

LEGISLATIVE ASSEMBLY

Tuesday 16 March 2004

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

Mr Speaker offered the Prayer.

DEATH OF MR MARK D'ARNEY, PARLIAMENTARY LIBRARY SYSTEMS OFFICER

Ministerial Statement

Mr BOB CARR (Maroubra—Premier, Minister for the Arts, and Minister for Citizenship) [2.15 p.m.]: I was saddened to hear of the passing last Thursday of Mark D'Arney. Mark was the deputy information technology researcher in the Parliamentary Library and he provided my office with valuable assistance, particularly my research staff, who will miss him greatly. I know his death has devastated the staff in the Parliamentary Library. Our thoughts are with Mark's loved ones.

Mr JOHN BROGDEN (Pittwater—Leader of the Opposition) [2.16 p.m.]: The Coalition similarly became aware of the very sad news late last week. We extend our thoughts and our condolences not only to Mark's family and friends but also to the staff who had worked with him for many years.

MADRID TERRORIST ATTACK

Ministerial Statement

Mr BOB CARR (Maroubra—Premier, Minister for the Arts, and Minister for Citizenship) [2.18 p.m.]: Last Thursday 10 bombs went off within minutes of each other in and around three railway stations in Madrid. It was 7.30 a.m., the rush hour, and about 200 people—shift workers going home, suburban commuters on their way to the office and children on their way to school—were killed and more than 1,500 were wounded. It is feared more will die. It was the worst such attack on civilians in Europe since the Lockerbie bombing of 1988. It transfixed and bonded the Spanish people and focussed their anguish, as the Bali bombing did to the Australian people on 22 October 2002. It is almost too easy to say, therefore, that our hearts go out to the bereaved and to those awaiting information on the final fate of the wounded, because we have been there before them and we know how it feels.

There will be funerals and inquiries; there will be strengthening of security. There has been political change and acrimonious debate and controversy. That is how democracies work. But what is clear is what we have known and feared for some time now: the war we are in is enduring, our enemies are resilient, and it takes no effort of the imagination to envisage that Australia or any other country may be next. It takes no effort of the will to see how bound we all are now by this common danger, this unprecedented global battle that may strike in a street, in a building or at a railway anywhere on the map and cut down the innocent and smash up families, communities and traditions of civilised life, as wars always do.

I can report to the House that after the September 11 attacks in North America a special Cabinet subcommittee on counter-terrorism was established. Since then we have committed to purchase a range of counter-terrorism equipment for police, emergency services and health agencies. In 2002 this Parliament passed counterterrorism laws, and yesterday I announced we would review those laws and that any sensible changes to those laws will be considered. We reach out hands of sympathy to the people of Madrid and to the people of Spanish descent in Australia. We have been there before them and we know that many months will pass before the grief settles and the anger ceases. Across the latitudes we join hands in our prayers for a better world. Members will be interested to hear that the Consulate-General of Spain has opened a condolence book at its Market Street offices.

Mr JOHN BROGDEN (Pittwater—Leader of the Opposition) [2.21 p.m.]: When I heard the news from Spain last week it hit me as the news of Bali did. After the Bali bombing I expressed a personal hope and wish that this bombing would not develop into what it has tragically developed into, that is, another gross, violent attack on peaceloving people. The people of Spain are now in national mourning over an unpredictable and violent attack on their rail network, a most desperate attempt to attack people at the busiest time of the day.

To the people of Spain and, most important, to Spaniards here in Australia who have made our nation their home, we extend our sympathy, thoughts and prayers. If it should be the case that Australia is a future target of those who peddle terror, let me send this message: You will do nothing to change our way of life, you will do nothing to make us live in terror, you will do nothing to make us stop pursuing freedom around the world and you will do nothing to stop us fighting against those who wish to destroy our lives and common decency through terrorism.

Those families who lost their loved ones in Spain will never fully recover from the sadness, but they should know that the hand of friendship and support reaches around the world. I note that the Australian Federal Police has sent to Spain experts from our law enforcement agencies to assist in the forensic detailing of this attack, so in some small way we, in Australia, play a role in providing our expertise to assist the Spanish in bringing closure as quickly as possible. To those Spaniards in Australia, many of whom we saw gathered at the Spanish Club over the weekend, they know we stand with them and by them. We are grateful that they have chosen Australia as their home but we know that Spain is forever in their hearts and that they, too, will probably never recover. However, they should know that we stand with them in our prayers and that they have our support.

ADVANCE NETWORK

Ministerial Statement

Mr DAVID CAMPBELL (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [2.24 p.m.]: The New South Wales Government is furthering access to overseas business development opportunities by supporting a network of New South Wales expats living and working in the United States of America. There are as many as 200,000 Australian professionals in the United States. They are a great resource because of their expertise and experience in American companies, international markets and the global economy. The New South Wales Government is collaborating with Advance—Australian Professionals in America—to enhance business links between our State and the United States of America. Working with Advance the New South Wales Government will host at least three events in the United States in 2004.

One is an Australian economic update, which will build on Sydney's reputation as the financial capital of the Asia-Pacific. We will also create a State-of-origin network to bring together New South Wales' expats working in the United States. The network will assist New South Wales businesses entering the American market and provide leads on American companies that might be attracted to business and investment opportunities in New South Wales. This year the New South Wales Government is providing initial funding to Advance of \$A28,000. Our involvement with Advance provides the Government with a platform to showcase the opportunities and achievements of New South Wales to Americans. Advance members are, in effect, ambassadors for our State, able to sing its praises to Americans with whom they do business and provide a boost to our growing export market.

Mr ANDREW STONER (Oxley—Leader of The Nationals) [2.25 p.m.]: The Opposition welcomes the use of this network of expatriate professionals in the United States of America. Australia has produced a great number of professional people who are at the vanguard of their various industries around the world, including the United States of America. Therefore, it is only appropriate that the New South Wales Government utilises this network in the United States and other parts of the world. I hope that the Government persists with the strategy of promoting all of New South Wales—not only Sydney but regional New South Wales—as a wonderful place to do business and as a producer of great products and exports. I hope this network will complement the wonderful work done by the Federal Government in negotiating the United States free trade agreement. I trust that the Federal Labor Party will get behind the free trade agreement when it comes before Federal Parliament.

RETURN OF ABORIGINAL REMAINS

Ministerial Statement

Mr BOB CARR (Maroubra—Premier, Minister for the Arts, and Minister for Citizenship) [2.27 p.m.]: Two hours ago I was at the Australian Museum to perform a gesture of reconciliation to indigenous Australians. I had the honour of returning to the Gamilaroi people of the Northern Tablelands the remains of a 12-year-old girl who died about 150 years ago. Her remains have been kept at the museum since 1980, making this a double

tragedy: the untimely death of a 12-year-old girl and the denial of burial in the traditional lands of her people. I am happy to say that the Government decided two years ago that the exile of Aboriginal remains from their ancestral lands had gone on for too long and that this incivility, this routine insult, must be brought to an end.

Since 2002 more than 40 sets of ancestral remains have been returned to Aboriginal communities across the State. They include the return and burial in May 2002 of the remains of 21 individuals brought home to the La Perouse community and the reburial of the remains, now 1,200 years old, of two Aboriginal people in Kosciuszko National Park in May last year. But many more sets of remains rest uneasily in museums and places of study, here and overseas. Their descendants, their tribal protectors, the guardians of their burial grounds, will rightly protest and demand their return until all of them are safely at rest, as this young girl's remains soon will be at rest in the native soil her ancestors walked for millennia, joining at last the spirits of her people, her enduring family.

Of all the tragic legacies of dispossession, few have been as irreverent as the retention of Aboriginal remains: Australians denied the songs and rites of mourning, the birthright and the final affirmation of burial in their ancestral soil. It is a wrong that we do well to remedy. It is an overdue act of reconciliation with the living and dead in a land where many foreshortened spirits rest uneasily and much remains to be put right.

Mr BRAD HAZZARD (Wakehurst) [2.29 p.m.]: The Opposition joins with the Premier in acknowledging the return of the remains of the little girl to the Gamilaroi people. We also acknowledge that, unfortunately, the past practice was to take away Aboriginal people's bones for the purposes of various museums around the world. To that extent, we support the endeavours by indigenous Australians to bring home their ancestors and to bury them in their homeland. This issue should be bipartisan, and I confirm that bipartisanship. I place on record that, for an issue that should be bipartisan—and the Liberal and National parties in this place have shown a great deal of bipartisanship on a range of issues to do with Aboriginal people—as shadow Minister for Aboriginal Affairs the first I heard about this was when the Premier made his ministerial statement about two minutes ago. If the Premier is serious about being bipartisan on these issues, and if he wants the New South Wales Coalition to support any steps the Government is taking to address Aboriginal disadvantage, he should give us some warning next time and let us know what is going on.

Mr Bob Carr: A courtesy never extended to me in seven years in Opposition.

Mr BRAD HAZZARD: Sitting to the Premier's left is the Deputy Premier, who shows such courtesies because he is serious about bipartisanship. The Premier does not have social justice as part of his agenda. At the end of the day, until Aboriginal people have better employment, education and health outcomes, the Premier is wasting the time of the House unless he delivers some real outcomes for Aboriginal people.

PETITIONS

South Grafton Primary School Airconditioning

Petition requesting airconditioning for classrooms at South Grafton Primary School, received from **Mr Steve Cansdell**.

Stamp Duty Reduction Legislation

Petitions supporting the Duties Amendment (Stamp Duty Reduction) Bill 2003, received from **Mr Greg Aplin, Mrs Judy Hopwood, Mr Andrew Humpherson, Mr Steven Pringle, Mr Anthony Roberts** and **Mrs Jillian Skinner**.

Gaming Machine Tax

Petitions opposing the decision to increase poker machine tax, received from **Mr Greg Aplin, Mr Steve Cansdell, Mr Andrew Fraser, Mr Wayne Merton, Mr Steven Pringle, Mr Michael Richardson, Mr George Souris, Mr Andrew Tink** and **Mr John Turner**.

Luna Park Development Application

Petition opposing the latest development application for Luna Park, received from **Mrs Jillian Skinner**.

Kosciuszko National Park Management Plan

Petitions opposing the formulation of the Kosciuszko National Park Management Plan without community consultation, received from **Mr Ian Armstrong, Mr Adrian Piccoli and Mr John Turner**.

Freedom of Religion

Petitions praying that the House reject the Anti-Discrimination (Removal of Exemptions) Bill, and retain the existing exemptions applying to religious bodies in the Anti-Discrimination Act, received from **Mr Bob Debus and Mr Paul Gibson**.

Brothels Closure Legislation

Petition supporting the Community Protection (Closure of Illegal Brothels) Bill, received from **Mr Andrew Tink**.

Coffs Harbour Pacific Highway Bypass

Petition requesting the construction of a Pacific Highway bypass for the coastal plain of Coffs Harbour, received from **Mr Andrew Fraser**.

Windsor Road Traffic Arrangements

Petitions requesting a right turn bay on Windsor Road at Acres Road, received from **Mr Wayne Merton and Mr Michael Richardson**.

Old Northern Road Upgrade

Petition requesting the construction of overtaking lanes on Old Northern Road between Glenmore and Wisemans Ferry, received from **Mr Steven Pringle**.

Windsor Traffic Conditions

Petition requesting funding for construction of a bridge across the Hawkesbury River, from Wilberforce Road and Freemans Reach Road, connecting to the bridge into Windsor, and the rescheduling of the current road works program, received from **Mr Steven Pringle**.

The Spit Bridge Traffic Arrangements

Petition opposing the proposal to add a two-lane drawbridge next to The Spit Bridge, and calling for a responsible and holistic solution to the transport, traffic, and freight needs of the area, received from **Mrs Jillian Skinner**.

Acquired Brain Injury Patients

Petition requesting facilities for acquired brain injury patients, received from **Mr Greg Aplin**.

Coffs Harbour Aeromedical Rescue Helicopter Service

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

CountryLink Rail Services

Petitions opposing the abolition of CountryLink rail services and their replacement with buses in rural and regional New South Wales, received from **Mr Steve Cansdell, Mr Andrew Fraser, Mr Andrew Stoner and Mr John Turner**.

Newcastle Rail Services

Petitions requesting the retention of Newcastle rail services, received from **Mr Bryce Gaudry and Mr Milton Orkopoulos**.

Newcastle Rail Services

Petition requesting the retention of rail services to Hamilton, Wickham, Civic and Newcastle stations, received from **Mr Bryce Gaudry**.

Goulburn Rail Services

Petition opposing any reduction or removal of rail services between Goulburn and Central, received from **Ms Peta Seaton**.

Isolated Patients Travel and Accommodation Assistance Scheme

Petitions objecting to the criteria for country cancer patients to qualify for the Isolated Patients Travel and Accommodation Assistance Scheme, received from **Mr Steve Cansdell, Mr Thomas George, Mr Donald Page and Mr Andrew Stoner**.

Local Government Amendment Bill 2003

Petitions opposing the Local Government Amendment Bill 2003, received from **Mr Andrew Fraser** and **Mr Tony McGrane**.

Social Program Policy Subsidy

Petition requesting that the social program policy subsidy be extended to residents in the Hawkesbury local government area, received from **Mr Steven Pringle**.

LEGISLATION REVIEW COMMITTEE**Report**

Mr Barry Collier, as Chairman, tabled the report entitled "Legislation Review Digest No 4", dated 16 March 2004.

Ordered to be printed.

QUESTIONS WITHOUT NOTICE

DEPARTMENT OF SPORT AND RECREATION CORRUPTION ALLEGATION

Mr JOHN BROGDEN: My question without notice is directed to the Minister for Tourism and Sport and Recreation. Does the Minister support comments of the Executive Director of New South Wales Sport and Recreation, Lisbet Dean, who said to staff last year that corruption was "so systemic" within the department that it is now "standard practice"?

Ms SANDRA NORI: I assure honourable members that those comments have never been made to me in person by Lisbet Dean. I shall certainly be seeking a report from her.

ILLCIT DRUGS SEIZURE

Mrs KARYN PALUZZANO: My question without notice is addressed to the Minister for Police. What is the latest information on efforts to combat illicit drugs in New South Wales?

Mr JOHN WATKINS: Honourable members will be aware of almost daily reports of huge hauls of drugs being seized across the State by New South Wales police. Heroin, amphetamines, ecstasy, cocaine and especially cannabis are being confiscated by the drug squad and our 80 local area commands. The figures are remarkable. Millions of dollars worth of cannabis plants have already been seized this calendar year. Police have detected football-field size cultivations covered in thousands of mature plants. This follows the major successes of drug law enforcement in New South Wales last year. The re-established specialist drug squad within the State crime command has seen our tally of confiscated narcotics and other drugs soar.

The total value of drugs seized in 2003 was an estimated \$485 million. That is more than double the \$227 million for the previous year. Last year's tally includes 1,679 kilograms of ecstasy worth more than \$268 million; 220 kilograms of amphetamines worth more than \$110 million; 164 kilograms of heroin worth about \$82 million; 992 kilograms of cannabis worth about \$17 million, and 37.2 kilograms of cocaine worth about \$7.4 million. These latest figures show the drug squad continues to hit harder and harder at the criminal networks that are producing and supplying drugs throughout New South Wales. Almost every day over the past month police have made further cannabis raids. They have been occurring right across the State, showing the strong partnership between the State crime command, the drug squad, and our local area commands.

Some examples of the operations include four men arrested at Darling Harbour by Task Force Gain, which seized \$2.7 million worth of amphetamines; a raid at Warwick Farm on 23 January, where the drug squad arrested four men and seized \$140,000 worth of heroin; in Dubbo on 29 January, an estimated \$60 million worth of cannabis plants were seized. On a property near Tenterfield on 5 February, 30 police executed search warrants and uncovered cannabis plants worth \$5 million along with sophisticated drug equipment; at Tullamore near Parkes on 7 February more than 8,000 cannabis plants were seized and four men from Cabramatta, Bankstown and Kemps Creek were arrested and charged; and on 11 February at Fairfield more than 50 officers from the South East Asian Crime and local commands raided homes at Canley Vale, Fairfield West, Cabramatta and Birrong, finding hydroponic cannabis worth \$2.5 million.

There are two further examples. On 29 February in Trundle in western New South Wales police from Lachlan local area command seized more than 4,000 cannabis plants with a value of \$8 million, including professionally irrigated crops more than three metres tall, and two men were charged. Finally, last weekend in Marrickville raids on a suburban home yielded 500 hydroponic cannabis plants ranging from 10 centimetres to one metre in height, and worth \$1 million. The massive raids netting illegal drugs have a direct impact on crime on the streets of Sydney and New South Wales. The Bureau of Crime Statistics and Research recently found that 70 per cent of police detainees had a recent history of drug use. We will continue to take down the drug cultivators, chemists, suppliers and dealers. Each seizure we make will lead to further intelligence into the criminal underworld of drug crime. The police will be tireless in cracking down on the drug trade in New South Wales. I congratulate them on their outstanding work this calendar year and in previous years.

MR PETER NOLAN USE OF TAXPAYERS FUNDS ALLEGATION

Mr JOHN BROGDEN: My question without notice is directed to the Minister for Tourism and Sport and Recreation. Will the Minister release the Department of Sport and Recreation's internal audit bureau report regarding allegations that Peter Nolan, when manager of the Berry sport and recreation camp, used taxpayers' funds for improvements on his house and groceries, costing tens of thousands of dollars?

Ms SANDRA NORI: I will take advice as to whether it is appropriate to release that report. I personally have no problem with it, but I will take advice. If the Leader of the Opposition has any allegations, I suggest he take them to the Independent Commission Against Corruption.

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

LEGAL SERVICES ADVERTISING

Mr MILTON ORKOPOULOS: My question is addressed to the Premier. What is the latest information on lawyers and advertising for personal injury cases and related matters?

Mr BOB CARR: All honourable members would be well aware of the public liability crisis across Australia and the action taken by this Government in introducing the biggest rewrite of tort law reform in 70 years. They will remember that the Opposition at the time—I forget which leader was in charge—toyed with opposing the reforms and then under pressure collapsed and allowed the legislation to proceed with a kind of support, a nod in its direction through the upper House, the usual pattern. One of the main causes of higher premiums was the rise in spurious claims, claims that were encouraged, fostered, nurtured by advertising by unscrupulous lawyers. The honourable member for Vacluse interjects. I am glad they got him that preselection without too much fuss. I might tell the House that I had a secret plan to send in as scrutineers the honourable member for Liverpool and the honourable member for Fairfield.

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

Mr BOB CARR: I am sure they would have spent a lot of time looking at the books of the Rose Bay branch. The honourable member for Vaucluse says that there is no Rose Bay branch. That is why I wanted them to look at it: a whole branch was abolished. Plaintiff lawyers were using advertisements such as "From crash to cash" or placing advertisements in lifts of hospital emergency wards.

Mr Adrian Piccoli: Peter Nagle.

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

Mr BOB CARR: Peter Nagle defended the egg carters in New South Wales, and he deserves a lot of credit for that. He won for them. I defend our colleague; he was not up to these tricks. The honourable member for Murrumbidgee might have been. The grubby use of marketing strategies to line the pockets of plaintiff lawyers did nothing to promote the rights of injured people. It simply encouraged a more litigious society. All the rorts are revealed in the practical effects of our reforms to workers compensation. Payments to workers are up; payments to lawyers are down by half a billion dollars. We got rid of the culture of blame where even minor or temporary ills were made good by an insurance payout. The legal profession has no greater friend or defender than I, as I made clear a moment ago when I defended one of the greatest trial lawyers since Clarence Darrow, that is, my former colleague Peter Nagle. The honourable member for Gosford is another great trial lawyer.

