading speech of the Attorney General that specialist rules in some jurisdictions, such as the Probate and Court of Appeal jurisdictions of the Supreme Court, have not yet been included in the bill. On the face of it, that makes sense to me in light of the specific particularities of those jurisdictions. I note also from the second reading speech that there are ongoing efforts to have them included in the future.

As I understand it, the bill does not intend to alter substantially the provisions of the law but rather to alter its forms. Admittedly, there are some exceptions to this. At present garnishee orders are limited to operating for four weeks. Garnishee orders are issued by courts against judgment debtors against their wages and salaries and are directed at whoever is paying the wages and salaries. This means that after four weeks the judgment creditor must make another application for a garnishee order and so on. The bill seems to do away with the need for judgment creditors to return to the court—which usually involves filing another set of papers with the registry office—by abolishing the four-week limit. That is obviously a win for the debt recovery industry. Whether it is good or bad depends, I suppose, on one's perspective.

I do not have too much sympathy for rapacious banks and moneylenders who try to extract blood from a stone and who will benefit from this provision. On the other hand, I would certainly sympathise with the not terribly wealthy car owner with no comprehensive car insurance whose car is damaged by another hopelessly negligent and dangerous driver who does not have third-party property insurance and who outrageously refuses to pay for the damage that he or she has caused. In that case one would have a lot of sympathy for the changes being introduced. Certainly those who support the change would argue understandably that we are simply removing a number of unnecessary form-filling steps and that this removal does not transgress any rule of fairness or justice, which is self-evident.

The bill also introduces a change in relation to examination summonses. As I understand it, the bill will allow judgment debtors to provide information to judgment creditors without having to appear in court to answer a summons. This will make it easier for judgment debtors, and presumably cheaper for judgment creditors. It will remove the need for lengthy examination summons lists run by the registrar on a regular

basis—as I recall, that was the practice at Liverpool Local Court when I practised there in the dim past. The only practical downside of this provision is that it perhaps removes the possibility of the judgment creditor and judgment debtor meeting to agree upon a repayment regime, which could then be formalised by an instalment order. My recollection of examination summons lists is that the real exercise was to see whether they could settle the amount outstanding rather than to gather information from the judgment debtor. Another change introduced by the rules that is much beloved of civil litigators is the reintroduction of the law in relation to set-off.

**Mr Bob Debus:** There is a judge of the Supreme Court mad for this amendment.

**Mr PAUL LYNCH:** Indeed. I think it is fair to say that this matter has been ventilated by lawyers and legal academics for some considerable time. The reintroduction of the law in relation to set-off was recommended by the Law Reform Commission in 2000 in Law Reform Commission report No. 94. A set-off allows one party to apply a debt owed to it by another party to discharge all or part of a debt that it owed to the other party. Many people believe this has advantages over the current use of cross-claims in civil litigation. According to the Law Reform Commission, its reintroduction will avoid a number of unnecessary additional procedures. The Law Reform Commission also pointed in its report to undesirable results concerning costs orders following cross-claims that do not flow from the use of set-offs.

It is relevant to note that the bill also includes the recommendation of the Law Reform Commission that there be an express statement that set-off may be excluded by agreement between the parties. The bill also contains specific provisions about existing debts, and I note that those matters were raised in the Law Reform Commission report. This issue has been attracting interest and concern for some time. The Law Reform Commission recommendations resulted from a reference from the then State Attorney General in 1997 and a discussion paper in 1998. That, in turn, had followed a request from Justice Handley to the Chair of the Law Reform Commission in 1994. The statutes of set-off dated from the eighteenth century during the reign of George II. They were obviously part of English common law. They were repealed by a 1969 statute of this Parliament: the Imperial Acts Application Act. The repeal of the statutes of set-off resulted only in counter claims being available—where there are separate judgments in each claim rather than only one judgment and separate cost orders flowing from each of those judgments.

So New South Wales is now leaping forward to reinstate the statutes of 1735. One assumes the reasons to be the same in 1735 as they are today—although it is hard to tell because publication of the debates of Parliament was a breach of privilege in 1735. One assumes that the statutes were introduced then, as now, to prevent unnecessary law suits. The bill also follows the recommendations of the Law Reform Commission as to precisely how the statutes of set-off are to be reintroduced, that is, a restatement of the law in plain English. That is a better option perhaps than the alternatives of inserting a savings provision in or repealing the Imperial Acts Application Act. As I say, this is a matter beloved of academic lawyers and of those who follow civil litigation. There are some arguments against it. I think on balance, however, that the reintroduction probably makes sense. It is also worth pointing out that this bill includes another recommendation of the Law Reform Commission, which is that the set-off is available where debts are due and payable at the time when the defence of set-off is filed. I commend the bill to the House.

**Mr BARRY COLLIER** (Miranda) [8.10 p.m.]: I am pleased to speak on this bill, the purpose of which is to consolidate as much as possible the law relating to civil procedure so far as it affects proceedings in the Supreme, District and Local Courts. No doubt it is an important advance in how we conduct civil litigation in New South Wales. We will have one set of rules governing the general run of civil proceedings in the Supreme, District and Local Courts as well as the Dust Diseases Tribunal. Streamlining and simplifying procedures, removing unnecessary differences between the courts and saving time and costs of the courts, the legal profession and the general public.