Mr SPEAKER: Order! The Premier will return to the substance of his answer.

Mr BOB CARR: I once called a Liberal member of the Legislative Council boasting a legal background "the Rumpole of the lower traffic courts". Nothing has brought this noble profession into more disrepute than this sort of advertising for work, or ambulance chasing. For this reason our tort law reforms included a toughening of the rules relating to advertising by personal injury lawyers and agents, giving New South Wales the toughest restrictions in the country. I am reminded of W. C. Fields in a movie being told by a woman, "You're awfully shy for a lawyer" and he responded, "I'm a shyster lawyer".

Mr Adrian Piccoli: That's not funny.

Mr BOB CARR: I did not think it was that funny either, but I wanted to test the loyalty on this side of the House. It is now both an offence and professional misconduct for lawyers to advertise for personal injury business. Our tough new rules ban most advertisements by lawyers that could encourage or entice a person to make a personal injury claim. That ban applies to television, radio, printed publications, some Internet advertising and other public broadcasts. The regulations allow lawyers to advertise the general fact that they provide legal advice. But lawyers cannot claim that they specialise in personal injury, workplace accidents, medical negligence or compensation law. Further, advertisements cannot show a picture of a car accident or workplace accident and imply that people contact them for advice.

The Government is in the process of strengthening the law to control advertising by third parties on behalf of lawyers. Those regulations are close to being finalised. We are also looking at the complex issue of advertising from other jurisdictions, particularly through the Internet. As loopholes emerge, we are identifying and closing them. That is why, I regret to say, our personal injury laws are now under challenge in the courts. The Government is confident that the current regulations were lawfully made and the Legal Services Commissioner is presently defending their validity in court. Our case is strengthened by our amendments to the Legal Profession Act in December 2003, making it clear that the right of lawyers to advertise is subject to these specific restrictions found in the regulations. We are confident that our approach has a sound legal basis and will prove resistant to challenge. As I said, no plaintiff lawyer when engaged in legitimate business has a greater friend or supporter than I.

Mr Ian Armstrong: That is true.

Mr BOB CARR: I know I have the support of The Nationals. The Nationals have been particularly strong in supporting our initiatives on tort law reform because they know the burden that is placed on rural New South Wales in costs. I appreciate their support.

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

Mrs Jillian Skinner: It was our side that started it. Get it right!

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

Mr BOB CARR: Why did you toy with opposing it? Why did you try victimology? Why did you suggest in this House on a previous occasion during question time that a little girl, a burns victim, would lose money because of our reforms? The facts of the case proved that she would not lose money as a result of our reforms. The Opposition toyed with opposing the reforms until it was shamed by the revelation of its tactics and had to back down. The idea that tort law reform originated in New South Wales from a policy paper from that side of the House is ludicrous. Let me make it very clear that any loophole or weakness exposed by a case will be quickly remedied. I repeat the message to Phillip Street: Any loophole or weakness exposed by a case will be quickly remedied by further legislation. I take it that the hint in the interjection by the honourable member for North Sydney is that she would support that amendment.

Mrs Jillian Skinner: North Shore.

Mr BOB CARR: The honourable member cannot keep changing the name of her electorate. She has to make up her mind one way or the other. The intentions of this Parliament in making the Legal Profession Act and Regulations will not be frustrated in the courts. We will not see the hard-won tort law reforms—which have the wholehearted support of the community—unpicked by ambulance chasing lawyers.

SOUTHERN AREA HEALTH SERVICE BUDGET

Mr ANDREW STONER: My question is directed to the Minister for Infrastructure and Planning, and Minister for Natural Resources. Why did the Minister mislead the Parliament when he answered a question from the honourable member for Burrinjuck in May 2002 stating that the Southern Area Health Service had no creditors who were waiting more than 45 days, yet the current Minister for Health answered a similar question in February this year confirming that only 57 per cent of creditors were paid within 45 days during 2001-02?

Mr CRAIG KNOWLES: I did not.

TEACHERS PROFESSIONAL DEVELOPMENT

Mr BRYCE GAUDRY: My question without notice is addressed to the Minister for Education and Training. What is the latest information on teacher professional development?

Dr ANDREW REFSHAUGE: I thank the honourable member for Newcastle for his question and his ongoing interest in educational matters. As a former teacher, he will be highly aware of the truism, the old saying: Who dares to teach must never cease to learn.

Mr John Brogden: Who said that?

Dr ANDREW REFSHAUGE: A very famous librarian, John Dana. That truism is backed by international research.

Mr SPEAKER: Order! There is too much audible conversation in the Chamber. The House will come to order.

Dr ANDREW REFSHAUGE: Recent international research shows a strong link between teacher professional development and how well students learn. Our teachers need to keep up to date with changes in curriculum, advances in technology, new concepts in teaching and the ongoing discussion about quality teaching and learning. The Government has recognised this need and is providing a major increase in funding for teachers to continue their professional development. This year \$36 million is going directly to government schools for professional development. This is the first allocation of \$144 million over four years—a far-sighted commitment made by the former Minister for Education and Training, which is proudly being delivered by this Minister for Education and Training. Each teacher in the State will have, on average, more than \$700 allocated each year for professional development. Funding has already been provided to a number of schools for the first six months of this year. Airds High School in the Campbelltown area will receive \$36,000 and the Bulahdelah Central School in Taree area will receive \$34,000. I look forward to reading the congratulatory press release from the honourable member for Myall Lakes.

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

Dr ANDREW REFSHAUGE: Rooty Hill Public School in the Mount Druitt area will also receive about \$20,000, and the honourable member for Lachlan will be pleased to hear that Cootamundra High School will receive \$31,000. I am sure those schools will make good use of that funding.

Mr Ian Armstrong: Double or quits!

Dr ANDREW REFSHAUGE: I would not trust the honourable member with a coin. That commitment has been widely welcomed by the honourable member for Lachlan, and the president of the Federation of Parents and Citizens' Associations of New South Wales described it as wonderful and said that it will allow schools to plan quality training and development to improve teaching and learning for our children. The president of the New South Wales Secondary Principals' Council, Chris Bonnor, said that the move shifts the learning and development funds to the people who are best placed to make a difference for our young people—that is, principals and teachers.

Better opportunities for professional development help to ensure that our teachers remain at the forefront of the teaching profession throughout the world. Before making these changes, the Government talked to the teachers and their professional and industrial organisations and reviewed the most recent research. As a result, not only is there a significant funding increase but also new money is being made available and changes are being introduced to ensure that schools have the flexibility to design their own professional development plans.

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

Dr ANDREW REFSHAUGE: Within the program guidelines each school will be able to tailor professional development for its teachers to match the needs of its students. Some areas have been made a priority and proposals for professional development will focus on support for new teachers, how best to use technology for teaching and learning, how to improve literacy and numeracy, quality teaching, support for implementing changes to the syllabus, career development and student welfare. There are many ways in which teachers can continue their professional development, including undertaking courses in or outside school, further study at a university or TAFE facility, mentoring or coaching, learning online or participating in professional associations and networks. Training can involve the entire school staff, teams or individual teachers.

It is interesting that the latest international research indicates that team learning in a school environment is the most effective and long-lasting method by which to achieve professional development. That research will be highlighted to schools and teachers. The Government is encouraging schools, particularly those in isolated areas, to join in undertaking professional development programs to achieve a greater reach for the funding provided. A range of printed and electronic resources has been developed and will be progressively provided to schools throughout this year to support professional development for teachers. For example, during term 2 teachers will gain access to a new database providing the latest information on professional development programs. The database will simplify the teacher's or the school's search for the most appropriate training program. This boost in professional education follows a reduction in class sizes in the early years of school, the new year 7 to year 10 curriculum and the Higher School Certificate revamp. This Government has provided more funding for primary school students than any other government in Australia, including the rollout of the casual teacher call centre and a \$1.2 billion investment in capital works in our schools.

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

Dr ANDREW REFSHAUGE: Professional development is important, not only for teachers but also for the results that will be delivered at schools. We heard last week about the great results being achieved in the Mount Druitt district because of the work that teachers have done in developing their learning and teaching skills. That has also happened in other places. This new money and its effective combination with existing funds will deliver good results for students through improved teaching. I hope the House will support me as teachers develop their professionalism.

TUNNEL FILTRATION

Ms CLOVER MOORE: I direct my question to the Minister for Roads. Now that the Minister has acknowledged that tunnel filtration is viable, will he honour his commitment to retrofit the Eastern Distributor and to provide filtration in the cross-city tunnel?

Mr CARL SCULLY: I made the point some time ago that I would not waste taxpayers' money installing something just to make people feel good. I also made it plain that if it could be shown that the technology was effective and that it provided value for money I would embrace it. This is potentially a bipartisan issue. I thank the honourable member for Lane Cove, who has worked co-operatively in raising this issue. He has expressed concerns on behalf of his community, as have the Minister for Tourism and Sport and Recreation and the honourable member for Bligh. A number of members of Parliament have expressed concern about filtration in road tunnels.

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

Mr CARL SCULLY: I think honourable members would like to hear the answer. At the request of Lane Cove Council and a number of activists involved in the Lane Cove tunnel, the Roads and Traffic Authority [RTA] sent a delegation to Japan after a delegation had visited Norway. The Norway result was that the jury was out. In fact, out of 90 road tunnels only nine had filtration systems and only one had had a system installed for a reasonable period. That was a disappointing visit and it suggested that the filtration systems were not performing as the activists said they were. The RTA was pleasantly surprised about technological developments in Japan. Electrostatic precipitators are used to extract particulate matter from road tunnels. The air is sucked out of the tunnel into a bypass tunnel and charged electrically and the particles attach to metal plates. Obviously the plates must be wiped clean. The Japanese found that up to 90 per cent of the particulates—that is, the haze and soot—are removed.

The RTA was impressed and suggested that the technology should be investigated. However, the delegation was particularly impressed that for the first time anywhere in the world technology designed to remove nitrogen dioxide from tunnels was being piloted. The technology has not yet been installed in a working tunnel, but progress is promising. As a result of advances in electrostatic precipitation and in the removal of nitrogen dioxide the RTA recommended that we trial the technology in a road tunnel in Sydney. The technology is not yet at a stage that we can say, "Let's whack it in." Some honourable members think we can pick up the machinery from the airport, unload it in the M5 East tunnel, plug it in and turn it on. It is much more complex than that; we are dealing with very sophisticated devices. I want to be sure that they will work in an Australian road tunnel environment. The Japanese have produced promising results and, consistent with the position I have long held, I have embraced those improvements. However, I have appropriately and responsibly said that I will not invest taxpayers' money for the sake of it.

I have said that if the M4 East proceeds the Government will install filtration. I believe I can do that with confidence. Because of the advances in technology, if the project proceeds and construction commences in two or three years—that is, if we get through the planning approval, environmental impact statement and community consultation process—the tunnel will have filtration. We will challenge the construction industry to install a filtration system that works. I have asked the RTA to get cracking on this.

[Interruption]

Members opposite are disappointed because this Government has sat down with the community and listened.

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

Mr CARL SCULLY: Members opposite do not realise that when information comes to hand and technical advances are made, the Government has to reconsider its position. These are the dinosaurs who are still using fountain pens instead of computers! There have been advances in this area, and we need to embrace them. I can say to the honourable member for Bligh that the next step is that there will be an international selection process. We believe that the Japanese companies Matsushita and Kawasaki Industries are some of the leading proponents to be included in that tender process, but there are others, particularly in Europe, who would have an interest in participating in that tender process. A partnership would then be formed with the RTA. I would not rule out any tunnel for the trial purposes. There is the M5 East tunnel, the cross-city tunnel, and the Lane Cove tunnel—

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

Mr CARL SCULLY: I would rather leave that to the tender process and the partnership that will develop between the supplier of that technology and the RTA. I have provided the information to the honourable

member for Bligh, who has been pretty genuine about this. She has had a strong interest in this matter for some time, as have members on both sides of the House. It shows that this Government consults with the community and responds to its concerns.

LUNA PARK AREA DEVELOPMENT

Mr KIM YEADON: My question is to the Minister for Infrastructure and Planning. What is the latest information on Luna Park?

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

Mr CRAIG KNOWLES: It generates so much excitement, doesn't it? Luna Park, just for fun. In many ways it is appropriate that the honourable member for Granville asks the question, because—

Mr John Brogden: The honourable member for Granville ought to know.

Mr CRAIG KNOWLES: Aren't they snobs, relegating the North Shore, repatriating the Southern Highlands, the North Shore, and other areas? It is entirely appropriate that the honourable member for Granville asks this question, given that he introduced the Luna Park Site Amendment Bill in 1997.

[Interruption]

The honourable member for North Shore gets excited, doesn't she?

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

Mr CRAIG KNOWLES: It is probably of interest to someone that the Luna Park Site Act was explicitly and specifically amended in 1997 to allow the site to be used for a wider range of purposes. Part 6C of the Luna Park Site Act explicitly deals with authorised uses for the cliff top area. Part 6C provides—in addition to restaurants and cafes, functions, exhibitions, conventions, meetings, markets and theatres—that hotels, shops, office accommodation, car parking and other commercial uses are authorised. The bill was fairly explicit. The explanatory note—the plain English guide, if you like, for people who might be confused about what was intended for the cliff top site at Luna Park—says:

The Bill further provides for hotels, shops, office accommodation, car parking and other prescribed commercial uses to be additional authorised uses for the cliff top area ...

It is made clearer in the bill. Part 6C describes very clearly, specified in schedules A to E, the additional authorised uses for the cliff top area. Again, it covers things such as office accommodation and "such other commercial uses as may be declared by the regulations to be authorised uses for the cliff top area".

Mrs Jillian Skinner: Read the second reading speeches.

Mr CRAIG KNOWLES: The honourable member for North Shore is lively today; she tells me to look at the second reading speeches. I will. I have them in front of me. I also have *Hansard* in front of me. What is very clear from that debate in 1997, as reported in *Hansard*, is that no-one in the Parliament opposed those propositions. Indeed, the noisiest member in the Chamber today, the honourable member for North Shore, had a lot to say. As recorded in *Hansard*, she said:

In summary, I support the legislation, which will assist in the reopening of Luna Park.

The honourable member for North Shore is recorded in *Hansard* as supporting commercial development on the cliff top site at Luna Park. The member who led for the Opposition in the debate, the honourable member for Ballina, who was then shadow Minister for this portfolio area, made it absolutely clear what the Coalition was doing. He sought to amend the bill—not to prevent commercial development on the cliff top site, but in the context of allowing commercial development, to protect the trees that are located on the cliff top site because of their heritage nature. Let us be clear about that. The honourable member for Ballina sought not to rule out commercial development on the cliff top site but to explicitly acknowledge that commercial development would take place there, and in doing so, to protect the heritage trees on that site.

The honourable member for Granville, who led for the Government in introducing the bill, made it clear that this was all about protecting an Act of Parliament and taxpayers' funds. Remember how much the honourable member for Upper Hunter put into it—\$50 million! The sum of \$50 million went down the gurgler, necessitating the bill being introduced in the first place, not only to protect the history of Luna Park but to protect taxpayers' funds from any more wastage. So it is a bit rich for the Leader of the Opposition to trot over to the public rally a couple of weeks ago and say, as he also said in his press conference, "An office building was never what anybody in Sydney expected of Luna Park." With a local government election looming, the Leader of the Opposition is attending public rallies and making a big fool of himself. Silly Jilly over here is cackling on. Genia McCaffery, the mayor of North Sydney, has said, "We didn't expect an office building would be on the cliff top site," yet the Coalition voted for it. The Coalition explicitly acknowledged it.

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

Mr CRAIG KNOWLES: Jilly even supported it, as recorded in *Hansard*. So let us put paid to that little lie. Jilly tells her constituents one thing but says exactly the opposite in the Parliament.

Mrs Jillian Skinner: Point of order: I ask you to direct members opposite to use my proper title, which is the honourable member for North Shore, and not to mislead the House.

Mr SPEAKER: Order! The honourable member for North Shore, like every other member of this Chamber, is entitled to be referred to by her proper title.

Mr CRAIG KNOWLES: I withdraw my earlier reference, and I apologise to the honourable member for North Shore. People will make up their own minds about her performance. At a public rally she said, "We didn't know anything about an office development or any commercial development on the cliff top," and yet in Parliament the Coalition voted for the proposal. The honourable member for North Shore put up her hand. She even went on to say, "I support the legislation."

Mrs Jillian Skinner: Two storeys!

Mr CRAIG KNOWLES: Don't be a sook. The honourable member for North Shore could have moved an amendment, as the honourable member for Ballina did. She could have said, "I support the legislation but only if it is two storeys."

Mr SPEAKER: Order! There is too much audible conversation in the Chamber. I call the honourable member for Lismore to order.

Mr CRAIG KNOWLES: She did not move an amendment for only two storeys, did she? You can dish it out but you can't cop it, Jilly. The only person who moved an amendment was the honourable member for Ballina. The honourable member for North Shore supported the bill unopposed without seeking to amend it. She said:

In summary, I support the legislation, which will assist in the reopening of Luna Park.

The very reason the Luna Park bill was introduced was to ensure that the redevelopment of Luna Park could occur in a financially viable way, and not further involve contributions from New South Wales taxpayers. In part, revenue from commercial developments would be used to fund the redevelopment and restoration of one of Sydney's great icons. It was a trade-off—yes, of course it was—but a trade-off explicitly acknowledged in a specific piece of legislation and voted on without opposition in this Parliament.

This is a clear direction by the Parliament, a specific piece of law upon which I am now required to act. The will of the Parliament will be observed. I intend to take the necessary action to remove all doubt that uses authorised under the Luna Park Site Act are clearly permissible for planning purposes. To achieve this I will amend the relevant State planning instrument, State Environmental Planning Policy [SEPP] 56, to reflect part 2A, including clause 6 (c) of the Luna Park Site Act. Naturally, that amendment will be publicly exhibited for comment over coming weeks once the amendments have been finalised.

I want to make it clear that in no way does an amendment to SEPP 56 imply either endorsement or rejection of any specific application, including the Metro Edgley proposal for a 14-storey office building. Indeed, I am mindful that the height and design of that proposal has raised considerable concerns in the community. What the amendment will do is make clear that in 1997 the Parliament, in its entirety, made a very

deliberate decision to allow a range of commercial uses, including office accommodation, for the cliff top area at Luna Park. I make the point again: no-one opposed that decision. However, before any application for any specific development application can be considered I will also require a set of planning controls for the cliff top site fronting Northcliff Street. There are none at present.

While various suggestions have been put forward as to what planning controls should be applied, it is clear that the stage development application approved by the former Minister for the rest of Luna Park does not apply to the cliff top area. The draft North Sydney local environmental plan is at odds with the will of this Parliament as expressed in the Luna Park Site Act, and the Luna Park plan of management is not explicit with respect to planning controls for these sites. As such, I propose to work in co-operation with North Sydney Council and its community to establish planning controls against which specific applications will be considered. Because of the historic conflict, and in the interest of transparency, I will establish an independent expert panel to advise on these controls and I will extend my invitation to North Sydney Council for it to be represented on the panel.

Like the proposed amendments to SEPP 56, the development controls for the site will be publicly exhibited to allow community input. I want to make it clear that the will of the Parliament must prevail here, and that any developments on those sites will be permitted only where it is appropriate and sensitive to the surrounding environment and where it is assured that the park can progress without further drain on the taxpayers of this State.

OFFSET ALPINE PRINTING FIRE

Mr PETER DEBNAM: My question is to the Minister for Police. In view of new information given by Rene Rivkin's former driver, Gordon Wood, that the Offset Alpine fire was a "set-up", will the Minister now order the police to re-open the investigation, or is the Minister afraid of Eddie Obeid's involvement in the sale of Offset Alpine?

Mr JOHN WATKINS: That is a matter for the police. I need to make it clear to the Opposition that as Minister for Police I do not have the power to order the police to open, reopen, or close down investigations. That is not my role as Minister for Police. These are serious matters that are before the police and the police have the ability to investigate them as they wish. That is how it should be.

GALONG LIMESTONE MINING

Mr STEVE WHAN: My question without notice is directed to the Minister for Mineral Resources. What is the latest information on limestone mining in Galong?

Mr KERRY HICKEY: As members will be aware, New South Wales has abundant deposits of limestone. Our largest limestone deposits supply processing plants within economical haulage areas of Sydney, Newcastle and Wollongong. The limestone sector continues to provide tremendous economic benefits to the regional areas. Production figures in 2002-03 were 4.5 million tonnes, valued at about \$32.3 million. Limestone is used in the manufacturing of cement, iron and steel, treating water, dusting coal, chemical production, and agriculture. Some limestone is used as coarse aggregate, usually where suitable materials are not available. Approximately 50 per cent of the State's limestone production is used in the manufacture of cement.

Boral Limited owns Australia's largest limestone quarry, in the Southern Highlands, and reserves are estimated to be between 200 million and 300 million tonnes of high-grade limestone. In May 2003 Boral Limited acquired the Galong limestone mine, which is south-east of Harden in the Lachlan electorate. The Galong deposit was first mined in the 1920s and again during the 1960s. Since 1994 Galong has been mined through a private mining agreement. In 2001 the Government granted a limestone mining lease for the Galong operation, which extended the mineable area of land from 16 hectares to 160 hectares. Resources of 20 million tonnes of limestone have been defined within the proposed limit of mining.

It is my pleasure to inform the House that Boral Limited is expending \$32 million to upgrade and expand the Galong operation, including the construction of a quicklime kiln on site. Construction work for the mine expansion and the kiln began in February this year and is expected to take about six months. According to the company, the kiln technology used at Galong is the lowest-cost production method available and is well-proven in many locations around the world. The new kiln will provide high-quality quicklime to meet growing demand for limestone products. Cement production is expected to remain strong in the coming year. Even though housing activity is expected to soften, non-residential construction and infrastructure sectors are likely to strengthen.

The Galong mine is currently the largest supplier of agricultural lime in the region, providing approximately 25 per cent of the State's requirements. Growth in the agricultural lime market is expected to continue as it is used for remediating soil acidity, a major problem threatening the productivity and sustainability of agriculture in many parts of New South Wales. The steel sector of Port Kembla is another key customer for the Galong operation, and production is supported by upgraded long-term contracts. During this time 70 people will be employed to work on the construction phase of the project. That is 70 people spending 70 pay packets in Harden's shops—a big boost to the local economy.

Currently only 13 people are employed at the mine, which produces 140,000 tonnes of limestone every year. When the construction work is finished in about July this year Galong will employ 19 people full-time, and production will increase to 300,000 tonnes per annum. With an expected production life of 40 years, the upgraded and expanded Galong mine will help to sustain the Lachlan region and our limestone industry for many years to come. The Government welcomes this investment. It is yet another example of the private sector's confidence in our minerals industry.

DEPARTMENT OF SPORT AND RECREATION CORRUPTION ALLEGATION

Ms SANDRA NORI: I have a supplementary answer. The first thing I want to say is that I have now received advice—and I will be releasing the report referred to earlier in question time. It is on its way over from the department and it will be tabled, as will a letter from the ICAC that I will be reading to the House shortly. Mr Speaker, once again the Leader of the Opposition has got it so wrong and it is a pity he is not here to hear it. I ask you to bear with me. I have been advised by the DG of the Department of Tourism, Sport and Recreation: one, that Ms Lisbet Dean has no recollection of making the comment attributed to her; the Nolan report resulted from a protected disclosure by certain staff members and hence my desire to seek advice first before releasing the report; the matter was investigated in accordance with the normal processes; ICAC was informed of the disclosure and supported the agreed approach; the review was undertaken by the internal audit bureau to the satisfaction of the ICAC. Now I shall read a letter from the ICAC from Cheree Ryan, Assessment Officer:

Dear Ms Dean,

I refer to your reports of December 4 2003 and March 17 2003, regarding the alleged corrupt conduct of Peter Nolan

And another party that has not yet been mentioned here.

Please be advised that the ICAC has now examined the information you have provided in respect of the above matters. It is noted that your Department found 13 breaches of discipline proven against Mr Nolan and that he was demoted to Grade 7/8. It is also noted that Mr Nolan was transferred to another area where he has no direct responsibility for staff supervision. You have advised that Mr Nolan had lodged with GREAT against the demotion.

The next paragraph refers to another person that hasn't been mentioned yet. And let me quote with emphasis the following sentence:

In light of this information the ICAC has determined not to take any action in respect of this matter.

The report raises some issues which the ICAC's Corruption Prevention Education Research Division will now consider.

Its work is focused on strengthening policies and practices of the NSW public sector agencies with the aim of building resistance to corruption.

Thank you for your assistance in this matter.

Your attention to reporting this matter is appreciated.

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

Questions without notice concluded.

SOUTHERN AREA HEALTH SERVICE BUDGET**Personal Explanation**

Mr ANDREW CONSTANCE, by leave: Last Thursday during question time the Minister for Health said I had been interviewed by Steve Price. I state for the record that I have never been interviewed by Steve Price and that the words used by the Minister about me were misleading and untrue, particularly in light of the fact that the question was about the Southern Area Health Service and its inability to clear its debts and to acquire basic medical supplies, something I am fighting to get fixed.

BILL RETURNED

The following bill was returned from the Legislative Council with an amendment:

Food Legislation Amendment Bill

Consideration of amendment deferred.

CONSIDERATION OF URGENT MOTIONS**Plastic Bags Phase-out**

Ms VIRGINIA JUDGE (Strathfield) [3.34 p.m.]: My motion is urgent because every day Australians use almost 20 million plastic shopping bags and thousands of them find their way into the litter stream. Some end up on our streets, having blown out of rubbish bins. They block our stormwater drains and ruin the visual amenity of our streets. Some even find their way into our waterways where unsuspecting marine life might mistake them for jellyfish, eat them, and die. The people of New South Wales accept the importance of the environment. According to the Who Cares About the Environment 2003 survey, 9 out of 10 people in New South Wales rate the environment as an important personal priority in their life after family and friends. We cannot delay taking action to resolve this problem. It only takes a couple of seconds to be given a plastic bag at the supermarket but it takes between 15 years and 1,000 years for it to break down in the environment.

Fines Collection

Mr ANDREW TINK (Epping) [3.35 p.m.]: My motion is urgent because there are \$333 million worth of unpaid criminal fines currently in the system. If only a reasonable proportion of those fines were collected, they would wipe out the projected budget deficit of \$275 million. The motion is urgent because these unpaid criminal fines relate to matters arising from the court system, principally, the Local Court system. Criminal Court Statistics 2002 show that in 2002 the Local Court imposed fines for 12 homicide and related offences but how many of those fines, as recorded by the Bureau of Crime Statistics and Research, remain unpaid?

The Local Court imposed fines in 3,178 cases of assault, including malicious wounding under section 35 of the Crimes Act, which carries a maximum penalty of seven years imprisonment. How many of those 3,178 fines remain unpaid? The Local Court imposed fines in 2,871 cases of dangerous and negligent operation of a vehicle, including furious driving under section 53 of the Crimes Act, which carries a maximum penalty of two years imprisonment. How many of those 2,871 fines remain unpaid? The motion is urgent because the Local Court imposed fines in 112 motor vehicle theft matters under section 154AA of the Crimes Act, which carries a maximum penalty of 10 years imprisonment. How many of those fines remain unpaid?

The Local Court imposed fines for 3,006 cases of theft not involving a motor vehicle, including stealing from a dwelling under section 148 of the Crimes Act, which carries a maximum penalty of seven years imprisonment, and how many of those fines remain unpaid? Equally worrying are deception and related offences. The Local Court imposed fines in 489 cases of fraud, forgery and false financial instruments, including the offence under section 176A of the Crimes Act of cheating by directors, which carries a maximum penalty of 10 years imprisonment. How many directors convicted of cheating were fined, and how many of those fines remain unpaid? How many of the fines imposed on offenders who obtained money by deception and were charged under section 178BA are unpaid? Under section 249B, corrupt commissions—one of the most important criminal offences arising out of the type of findings made by the Independent Commission Against Corruption from time to time—have a maximum penalty of seven years imprisonment. How many of those matters have been dealt with by a fine, and how many fines remain unpaid?

Incredibly, in this age of heightened concern about terrorist threats, 106 prohibited weapons and explosives offences, and 296 regulated weapons and explosive offences were dealt with by the Local Court by way of a fine. How many of those fines remain unpaid? Under section 207 of the Crimes Act, the offence of placing dangerous articles in an aircraft or vessel carries a maximum penalty of seven years imprisonment and can be dealt with by the Local Court. Have any such offences been dealt with by way of a fine? Under section 114, the offence of armed with intent to commit an indictable offence carries a maximum penalty of seven years imprisonment. How many of those are dealt with by a fine? Offences under section 208, threatening to destroy an aircraft or vessel, carry a maximum penalty of five years in gaol and can be dealt with by the Local Court. How many such offences have been dealt with by way of a fine, and how many of them remain unpaid? The current administration of justice, and the payment of fines in particular, is a disgrace. My motion should be debated urgently. [*Time expired.*]

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

The House divided.

Ayes, 51

Ms Allan	Ms Hay	Mr Pearce
Mr Amery	Mr Hickey	Mrs Perry
Ms Andrews	Mr Hunter	Mr Price
Ms Beamer	Mr Iemma	Dr Refshauge
Mr Black	Ms Judge	Mr Sartor
Mr Brown	Ms Keneally	Mr Scully
Ms Burney	Mr Knowles	Mr Shearan
Miss Burton	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	Ms Nori	<i>Tellers,</i>
Mr Gibson	Mr Orkopoulos	Mr Ashton
Mr Greene	Mrs Paluzzano	Mr Martin

Noes, 34

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

Pairs

Mr Bartlett	Mr Brogden
Ms Saliba	Mr Stoner

Question resolved in the affirmative.

BUSINESS OF THE HOUSE**Urgent Motion: Suspension of Standing and Sessional Orders**

Mr CARL SCULLY (Smithfield—Minister for Roads, and Minister for Housing) [3.48 p.m.]: I move:

That standing and sessional orders be suspended to allow seven additional speakers on the motion for urgent consideration, for five minutes each.

Mr ANDREW TINK (Epping) [3.48 p.m.]: I am extremely concerned that the time of the House is being taken up to this extent when honourable members have sought to have many other matters debated in this House. On 17 February the Leader of the House and the Government refused to support a debate on supporting front-line police proposed by the Leader of the Opposition. On 18 February the Leader of the House refused to support a proposed debate to examine the deaths of more than 20 people at Camden and Campbelltown hospitals. On 19 February the Leader of the House refused to support any debate on the cover-up of inadequate care at Camden and Campbelltown hospitals.

Mr SPEAKER: Order! The House will come to order. Members will resume their seats.

Mr ANDREW TINK: On 24 February the Leader of the House refused to support any debate—

Mr Carl Scully: Point of order: The honourable member's comments have only a tenuous connection with the motion before the House, which is to suspend standing orders to enable additional speakers on the urgency motion. I spoke to the honourable member for Epping privately and he indicated that he did not have any particular opposition to there being additional speakers. He either supports the additional speakers or does not.

Mr SPEAKER: Order! The Minister should not debate the matter.

Mr ANDREW TINK: I am making the point that there is time to debate the motion put forward by the honourable member for Strathfield and, without the extra speakers being added, there is also plenty of time to debate one of the many issues we have repeatedly tried to raise in this House, sitting day after sitting day. The list goes on. The Leader of the National Party wanted to debate the issue of cancer sufferers needing to travel in excess of 200 kilometres to get to the nearest treating specialist. The Leader of the National Party wanted to debate an issue relating to the future of grain lines. The honourable member for Wakehurst wanted to debate the management of Sydney Water. Putting aside the seven speakers the Leader of the House wants to add today, there is plenty of time to debate the issue of plastic bags and at least one of these other issues. Last week there was a foreshadowed motion to debate both the critically important role of juries and jury verdicts in trials, and not allowing those jury verdicts to be overturned by a court of criminal appeal where there was no direct evidence of the jury being concerned by media bias.

On 10 March the Deputy Leader of the National Party wanted to debate the high death and accident rates on the Pacific Highway, something directly within the portfolio responsibility of the Leader of the House. He does not want to spend time debating the death and accident rates on the Pacific Highway. It is just as bad to the south of Sydney as it is to the north. The Leader of the House does not want to debate that issue, but he is comfortable having a couple more speakers debating plastic bags. There is plenty of time to debate plastic bags, and there ought to be plenty of time to debate the incompetence of the Leader of the House in his portfolio, which has led to an outrageous death and accident rate on the Pacific Highway on the North Coast. The issue was so ably brought to our attention by the shadow Minister for Roads.

Mr Matt Brown: Point of order: The honourable member for Epping knows that, according to the standing orders of this House, only one urgent motion is debated. The honourable member's comments are contrary to Standing Order 120.

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

Mr ANDREW TINK: I advise the honourable member for Kiama that we are debating a motion to suspend standing orders to allow extra speakers on the urgency motion. Even the honourable member for Kiama might understand that if we can debate a suspension of standing orders in that regard, we can debate suspensions of standing orders that might lead to other results. For example, we might debate a matter that is highly embarrassing to the Leader of the House. He does not want to debate deaths on the roads, which comes under

his portfolio—he wants to hide behind a debate on plastic bags. The Leader of the Opposition raised an extremely important matter on 11 March in relation to the Austeel project—another outrageous waste of money. No Government members wanted to front that debate. This urgency debate is all about plastic bags, and only plastic bags. [*Time expired.*]

Question—That the motion be agreed to—put.

The House divided.

Ayes, 56

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

Noes, 30

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

Pairs

Mr Bartlett	Mr Brogden
Ms Saliba	Mr Stoner

Question resolved in the affirmative.

Motion agreed to.

PLASTIC BAGS PHASE-OUT

Urgent Motion

Ms VIRGINIA JUDGE (Strathfield) [4.02 p.m.]: I move:

That this House supports statements by the Premier on plastic bags and expresses concern about their impact on the environment.

I am extremely troubled that the Opposition does not regard environmental issues as important. My Labor colleagues and I do, and none of us will be silenced. Earlier this month the Premier again demonstrated the

Government's commitment to the environment by calling for further steps to reduce the number of plastic bags used each year in New South Wales. Despite years of public campaigns and voluntary reduction measures, 20 million Australians use 6.9 billion plastic checkout bags annually, which equates to nearly one bag per person per day. Sadly, the bags end up on our streets and waterways, contaminating kerbside recycling and blocking stormwater drains. I fully support the Premier's decision to call for action on this important environmental problem, which requires urgent attention. The environmental impacts of plastic bags are well known. They litter our streets, their light weight makes it easy for them to be caught up in fences and median strips, and they end up blocking drains and trapping birds. Sadly, plastic bags, when mistaken by animals for food, can kill.

Although plastic bags make up only a small proportion—about 2 per cent—of the litter that goes to landfill, by their nature plastic bags are a very visible component of the litter stream. A Nolan-ITU report indicated that 20 million to 30 million bags each year are inadvertently littered from waste management activities, such as landfills and bins at shopping centres and malls. In addition, their material persistence means that the number of bags in the environment will increase over time. Bags can be particularly damaging to the marine environment. In August 2000 an eight-metre Bryde's whale died soon after becoming stranded on a Cairns beach. An autopsy found that the whale's stomach was tightly packed with six square metres of plastic, including many supermarket checkout bags. According to Planet Ark, an estimated 100,000 whales, seals, turtles and other marine life die every year after swallowing plastic bags.

The most environmentally damaging plastic bags in terms of litter and impact on wildlife are the lightweight bags most commonly distributed from supermarkets. Of the 6.9 billion bags consumed annually in Australia, 6 billion are made of high-density polyethylene [HDPE]. Because of their light weight, bags made from HDPE—for example, supermarket singlet bags—tend to balloon in the wind and are the source of inadvertent litter blown from garbage bins and landfill. Countries such as Ireland, South Africa, Denmark, Sweden and Germany have successfully implemented strategies to deal with the environmental impact of plastic bags. Some communities in New South Wales have demonstrated their support for a reduction in plastic bag consumption by a total ban on plastic bags in their towns as part of the Planet Ark plastic bag free campaign. Coles Bay in Tasmania and Kangaroo Valley and Huskisson in New South Wales have led Australia in this initiative.

Further, a mix of management solutions have been implemented in Australia over the last few years. Public awareness strategies and voluntary measures appear to be the most common methods used to address consumer behaviour. In the marine environment legislation has been effective in curbing plastic bag litter from shipping. As well as the introduction of regulations relating to the littering of plastic bags and programs encouraging consumers to recycle plastic bags, over the past 10 years there have been several attempts in other States and Federal Parliament to introduce a levy on plastic bags. I am proud to be part of a Government that is prepared to take action to resolve an issue that the Federal Government has been sitting on for many years. It is time to move beyond voluntary measures. The Premier is right in saying that we have done enough talking, enough waiting and enough mucking around. It is time to get serious and get down to business.

The Australian people have had enough too. In October 2003 a Roy Morgan study showed that 87 per cent of Australians were concerned about the impact of plastic bags on our precious environment. They know that plastic bags are a problem and they are prepared to take their own bags to the supermarket. It is about time we did something about it. The Federal Opposition has said that it will implement a national ban on plastic bags if deadlines to phase-out plastic bags are not met. The Commonwealth Government should follow this Government's lead and implement a ban. In December 2002 the Environment Protection and Heritage Council [EPHC] made a commitment to a package of measures to reduce the environmental impact of plastic bags. The EPHC has asked the National Packaging Covenant Council to provide specific proposals for national action and then adopt a mix of short- and long-term actions with the aim of cutting plastic bag litter by 25 per cent by the end of 2004, and rising to 50 per cent one year later. Environment Ministers support the total phasing-out of lightweight single-use plastic checkout bags within five years.

In October 2003 the EPHC formally accepted the Australian Retailers Association's code of management for the management of plastic shopping bags. The EPHC called on retailers, particularly small operators, to get behind the code and ensure that national bag reduction and recycling targets are met. Some Australian retailers have already taken steps to reduce plastic bag usage. I will give but a few examples. Coles and Bi-Lo have sold nearly one million reusable bags since their introduction last year. Red Rooster has introduced paper bags in place of plastic carry bags and has found that the holding times and quality of food were far superior in paper bags. The Bunnings Warehouse chain has introduced a 10¢ levy on all disposable plastic bags, and all money raised will go to Keep Australia Beautiful.

In October 2002, Ikea also introduced a 10¢ levy on plastic shopping bags. Since then it has reduced usage by up to 85 per cent in many of its stores. These retailers should be commended for their initiative. However, competitive pressure makes it difficult to ensure that a business that has undertaken to impose a voluntary levy on its customers does not refrain from doing so to gain a competitive advantage. The prevalence of plastic bags in our community is regarded by many as the sign of a wasteful society, a consumer society. Taking decisive action to ensure that people use alternatives would serve as an important reminder of the need to reduce, re-use and recycle wherever possible.

The Government prefers industries to design their own schemes to reduce waste and litter because they are best placed to know what will work. However, if industries are unwilling to deal responsibly with the issue or if they drag their heels, the Government will need to intervene. Industry has made a commitment to reduce plastic bag use, and in the next few months we will find out how successful that commitment has been. If no progress is made, or if it is too slow, the community will not be able to wait and the Government will need to intervene. If the Commonwealth Government is not prepared to play a responsible role, the New South Wales Government will act alone; it will be the leader.