The bill notes in proposed section 56 that the overriding purpose of the Act and of rules of court in their application to civil proceedings is to facilitate the just, quick and cheap resolution of the real issues in the proceedings. It aims to provide a common set of rules, simplified and without radical change in substance. I note from the Legislation Review Digest that the bill provides a simplified set of common forms for use in all three courts. That is particularly helpful to practitioners, who will have to keep only one set of forms on their computers and fill in the blanks according to which court the proceedings are in. That will save time, cost and money, and will save practitioners having three sets of practices: one for the Supreme Court, one for the District Court and one for the Local Court. The forms are designed for use in the CourtLink system, which is in the course of being introduced.

The statement of claim and the summons, the two forms of originating process, will continue in all three courts. The rules of pleadings, discovery and interrogatories will be maintained, and there are new rules regarding subpoenas which are being adopted widely across Australia and have also been adopted in the Federal Court. I am pleased to support this extremely important bill, which is the culmination of many months work by a dedicated group of people who consulted widely with the courts, the profession and other interested groups. I commend those who have worked so hard on this bill.

The Civil Procedure Bill and rules will streamline and simplify procedures and remove unnecessary differences between courts. One can find many examples of provisions that are similar but differ ever so slightly between courts. Those differences have created barriers to accessing the justice system by requiring legal practitioners and clients of the court to be familiar with three different sets of court rules. For example, schedule 7, Uniform Civil Procedure Rules, refers in part 19, Amendment, rule 19.1 "Amendment of statement of claim", to Part 15, rule 12, Part 20, rules 2 and 2A of the previous Supreme Court Rules; Part 17, rules 2 and 2A of the District Court Rules; and Part 16, rule 2 of the Local Court Rules. This bill encapsulates that simply as part 19.1 "Amendment of statement of claim". That will make the lives of practitioners a lot easier and will reduce costs to court clients.

If a legal practitioner usually practices in the civil jurisdiction of a Local Court, it will be much easier for him or her to move between jurisdictions and assist a client in District Court proceedings because the same legislative provisions and rules which form the basis of court procedure will apply to both courts. Even where it has been necessary for one jurisdiction to differ from another, one of the benefits of the new Civil Procedure Bill and Rules is that those differences will be clearly apparent in one provision. It will not be necessary for legal practitioners and court clients to research three sets of rules to ascertain the differences.

The new rules have been organised to simplify the layout of the new procedures. The new bill and rules will ensure that, where possible, like rules are placed together. For example, the rules about parties to proceedings have been gathered together in part 7. Previously a person had to know that the rules relating to disable persons and business names were located in various parts throughout the rules. The rules are organised so that they track through the general litigation process from filing through to interlocutory procedures, trial and enforcement procedures. Another major advantage of this reform is that the bill and rules will create a platform upon which courts will be able to avail themselves of new technologies such as the electronic lodgment of documents and other court management practices.

This is a very important bill that will make life for much simpler for legal practitioners and cut the costs to court users and to the clients of legal practitioners. The important aim of the project has always been to develop a system that promotes access to justice. Having looked at this bill closely I believe that its aims have been achieved, and I have great pleasure in commending the bill to the House.

**Mr MALCOLM KERR** (Cronulla) [8.16 p.m.]: This bill is designed to expedite the commencement of the journey in litigation to the end of the journey in terms of court proceedings. It might be regarded by such people as the honourable member for Heathcote as the legal procedural equivalent to the F6 in terms of speeding up a journey, and I welcome it in that regard. As I understand, today the honourable member for Miranda migrated from the right to the left. He might consider uniform rules for meetings between right and left! The Opposition welcomes the bill. Once again the honourable member for Liverpool was a bit of a tease when he did not elaborate on the arguments against the bill. It would have been helpful to honourable members before they voted to hear those arguments, which were not apparent to me.

The Legislation Review Digest is excellent. I commend its commentary to those who are interested in the bill. The committee will always be concerned to identify where legislation has a retrospective effect that may impact adversely upon any person. To change the rules for proceedings already on foot may frustrate the legitimate expectation of those involved that the rules would remain consistent throughout the course of those proceedings. That is a reasonable argument—

**Mr Bob Debus:** So is the rest of what I have said.

**Mr MALCOLM KERR:** Absolutely.

**Mr Paul Gibson:** Mr Bean!

**Mr MALCOLM KERR:** Now, now. The honourable member for Blacktown, the Chairman of the Staysafe committee, should appreciate that I do not want to be booked for speeding at this time, so I pause for

effect because that is important. Some people listening to this debate are probably quite fearful about the impact of this bill, and I want to allay their fears. I am pleased that the honourable member for Canterbury, who is a member of the Legislation Review Committee, has entered the Chamber.

**Mr Barry Collier:** Well respected.

**Mr MALCOLM KERR:** That committee is well respected. I am sure the honourable member for Canterbury would agree with my words. However, given the apparent advantage of having the rules apply to all relevant proceedings and the courts' power to dispense with the new rules where appropriate, the committee did not consider that applying the new rules to proceedings already commenced trespasses unduly on personal rights and liberty. For the benefit of those listening to the debate in their offices, I repeat that this is a very important provision, as the honourable member for Kiama would acknowledge. The key words, as the honourable member for Canterbury would well recall, are "having regard to the court's power to dispense with the new rules where appropriate". That is where injustice could occur. That is a considerable advantage of this legislation. As the honourable member for Epping said, the genesis of the bill is the Public Accounts Committee, of which the honourable member for Epping is a former distinguished chair.

**Mr Barry Collier:** I was a member of the committee.

**Mr MALCOLM KERR:** The honourable member for Miranda put up his hand as a member of the Public Accounts Committee.

**Mr Barry Collier:** At the time it prepared this report.

**Mr ACTING-SPEAKER (Mr John Mills):** Order! The honourable member for Cronulla has the call. Government members should cease interjecting.

**Mr MALCOLM KERR:** "And claiming credit", you might add, Mr Acting-Speaker! I return to the debate on the bill. This measure was a recommendation of the Public Accounts Committee.

**Ms Linda Burney:** Are you going to use the whole of the time allocated you?

**Mr MALCOLM KERR:** Why do you ask?

**Ms Linda Burney:** I was just wondering.

**Mr MALCOLM KERR:** I will give the honourable member a few minutes to read the bill! As the honourable member for Miranda would recall, sometimes members have been approached by members from the other side, saying, "Would you open at length so I can read my brief?" No doubt, that is what the honourable member for Canterbury wants me to do.

**Ms Linda Burney:** I was just wondering.

**Mr MALCOLM KERR:** You will have time for a few Canterbury tales by the time I have finished. I return to the bill. The Uniform Civil Procedure Rules project, which resulted in this bill, commenced in 2003. The working party set up had on it representatives of the Supreme Court, District Court, Local Court, Bar Association, Law Society and Attorney General's Department. One should not deny the amount of work that was done under that project and the difficulties that confronted the working party. Over decades, many people spoke of the need for uniformity in the civil procedure rules of the Courts of Petty Sessions, District Court and Supreme Court. As all of those jurisdictions were involved in the application of the law, there was a case for greater uniformity in procedural matters because appeals are made from magistrates courts to the District Court and from the District Court to the Court of Appeal. Nor, as the honourable member for Miranda would know, is procedural law an easy subject.

**Mr Barry Collier:** That is right. I agree with you—for the first time in five years!

**Mr MALCOLM KERR:** The honourable member for Miranda concurs with my judgment. Despite the obvious dissension among members on the other side of the Chamber, we on this side are quite united in our approach to the bill. This is a good and constructive measure and it will assist the people of New South Wales. I understand the Attorney General will be moving amendments to the bill. Is that correct?

**Mr Bob Debus:** That is true.

**Mr MALCOLM KERR:** Coalition members look forward to seeing those amendments and hopefully being able to support them as measures that will further refine what is a constructive piece of reform.

**Mr BOB DEBUS** (Blue Mountains—Attorney General, and Minister for the Environment) [8.23 p.m.], in reply: I thank honourable members for their contributions to the debate. The Civil Procedure Bill, as honourable members have agreed, is a most significant advance in the way that civil proceedings can be conducted in this State. Its provisions will bring benefits for the courts, the legal profession and the public. The bill will assist courts by giving a statutory basis to case management. Courts will be given a set of guiding principles for conducting court proceedings. The main objective will be to facilitate the just, quick and cheap resolution of the real issues that exist in any particular proceeding. To achieve that objective, parties and their legal representatives will be under a duty to assist the court.

Courts will be able to manage proceedings with the aim of eliminating delay and resolving disputes so that the costs of proceedings are proportionate to the importance and complexity of the dispute itself. Courts will be able to impose appropriate sanctions if parties fail to take steps within a specified time. The legal profession will save time and costs because they will have to be familiar with only a single set of rules and will need to maintain only one set of court forms. In turn, that will allow practitioners to develop an expertise across jurisdictions, even if they normally practise in a single jurisdiction. The rules themselves indicate whether there are differences between jurisdictions, so practitioners are less likely to trip up by not being aware of those differences. Members of the public will be more readily able to locate information about how proceedings are conducted and will find it easier to prepare documents for filing in court; that is to say, court proceedings will be easier and more accessible for all concerned.

I shall be moving a number of amendments to the bill to address issues that have arisen since it was finalised. It might be efficacious if I explain those amendments now, in anticipation of proceedings at the Committee stage, since it is easier to deal with the amendments themselves en bloc rather than to try to debate them, amendment by amendment, in the technical details of the bill itself. Government amendment No. 1 will amend subclause (1) of clause 61 so that the words "(whether or not inconsistent with the rules of court)" will be included after the words "thinks fit". This subclause is based on section 76A of the Supreme Court Act. Section 76A allows the court to give directions for the speedy determination of real questions in proceedings, whether or not such directions are inconsistent with the rules. The words "whether or not inconsistent with the rules" were inadvertently omitted when section 76A was carried over into subclause (1) of the present bill. Here, in effect, we are correcting a clerical oversight.

Government amendments Nos 2 to 4 will amend clause 65 of the bill. This clause is based on a rule of court and has been moved into the bill to remove any doubt about the ability of lower courts to make rules dealing with amendments to originating process outside a limitation period, as was argued in the case of *Air Link Pty Ltd v Paterson* (No 2) [2003] New South Wales Court of Appeal Reports, page 251. The amendments are designed to ensure that the clause more closely reflects the existing Supreme Court and District Court rules. Government amendment No. 2 will make it clear that when the court grants leave for a plaintiff to amend the originating process under clause 65, that leave is granted under clause 64 (1) (b). This approach is consistent with that taken in the existing rule.