Mr MICHAEL RICHARDSON (The Hills) [4.12 p.m.]: I was a little disturbed to hear the honourable member for Strathfield start by suggesting that the Opposition does not support a reduction in plastic bag use or the elimination of plastic bags from the waste stream. Nothing could be further from the truth. In fact, the Coalition has had a position on this issue for more than eight months. That position will not inconvenience consumers or penalise retailers but will eliminate plastic bags from the waste stream.

I listened, as I always do, with a degree of interest and scepticism to what the honourable member for Strathfield had to say. As always, her contribution contained a number of inaccuracies. For example, she claimed that the Federal Government said that plastic bags should be phased out in five years. It was not the Federal Government. The State and Federal environment Ministers agreed to a phase-out program because they could not agree on an appropriate levy on plastic bags. Indeed, the idea is that plastic bags should be phased out within five years, which will allow sufficient time for a replacement to be found. The Premier's proposal, which the honourable member for Strathfield is ardently supporting, would unquestionably make things difficult for many small and large retailers and consumers. I ask honourable members to imagine a mother taking, perhaps, four children to the supermarket, having to shop for a family of six and being unable to transfer her groceries into a plastic bag because none were available.

Mr Anthony Roberts: She can't put them in her pockets.

Mr MICHAEL RICHARDSON: As the honourable member for Lane Cove says, she cannot put them in her pockets. The Premier has not thought this through. No less a figure in the environmental movement than Ian Kiernan, the head of Clean Up Australia, opposed the introduction of a plastic bag levy because of its potential impact on families if no substitute were provided. I have had some lengthy discussions with officers of the Federal Department of the Environment and Heritage and Jon Dee from Planet Ark. It is understood that an alternative to plastic bags must be provided. That alternative need not be paper or block-bottom bags. Although they could be made from recycled paper, virgin fibre would have to be harvested from trees in the first place. That seems to be what this environmentally conscious Premier and his minion, the honourable member for Strathfield, appear to support.

The Opposition's position on this issue is friendly to retailers, consumers and the environment. I have written to Coles and Woolworths and had discussions with them about a trial involving consumers paying perhaps 10¢ or 15¢ for plastic bags at the check-out and that money being refunded when the plastic bags are returned to the stores on Thursday night or Saturday morning. Community groups such as Lions, Rotary, Apex and the scouts are always looking for new ways to raise money. Not all the plastic bags would be returned, of course, so a pool of money would be available for those community groups. It is a way of avoiding inconveniencing retailers and consumers, because plastic bags would still be available. We could also provide a source of income for community groups. I will be interested to hear what the honourable member for Strathfield has to say about that when she has not been provided with notes. Perhaps she can talk off the top of her head about this issue. I would like to hear her say that she does not support community groups and the opportunity the proposal presents for those groups in her area to raise money.

This is all about getting plastic bags out of the waste stream. About 6.8 billion plastic bags are used in Australia every year, which represents 345 bags per person, at an estimated cost of \$173 million. The voluntary scheme agreed to last August by the environment Ministers, including the Hon. Bob Debus, the New South

Wales Minister for the Environment, has resulted in a 12 per cent reduction in the use of plastic bags by supermarkets. The retailers are on track to achieve the agreed 25 per cent reduction by December. Given that they are on track, there appears to be an element of political grandstanding on the Premier's part in raising this issue now. He is not talking about workable solutions endorsed by the community which benefit the community and the environment but do not penalise retailers.

As always, because it has been a hallmark of this Government, he is taking the big-stick approach. One needs only to look at the extraordinary regime of fines related to roads and the environment to understand the big-stick approach the Government favours rather than an education approach. By giving them an economic value, which they do not now have, we will encourage children to collect plastic bags and return them for a refund. Children will be able to augment their pocket money. For those reasons I move:

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

"this House:

- (1) expresses concern about the impact of plastic bags on the environment;
- (2) recognises that the most important issue is keeping bags out of the waste stream; and
- (3) calls on the Government to support a workable solution to the problem that does not penalise retailers and consumers."

Nothing I have heard, either in this debate or from the Premier, does anything other than penalise retailers and consumers.

Mr Anthony Roberts: And families.

Mr MICHAEL RICHARDSON: As the honourable member for Lane Cove reminds me, it also penalises families. As I said, Ian Kiernan, the head of Clean Up Australia, does not believe in what the Government wants to do. He understands that there will have to be some sort of replacement for plastic bags and that that replacement may well be more environmentally unfriendly than plastic bags. Early plastic bags biodegraded into a compound that probably did more environmental damage than plastic bags themselves. I understand that a new standard is now being developed in this country for biodegradable plastic bags. So why this indecent haste on the part of the Premier and the Government to ban plastic bags?

Mr Frank Sartor: We're going to get things done.

Mr MICHAEL RICHARDSON: The Minister for Energy and Utilities said he is going to get things done when there is a 12 per cent reduction, on track for a 25 per cent reduction, and the opportunity is available to provide money to community groups for getting plastic bags out of the waste stream. I encourage the House to support my amendment; it is the best way of dealing with the problem.

Mr PAUL PEARCE (Coogee) [4.21 p.m.]: The honourable member for The Hills displays a lack of understanding which, unfortunately, the Opposition has on this issue. Members opposite fail to understand the environmental impact of plastic bags. Plastic bags are not simply something we want to get out of the waste stream. Indeed, they are waste themselves; they are a waste byproduct of the petrochemical industry. I wish to reiterate the sad statistics. Last year Australians used almost 7 billion plastic bags, and 80 million bags were disposed of as litter. Plastic bags can take up to 1,000 years to degrade. As many of us are aware, plastic bags are having a devastating impact on the environment. They are causing injury to birds, fish and other native wildlife. They are polluting our waterways, and damaging our natural vegetation. Every year the Environment Protection Authority comes across wildlife dying in pain because plastic bags have been discarded carelessly. Marine animals, such as turtles and whales in particular, are dying after ingesting plastic bags. This is a distressing image, and a clear indication that urgent action is needed.

Environment Ministers from across the country will meet next month to receive an update on the progress of the voluntary retailers code. In October last year the Ministers agreed to support the retailers code, which aims to achieve a 25 per cent reduction in the use of lightweight plastic bags by the end of the year, and a 50 per cent reduction by the end of next year. The code was supported by major retailers such as Coles, Franklins, Woolworths and Target, to name but a few. The code also aims to increase bag recycling by 30 per cent by the end of next year. People who shop would be aware of recycling bins placed outside major retail outlets. In New South Wales we are encouraging retailers to work harder to achieve their targets. We are also encouraging retailers to urge non-grocery stores such as takeaway shops, pharmacies and liquor outlets to join

the code. Currently the target is to sign up 25 per cent of these smaller retailers by the end of this year. Retailers support the voluntary code, but I believe we should not simply leave it to retailers to set the time frame: the community should be actively involved.

Retailers are doing the right thing, and it is important to note that there have been some steps in the right direction. However, the Government is convinced that more needs to be done. Coles, Ikea, Woolworths and Bunnings in particular have made a concerted effort to reduce plastic bag use. Ninety per cent of supermarkets have signed up to the voluntary agreement, the Retailers Code of Practice. Coles has used 130 million fewer plastic bags in the last year and sold 1.6 million reusable bags. It is also looking at a new range of alternatives, which are being trialled in Victoria. Woolworths has used 88 million fewer plastic bags in the last year and sold one million reusable bags. Coles has launched a campaign titled "Give plastic bags the flick", while Woolworths has developed its promotion titled "Fill the bag, not the Environment". Preliminary figures suggest that supermarkets have achieved a 12 per cent reduction in the use of plastic bags. The major retailers have recognised the significance of this issue to the community and the environment.

Ikea is charging 10¢ for each plastic bag and \$1.50 for large reusable bags. It is currently investigating alternatives to plastic bags so it can totally eliminate them from its stores. There has been a significant reduction in plastic bag use. Ikea donates the 10¢ from each bag to local disadvantaged schools and schools that have environmental programs in place. Ikea also encourages its customers to bring their own bags, use a trolley to take their goods to their car, or buy an Ikea reusable big blue bag for \$1.50. Australian United Retailers stores in New South Wales, Victoria and Queensland are offering customers plastic bags made entirely from recycled plastics. They are better because they get the plastic out of the waste stream, but they are not perfect. Some Australian United Retailers stores are also offering reusable calico bags for \$1, and 20¢ from the sale of each bag is being donated to Clean Up Australia.

Innovative programs have been introduced internationally, in Ireland, South Africa and Korea. Other speakers will elaborate on those programs. In Australia, Planet Ark has worked with the communities of Huskisson on the South Coast, and Coles Bay in Tasmania. Those two communities are now bag-free towns after successful campaigns. I am pleased that in my seat of Coogee the two councils have taken a proactive approach. Randwick City Council, under Mayor Dominic Sullivan, has adopted a position to make the city plastic bag-free, and it has been working with retailers to achieve this objective. Waverley City Council has initiated a scheme under which residents can bring 20 plastic bags to council and they will be given a calico shopping bag for their future use. This is clearly an issue that cannot be ignored. For the sake of our environment and its long-term health, everyone in the community must make an effort to reduce plastic bag use.

Mr ANTHONY ROBERTS (Lane Cove) [4.26 p.m.]: While it gives me pleasure to speak to the urgent motion, it is a shame that the House will not have the opportunity to discuss more important issues affecting the people of New South Wales. As the honourable member for Epping said, deaths on the Pacific Highway, the significant issues facing drought-affected areas in the bush—

Ms Kristina Keneally: Point of order: I point out to the honourable member for Lane Cove that the urgent motion relates to plastic bags.

Madam ACTING-SPEAKER (Ms Marie Andrews): Order! I ask the honourable member for Lane Cove to address his remarks to the motion before the Chair.

Mr ANTHONY ROBERTS: I commend the shadow Minister, the honourable member for The Hills, for his work on this issue. I also commend the Federal Minister, David Kemp, who, as usual, has provided that level of leadership that we do not seem to be able to find in New South Wales. Towards the end of last year at the Hunters Hill Fair, which I attended, Sue Hoopmann, Jon Dee and Bruce Lucas announced the introduction of calico bags as a replacement for plastic shopping bags. That is a positive step forward. However, I have concerns about the impact it may have on families. For example, a levy of 20 per cent or 25 per cent on a plastic bag is definitely regressive, and it will directly affect those who are less well off in our community. I have a feeling that the total removal of plastic bags, as suggested by the Premier, is simply another demonstration of how out of touch the New South Wales Labor Government is when it comes to real issues affecting people in New South Wales, such as deaths on roads, a hospital system that is on life support, and a transport system that does not work. The Government makes announcements like, "Let's get rid of Sydney Harbour as a working harbour", "Let's get rid of jet skis"—

Mr Frank Sartor: Point of order: The honourable member raises issues that are not relevant to the debate.

Madam ACTING-SPEAKER (Ms Marie Andrews): Order! I uphold the point of order.

Mr ANTHONY ROBERTS: I would like to know the last time the Minister was in Coles or Woolworths collecting his little bundle of goods to take home to his unit. That point of order goes to show how out of touch he is with the ordinary person in the street, the person who is battling, doing their best. The charge for the use of plastic bags will be another regressive tax by the Government. Reusable bags pose a health hazard for fresh food. Statistics on bag numbers are difficult to obtain, but I commend Woolworths and Coles for their initiative.

More important, like the old cash-a-can, people should be able to return the bags and charities should be able to say, "Here is 10¢". It is a good way for Rotary and Lions, for example, to raise much-needed money for their local communities, now that they do not get that money from registered clubs because of the increase in poker machine tax. I suggest also to honourable members opposite that it would make a great Australian Labor Party fundraiser. Branches could get together and raise money for Heffron or Maroubra, which would be a great area for a fundraiser, by collecting plastic bags to pay for new branch membership fees.

Ms Virginia Judge: Point of order: Is the honourable member for Lane Cove proposing we should have more plastic bags?

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

Mr ANTHONY ROBERTS: I am talking about the benefits of having a system in place. Rather than having a regressive tax levy on plastic bags, the honourable member for Strathfield should look at this wonderful way forward that would help our communities and, at the same time, help the environment. We all want to get rid of the bags from the beaches, the water and the streets. We all want to help the environment. Let us also try to help our local communities. [*Time expired.*]

Ms ALISON MEGARRITY (Menai—Parliamentary Secretary) [4.31 p.m.]: The Carr Government has an impressive record on dealing with environmental matters. I believe that even the Opposition would have to concede that this commitment comes from the very top—the Premier. It is entirely consistent with his approach to environmental issues that he has raised the important matter of plastic bags. As a former Minister, and now as Premier of New South Wales, he displays national and international leadership on environmental issues. I have heard the Premier say that when he comes up against people who dismiss actions taken to address threats to the environment—for example, people such as the Opposition, present company excluded—he simply asks them a direct question: Do they want their children and their grandchildren to grow up in a world where there are no gorillas, where there are no butterflies, or where the only rainforests are miserable pockets of Amazonia, tokens of what once stood there?

Once the Premier has their attention, as I hope I have the Opposition's attention, he advances the sobering fact that we have eliminated about two-thirds of the native vegetation that once cloaked the planet. He talks of humankind being involved in a huge experiment. In other words, we appear to be trying to see how far we can push the earth's natural resources before the consequences catch up with us. Most of the world's leading scientists, or at least those not associated with exploitative industries, would concede that global warming is one of those consequences, and it is certainly here. I recently heard that a large part of the polar ice caps, an area the size of Wales, had melted away. I have also heard global warming referred to as nature's weapon of mass destruction. Indeed, it appears there are some weapons of mass destruction.

The Carr Government has always been at the forefront of measures to address environmental issues. Back in 1996 the Sustainable Energy Development Authority [SEDA] was established during the first term of the new Carr Government to promote the development and use of sustainable energy. At the 2003 election the Carr Government put its record on environmental matters before the people of New South Wales in a document entitled, "Protecting our Future—Labor's Plan for a Healthy Environment". The Government also outlined its plans for this term of government. It detailed how a re-elected Carr Government would conserve our natural and cultural heritage, fight air and water pollution, promote clean air, cleaner industries and healthy communities, and many other issues. There were also specific funding commitments provided for all to see. That approach was in stark contrast to the Opposition, which failed to produce an environmental policy at all. That is something rather rare in modern-day politics. In one weekend in 2002 the Premier added more to the national park estate than the Greiner-Fahey governments had done in seven years.

Mr Anthony Roberts: Point of order: It is a point of relevance. The honourable member for Menai is not addressing the motion.

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

Ms ALISON MEGARRITY: I am trying to make the point that, unlike the Opposition, the Carr Government is always at the forefront of environmental proposals. Raising the issue of plastic bags is yet another example of the significant initiatives that the Government has taken to date and intends to take in the future, as outlined in its 2003 document concerning the environment. Perhaps the Opposition does not want to hear about the highlights of the additions by the Government to the State's national parks and reserves. Murramarang, Washpool, the Blue Mountains, south-east forests national parks are only some examples. The highest level of protection for our unique marine biodiversity is to be found in the State's first marine parks at Solitary Islands, Jervis Bay and Lord Howe Island. Water quality improvements and coastal protection are further initiatives the Carr Government has undertaken, initiatives that were certainly not taken by the Opposition.

The Premier has discussed yet another way that we can attack the problem of littering, of overusing things—in this instance plastic bags—the mere creation of which causes a problem, as well as the problem of disposal. That is where the greenhouse connection comes in, if it needs to be spelled out to the Opposition. If the Opposition looks at the Protection of the Environment Operations Act it will realise that the Government has streamlined and toughened the legislation on air and water pollution, waste management, contaminated sites and pesticides. The list can go on. The Minister for the Environment has introduced significant penalties for littering and other matters relating to environmental issues. I mentioned the Premier at the beginning of my contribution and I want to quote from what he said:

I want the people who come after us, the Australians of 100 years time to be able to look back on this generation of people engaged in politics and say, "Well, they had faults but I tell you what, they did a lot for us and we appreciate what they did."

The Opposition should be more far thinking about the needs of future generations and the plague that plastic bags bring to our environment. [*Time expired.*]

Mrs SHELLEY HANCOCK (South Coast) [4.36 p.m.]: I take exception to claims that members on this side of the House are not concerned about the environment. As honourable members would know, I live in an electorate that has the most beautiful and pristine environment in the State. I am proud to say that. My electorate includes Jervis Bay and something like 70 per cent of it is national parks. I am keenly aware of that. But the issue of plastic bags should not have come before us as an urgent matter. We do not need to hear the statistics regurgitated by the honourable member for Strathfield about how many plastic bags there are or what damage they do. Communities in my electorate already know about the problems and are already seeking solutions. That is probably the most appropriate way for communities to behave, rather than being hit over the head with a big stick by the Government, which is travelling far too late for this train. The train has already left the station, not that there are any trains left running on the South Coast.

[*Interruption*]

There are not too many, and the honourable member for Kiama should know that. However, I do not think the Government needs to be paternalistic in my electorate. Well before Christmas I attended the Huskisson bag-free launch. This issue is community driven—and it is better that it is community driven—and the launch demonstrated that communities are doing it for themselves. It was a huge event held on the shores of Jervis Bay. It was attended by schoolchildren, representatives of Planet Ark, myself and members of the local council. We all supported the initiative of ridding the town of Huskisson of plastic bags. That has not happened: there are no plastic bags in Huskisson. The initiative has now been extended to the township of Ulladulla in the electorate of Bega, which is shortly to be pronounced as another plastic bag-free town, as is Kangaroo Valley. Communities are already addressing the problem.

In my view the raising of this matter is just a political stunt by the Government, which is grasping at straws to get itself a positive, good-news story. But the Government is too late, because communities are already working extremely hard. Committees are being set up throughout my electorate to spread the word about the destructive qualities of plastic bags. As usual the Government is too late to do anything about the environment, the South Coast, or anything else. As far as workable solutions are concerned, perhaps the Government should talk about biodegradable bags because they will be part of the solution to this problem. Perhaps we need to spend more money on research into biodegradable bags. That would be one of the realistic solutions. But no, the honourable member for Strathfield has told us that it is time to get down to business. Communities clearly do not need to be told how to get down to business or even that they need to get down to business, because they are already getting down to business.

Communities are already in the process of finding solutions and, indeed, two weeks ago Shoalhaven City Council discussed biodegradable bags. My electorate is very conscious of the particular environmental impact of plastic bags on Jervis Bay Marine Park. The Minister for Energy and Utilities likes to quote statistics, and I do not want to get into a battle of wits with him because he is clearly unarmed. The Government cannot take credit for any initiative to rid the environment of plastic bags because communities have been working on solutions for a long time.

Mr ACTING-SPEAKER (Mr Paul Lynch): Order! The Minister will come to order.

Mrs SHELLEY HANCOCK: Clearly, the battle of wits has been lost because the Minister has been unarmed from the beginning.

Mr ACTING-SPEAKER (Mr Paul Lynch): Order! I suggest the honourable member for South Coast address her remarks through the Chair.

Mrs SHELLEY HANCOCK: I apologise. Local communities will find workable solutions and certainly one solution is biodegradable bags. However, we do not want to hit businesses and families. Instead, they should take ownership and drive the projects. My electorate is doing that and my constituents do not need the honourable member for Strathfield or anybody else telling them what to do.