Government amendment No. 3 will make it clear that the time when an amendment is taken to have effect is the date on which the proceedings commenced. The revised subclause more closely reflects the approach taken in rule 4 (5A) of part 20 of the Supreme Court Rules and rule 4 (5A) of part 17 of the District Court Rules, namely, that the amendment relates back to the date of filing of the originating process. Government amendment No. 4 will include a new subclause (6). This subclause will define "originating process" for the purposes of the clause to include any pleading subsequently filed in the proceedings. This subclause is necessary to ensure that the clause applies not only to proceedings commenced by a statement of claim or summons but also to proceedings where a plaintiff is ordered to file a statement of claim after incorrectly commencing proceedings by summons. It is consistent with the approach taken in the Supreme Court Rules.

Government amendment No. 5 will replace clause 96, the section that allows District Court and Local Court judgments to be set off against another judgment of the court. That section was inadvertently limited to the Local Court. Both the District Court and the Local Court presently allow judgments to be set off against another judgment under part 31 rule 23 of the District Court Rules and section 64 of the Local Courts (Civil

Claims) Act 1970. That procedure will continue under the present legislation. Government amendment No. 6 seeks to omit clause 4 (c) of schedule 6. It is intended that the regulations that currently set court fees will be repealed because the fees will be set under the Civil Procedure Regulation 2005. Clause 4 of schedule 6 establishes the mechanism to amend and, in future, repeal existing regulations. It provides that the listed regulations are taken to be made under section 18, dealing with fees, and may be amended and repealed accordingly.

The Dust Diseases Tribunal Regulation 2001 is presently listed in clause 4 of schedule 6. Because that regulation will deal with a new claims process for asbestos-related compensation claims as well as court fees, it is inappropriate to include it in clause 4 of schedule 6. I will seek leave in Committee to move those amendments in globo. I again thank the civil procedure working party, Justice Hamilton and all those named in my second reading speech for their extraordinary efforts in completing this project. The co-operation between the courts, the legal profession and the Attorney General's Department in this enterprise has been highly effective. I am very proud of them for the work they have done. I have pleasure in commending the bill to the House.

**Motion agreed to.**

**Bill read a second time.**

### **In Committee**

**Clauses 1 to 60 agreed to.**

**Amendments, in globo by leave, by Mr Bob Debus agreed to:**

No. 1 Page 28, clause 61, line 9. Insert "(whether or not inconsistent with rules of court)" after "thinks fit".

No. 2 Page 31, clause 65, line 27. Insert "under section 64 (1) (b)" after "court".

No. 3 Page 32, clause 65, lines 6-8. Omit all words on those lines. Insert instead:

- (3) Unless the court otherwise orders, an amendment made under this section is taken to have had effect as from the date on which the proceedings were commenced.

No. 4 Page 32, clause 65. Insert after line 11:

- (6) In this section, *originating process*, in relation to any proceedings, includes any pleading subsequently filed in the proceedings.

No. 5 Pages 45 and 46, clause 96, line 28 on page 45 to line 14 on page 46. Omit all words on those lines. Insert instead:

**96 Set-off of judgments** (cf DCR Part 31, rule 23; Act No 11 1970, section 64)

- (1) This section applies if, in relation to any two or more judgments of the same court, the judgment creditor and judgment debtor under one or more of the judgments are the judgment debtor and judgment creditor, respectively, under the other judgments.
- (2) The judgment debtor under any such judgment (*the first judgment*) may apply to the court for an order that the judgment be set off against any other such judgment (*the second judgment*) in respect of which he or she is the judgment creditor.
- (3) An order under this section has the following effect:
  - (a) if the amount of the first judgment is less than the amount of the second judgment, the first judgment is taken to have been satisfied and the amount of the second judgment is taken to have been reduced by the amount of the first judgment,
  - (b) if the amount of the first judgment is equal to the amount of the second judgment, both judgments are taken to have been satisfied,
  - (c) if the amount of the first judgment is greater than the amount of the second judgment, the second judgment is taken to have been satisfied and the amount of the first judgment is taken to have been reduced by the amount of the second judgment.
- (4) For the purposes of this section:
  - (a) judgments of different Local Courts are taken to be judgments of the same court, and
  - (b) an application for an order that one such judgment be set off against another may be made to either of the Local Courts in which those judgments were given or entered.

(5) This section does not apply to judgments of the Supreme Court.

No. 6 Page 121, schedule 6, line 3. Omit all words on that line.

**Clause 61 as amended agreed to.**

**Clauses 62 to 64 agreed to.**

**Clause 65 as amended agreed to.**

**Clauses 66 to 95 agreed to.**

**Clause 96 as amended agreed to.**

**Clauses 97 to 152 agreed to.**

**Schedules 1 to 5 agreed to.**

**Schedule 6 as amended agreed to.**

**Schedule 7 agreed to.**

**Bill reported from Committee with amendments and passed through remaining stages.**

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

### **Second Reading**

**Debate resumed from 6 April 2005.**

**Mr ADRIAN PICCOLI** (Murrumbidgee) [8.35 p.m.]: The Hon. Duncan Gay, the Deputy Leader of the Opposition in the Legislative Council and the Opposition spokesman on Agriculture, will make a strong and detailed response to the Game and Feral Animal Control Amendment Bill in the other place. However, the Opposition will not oppose it. The Nationals and the Liberal Party support the Game Council. The establishment of the council was certainly a move in the right direction and it fits in with my general philosophy on natural resource management, that is, active management. If our natural resources, native animals and feral animals are not managed properly, the problems we face now may become worse. A representative from National Parks once told me that every species of animal in Australia is altered. Our behaviour in the past 200 years has resulted in too many numbers of some species, and the extinction or near extinction of others. It is imperative that our species are managed. The Game Council is well positioned to do that, even though its powers are limited. I hope a Coalition Government will extend the powers of the council to control feral animals.

At a recent dinner I was seated beside a gentleman from the United States of America who is a member of the board of a large listed company in Australia. He loves hunting and pays extraordinary amounts of money to hunt pheasant in Spain and deer in the United States. I asked him whether he had ever hunted in Australia, to which he replied, "No. What do you hunt here?" I told him that where I come from pig hunting is the favourite pastime of a number of people. As all honourable members know, feral pigs are a significant problem in Australia. The hunting of feral animals should be promoted commercially by an organisation such as the Game Council as part of feral animal control. The gentleman from the United States to whom I spoke and who is very well off would be happy to pay a significant amount of money to participate in such a venture. Many opportunities exist to promote the commercial control of feral animals in New South Wales and, ultimately, to improve our environment by getting rid of as many of them as possible. The Opposition will not oppose the bill. We support the Game Council. We look forward to having a terrific relationship with it when the Coalition is in government in 2007.

**Ms LINDA BURNEY** (Canterbury) [8.39 p.m.]: It might seem strange to some members of this House that I support this bill, but this debate should not be regarded as an illustration of the division between city and country. We all know that feral animals are a huge problem in our State and throughout the country. One only has to travel a short distance west of Dubbo to appreciate the degradation caused by pigs and goats, not only to the environment but also to indigenous fauna in that part of the country. Approximately four months ago I was absolutely stunned when I was driving from Wollongong to Engadine and noticed a dead red deer on the median



strip. It was then I realised that the control of feral animals is not necessarily exclusively a country matter or a city matter. People should keep that in mind. Although dogs and cats are very much a part of city living, unfortunately they become a major problem when they are released into the natural environment to fend for themselves.

Having made those introductory comments, I turn now to address some of the significant parts of the bill. This amending bill will significantly improve the Game and Feral Animal Control Act and will assist the Game Council to become self-funding and autonomous. The bill will allow the council to spend its funds in ways that it considers useful in dealing with wild game and other introduced species. I pause to make the observation that the Game Council is an organisation that probably nobody has heard of, or is aware of, but clearly it provides an important service to the people of New South Wales, particularly those who live in country regions. This bill will allow the council to become self-funding and to autonomously decide on the way it uses its funds. That is an important aspect of this legislation.

The Game Council was established in 2002 after the previous Parliament enacted the Game and Feral Animal Control Act in June of that year. I cannot underscore enough how important the Act is to New South Wales and to the nation generally in the control of feral animals. We all play our part in determining whether the environment survives. Probably the most prominent issue in the news in Australia at the moment is the prevalence of cane toads and their spread into the Northern Territory. It seems inevitable that they will continue to spread and inevitably will infest the Kimberley region in Western Australia. We all appreciate the extent of the disaster caused by the spread of cane toad infestations. They cause enormous upheaval in the normal habitats of indigenous species and enormous problems for the environment. I note that recently the Northern Territory Government held a major competition to find out the best way of dealing with cane toads.

People who live in cities do not understand the significance of the problem of feral animal control, nor do they understand the widespread nature and diversity of the spread of feral animals. My introduction to the debate about feral animals probably occurred many years ago when I was driving between Bourke and a small place called Enngonia, which is west of Bourke and very close to the Queensland-New South Wales border. The vehicle I was driving was absolutely destroyed after I ran over a feral sow and her piglets. That was traumatic for both parties, not to mention the car. In my twenties, I spent a great deal of time in western areas of this State and I witnessed the degradation and detrimental effect that pigs and goats have had on that part of the world. All honourable members know what camels are doing to the central part of Australia and the efforts that are being made to try to turn the exportation of camels to the Middle East into a commercial activity. I am sure that the irony of that situation is not missed by any member of this House.

The Game Council's functions under section 9 of the Act are to provide advice to the Minister on game and feral animal control and to liaise with the Pest Animal Council, rural lands protection boards and other relevant bodies. The council will also promote and fund research into game and feral animal control. Members of this House may regard this bill as perfunctory, but I cannot help but underscore the importance of the statement I have just made. Anyone who does not understand the enormous problems caused particularly by pigs and goats in the western and north-western areas of New South Wales should go there and take a look. We have had long debates in this House about feral dogs in areas such as the Mount Kosciuszko National Park and we have also had debates on feral horses in national parks. We need to be realistic about this bill and understand that feral animals are introduced species and that they have an incredibly detrimental effect on the natural environment as well as on the survival of many native species. In those contexts, this bill is very important.

The council also will represent the interests of licensed game hunters, administer a licensing system for game hunters, and make recommendations to the Government regarding public lands that should be available for hunting game. Subsection (2) of section 9 of the Act states that the Game Council must have regard to public safety in the exercise of its functions. Many members of this Parliament would not have had a great deal of experience in the use of firearms or hunting. Today the in question time the Premier answered about question about pit bull terriers and hunting dogs. Many of the dogs used for hunting pigs and goats are either pit bulls or pig dogs, which is a term used to describe a whole range of dogs, including pit bulls. This aspect of the legislation involves complex issues that not many people would understand.