Mr MATT BROWN (Kiama) [4.41 p.m.]: I am pleased to speak in this important debate. The honourable member for South Coast should apologise to the House for suggesting it is too late to improve the environment. It is never too late for anyone to do his or her part to improve the environment. I am pleased that the honourable member for South Coast acknowledged the hard work of the Carr Labor Government in declaring more national parks in her electorate and on establishing Jervis Bay Marine Park. The Government does not recommend a tax. This was an Opposition furphy. The Government seeks to encourage progressive policy to make the environment safer for our wildlife. We do not wish to hear more dreadful stories such as that of the bryde's whale that had six square metres of plastic, most of it shopping bags, inside it, including some twisted around its intestines. We want communities to be empowered to work together with their local chambers of commerce and supermarkets to reduce the use of plastic bags. Every year 20 million Australians use almost seven billion plastic bags, littering our environment and killing thousands of marine animals.

My electorate of Kiama is a beautiful, pristine part of the State, and adjacent to it are the communities of Huskisson and Kangaroo Valley, which I visit regularly to speak to local residents there. They have told me about the wonderful work being undertaken by those communities in banning plastic bags. Local businesses support the ban and those communities are proud of their achievements. Kangaroo Valley was the first mainland town on the Australian continent to become plastic bag free, and the retail outlets in that town and the 133 retail outlets in Huskisson should be congratulated. The South Coast is leading the State in reducing plastic bag usage at the grassroots level. Those communities are following the excellent example of Coles Bay in Tasmania, the first place in Australia to be plastic bag free.

I congratulate Planet Ark on its campaign and in making me aware of the importance of this issue. Planet Ark is working with environment Ministers and communities throughout the State to develop a policy to protect the environment. The honourable member for Lane Cove referred to a cash-and-can principle where people pay 10¢ towards charity. Perhaps he is not aware that IKEA is already using that policy by donating the 10¢ per plastic bag to local schools and community groups to support them with environmental issues. Perhaps the honourable member for Lane Cove should do more research instead of filibustering in this Chamber.

Mr Anthony Roberts: Point of order: Does this mean that the honourable member is supporting the Coalition's amendment?

Mr ACTING-SPEAKER (Mr Paul Lynch): Order! No point of order is involved.

Mr MATT BROWN: I support the motion and thank the honourable member for Strathfield for moving it.

Mr RICHARD TORBAY (Northern Tablelands) [4.46 p.m.]: I welcome the opportunity to speak about the devastation that plastic bags cause to the environment, and I congratulate the honourable member for

Strathfield on moving the motion. There has been considerable partisan debate, which is perhaps unfortunate because, in substance, honourable members from both sides basically agree, whereas I hope we can focus more on strategies to correct the problem. Recently the media supported various campaigns on this issue. The editorial in the *Sydney Morning Herald* of 8 March reported that the annual Clean Up Australia Day campaign collects an average of 500,000 plastic bags, which is only a fraction of the seven billion used annually.

The fact that one plastic bag can take up to 1,000 years to degrade highlights the significant detrimental effect that plastic bags have on the environment. The use of plastic bags is worthy of debate not only in this Chamber but also at every level of government, including local government, which has an obvious contribution to make. On 26 February the *Australian* reported that Dr Kemp claimed that supermarkets had already slashed bag use by 12 per cent since agreeing to a voluntary code that commits them to 25 per cent reduction by December. Dr Kemp said the fact that they had already managed to cut bag use by more than 200 million was proof that a bag levy was unnecessary.

Earlier speakers have quoted Planet Ark founder John Dee, who accused the Government of putting a deceptively positive spin on the figures, which he said represented a mere 3 per cent reduction in the almost seven billion plastic bags that end up in landfills and waterways annually. No matter which figure is right, the voluntary commitment target is only a 25 per cent reduction, which still leaves many plastic bags polluting the environment. As this debate today has shown, agreement cannot be reached on the best way to tackle this huge environmental problem. Environmental groups want a 25¢ levy on plastic bags, but Premier Carr favours an outright ban on them. The trials in Huskisson and Tasmania certainly are excellent initiatives worthy of consideration. We should consider all measures to reduce and eliminate this significant environmental problem.

Overseas experiences, which should be looked at as well, show that the imposition of a levy reduces the use of plastic bags. Ireland has claimed a 90 per cent reduction in the use of plastic bags after a levy of 15¢ per bag was introduced. Senator Bob Brown reported that this has been the experience of major retailers in Australia. For example, Bunnings hardware in New South Wales introduced a 10¢ levy in its stores and achieved a consistent 90 per cent reduction in plastic bag usage, which is significant.

Many European countries—for example, Italy—charge for each plastic bag used in supermarkets. The *Sydney Morning Herald* reported on 13 March that South Africa legislated against certain types of plastic bags last year. Bags less than a certain thickness are now illegal, and retailers found distributing them face a hefty fine or a gaol sentence. Shoppers must either take their own bags or pay for thicker recyclable bags. When we are looking at strategies we need to look at educating the people on the front line of our supermarkets and other retail establishments, that is, the young men and women who put our groceries in bags. When I tell them that I do not want a plastic bag they look at me as though they do not know what to do next. We must help them. We must get the organisations to support and assist them, and develop a standardised reusable bag that will fit into the supermarket checkout holders that are presently used for plastic bags. That would help to speed up the checkout process, reduce the need for plastic bags, which is the objective of all honourable members, and make a positive contribution to the environment.

Ms KRISTINA KENEALLY (Heffron) [4.51 p.m.]: This morning I made my son a Vegemite sandwich and I admit that I went to put it in a plastic bag. My son, who is in kindergarten, raced up and said, "Mum, mum, mum, don't do that. It's got to go in something that you can use over and over. If you put it in a plastic bag I'm just going to throw it in the rubbish." My son's school has done a great job of raising the level of awareness of a student who has been in school for only four weeks about the importance of recycling. This afternoon in this Chamber we are trying to raise the level of community awareness about the impact of plastic bags on the environment, and to that end I shall talk about some overseas experiences.

It was students, again, at Rosary College in Aqaba, Jordan, who led a campaign against the use of plastic bags in their town. They sought to rid their town of non-degradable plastic, which comprises a major portion of waste in Aqaba. In response to the students' petition, the Aqaba Special Economic Zone Authority has instituted a ban on the use of plastic bags that are less than 20 microns in thickness. In Ireland a plastic bag levy introduced in March 2002 means that shoppers pay around nine pence for thin shopping bags. As a result, there has been a dramatic drop—90 per cent—in the use of plastic bags. Compare that with the 12 per cent drop we have seen with the voluntary code. Shoppers either have to find alternatives or pay the levy. Funds from the levy go into an environmental fund to finance a range of waste management, litter and other initiatives.

Other countries have even stricter policies. For example, Bangladesh banned polythene bags in 2002 after they were found to have been a major factor in flooding, through the blockage of drain systems. In Korea,

shoppers are charged \$2 per bag. As the honourable member for Northern Tablelands said, last year the South African Government outlawed flimsy plastic bags. Instead, South African manufacturers have been required to increase the thickness of their bags to make them durable enough to reuse. Initially opponents said that this new law would result in job cuts, but manufacturers have now embraced this change, saying it is good for the country, the environment, and their industry. As part of this ban, shoppers must buy the reusable bags, and the bags are not allowed to be branded, so that they can continue to be used.

Recently the environment Minister in Mauritius said that only biodegradable plastic bags that conform to quality specifications could be produced in that country. Mauritius generates between 1,200 and 1,500 tonnes of waste every day, and plastics account for 8 per cent of this waste, with plastic bags alone responsible for 3 per cent. The environment Minister said that if nothing is done the figure will increase with growing consumption. Such accumulation threatens the fertility of land, and the bags block drainage systems, thereby increasing the risk of flooding during heavy rain. The bags often end up in lagoons, asphyxiating marine life. He said:

We expect companies to be more proactive and take initiatives as part of the government policy to promote sustainable development. The State can no longer afford to spend big money from the public funds for the management of waste and pollution caused by lack of foresight and precaution by companies.

Overseas experience shows that bans, levies, and other measures work. They reduce the number of bags produced and used, and the number that end up in the waste stream. The New South Wales Government takes note of these overseas experiences. In the lead-up to next month's meeting of environment Ministers that will review the voluntary code, we want the community and retailers to, likewise, note the successes achieved overseas. We want the community to get involved in this issue, to become informed and to contribute to these major decisions about the future of our environment.

Mr JOHN TURNER (Myall Lakes) [4.55 p.m.]: The advent of the plastic bag is a relatively new phenomenon that has created great environmental difficulties throughout the world, and Australia is a major offender. It is time we bit the bullet and looked at the proliferation of shopping bags in a proper and constructive way. I can remember—I am not quite as old as some members but I am a lot older than others—my mother sending me with a string bag to do the shopping at the corner store in Cessnock run by Uncle Toby. It was always a delight to go there because Uncle Toby always gave me a couple of free biscuits, which were packed in a brown paper bag. I put the brown paper bag in the string bag and duly returned home. The brown paper bag was reused for my school lunch—I probably brought it home a couple of times—and the string bag was used regularly.

As I grew up and became involved with water sports I saw more and more plastic bags and plastic items in the waterways, particularly in the Gladesville River—Gladesville River was effectively a dead river when I rowed on it, and I am pleased that it is alive and well now—in the Port Stephens area, and later in the Great Lakes area. The environmental problems caused by plastic bags are distressing. They caused not only visual problems but real problems to animals in the wild, particularly those that live in or near water. Plastic bags create all sorts of problems for boats, and when they wash up in coves, et cetera, they can smother water life that is developing in mangroves and in the shallows of the water.

When my wife and I used to walk on the beach with our young children we used to educate them about picking up plastic bags. Our children are older now and do not walk quite as much as my wife and I, but I am pleased to say that my wife and I still pick up plastic bags whenever the opportunity arises because they create significant problems. In my electorate there is a great embracement of reusable bags. My wife has about three of them on the front seat of her car. She regularly visits the same fruit and vegetable shop and it gives away reusable canvas bags. I applaud it for that.

People can purchase reusable bags in Coles and Woolworth's. I see more older people—we need to educate younger people—using reusable bags, and there is no reason they cannot do so. When I go shopping, which is fairly regularly, I notice that the plastic bags are usually only half full, and that exacerbates the problems. The honourable member for Heffron talked about what happens in other parts of the world, and particularly the charges for using plastic bags. Some retailers in New South Wales, such as Bunnings and IKEA, charge for plastic bags. It is nice of IKEA to take the responsible attitude of charging for plastic bags, but I wish it would not put all its profits into producing glossy brochure that are left out the front of the unit in Leichhardt where I stayed, creating a visual problem similar to that for plastic bags. However, that is a side issue.

We should not have to make people pay for plastic bags. We should educate them to move away from their dependence on plastic bags. That should be part of the education process right through the schools. I was

pleased to hear the honourable member for Heffron say that her young child had already talked about this at school. It is something we need to push strongly. It is a bit of a cop-out to think that charging people for plastic bags will stop them using them. In this day and age, faced with a charge of 10¢, people will just take the plastic bag. There will always be plastic bags, so their biodegradable abilities must be enhanced so that when they get into the waste cycle they will break down better than they do at present. We have moved forward with this debate, but we have a long way to go. The Government should look at other initiatives, such as more alternatives to plastic bags.

Mr NEVILLE NEWELL (Tweed—Parliamentary Secretary) [5.00 p.m.]: There is certainly strong community support to reduce the use of plastic bags. There is also plenty of concern about the damage they do, particularly to marine mammals, as has been mentioned by a number of members in the debate. It is shameful that each year Australians use nearly seven billion plastic bags. I support efforts by retailers to sign up to the national voluntary code of practice for the management of plastic bags. I hope they are making every effort to meet their target of a 50 per cent reduction in the number of plastic bags by the end of next year.

This is a critical issue, and the Premier has spoken strongly on it. He indicated that the Government will not sit by and allow complacency to prevail. Currently, the onus is on the industry to deliver, and Environment Ministers across the country have given industry representatives the opportunity to produce the results we desire. The Premier has made it clear that New South Wales is prepared to go it alone if there are not effective and timely national outcomes. The industry must reduce the incidence of plastic bags and therefore their ending up in landfills and polluting the environment. It must meet its target of a 50 per cent reduction in their number by the end of next year, and increase the recycling of bags by between 15 per cent and 30 per cent. It must also come up with action for a total phase-out of these insidious plastic bags.

I congratulate Federal Labor on ensuring that plastic bags are placed on the national agenda. It has responded to community concerns about plastic bags and taken steps to ban them. Labor's environmental spokesman, Kelvin Thomson, has gained shadow Cabinet approval for a ban. Under the policy, retailers would be given a timetable to phase out plastic bags voluntarily, but if targets were not met a ban would be introduced. Federal Labor is developing the policy to confirm how the ban would work. Importantly, Federal Labor also supports ratifying the Kyoto protocol on climate change and is committed to a higher mandatory target for renewable energy. This clearly indicates a significant point of difference between the Howard Government and Federal Labor. Federal Labor is genuinely committed to the environment, and once it is elected it will ensure that Australia is recognised as a country that is determined to improve its national environmental record.

The Planet Ark campaign of bag-free towns, which is operating in Huskisson on the South Coast and at Coles Bay in Tasmania, is proof that it is possible to get rid of plastic bags without a levy or a tax. The campaign has worked in these towns and is important that we have policies that work in every community. Everyone must make a concerted effort to reduce plastic bag use. It must simply become our way of life. I pay credit to the honourable member for Myall Lakes, who said that his family has made an effort to reduce the use of plastic bags. I congratulate my partner, Kylie, on not accepting plastic bags from supermarkets. She has been doing that since long before we were married. She keeps recyclable cloth bags in the boot of the car, and we bring home our fruit and vegetables in those bags rather than in plastic bags.

I commend Ireland and South Africa for their efforts—as mentioned by the honourable member for Heffron—to reduce plastic bag use. I hope other countries will follow suit. A broad range of options can be introduced to suit particular areas, so there is no excuse at all for any country not to adopt these measures. Honourable members who represent electorates on the coast have already indicated their concern about the marine environment. Whether it be the South Coast, Myall Lakes, Kiama, or my seat of Tweed, we see the impact of plastic bags on marine animals in the estuaries, in the lakes and in the ocean.

I commend the *Sunday Telegraph* for its campaign to reduce the use of plastic bags. Supported by the environmental group Planet Ark, the *Daily Telegraph* has consistently focused on this issue. It has warned retailers that plastic bags are on the way out and that they need to adopt measures to reduce their use. Plastic bags have become a key issue for our State. This is due in large part to the public education campaign run by the *Sunday Telegraph*. I congratulate the paper on its contribution to this important community issue. I hope it will continue to focus on future environmental campaigns of a wider nature. This is critical to our national image, with close to seven billion plastic bags used every year. Every person in the community—including every retailer—must continue to implement measures to reduce plastic bag use. It is not just communities; industry must also accept that there needs to be a change and make provision for that change. It will save our environment, save our wildlife, and improve the cleanliness of our communities.

Ms VIRGINIA JUDGE (Strathfield) [5.05 p.m.], in reply: I am pleased to have had the opportunity to move the motion on this important issue. I thank all speakers for their contributions, in particular the intelligent comments made by members of the Government. I must rebut some of the erroneous statements made by members of the Opposition. The honourable member for The Hills spoke about my getting the facts straight. The honourable member needs to listen carefully to what I say if he is going to cast aspersions on me. I did not say the Federal Government would phase them out. I said the Environment Protection and Heritage Council had asked the National Packaging Covenant Council to provide specific proposals for national action and then adopt a mix of short-term and longer-term actions with the aim of cutting plastic bag litter by 25 per cent by the end of 2004, rising by 50 per cent a year later. That is what I said.

The honourable member talked about my not supporting community groups. How ridiculous! If he had listened to what I said, he would know that much of what I said was about the fantastic work that a community-based, not-for-profit group, Planet Ark, performed. The honourable member for South Coast said she was concerned about my regurgitating statistics. Obviously she is afraid of statistics, because they are the facts and they speak eloquently for themselves. The honourable member for The Hills talked about financial impacts. The experience of Huskisson, Coles Bay and others, which were part of the Planet Ark's campaign, is that they were able to ban plastic bags completely at no financial disadvantage to anyone. The facts speak for themselves.

Unfortunately, the facts on recycling show that people tend not to take plastic bags back to shopping centres for recycling. Because people lead busy lifestyles, and for other reasons, they do not have the time. Recycling has been available at many shopping centres for years but it has been underutilised. I took the time to sit in front of one of my local shopping centres last weekend, and I saw lots of plastic bags coming out but not one being taken back in. If the honourable member for Lane Cove is going to attack me he had better do his homework, because I do mine. If the honourable member had been listening he would know that neither the Premier nor any member of the Government said they would implement a levy. If retailers are not meeting targets, all options will be considered. Some honourable members do not appear to be aware of this.

I hope that the environment Ministers at their meeting next month will find that the measures already in place have been successful in achieving reduction. It is always preferable that industry designs its own schemes to reduce waste and litter. However, I support the Premier's comment that New South Wales should act alone if not much progress has been made. Around the world both levies and bans have been effective in reducing plastic bag usage. New South Wales will have to consider all its options before making a decision about the best possible course of action. Several environmental organisations have been lobbying for action on this issue. Again I acknowledge the work of Planet Ark, in particular, in this area. This morning I spoke to Jane Castle from the Total Environment Centre and asked her opinion about the best options. She said, "Preference is for a total ban because we think it will deliver the outcomes more effectively and quickly with less administrative costs." Jane Castle is a hardworking woman who is dedicated and committed to supporting our environment, which is a precious resource. [*Time expired.*]

Question—That the words stand—put.

The House divided.

Ayes, 54

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

Noes, 30

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

Pairs

Mr Bartlett	Mr Brogden
Ms Saliba	Mr Stoner

Question resolved in the affirmative.

Amendment negatived

Motion agreed to.

Mr ACTING-SPEAKER (Mr Paul Lynch): It being after 5.15 p.m., business is interrupted for the taking of private members' statements.

PRIVATE MEMBERS' STATEMENTS**NEWCASTLE RAIL SERVICES**

Mr BRYCE GAUDRY (Newcastle—Parliamentary Secretary) [5.21 p.m.]: Last evening I attended the Save Our Rail community feedback forum at Newcastle City Hall from 7.00 p.m. to 9.00 p.m. I did so for two reasons. First, I tabled a letter from me and several of my colleagues reaffirming our support for the retention of passenger rail services to and from Newcastle station from Sydney, the Central Coast, and the Hunter and Dungog regions. Those services should be a component in the development of a fully costed and funded, comprehensive Lower Hunter integrated transport study and plan under the direction of the Department of Infrastructure, Planning and Natural Resources based on the principles of social justice and environmental sustainability. Honourable members representing the electorates of Swansea, Lake Macquarie, Wallsend, Charlestown and I support that approach. We made it clear that the retention of passenger rail services to Newcastle is an essential part of development of a fully integrated public transport plan for the Lower Hunter.

The second reason for my attendance was to receive from the forum a submission dealing with the research done over several months investigating the retention of rail services by reducing the Newcastle line operating costs and level crossing closure times. I will present that submission to the Premier, the Minister for Transport Services and the Minister for Infrastructure and Planning. It is part of an ongoing process that has been organised by the Save Our Rail group in response to the announcement of the Lower Hunter Transport Working Group's report on changes to public transport in the area and, in particular, the call to remove rail services all the way back to Broadmeadow. Those involved in Save Our Rail strongly oppose that move.

More than 250 people met at Newcastle City Hall to hear feedback about a series of meetings held since the rally at Newcastle station on 6 December. Meetings were held at the Central Coast, Lake Macquarie, Newcastle University and Maitland. The meetings gave public transport users and critics of the Lower Hunter Transport Working Group an opportunity to have their say in an open forum. Strong support was expressed for the retention of rail services and the development of a fully funded and costed integrated transport plan for the area, with much better co-ordination between rail, bus, ferry and taxi services as part of that plan.