The council comprises a cross-section of people. Section 8 states that the council is to consist of 16 persons appointed by the Minister, including eight persons nominated by hunting organisations, a person representing rural lands protection boards, a person representing veterinarians, two persons who are wildlife management scientists, one person representing the New South Wales Aboriginal Land Council, and one person respectively representing the Minister administering the Forestry Act 1916 and the Crown Lands Act 1989. I am

sure honourable members appreciate that the council's composition provides for a well thought out representation of views that are involved in game and feral animal control. Although the composition of the board may also be considered to be a side issue, when the environmental issues are taken into consideration, the importance of the council's composition becomes obvious, and it is even more important in the context of preserving native species.

The Game Council performs an extremely important role not only in overseeing the activities of game hunters and lands upon which hunting takes place but also in protecting native species and in ensuring that the control of feral animals in New South Wales is carefully managed. The amendments in the bill will build on the achievements to date. As I have indicated, the bill will assist the Game Council to become self-funding by allowing it to retain the proceeds of fines imposed under the Act. That is a far-reaching and well thought out provision that will allow the council to become self-sufficient and to look after its own business without seeking more funds from the Government. The bill also extends the areas in which the Game Council can spend its funds by including matters specified in the regulations. As the Minister mentioned in his second reading speech it is intended that those areas will include research and training. No-one would argue against the importance of research and training in the area of feral animal control, an area that is probably not that well understood.

Although the bill is short, it makes two important changes to the existing legislation. The changes will assist the council in its valuable and useful work. In conclusion, I reiterate that the control of feral animals is an important issue for members of the House who are interested in preserving and looking after the New South Wales environment. Making the Game Council self-sufficient allows it to expand its activities to ensure that it is targeted at the aims set out in the bill. I commend the bill to the House.

**Mr PETER DRAPER** (Tamworth) [8.51 p.m.]: I speak briefly on the Game and Feral Animal Control Amendment Bill. I support the bill, which will allow the Game Council to extend its funding sources to include fines imposed under the Game and Feral Animal Control Act. The bill will also allow the council to spend funds on additional areas including training and research, which it is currently unable to do. Every animal introduced into Australia by human beings, with the notable exception of the sheep, has become feral. The growing list of animals that are negatively impacting on the country includes foxes, rabbits, cats, horses, mice, camels, cattle, pigs, goats, donkeys and deer, among others. In Australia few feral animals have natural predators or fatal diseases. The calicivirus impacted significantly on the rabbit population in New South Wales, with my property near Dungowan being a rabbit-free zone for the past five years or so.

However, in the past few months I have noticed fresh scrapings near the river banks, and the occasional rabbit in the headlights when I am coming home. These descendents of the survivors of the calicivirus threaten to be very hard to get rid of, having an obvious immunity to the virus that wiped out much of the population. Feral and game animals compete for food with both commercially bred animals and our native species. As the honourable member for Canterbury pointed out, many people place responsibility for land degradation on feral animals, but I must point out that that is somewhat unfair as the introduction of commercial stock has contributed significantly to the problem as well. Every year millions of feral animals are killed, with many suffering cruel and painful deaths. One only has to look to the horse cull in the Northern Tablelands, where hundreds of wild brumbies were culled by shooters in helicopters and left to die terrible deaths, from multiple gunshot wounds in some cases, to realise that there must be a better way.

The ability of the Game Council to divert some of its funding into research will ultimately produce better results for both our farming communities, which are suffering the impacts of feral and game animals, and also for the animals. The bill has been developed in consultation with the Game Council and will assist in the longer-term goal of the council of becoming financially self-sufficient. Being able to receive moneys paid in fines will result in funds being available to develop strategies, train game managers and research the best methods of control and culling.

In this new century, alternatives to poison, traps and bullets should be investigated and developed. Disease has proven an effective control for some feral animals such as rabbits. Myxomatosis was introduced in the 1950s and decimated rabbit numbers, but in a slow painful way that resulted in many animals taking some 10 days to die. Most people who grew up in the country would have seen rabbits with pus running from their eyes and noses, blindly running into obstacles and suffering immensely before their eventual demise. Although myxomatosis killed 99 per cent of the rabbit population that came into contact with the disease in the 1950s, the remaining animals have evolved from survivors that had developed immunity. Today only about 50 per cent of animals exposed to myxomatosis will succumb to the disease.

Rabbits infected with the calicivirus take two days to die. That is much more humane than myxomatosis, but the problem with using diseases as an animal population control is that viruses become weaker over time, so research into alternatives is needed. In the long term a feral animal population will be fully controlled only if the animals are prevented from breeding. Australian scientists are genetically engineering viruses and bacteria that will render infected animals infertile. This method, known as immuno-contraception, is engineered so that only one species of animal is affected. Promising results are already apparent in the prevention of successful breeding in rabbits, foxes and mice. Additional funding for ongoing research into this exciting area will show great benefit to our State. As the amendment under discussion today will assist to deliver funds for that vital research I offer my support and commend the bill to the House.

**Mr GEOFF CORRIGAN** (Camden) [8.55 p.m.]: I support the Game and Feral Animal Control Amendment Bill, which brings two small but very welcome changes to the legislation that established the Game Council and regulates aspects of game hunting in this State, namely, the Game and Feral Animal Control Act 2002. Those changes ensure that the council can retain the proceeds of any fines levied under the Act, and that the council can spend its funds on matters specified in the regulations. As pointed out by earlier speakers, both changes will assist in the useful and valuable work in which the council engages. The Game and Feral Animal Control Act 2002 established a system of licensing for game hunters in this State to be administered by the Game Council. I extend my thanks to the work of the council, which, since its formation in 2002, has performed an excellent job.