I have sponsored *newcastlerail.org*, a web site that enables people to comment on the Lower Hunter transport plan and also, of course, to critique the Lower Hunter transport working group report. The site has attracted comments from "normal" members of the public who use public transport and also from Professor Warren Pengelly and Professor Bruce McFarling, who have made a number of learned comments. It is interesting reading. People have a positive view of public transport, not only retention of rail services but also improvement in services across the Hunter. The views expressed deserve serious consideration. The strong feeling at the feedback meeting last night was that people were not being heard. That view was put strongly at a Save Our Rail rally held on 10 March in Maitland and clear statements were made last night. As I said, the submission looks to reducing Newcastle rail operating costs and level crossing closure times. Both are positive suggestions designed to ensure that rail services to Newcastle station are retained.

GOSFORD HOSPITAL AND MR MARK AZZOPARDI

Mr CHRIS HARTCHER (Gosford) [5.26 p.m.]: This evening I bring to the attention of the House the concerns of one of my constituents. Mr Mark Azzopardi from Green Point on the Central Coast is a quadriplegic. He is, of course, wheelchair bound and dependent on the assistance of others to go about his daily functions. Mr Azzopardi has brought to my attention some serious issues relating to Gosford Hospital and the treatment he received there earlier this year. In early February Mr Azzopardi was suffering from abdominal pain. In need of medical attention, he arranged to be taken to Gosford Hospital. Upon arrival nurses placed him in a ward with minimal supervision. He was left there for four days with no news of how diagnosis of his condition was progressing. Doctors could not establish what was wrong with him. Finally, he called his family and requested that he be taken home after being left for 45 minutes in an assistance hoist used to help patients go to the toilet.

Mr Azzopardi has made it clear that he is not upset with the staff at the hospital. However, after seeing them stretched to their limits he is concerned about the level of support they receive to allow them to help patients. The staff are hardworking and dedicated, but there are not enough of them. After returning home, Mr Azzopardi saw his local general practitioner [GP] and told him about the situation at the hospital and the fact that he had been unable to get satisfactory treatment for his pain. His symptoms had not subsided and he was in considerable pain. He told his GP that Gosford Hospital was unable to help him due to lack of resources and his GP told him he would try to get him admitted to Royal North Shore Hospital's spinal unit.

After several unsuccessful attempts to have him admitted the GP suggested that he go to Royal North Shore Hospital and attempt to have himself admitted to the emergency ward. When he got to the hospital an intern told him that people like him—that is, quadriplegics—were wasting their time because the spinal unit was only for emergencies such as broken necks and surgery. By that time Mr Azzopardi had been in pain for 21 days. A doctor at the hospital gave him an antibiotic and sent him home. Eventually his pain subsided and it turned out he had been suffering from a severe bowel blockage. I have since been informed that Royal North Shore Hospital has limited the services it provides to quadriplegics. Previously all quadriplegics were able to attend the hospital for treatment and it was able to provide specialist help. Now that the service is diminished, quadriplegics are forced to attend local hospitals to receive treatment despite those hospitals not having expertise or facilities to cope with this increase in required service provision.

The story I have just told is of major concern, and I ask the Minister for Health to look into the allegations as a matter of priority. My concern is exacerbated by the announcement last week that the State Government is considering amalgamating the Central Coast Area Health Service with the North Sydney Area Health Service. Royal North Shore Hospital and Gosford Hospital are the largest hospitals in their respective area health services. As yet the two hospitals, which are seemingly having trouble with patients they previously had no difficulty treating, are to be joined together in the one area health service. The Government is convinced that health services will not suffer under this arrangement. The Minister for Health should look at some of the horror stories coming out of hospitals, because it would appear that health services on the Central Coast are suffering and will continue to suffer.

SENIORS WEEK

Ms LINDA BURNEY (Canterbury) [5.30 p.m.]: Seniors Week, which runs from 14 to 21 March, is a major community event celebrating the contribution of older people in New South Wales. Through a range of programs and events, Seniors Week challenges some of society's stereotypes about ageing, and invites all of us to consider our attitudes towards older people in our community. Themed "The Best Time for Ages", 2004 Seniors Week events focus on learning, adventure and getting together. From Tai Chi to tea dances, seniors are

invited to step out at sporting events, lectures, concerts and workshops. There is something for everyone. To commemorate Seniors Week, I attended the Indonesian Intergenerational Lunch with the theme "In Harmony with the Seniors". It was an extremely well-attended event, and I congratulate Mr Jon Soemarjono, the President of the Indonesian Association of New South Wales, and the members of the committee on the wonderful event that took place, culminating in a wonderful spread of culinary delights. Indeed, I did not have to eat for the rest of the day. Mr Soemarjono is also the chairperson of the Canterbury Bankstown Migrant Resource Centre management committee. The event was supported by the Minister for Community Services and Ageing, the Canterbury Migrant Resource Centre and the Chinese Australian Services Society—commonly known as CASS Care. An institution in the Canterbury electorate, the Indonesian Community Council of New South Wales, provides essential settlement services to people from Indonesia and, according to the Canterbury Bankstown Migrant Resource Centre's client statistics on the language spoken, Indonesian-speaking people rank number five in the Canterbury electorate. In other words, Indonesian is the fifth most spoken language in the electorate.

The Indonesian Community Council assists Indonesian people to settle in their new country by providing assistance on issues associated with welfare, income support, housing, English language courses, education and vocational training, employment, women, youth, family and children's services, Medicare and health services, immigration and citizenship, and legal matters. The council has three offices, in Botany, Rockdale and Campsie. Most importantly, the organisation provides a place where people of similar backgrounds can share their settlement experiences, and develop new and enduring friendships. I congratulate the Indonesian Association of New South Wales and the Indonesian Community Council of New South Wales on making the Seniors Week Intergenerational Lunch such a memorable and warm occasion.

One of the things that we as a community need to come to terms with and consider deeply is the role of senior people in our communities. In many cultures, as people get older they grow in stature and are revered by the communities in which they live. The idea that these older people are the wisdom of our society, rather than the burden of our society, is something we should be learning to celebrate much more in Australian society. It is noticeable that often as people grow older we treat them as though they are perhaps not as smart or as worthwhile as they were when they were younger. I strongly suggest that there is another way of looking at the role of senior people. I refer, for example, to the way we see senior judges, senior teachers and senior politicians. They are people who gain respect and are given respect. The same should apply to people who are growing older in our community. In growing older, they are gaining wisdom and experience—wisdom and experience that we should take on board, embrace and celebrate.

LUNA PARK AREA DEVELOPMENT

Mrs JILLIAN SKINNER (North Shore) [5.35 p.m.]: I wish to speak on behalf of constituents of my electorate who live close to the Luna Park site and the 3,000-odd people who have signed a petition I have sought to table in this place. Members will recall that today the Minister for Infrastructure and Planning, the Hon. Craig Knowles, outlined new proposals in relation to the administration of the Luna Park site. The proposals relate to a development application for the construction of a 14-storey office building on the Luna Park cliff-top site. The simple answer is that the Minister should rule out the application; he should simply say no. That is what constituents called for when they rallied in their hundreds at Luna Park a few weeks ago, and it is what people from across my electorate and people across the State are calling for.

Today's announcement is designed to soften up the community for an approval for the construction of a building of up to 14 storeys, which would ignore the provisions that would apply under the Luna Park master plan. Today the Minister said that in 1997 I and the Coalition supported a bill that amended the Luna Park Management Act. The Minister is absolutely correct: I did support such a bill. At that time we were given an assurance that under that bill the consent authority for any buildings at Luna Park would continue to be the local council, North Sydney Council. The then Minister for Infrastructure and Planning, Minister Yeadon, said:

A new plan of management is currently being prepared for the Luna Park site to reflect the changes made by the bill. The new plan will be on public display shortly after the enactment of the bill for a period of four weeks. During this period community consultation will be undertaken with interested stakeholders.

A plan of management was adopted after community consultation. It indicated that development on the Glen and Northcliff streets site, the cliff site in question, "should be limited to a height of 7.5 metres such as a two-storey restaurant". That is a two-storey building, not a 14-storey building. By foreshadowing the changes today the Minister has said, in effect, "You are not going to be restricted to a two-storey building. I have now changed the rules, and you can have a building that is up to 14 storeys." Not only should the Minister forbid the construction of buildings of up to 14 storeys, he should not give the tick to buildings of 10 storeys. In fact, he

should not give the tick to the construction of buildings other than two storeys, which is what the community signed off on. The community has every right to feel disillusion with, and total distrust of, the Government. The Government has changed so many provisions of the Luna Park master plan that what the local community is getting is absolutely nothing like it signed off on under the legislation, which the Minister correctly said the Coalition supported when it was introduced to the Parliament.

The local residents are now threatened with this 14-storey building at the cliff top, which I might add was endorsed by the Government Architect and described by him as a "chirpy canary-yellow building". I note the Minister for Tourism is at the table and I would be interested to know her views on what the tourists who line up on the harbour foreshores to take photographs of Sydney Harbour Bridge and the magnificent aspect beyond would think about a 14-storey chirpy canary-yellow building abutting the northern pylon.

Not only is this proposal totally inappropriate—and the development application has to be approved by the Minister for planning—but it was breathtaking in its disregard for all of the heritage requirements regarding height for the site. The local residents are also distrustful because as well as a 14-storey building they are facing the prospect of 389 car parking spaces being provided when they were told that under the plan they would only get 100, an extensive commercial development and a cinema complex. The Minister has to do the right thing and say no to 14 storeys and anything other than two storeys, and abide by the Luna Park management plan signed off by the community.

BATE BAY SURF LIFE SAVING CLUBS

Mr BARRY COLLIER (Miranda) [5.40 p.m.]: With the Australian Surf Life Saving Championships commencing today at Kurrawa, Queensland, I draw to the attention of the House the extremely valuable contribution made by the four Bate Bay surf life saving clubs to the people of the Sutherland shire and beyond. The four Bate Bay clubs—Cronulla, North Cronulla, Elouera and Wanda—are amongst the finest and most successful surf life saving clubs in Australia with a proud history of success, sportsmanship and service to the community. The four clubs provide an essential community service, protecting the lives of thousands of beachgoers from all over Sydney each summer, and keeping our shire beaches safe. Surf lifesavers are ordinary people doing extraordinary things, regularly risking their own lives to save the lives of others. Our surf lifesavers in the Sutherland shire have not only been called upon to save lives in the surf and on the beach, but during the infamous Christmas bushfires our surf lifesavers were using surf craft to evacuate families from areas in and around the Port Hacking and Georges River areas.

Members of the four Bate Bay surf clubs are drawn from all parts of the shire, the St George area and surrounding districts. From its humble beginnings in a tram carriage, Cronulla Surf Life Saving Club celebrates its 100th year in 2007, along with Surf Life Saving NSW. Cronulla is one of the largest and strongest clubs in the surf life saving movement, consistently placed in the top 10 clubs at the Australian championships over the past 20 years. I congratulate Cronulla on achieving first place at the recent 2004 New South Wales State Surf Life Saving Championships, conquering heavy seas, thick seaweed and a red-hot field at Shellharbour. Cronulla has 1,200 members, including 620 in its nipper ranks. Last season Cronulla's patrols performed 43 rescues, took 283 preventative actions and treated 139 individuals with first aid.

I congratulate the club president Allan Hanson and club captain Tiarne Smith, and all club members and their families on a great season to date. Cronulla, with its 120-strong representative team is certainly in an excellent position to challenge the richer Queensland clubs for 2004 Australian championship honours. I especially acknowledge the success of the Cronulla junior surf life saving group called the Nippers. Chaired by Greg Holland and his hard-working committee, Cronulla has won an incredible seven back-to-back State Junior Surf Life Saving Championship titles—a new record. Cronulla's Nippers club is the largest in Australia with over 620 children aged from five to 13 years gathering each Sunday morning during summer for competition and to learn surf awareness and safety skills. This depth and determination of the youngsters in the Cronulla club and the tireless drive of the team officials will help keep Cronulla at the forefront of surf life saving premierships for years to come.

Wanda Surf Club, which was established in 1946, is the northernmost of the Bate Bay clubs. It patrols the longest stretch of beach in the shire, along the three kilometres of Greenhills and up to Boatharbour. In 2002-03 Wanda club members performed 99 rescues and took 624 preventative actions in keeping this stretch of beach safe. This year, led by club president Col Ricketts and club captain Graham Hill, Wanda has 550 members and 360 juniors and is sending a team of 130 to the Australian championships.

Elouera Surf Life Saving Club is Sydney's newest club, squeezed in between North Cronulla and Wanda. Every year the Elouera club conducts its annual surf awareness clinic. Since it began in 1982 more than

9,000 children aged between 7 and 12 have attended the clinic for a week of fun, sun, sand and invaluable instruction in the world of surf safety. In 2003 Elouera received the New South Wales Water Safety Council's award for the community water safety event of the year. The club has maintained the clinic's popularity with about 400 kids hitting the beach between 12 and 16 January 2004. The club has 320 members and 398 children in its nipper movement. Under the leadership of club president Stephen Frawley and club captain Peter Carney, the club performed 50 rescues and 300 preventative actions, and administered about 150 first aid treatments last season. It is taking a team of 72 competitors to the Australian Surf Championships.

North Cronulla is another fine shire club. Last season its members undertook 2,507 preventative actions and 178 rescues, and treated 121 beach-goers with first aid. With 1,080 members, including just under 500 nippers and a 100-strong team competing at the Australian championships, North Cronulla, led by President Barry Schuettrumpf and club captain Conrad Pearson, is going from strength to strength. At the 2004 State championships at Shellharbour, North Cronulla was placed ninth in the opens and sixth in the juniors.

Each of the four Bate Bay clubs has a proud record of achievement and a proud record of community service. They are well supported by local businesses and by local clubs such as the Sutherland District Trade Union Club, the Sutherland United Services Club, Kareela Golf Club, Caringbah and Cronulla RSL clubs. These clubs have generously donated boats, inflatable rescue boats, rescue equipment, training aids and funding for surf awareness clinics. I congratulate the clubs, their members and their families, and I wish each of the clubs of Bate Bay—Cronulla, North Cronulla, Elouera and Wanda—every success in the Australian championships which are now under way.

BATEMANS BAY AND MORUYA HOSPITALS MATERNITY SERVICES

Mr ANDREW CONSTANCE (Bega) [5.45 p.m.]: This evening I want to discuss maternity services at Batemans Bay and Moruya hospitals, and what has happened as a result of the recent resignation of a general practitioner-obstetrician from the Batemans Bay hospital. That resignation has resulted in excessively increased workloads for the other general practitioner-obstetrician at Batemans Bay hospital and the specialist obstetrician at Moruya hospital. I call on the Minister for Health Morris Iemma, to provide a guarantee to the community of Eurobodalla that obstetric and gynaecological services at Batemans Bay and Moruya hospitals will be enhanced. There has already been one resignation and another doctor has said to the Government that it must fix the problem by 8 April or he will leave. In some ways that could be perceived to be a knee-jerk reaction to maintain the services in the area.

I also call on the Minister to maintain services at those hospitals. Debate is needed within Eurobodalla about a new hospital. Until the time of that debate, hospital services should not be consolidated to the point where the entire shire would be disadvantaged. At the moment the process of consultation that is being undertaken by the health service is causing a degree of frustration in the local community. There is frustration because the consultation meetings are being poorly advertised and because the community believes the decision has already been made. According to the area health service, the development of a maternity services plan for Eurobodalla is being driven by work force issues. We know that, but the service will claim it is a result of maternity care provisions across Australia and overseas also being affected.

The service is seeking to develop a model where "one side is the hub for maternity services and serves as the medical birthing centre, and a network of associated maternity services is then provided throughout the region". I am particularly concerned about communities such as Narooma and Tilba, which are reliant upon the services provided at Moruya hospital. Concerns have been raised with me by people from the Batemans Bay community about the loss of their maternity services. Concerns have been raised by other communities that the services at Moruya hospital are to be shut down.

I am concerned that the decision has already been made and at the moment we are going through a process of lip-service to the community. I am happy to hear what the doctors and the area health service have to say, if it will ultimately result in better services for the entire community. I am not convinced, nor is the community, that this will happen. Looking at statistics for the past four years of the number of babies born in Batemans Bay and Moruya hospitals, in 2002-03 there were 158 live babies born at Moruya, compared with 137 in Batemans Bay; in 2001-02 there were 161 babies born at Moruya and 134 at Batemans Bay; in 2000-01 there were 165 babies born at Moruya and 135 at Batemans Bay; and in 1999-2000 there were 168 babies born at Moruya, compared with 118 at Batemans Bay.

Those figures are consistent, but if maternity services are centralised at Batemans Bay the number of births in the Eurobodalla shire will decrease because expectant mothers will choose to have their babies at Bega

Hospital. That will result in a decrease in services across the entire Eurobodalla shire. One doctor has already resigned, another obstetrician has threatened to leave if the crisis is not resolved and the Government has decided to centralise the services at a time when the area health service is in disarray. Indeed, late last year the Government wasted \$205,000 on locum services in Bega when that money would have been better spent in the Eurobodalla shire.

BALMAIN ART EXHIBITION

Ms VIRGINIA JUDGE (Strathfield) [5.50 p.m.]: I bring to the attention of the House an excellent community art exhibition I attended on Friday 12 March at the Watch House in Balmain. I was invited to open the exhibition by the sisters of one of my constituents. This annual exhibition has been running since 2001 when artists Bing Wu, Janet Thompson, Patricia Choueiri and Catherine Giles came together, five years after studying fine art at Meadowbank TAFE. A range of styles was explored in the exhibition, from landscape to figurative and impressionist. Artists used media such as watercolour, pastel on paper, acrylic and oil on canvas.

I was impressed by the tremendous quality of the work and dedication of the artists. The following people exhibited. Bing Wu, a talented, award-winning artist and art teacher for community colleges has exhibited artworks in many competitions and shows since 1995. Her work has been selected as part of the permanent TAFE New South Wales collection. She won the Robert Le Gay drawing prize for her portrait and life drawing from the Art Gallery of New South Wales and was a finalist in the Blake prize for religious art. Bing also won the people's choice prize in the Tap Gallery Salon des Refuses in 2003.

Janet Thompson has been a member of Marrickville Art Society for 16 years and in 2001 had a joint exhibition in Bondi Beach Pavilion Gallery. She has exhibited her works in the art club exhibition with Marrickville Art Society since 1986. Her paintings of roses were part of a *Vogue* magazine collection. Her latest series of paintings of rocks and waterfalls are new inspiration from her last trip to Central Australia. They are indeed beautiful. The painting of Catherine Giles was influenced by her experiences on a cruise ship. She had a successful show in the Bondi Pavilion and the themes of her paintings reflect her tropical experience: capturing the sea, sun, palm trees and island people with brilliant colour. They are a delight to see. Patricia Choueiri tutors in the local community centre and has entered many art shows in the past. She works with various media and her artworks express her thoughts about modern city life.

This year two new artists joined Balmain 2004. Lorraine Fernandez was born and grew up in India, where she completed a Bachelor of Arts and master's degree from Calcutta University. After migrating to Australia, Lorraine joined Parramatta Art Society and in 2003 exhibited her work in Parramatta Town Hall. Maurice Fernandez is a self-taught artist who has loved to paint since he was a child. He had his first solo exhibition in Calcutta, India, in 1987. That same year he won the Academy of Fine Arts award in Kolkata. He exhibited every year from 1987 to 1990. Maurice is also an active member of Parramatta Art Society and held a solo exhibition at the Holdsworth Gallery in Woollahra in 1993.