Turning to the licence system that the council administers, the Act sets out a comprehensive and sensible framework for licensing people to hunt animals. Division 4 of the Act deals with that system, providing for the council to issue licences and impose conditions on licences. The division specifies a penalty for breaches of licences and licence conditions, and permits the suspension of licences for breaches. Overall, there is a comprehensive framework for licensing people to hunt game. In practical terms, I am told that the council has now issued more than 4,000 licences. I am told also that the feedback received by the council is very positive.

Hunters and landholders have expressed appreciation for the more controlled hunting practices that are being established under the Act by the council. Overall, the Game and Feral Animal Control Act has been a positive move for the hunting and control of feral animals in this State. As more than 95 per cent of the State has some species of wild introduced animal, the council has a wide area of responsibility. To date, it has successfully met its objectives and is to be congratulated. The bill will make small but important changes that will facilitate the council's work. As such, the bill should be supported by all honourable members. I commend the bill to the House.

**Mr DAVID CAMPBELL** (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [8.57 p.m.], in reply: I thank all honourable members who contributed to this debate. New South Wales has ongoing problems with feral animals. Species such as foxes and feral cats cause significant harm to our native wildlife. Other non-indigenous species, such as deer, are becoming an increasing hazard on roads in various parts of the State. From time to time all the non-indigenous species listed as game animals in the Game and Feral Animal Control Act create their own environmental problems. Therefore, it is important that such species be effectively controlled. It is equally important that they be controlled in a responsible manner.

The creation of the Game Council of New South Wales has been a significant step in utilising the skills and expertise of responsible hunters to help the community achieve those goals. In a short time span the Game Council has issued 4,000 general game hunting licences relating to hunting on private land. Those licences require compliance with strict conditions, which are prescribed in the Act and regulations, and with a related code of practice. The introduction of an obligation for licence holders to comply with such conditions is a major step towards more responsible hunting practices in the State.

It is also important for the community to see the high standards that responsible hunters have set and, through this legislation, are now demanding of their peers. Monetary penalties are prescribed for non-compliance, in addition to the suspension or cancellation of the licence. This approach will foster a responsible attitude among the hunting fraternity, including any small minority that may be tempted to act irresponsibly. The second phase of the licensing system involves arranging for appropriately trained and licensed people to hunt on certain public lands.

The Game Council is currently undertaking an assessment and consultation process in conjunction with relevant government agencies to identify appropriate areas for that. I remind honourable members that the Act

excludes national parks from this process. While that would not necessarily prevent the Department of Environment and Conservation working with the Game Council on specific game or feral animal projects, I am not aware of any current proposals for that to occur. The proposed amendments to the Act, although of a relatively minor nature, will assist the Game Council in carrying out its important work in improving the standards of hunting in this State.

The proposal to allow the Game Council to receive the proceeds of fine payments under the Act will assist it to become financially self-supporting in the longer term. The proposal to allow the council to spend some of its funds on additional matters prescribed in the regulations will further assist the progress towards more effective and responsible hunting. As was noted in the second reading speech, it is intended that the regulations will include educational programs relating to hunting and research into the nature and habitat of game and feral species.

To clarify one point that has arisen, the amendments will allow the Game Council to direct the proceeds from fines towards the cost and operation of education and training schemes along with the other activities of the Game Council. It is not the intention of this amendment to create a reliance by the Game Council on proceeds from fines. I add that the proposal for the Game Council to retain the proceeds of fines recognises that there is a cost associated with programs to regulate hunters, and that the Game Council's regulatory functions will be implemented under tight budgetary conditions. Although these are relatively minor changes they represent real improvements to the Game and Feral Animal Control Act and, as such, should be supported by all honourable members. I commend the bill to the House.

**Motion agreed to.**

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

#### **PHOTO CARD BILL**

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

#### **PRISONERS (INTERSTATE TRANSFER) AMENDMENT BILL**

##### **Second Reading**

**Debate resumed from 23 March 2005.**

**Mr ANDREW HUMPHERSON** (Davidson) [9.03 p.m.]: The object of this bill is to amend the Prisoners (Interstate Transfer) Act to broaden the range of matters to which the Minister may have regard when considering a request by a prisoner to be transferred to or from another State or Territory. At present the national co-operative legislative scheme permits the transfer of prisoners between participating jurisdictions for the purposes of standing trial or for welfare purposes. A transfer for welfare purposes may be made at the request of the prisoner concerned.

The current Act allows the Minister to consider welfare transfers only in a relatively narrow and unclarified manner. The bill increases the Minister's discretion to consider matters such as the prisoner's safety and the safety of the community in general. The bill provides that, when considering a request by a prisoner to be transferred to or from another State or Territory, the Minister may have regard to any of the following matters: first, the welfare of the prisoner; second, the administration of justice in New South Wales or any other State; third, the security and good order of any prison in New South Wales or any other State; fourth, the safe custody of the prisoner; fifth, the protection of the community in New South Wales or any other State; and, sixth, any other matter the Minister considers relevant.