The exhibition will be held on the weekend of 13 and 14 March, and 20 and 21 March from 1.00 p.m. to 6.00 p.m. I encourage all honourable members to attend the exhibition. It is a pleasure to be invited to attend art exhibitions but it is a great honour to be asked to open one. I enjoy mixing with artists, their supporters and families. They help to bring communities together and, historically, they have been a medium for social commentary on what is happening in our communities. I have been enriched by this experience. I wish each and every one of the artists all the very best for the future.

CONDOBOLIN VANDALISM

Mr IAN ARMSTRONG (Lachlan) [5.54 p.m.]: I wish to highlight an event that occurred only last week in Condobolin, a town on the Lachlan River in the geographic centre of New South Wales. The population of the town is just under 5,000, but it is a progressive, regional centre that services a vast area from Lake Cargelligo to Forbes, down to West Wyalong and north to Tottenham. The shire has more kilometres of road than any other shire in New South Wales. It is an attractive, solid town which in recent years has undergone major beautification works. The main street has lovely gardens and flowerpots, and a number of magazines have featured the town. In addition, Condobolin is probably one of the best-known towns in Australia today, or even the world, because it is where Shannon Noll comes from.

Ms Sandra Nori: It is where my dance teacher comes from.

Mr IAN ARMSTRONG: One of the Minister's dance teachers comes from Condobolin. When they dance at Condobolin, they really dance! However, one of two papers distributed in the Condobolin area has outlined a problem. Under the heading, "We've had enough", the article states:

Condobolin Menswear Principals Neil Adams and Leo Thomas have "had enough" of the repeated smashing of shop front windows at their main street premises replacing the glass with bricks.

The pair have suffered broken windows on 3 separate occasions since July last year.

"Replacing the glass so often is driving our insurance premium up, we just can't afford it any longer," Mr Thomas says.

This action is the realisation of concerns voiced at a meeting of The Condobolin Progress Association just last year when it was thought vandalism could cause owners to brick up shop fronts and that this would quash tourism.

The article continued in the usual way: the police had been notified and Police Commander Pheeney was looking into the matter. Lachlan Shire Council has the matter under review and consideration is being given to the introduction of security cameras in the central business district. That behaviour is symptomatic of what is now happening in so many western towns. In Lake Cargelligo broken windows are almost epidemic, particularly during the summer months. Shopkeepers are fed up with having to pay to have them repaired. A number of shops have closed in Lake Cargelligo and owners have vacated the premises solely because they cannot afford the cost of replacing windows and fixing the damage caused by vandalism.

Honourable members should visit the towns of Walgett, Brewarrina and Wilcannia because they are all situated on rivers in our outback, a most beautiful part of Australia. They are attractive, productive areas. Indeed, 25 years ago Brewarrina was one of the most active and progressive rural centres in Australia. It was the heartland of some of the finest 19.5 to 20 micron wool in the world, for which it was renowned. It also had merino studs such as Haddon Rig, the Dicksons and border leicester breeders, but today Brewarrina has a main street of bricks. Indeed, the only remaining café was owned by Angelo Pippas, who, unfortunately, recently sold up and is moving to Sydney. In 60 years of running that café Angelo had never had trouble until last year, when the window was broken.

There is a lot of talk about programs and investigations into what is happening in western towns but nothing is ever done. In the meantime the conduct of local communities deteriorates further. I ask the Government to stop the inquiries and investigations to ascertain what is happening in these towns. Crime is occurring and facilities must be provided in towns like Condobolin, Lake Cargelligo and Forbes to occupy young people in a productive fashion and to direct their energy more efficiently. Certainly, the time has come for us to take note when people in a great town like Condobolin have to brick up their shops because they cannot afford to replace windows broken by larrikins on the weekend. [*Time expired.*]

DELEGATE SOFTWOOD PLANTATION DEVELOPMENT

Mr STEVE WHAN (Monaro) [5.59 p.m.]: Today I raise an issue of concern to the people in the Delegate area over recent months. Delegate is a small, traditional agricultural community near the Victorian border in Bombala shire. Over the past 30 years the residents of Delegate have seen the development of a softwood industry in the area. State Forests has substantial softwood plantations. More recently, a private company, Wilmott, has been developing softwood plantations. The softwood industry is becoming an important employer in the area. For example, Wilmott is the largest employer in the shire, and owns two local softwood mills. State Forests is about to supply wood for a new mill, which will be built in the area by the Timbermans Group.

The softwood industry is important, as is agriculture. In developing these two industries, it is important that we get a balance between the two. The Delegate community has raised concerns with me about the issues they see coming from continued softwood plantation development. Members of the community, people on farmland and community business owners are concerned about the change in the town's social structure that occurs from having softwood plantations developed on agricultural land. They are not saying that plantations should not be developed; they are simply asking for some certainty about where that development will occur and for an analysis of the impact on the town's social structure—a triple bottom line approach, I suppose.

To try to deal with that, recently I met with a group convened by David Mitchell, a local resident, on the day of the Delegate show. We discussed some of their concerns. One concern was that the current Act provides, essentially, for a property-by-property assessment of where the pine plantations might be situated. That is fine for remnant vegetation and things like that on properties but it does not help the locals to get an

overall picture of where the softwood plantations will be located. Certainly, the softwood developers in Wilmott have also expressed concern about that approach.

I am pleased to say that, in response to that, I spoke to the Minister for Natural Resources, who has allocated \$150,000 to undertake a landscape strategy for the region. A landscape strategy will help to better integrate plantation forestry development in the south-east. The process of getting that landscape strategy under way will involve the community directly. A community steering committee, which will include representatives of industry, government, community and local government, will be formed. The steering committee will be important because it will provide the opportunity for the local community to have a say in how the money is spent on developing the strategy.

Out of it we are hoping to get a landscape map which will give local residents a good idea of exactly where the pine plantations can be located in the future. We will also see an effort at doing the triple bottom line assessment, having a look at social impacts, so that we ensure that we are balancing the need for a viable agricultural community in the Delegate area in the long term with the important development of a softwood industry that will provide jobs and attract young families to the region for many years to come.

A public meeting was held in Delegate last Thursday, but unfortunately I was unable to attend because I was in Sydney. However, at other public meetings some of the local residents have called for a moratorium on further development. That will not be possible in this process. Legally we cannot implement a moratorium on softwood development. Also, it is important that we do not arbitrarily stop Wilmott from developing what will be an important resource for the area. We have spent a lot of time and effort on trying to attract this industry to the area, and we want to ensure that it is able to continue. We also want to ensure that agriculture remains a viable and strong driving force in the local economy.

The future of the project is that within a year or so we will be able to add some certainty to the Delegate community. We should be able to give local residents an idea of where the softwood plantation will be located. I hope that we will be able to resolve the concerns raised, and that we will be able to relieve some of the tension that is building in the community. It is important for all workers in all industries in a small town to work together for the future of their community. That is important in any community. However, I especially want to see that occur in Delegate because it has a great future in that area. By working together co-operatively to resolve these problems, we can ensure that that future is realised.

WILSON PARK SCHOOL PHYSIOTHERAPY SERVICES

Mr THOMAS GEORGE (Lismore) [6.04 p.m.]: Tonight I seek support on behalf of the sub-committee of the Wilson Park School parents and citizens association. Wilson Park School is a tremendous special school in the Lismore area. Indeed, I understand that it is the only special school between Newcastle and the Queensland border. The parents are concerned that they have no physiotherapy services, the occupational therapist service is only an interim measure and the therapist is one month into her three-month term. Indeed, the therapist has yet to visit Wilson Park School.

The children are well into the school year and the school staff have no support; nor do families have access to physiotherapists for issues affecting their children. They believe it is unsatisfactory, and I seek a response from the Government as a matter of urgency. The parents are no longer prepared to wait. Wilson Park School does a mighty job in the community. As I said, it is the only special school between Newcastle and the Queensland border. Late last year, following a letter from Minister Carmel Tebbutt, it became evident to parents that the Department of Ageing, Disability and Home Care [DADHC] is not in a position to provide the physiotherapy service previously provided by the Department of Health.

The Department of Health has withdrawn funding for physiotherapist services because they are no longer the department's responsibility; they are the responsibility of the DADHC. Wilson Park School has been caught in the middle of this issue. As the Department of Health no longer has to pay for physiotherapist services, it recently gave clear directives to its physiotherapists not to support children of school age in the Lismore district. One example was given to me by Hilary MacPherson, a foster parent who does a great job of fostering children in my area. I have been asked to bring to the attention of honourable members the lack of response to correspondence from both the Minister for Health and the Minister for Ageing, and Minister for Disability Services.

Robin Kruk, the Director-General of the Department of Health, has provided no further feedback since the department's letter of acknowledgement dated 30 October 2003, which was received in my office on 4

November 2003. The Sydney office of the DADHC has not responded further to letters of concern since the letter of acknowledgement dated 11 February 2004. All in all, the problem is that one department, which was supporting this service, has now withdrawn funding as it no longer has responsibility for the service, and it has been left to the DADHC.

The DADHC has made it clear that it has no intention or is not in a position to provide physiotherapy services at Wilson Park School. I can assure the Minister that this service is urgently needed by the pupils at Wilson Park School. I encourage the Minister for Tourism and Sport and Recreation, and Minister for Women to assist me in seeking to have this matter resolved. It is obvious that the high-needs children at Wilson Park School and at other schools in the Lismore district are eligible for school therapy services—speech therapy, occupational therapy and physiotherapy—which are outlined in the DADHC letter, but the DADHC has not given answers about the children in question. The parents have been referred from one department to another. They come to my office out of frustration, not being able to secure services that are necessary for the children at Wilson Park School. I place on record the tremendous job done by the staff, the parents and everyone who supports Wilson Park School in our area to support the children with special needs. I call on the Government to resolve this matter.

Ms SANDRA NORI (Port Jackson—Minister for Tourism and Sport and Recreation, and Minister for Women) [6.09 p.m.]: I am happy to forward to the relevant Minister a copy of the honourable member's statement in *Hansard*.

DUBBO ABORIGINAL EMPLOYMENT STRATEGY

Mr TONY McGRANE (Dubbo) [6.09 p.m.]: I bring to the attention of honourable members the bold and dynamic initiatives developed through the Aboriginal employment strategy [AES] and the optimism for the concept in its early stages of implementation in Dubbo. The Aboriginal employment strategy is the brainchild of businessman Dick Estens. It has a proven track record in placing Aboriginal people in long-term employment in Tamworth and Moree and there is a tremendous sense of expectation in Dubbo. The key themes of the AES are pride, passion and commitment. It aims to open doors to employment for indigenous people; it is about empowerment and responsibility, and using community people to address community problems.

The AES provides a chance for Dubbo businesses to help break the welfare treadmill by providing opportunities and understanding. It utilises a team of well-trained, straight-talking and confident people known as mentors. They establish contacts and relationships with local businesses and existing job network providers and work towards creating and filling employment positions with Aboriginal people. Once those employees are in place, a support network is provided to ensure they get to work each day and set personal employment goals and objectives. The overall concept is simple, but it means a dramatic change in thinking in the approach to Aboriginal employment. The emphasis is on self-help and using employment and empowerment to filter benefits through to the larger Aboriginal community. People placed in employment become role models within families and communities. More value is placed on education, as its direct benefits are more apparent. There is no hope of keeping Aboriginal kids in school if their parents, uncles and aunties do not have jobs. The aim is to break the cycle.

The problems and issues in these communities are well-documented and the responsibility for fixing them is constantly directed to government. The AES demonstrates that people can make a difference in their own community. Building on the success of operations in Moree and Tamworth, the Dubbo Aboriginal employment strategy opened this week and will be officially launched this Friday. Already the response from the Dubbo community has been tremendous, with businesses offering positions to be filled and a commitment to a working relationship with the strategy. This demonstrates the community's willingness to see social change in Dubbo and to take an active role in helping to make significant improvements to Aboriginal employment. The AES office is located in the main street of Dubbo as part of the strategy to have a high-profile, centrally located business staffed by Aboriginal people. The sign above the shopfront says "Proud to be Aboriginal—Proud to be Australian"—a significant message.

The AES is being run as a professional business using support from major corporations and funding from the Federal Government. I urge the State Government to demonstrate its commitment to generating change in Aboriginal communities by also supporting the AES concept. The initial outlay in establishing the Dubbo office is substantial and will result in an operational shortfall of some \$75,000 in the first year. The Federal money is delivered when the AES achieves results, and it takes time for those employment places to be consolidated. This is a professional organisation that will run efficiently and will not be putting its hand out for

help every few months. But again I urge the State Government and the Minister for Aboriginal Affairs to consider initial support funding to help the Dubbo AES office to get established. It is well documented that throwing money at problems in the Aboriginal community is not the most effective way of achieving real change.

The AES is an investment in Aboriginal people, and by providing employment opportunities it will allow individuals to make a positive contribution to their community. The welfare cycle has been gathering unwanted momentum, particularly in regional Aboriginal communities, for many years. State and Federal government programs and job placement strategies have proved ineffective. The AES has a proven track record in Moree and Tamworth of building relationships between business and Aboriginal people, of helping restore pride to disadvantaged groups, and of empowering communities to tackle real problems in their own backyard. The Dubbo office of the AES has the same potential, and the State Government should show its support financially to help generate genuine pride in a community that is often in the headlines for all the wrong reasons.

CAMDEN HAVEN COMMUNITY COLLEGE

Mr ROBERT OAKESHOTT (Port Macquarie) [6.14 p.m.]: Tonight I speak about the Camden Haven Community College and its need for further funding to continue to provide the very good service it provides to the Camden Haven community. Since the 1996 census many of us on the mid North Coast have been trying to get people to stay in education longer. People on the mid North Coast, and in Camden Haven in particular, have had concerns about the length of time that people stay in education. The 1996 census showed we had one of the lowest levels of tertiary education, and, at the same time, the mid North Coast had some of the highest levels of long-term unemployment. Many in our local area agree with me that there is a direct link between the two. Added to that, Laurieton, which is in the heart of the Camden Haven, was identified in the 1996 census as the poorest area for annual income per head in Australia. Those three factors paint a pretty stark picture. Many of us have been trying to have education services provided on a broader scale and to allow many people in the area to access tertiary education of some form.

That is why services such as those provided by the Camden Haven Community College are so important to the community. Pleasingly, it has been providing services for roughly one in five people in the Camden Haven. It has serviced a need in the local community. The Camden Haven has the oldest population in the Hastings area, and 41 per cent of the Camden Haven Community College students are 50 years and over. The nearest TAFE colleges are at Wauchope, which is 35 kilometres away, or Port Macquarie, 40 kilometres away. For many reasons, including difficulty in driving at night, lack of public transport, and cost of fuel, many residents who are retirees, unemployed, or on low incomes are not able to attend courses at these TAFE colleges. Therefore, they rely very heavily on the local community college to provide them with both vocational and general courses.

The Camden Haven Community College has been providing a comprehensive range of adult education and general courses in the local area for the past 20 years. It is an independent, community-owned, not-for-profit organisation, like many other colleges throughout New South Wales. Revenue is obtained from student fees, some funding from the New South Wales Government, and fee-for-service training. The college employs both full-time and part-time people as administration staff or teachers, in addition to employing a large number of tutors from the local community. Community colleges in general are a cost-effective way of providing educational opportunities in areas such as the Camden Haven. The figures the college has provided to me show that government funding to colleges represents \$35 per enrolment compared with \$2,065 per TAFE enrolment—I imagine it would be more per university enrolment—and \$2 per hour compared to \$10.79 per hour for TAFE. Community colleges have a pretty compelling argument on the economic front as well.

Unfortunately there have been some significant changes to the funding of the Camden Haven Community College since 2000, despite all its good working in getting more people into education and despite the significant increase in the population base in the Camden Haven. The college was receiving \$152,000 by way of contractor training program funding, but in 2003 the State Government ceased providing that funding. Therefore its overall income has been reduced dramatically, notwithstanding that income from courses and other sources rose from \$80,000 in 2000 to more than double that in 2003. I raise this issue to highlight the plight of the Camden Haven Community College and its need for the State Government to be an honest and good partner in the delivery of what is a very cost-effective and important way of delivering education in the local community of the Camden Haven.

Private members' statement noted.

BILLS RETURNED

The following bill was returned from the Legislative Council without amendment:

Crimes Legislation Amendment Bill

The following Bill was returned from the Legislative Council with an amendment:

Road Transport (Safety and Traffic Management) Amendment (Alcohol) Bill

Consideration of amendment deferred.

[Mr Deputy-Speaker left the chair at 6.20 p.m. The House resumed at 7.30 p.m.]

PUBLIC TRANSPORT IN THE ILLAWARRA REGION**Matter of Public Importance**

Ms NOREEN HAY (Wollongong) [7.30 p.m.]: I highlight the urgent need for improved bus transport services in the Illawarra. The Unsworth review interim report demonstrated that significant reform to bus transport services is required to provide an integrated, reliable network. Recently I attended a public meeting in my electorate with representatives of the Transport Workers Union and a number of my constituents, including Richard Olsen and Alan Washbourne, who represent Neighbourhood Committee No. 9, which covers the areas of Berkeley, Port Kembla and Warrawong. They were united in their concerns about bus transport in the Illawarra. The issues they raised with me included the lack of frequency of buses, the need for better destination indicators, poor access to bus services, aged vehicles without airconditioning, the need to increase access to concession tickets and holiday timetables, equal access to buses for disabled passengers, reliable co-ordination of bus and train services, bus cleanliness, and the capacity of bus services to reflect the real needs of communities who rely on them to get to work, school, social services, shopping, or recreation, particularly in areas such as Berkeley.

An elderly lady told me of the difficulties she faces. She has to walk a significant distance to catch a bus into town, and if she misses her usual bus she has to catch two buses on her return and can only use her bus pass on one, thereby incurring additional costs. The current minimum service levels [MSLs] in contracts do not reflect the real needs of Illawarra communities. The interim Unsworth report noted that residents in older suburbs of Sydney get a high standard of service and that residents in newer suburbs of Sydney or in the regions have to rely on the private industry. As my constituents know, that means relying on a second-class network. Not surprisingly, patronage levels on private buses have fallen consistently since 1991. The average trip rate is down 18 per cent in private bus areas, while the State Transit Authority has held its share against private car use. Despite the Government paying private bus operators nearly \$400 million every year, these private contracts have operated as perpetual monopolies with virtually unenforceable standards of service.

Barrie Unsworth made a series of findings on the private bus industry that are relevant to the Illawarra. Those findings include no real bus network; private buses operating as a series of discrete operations with little integration; bus operations and pick-up and set-down locations not suitable to customers because of contractual restrictions prohibiting cross-regional services; different service standards, fares and concessions depending on place of residence; few enforceable service requirements in private bus contracts and contracts granted in perpetuity; funding arrangements that give operators a perverse incentive to chase school bus passes rather than passengers; and minimum service level requirements forcing operators to plan indirect, slow and unattractive services. I am pleased that the Minister has already expressed his support for replacing the existing contracts with strategic routes and enforceable standards. But the challenge is not to simply enforce the MSLs as they currently apply. The real challenge requires a new approach to the whole issue of minimum service standards.

In formulating a response to the Unsworth inquiry's final recommendation, I urge the Minister to consider the implementation of demand-driven services, which operate in many cities as so-called hopper services. The old formula for MSLs should be replaced in some areas with smaller hopper buses that run routes between people's homes and their community centres, shops, sporting facilities, after-school care, local libraries, and other local services. I used hopper services in London and I found them to be very effective and community friendly. I believe there is a real need for ongoing community consultation in the setting of locally appropriate MSLs. I note that the interim Unsworth report cited the need for local transport co-ordinators to help determine community needs and the appropriate transport response.