When forming an opinion or exercising any discretion the Minister should consider any reports of parole and prison authorities of New South Wales or any participating State. There are arguments in favour of these proposals. They provide more flexibility and they enable prisoners to make applications. They might also improve opportunities for inmates and their families to develop and foster relationships. The arguments against these proposals are that they potentially provide the Minister with excessive discretion. The bill appears to be consistent with rehabilitation objectives and the Opposition does not oppose it.

**Ms NOREEN HAY** (Wollongong) [9.05 p.m.]: I support the Prisoners (Interstate Transfer) Amendment Bill, which amends the provisions covering transfers for welfare purposes. A national co-operative

legislative scheme permits the transfer of prisoners between participating Australian jurisdictions for trial and welfare purposes. Applications for transfers for welfare purposes involve a decision by the Minister in the State or Territory from which the prisoner wants to transfer, as well as a decision by the Minister in the State or Territory to which the prisoner wants to transfer.

The impetus to consider amendments to the provisions that cover the welfare transfers came from the Federal Court decision in *Heiss*. In *Attorney General for the Australian Capital Territory v Heiss*—a 2002 Federal Court of Australia decision—the court considered the scope of the discretion exercised by the Minister in the receiving jurisdiction in relation to welfare transfers. In brief, *Heiss* concerned a decision by the Attorney General of the Australian Capital Territory, who at that time was the Minister responsible for prisons and prisoners, to refuse a transfer for welfare purposes. The Full Court found that the Minister's discretion was:

not confined in express terms ... [and it] is a matter of implication from the subject-matter, scope and the purpose of the Act whether discretion given was one which obliged the ACT Attorney-General to take a particular consideration (or considerations) into account and whether it precluded him from taking another or other considerations into account (at paragraph 32).

The Full Court also found that section 91 of the Australian Capital Territory Prisoners (Interstate Transfer) Act 1993 required the Attorney General to take the prisoner's welfare into account, but the Full Court went on to state that this was not the only consideration and that the weight to be given to that consideration was, within limits, a matter for him. It cited the case of the *Minister for Aboriginal Affairs v Peko-Wallsend Ltd* 1986 162 Commonwealth Law Reports 24 at page 41. This bill clearly states the range of factors to which the Minister may have regard when considering a request by a prisoner to be transferred to or from another State or Territory.

The Federal Court decision in *Heiss* related to the Minister in the Australian Capital Territory. However, it is relevant to New South Wales because of the fact that the scheme permitting the transfer of prisoners is a national co-operative scheme. On 29 June 2004 the Ministerial Council on the Administration of Justice met at the Corrective Services Ministers conference in Hobart, Tasmania. On that day the Corrective Services Ministers conference agreed to request the Standing Committee of Attorneys-General to progress an amendment to the uniform interstate prisoner transfer legislation in relation to the transfer of prisoners in the interests of welfare.

The national Parliamentary Counsel's committee was subsequently instructed to draft a model bill—the Prisoners (Interstate Transfer) Amendment Bill 2004, which is now the 2005 bill. The model bill took the form of an Act of New South Wales, so other States may need to make minor amendments to take into account local circumstances. Between 4 and 5 November 2004 the Standing Committee of Attorneys-General met in Queenstown, New Zealand, and on 5 November 2004 it approved the model bill for amendments to the national scheme for the transfer of prisoners for welfare purposes between Australian jurisdictions. I commend the Government for being the first jurisdiction to enact this important legislation. Once again New South Wales is leading the way. I commend the bill to the House.

**Ms VIRGINIA JUDGE** (Strathfield) [9.09 p.m.]: I support the Prisoners (Interstate Transfer) Amendment Bill. The honourable member for Wollongong spoke eloquently about many aspects of the bill, which is concerned primarily with provisions governing the transfer of prisoners for welfare purposes. The bill forms part of a national co-operative legislative scheme that permits the transfer of prisoners between participating Australian jurisdictions for trial and welfare purposes. A number of specific cases were mentioned during the debate. I believe that the bill goes a long way towards ensuring that the transfer of prisoners is conducted humanely and that it will fulfil its stated aims. The Standing Committee on Attorneys-General approved the model bill to amend the national transfer scheme and, once again, the great State of New South Wales—the premier State—is leading the way. I commend the bill to the House.

**Mr DAVID CAMPBELL** (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [9.11 p.m.], in reply: I thank all honourable members who contributed to the debate on the Prisoners (Interstate Transfer) Amendment Bill. The Prisoners (Interstate Transfer) Act 1982 forms part of a scheme of complementary legislation across Australia dealing with the interstate transfer of inmates. As the honourable member for Lismore said, it is part of a strong and detailed approach to this issue. The scheme permits the transfer of prisoners between participating Australian jurisdictions for trial and welfare purposes. A recent Federal Court of Australia case highlighted the need to clarify the current provisions with respect to welfare transfers.

The purpose of the Prisoners (Interstate Transfer) Amendment Bill is to amend the Prisoners (Interstate Transfer) Act 1982 to broaden the scope of the matters that Ministers may have regard to in relation to the

welfare transfers of prisoners under the national co-operative legislative scheme. The model bill received the approval of the Standing Committee of Attorneys-General and the State and Territory Corrective Services Ministers. I commend the bill to the House.

**Motion agreed to.**

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

**SPECIAL ADJOURNMENT**

**Motion by Mr David Campbell agreed to:**

That the House at its rising this day do adjourn until Wednesday 4 May 2005 at 10.00 a.m.

**The House adjourned at 9.15 p.m. until Wednesday 4 May 2005 at 10.00 a.m.**

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