I am concerned that in recent years workers in the private sector have had problems obtaining their entitlements. When the Government buys services on behalf of the people, as it does through the school transport subsidy and concession payments to bus operators, it is entitled to be assured that workers are being fairly treated. I ask the Minister to consider mandating operators to demonstrate on a regular basis that their employees are being properly paid and that their entitlements are secured. The Government is being charged an amount based on award rates, and the operators should show that they are paying those rates. I would like to see written into contracts protection for transport workers and protection of their entitlements should a company collapse. I urge the Minister to discuss this issue with operators and unions. I ask him to take this opportunity to deliver real and lasting reform to public transport services and I look forward to working with him on behalf of my community to achieve that end.

Ms PETA SEATON (Southern Highlands) [7.38 p.m.]: The honourable member for Wollongong has put public transport in the Illawarra on the agenda. In doing so she drew the attention of the House to bus transport. This debate is timely in that it gives the House the opportunity to focus its attention on rail and other public transport in the Illawarra. It is interesting that the honourable member raised this issue, and I hope that other Government members who represent Illawarra seats will, in their contributions to the debate, shed some light on what has happened to the promises the Carr Government made about public transport in the Illawarra. I would also be interested to hear their views on the Carr Government's response to the Parry report, particularly as it deals with rail transport. The Government has promoted the idea that rail travellers should pay higher fares now on the promise that they might get increased reliability and service effectiveness in the future. After nine years of Labor in office—

Mr Daryl Maguire: Nine long years.

Ms PETA SEATON: Yes—rail travellers have Buckley's chance of enjoying any return on the increased fares they are expected to pay. I remind honourable members opposite that in the past several weeks—week after week—the rail reliability figures for the Illawarra line show that trains have run to schedule only 40 per cent of the time. That is an appalling record; it means that rail travellers throughout the Illawarra and down to the South Coast put up with late trains day after day. However, the Carr Government is expecting them to pay more for the privilege; they will pay higher fares in return for less reliability. That is unfair. Concerns have also been expressed that buses will be used instead of rail services on the last few stops on the South Coast, Bomaderry, and Kiama routes. I am interested to hear the Government's response to those concerns.

Rail and transport infrastructure in this State was given a damning report card about this time last year by the Institution of Engineers Australia. Rail infrastructure in this State was given a D mark, which is almost the lowest possible score. It is not hard to see why. We have experienced the Menangle Bridge disaster and failures in the system, particularly in the Illawarra. It is interesting to compare and contrast reality with the recent promises made by the Carr Government and the Minister for the Illawarra. The Sydney to Illawarra high-speed rail link proposal was much vaunted by this Government and it was listed in its \$4 billion Action for Transport 2010 document. In 1998, when the Minister for the Illawarra was Lord Mayor of Wollongong, he said there were no ifs or buts about the link being operational by 2010. The *Illawarra Mercury* of 28 May 2002 quoted him as saying that the assessment of the link would take at least 18 months to complete.

Since then, in September 2003, the Minister for Transport Services, the Hon. Michael Costa, announced a review of all CityRail proposed projects and said that no new money would be spent on new lines for 10 years. How can the Government reconcile that statement with what the Minister for the Illawarra said in 1998 and continues to say today? The Minister was quoted in the 6 September 2003 edition of the *Illawarra Mercury* as saying that the State Government was still committed to the project. I do not understand how he can be committed to a project which his Cabinet colleague has said will not happen and for which no money will be provided.

Similar major questions surround the Waterfall to Thirroul rail tunnel. The 6 September 2003 edition of the *Illawarra Mercury* also contained an article stating that a \$1 million feasibility study had been commenced and that tenders were called in November 2002. On 28 May 2002 the Minister for the Illawarra said that governments do not put \$1 million into planning projects unless they intend to pursue them. Tenders were also expected to be called for a patronage study of the South Coast line. The cost of the Waterfall to Thirroul rail tunnel was estimated to be \$287 million in 1998. On 28 May 2002 the *Illawarra Mercury* quoted the Hon. Mr Scully as saying that there were serious challenges but that the Government was committed to building the tunnel.

Some interesting things have happened since then. First, no details have been provided about when the results of the study will be made publicly available. The cost then increased to \$320 million, although the Minister expected it to exceed that. It certainly did. In November last year, after the Government had been accused of pork-barrelling by the local newspaper, its cost estimate blew out to \$1.4 billion, and the project's future is now in serious doubt. Honourable members must doubt this Government's credibility and its capacity to deliver any rail or infrastructure facilities when a project can blow out from \$320 million to \$1.4 billion. I suspect that this is an exercise in softening up the public to the idea that the project will never happen. The Government will find all sorts of excuses to explain why it cannot happen.

I fear the same thing will happen with the completion of the Lawrence Hargrave Drive upgrade. As honourable members know, we are now six months into that 2½ year road closure. The project has divided villages and towns along that road and separated them from Wollongong. Businesses are closing, jobs are being lost, and families are being dislocated. Having witnessed the Government's complete maladministration of the Waterfall to Thirroul rail tunnel project, I wrote to the Minister for the Illawarra asking him to immediately release details of the costings for the Lawrence Hargrave Drive project. We need to know whether the estimates on which the Government based the closure are appropriate. We are concerned, given the mess it made of the Waterfall to Thirroul rail tunnel project, that we could be in line for a similar disaster. The Minister has not provided any of those details.

Earlier this year we were presented with four options for Lawrence Hargrave Drive, which the community is now considering. At least one option looks extremely expensive and involves flyovers and bridges over the ocean. I have called on the Minister to guarantee that the \$40 million, 2 ½ year time frame will be adhered to and that the project will be delivered on budget. I have heard Jay Stricker, the head of the Roads and Traffic Authority in the region, say that all the options can be delivered in that time frame and at that cost. However, we have yet to see details of how those costings have been arrived at, whether they have been calculated responsibly, or whether the Government has politically milked an announcement for all it is worth and put maximum spin on it but will now find excuses to scrap the project.

I know that considerable interest has been shown in opening up new residential areas in Dapto. I ask the Government for some certainty about what it intends to do with regard to public transport. It must provide the necessary infrastructure so that new residents can get around the region using the most appropriate form of public transport. It must also provide funding for the upgrading of local roads and links to local roads. We must ensure that this is not another area in which families are forced to buy two or three cars. Those who cannot afford to do so are socially dislocated and suffer isolation-related problems. Public transport is vital and this Government has failed to provide an appropriate level of service. After nine years we are entitled to expect better results from this Government, but it is incapable of delivering them.

Mr PAUL McLEAY (Heathcote) [7.48 p.m.]: As the House is aware, in recent months the public transport debate has been about trains. However, more trips are taken every day on buses. For those of us who live in the outer suburbs of Sydney, and particularly those living in the northern Illawarra, bus services are likely to be the key to meeting our growing needs. People in the State seat of Heathcote are not sympathetic to urban consolidation and they do not want to coalesce around railway stations. We seek wide-open spaces and low-rise living and will never live densely enough to justify significant expansion of the rail network.

People in the State seat of Heathcote are not sympathetic to urban consolidation. They do not want to coalesce around railway stations. We seek wide open spaces and low-rise living, and will never live densely enough to justify significant expansion of the rail network. We rely on our commuter services down the Illawarra line, but we do not want to live on top of it. While rail clearways and faster, more frequent services along our existing line are welcome and necessary, we will need a more flexible, locally tailored solution to our shopping, educational, recreational and other local transport needs. Buses should provide a low-cost, locally flexible option for communities such as ours. However, the existing contracts and minimum service levels do not allow for the sort of flexible travel planning we need, and the existing contractual restrictions prevent operators from providing the cross-regional services we need.

Currently no direct route exists between some of our major residential and commercial centres. For example, while people in my electorate can easily access job centres in the central business district [CBD] of Hurstville and Wollongong, they find it difficult to get to other significant employment locations, such as Liverpool and Bankstown. Given the population pressure on Sydney, further spread to the greater south, the greater west and the Illawarra is inevitable. I am sure many families heading to new land release areas will have the same craving for space that leads families to places like the northern Illawarra; those residents will be

equally resistant to living on top of each other around a railway line. A network of strategic, high-frequency bus corridors and a system of bus priority lanes are essential in meeting the transport needs of these new suburbs—and, indeed, the many suburbs in my electorate.

We have in New South Wales an essentially radial train network which functions to get people into and out of the CBD. We lack an integrated orbital network to complement it. Barrie Unsworth's proposal will create such an orbital network at a fraction of the cost required to connect the greater south and greater west with the north-west by rail. It will be good news for people in my electorate who rely on their cars to get them to jobs in the growing industrial area and CBDs of greater Western Sydney. I look forward to the release of the final report. I urge the Minister to consider the position of some of the very small bus operators, such as my local Bundeena service, which is discrete from any likely network of regional transport services. Obviously, operators whose small services are integral to a region will have to be incorporated into the regional operation. Bundeena will never be part of a strategic corridor or regular route service. It may make sense to allow our small bus service to keep servicing our very small village on a special contract of some kind.

At a recent transport forum held in my electorate a range of options were discussed, some of which I would like to mention. In attendance were school principals, Connex representatives, councillors, community transport operators, the Minister's chief of staff, community transport operators and users, advocacy groups, and many others. In broad terms we all agreed that more services were needed in our area. We want to see more reliable trains through sectorisation of the network, we want to see strategic bus routes and, importantly, we want someone to come and talk to us and ask us what we need, instead of just telling us what they are giving us. I am interested in demand-driven services, such as the hopper bus services used in some cities around the world. The honourable member for Wollongong has already referred to those services, and I join her in endorsing the concept. I am also interested in better utilisation of the existing bus fleet for local and community transport.

In his interim report Barrie Unsworth raised the prospect of school buses under non-commercial contracts being made available to community transport providers at an agreed rate. I applaud this proposal. At least one operator in my electorate would be able to make buses available for community transport under such a scheme. I also urge councils to get involved. I note that Newcastle City Council is now looking at providing training for community transport drivers. Sutherland Shire Council has a fleet of minibuses to rival the local private operator. There must be a real effort from State and local government to free up these vehicles for needy members of our community. I congratulate the Minister for Transport Services on creating a director of local and community transport and committing to employ regional transport co-ordinators. The co-ordinators will help all the local providers work together to maximise our capacity for special needs transport. I have spoken to the Hon. Barrie Unsworth about his work, and I am confident that the final report will contain more practical strategies such as the regional transport co-ordinators. This will lead to better public and community transport in the Illawarra, which I look forward to.

Ms NOREEN HAY (Wollongong) [7.53 p.m.], in reply: I congratulate the honourable member for Heathcote on his obvious knowledge and awareness of the Illawarra area and the transport difficulties faced by residents. He correctly acknowledged the increased usage of buses in the Illawarra, which was the thrust of my earlier comments. I wish to respond to the comments of the honourable member for Southern Highlands. I spoke about the concerns raised by Neighbourhood Committee No. 9, which represents the residents of Port Kembla, Warrawong and Berkeley. The committee had raised concerns about the private bus service not delivering the kind of service needed, and about the aged and frail having to walk a long distance simply to get what is currently a reduced bus service. However, there was not one word from the honourable member for Southern Highlands, the shadow Minister for the Illawarra, about these core issues facing the poorer people in our electorates.

Instead of pulling the odd political stunt in Port Kembla and Berkeley, areas I have worked in and have known well for 20 years, it might be a good idea if the shadow Minister travelled on a bus. All we got from the honourable member for Southern Highlands was criticism of the Government. She criticised it for closing Lawrence Hargrave Drive. A 30-tonne boulder fell on Lawrence Hargrave Drive last Friday. Lives would be lost today if the Government had not acted responsibly in closing that road. The Opposition refuses to acknowledge the \$40 million committed by this Government to that one road to protect and save lives.

The shadow Minister spoke about the need for improved bus services in Dapto, ignoring the fact the Minister has been in Dapto working in harmony with the council to ensure that the necessary infrastructure is in place before any further development occurs. I am quite sure that the Minister has all those matters in hand. Instead of furphying on about those issues, we need to address the poor people in those areas who need

improved bus services. We must also not forget the bus drivers in the Wollongong and Illawarra area. I call on the Minister, when he meets with the unions and workers, as I am sure he will, to talk about protecting bus drivers. The Government pays private bus companies in accordance with award rates.

I have asked the Government to ensure that those companies demonstrate on a regular basis that they are using taxpayers' money to do what we have asked for and what the people are entitled to. We have heard not one word from the shadow Minister for the Illawarra on this. I also called for improved destination indicators for people with poor eyesight, the aged and frail, so that they might at least be able to get on the right bus the first time as it will cost them money if they have to get on a second bus. I have asked for improvements in access to bus services, because private bus companies are not providing the services that were once provided in certain parts of Sydney. I have called for improved conditions for the people who are suffering because of the lack of services in my electorate. I congratulate the Government on taking a difficult stance on closing Lawrence Hargrave Drive to protect the people, and I thank God that no-one was killed when the 30-tonne boulder fell on that road. I invite the shadow Minister for the Illawarra and, for that matter, any other Minister or shadow Minister, to visit the Illawarra and take a look around the area.

Discussion concluded.

ROAD TRANSPORT LEGISLATION AMENDMENT (PUBLIC TRANSPORT LANES) BILL

Second Reading

Debate resumed from 3 December 2003.

Mr DONALD PAGE (Ballina—Deputy Leader of The Nationals) [7.59 p.m.]: I lead for the Opposition on the Road Transport Legislation Amendment (Public Transport Lanes) Bill. I indicate at the outset that the Coalition will not oppose the bill, the purpose of which is to improve the effective operation of road-based public transport infrastructure by discouraging the illegal use of public transport lanes, particularly transitway lanes and bus lanes, through enhanced enforcement. Essentially, this will be done by the use of cameras installed in traffic lanes. Current enforcement procedures require police to stop offending vehicles, which is often counterproductive to the traffic flow in a transitway lane or a bus lane.

Currently, bus lanes can be used only for travel by buses, taxis, private hire cars, motorcycles, bicycles, emergency vehicles, motor vehicles being operated by or at the direction of the Roads and Traffic Authority [RTA], and vehicles proceeding to the scene of an accident or other emergency. In other words, certain types of vehicles can operate in transit lanes and in bus lanes. The bill seeks to ensure that lane cheats, if I can call them that—people who duck into these lanes to speed up the journey to their destination at the expense of public transport users—are more likely to be caught through the installation of cameras than they would at the moment.

Three trials have been carried out. I am assured that the technology is quite capable of photographing offending vehicles accurately. These cameras will utilise digital imaging technology that involves the use of digital cameras generally set at a distance of 200 metres apart. The cameras record images of vehicles in bus lanes and on transitways, and can recognise numberplates. The image recorded by the cameras will include both a close-up view of the vehicle's numberplate and a wide-angle context view to identify the environment in which the vehicle was being operated. Prior to a traffic infringement notice being issued, an officer from the RTA will check the images to see whether there was any legitimate reason for the use of the bus lane—for example, to avoid an accident. Infringements will not be issued in those circumstances. One can also imagine the circumstance in which a person needs to get into a transit lane to turn left prior to an intersection. Such a situation would not bring forth a fine.

The legal mechanism proposed for enforcement is operator onus. The responsible person—usually the owner of the vehicle—will be guilty of an offence as if that person was the driver, unless that person can prove otherwise. The same situation applies in relation to speeding fines. In addition to the defences of the vehicle being stolen, or illegally taken or used and the other defences available to the driver, the responsible person must nominate the name and address of the driver at the time of the offence, unless the person does not know them or cannot, with reasonable diligence, ascertain them. Obviously, a stolen vehicle would be a classic example.

The Opposition broadly supports this bill. We believe that it is a practical attempt to improve management of road-based public transport. It is an attempt to offset road congestion caused by single occupant

vehicles using transitways and bus lanes. According to the Ministers second reading speech, surveys that were conducted by the RTA in 2000 indicate a 35 per cent average illegal use of bus lanes, with the maximum illegal use as high as 48 per cent in some locations. In other words, a lot of people are getting into these lanes, and they should not be there. If the illegal use of these lanes is as high as 48 per cent in some locations it is a big worry in relation to the free flow of public transport traffic. As I indicated earlier, the current procedures for stopping offending vehicles create further disruption. The police have to pull drivers over in that lane, which means that it is not available for through traffic of public transport and other vehicles that are legally entitled to use the lane.

The Opposition expects that the bill will deliver some benefits. We also realise that it is likely to generate a substantial amount of extra revenue for the Government, certainly initially. However, it is important that this legislation be put in place so that lane cheats are deterred from doing what they are currently doing. However, we need to monitor the effectiveness of the legislation to ensure that these measures lead to an improvement in the traffic flow. I consulted widely with a number of community groups that have an interest in this legislation. I received a letter from the Motorcycle Council of New South Wales, signed by the chairman, Guy Stanford. Mr Stanford makes some interesting points. In relation to bus lanes and transit lanes, he is very supportive and says that he is aware of problems that are created when the lanes are congested by nonvalid users. He sees the introduction of the bill as a positive move. However, he says:

We remain puzzled that bicycles remain permitted to use these lanes, as the speed of a bicycle controls the traffic flow behind them. This slows traffic flow and places demands upon the patience of drivers and induces some unsafe lane-changing manoeuvres.

He has a point. Bicycles in transit lanes and bus lanes, especially if the cyclists are travelling abreast, may slow down traffic. I would like the Government to consider that point. Mr Stanford continues:

In addition to sudden and impatient lane changing near bicycles, we note that car drivers will often "borrow" the Bus, T-2 and T-3 lanes for short periods. In this, they will move suddenly to their left, often without particular care and then may travel considerable distances with their left blinker on, pretending to be about to turn left, but suddenly break and move into a gap in the lane to their right. In the City of Sydney, this can occur from both sides in the Bus Lanes.

This behaviour affects buses, in which the standing passengers in peak periods will be thrown around under sharp braking. For motorcycle riders, the results can be a severe injury or fatal.

For these reasons, we implore that particular care be taken in the selection of sites for the automated cameras that will be used to supervise these lanes. Drivers will soon learn to avoid those sites and continue the practice of "borrowing" the lanes.

In relation to bus-only lanes and transit ways, Mr Stanford goes on to say:

It seems very surprising that motorcycles are not authorised users of these lanes. The almost "zero footprint" of motorcycles in congestion studies shows clearly that they do not increase congestion or decrease travel times.

We request that during the debate of this Bill, that this point be raised and motorcycles included on the list of authorised users of these lanes.

In other words, Mr Stanford is saying that motorcycles help to maintain traffic flow and have virtually no footprint in relation to slowing traffic down. He is making a plea for motorcycles to be included in the use of bus lanes and transit lanes. He makes a number of points about the benefits of motorcycles in city traffic, including them occupying less space on the road than cars and other vehicles, creating less pollution, being more fuel efficient and generally leading to shorter travel times with further fuel efficiency, and so on. I thought that it was worth raising the points submitted to me by the Motorcycle Council, particularly in relation to bicycles being able to continue to use these lanes, and whether that is appropriate, and in relation to motorcycles not being able to use bus lanes.

Overall, problems need to be solved in relation to the flow of traffic in transit lanes and bus lanes. At a time when the New South Wales public transport system is in chaos—trains in particular—thanks to the mismanagement of this Government, it is even more important that people who have to travel by car be assured of being able to get to work on time, safely and quickly. I am amazed by the number of lane cheats, if one can believe the RTA figures. In some locations, there is a 48 per cent illegal use of transit lanes and bus lanes. Therefore, the bill ought to be supported. The Opposition supports the bill.

Mrs BARBARA PERRY (Auburn) [8.09 p.m.]: The Road Transport Legislation Amendment (Public Transport Lanes) Bill will amend the relevant provision of the Road Transport (Safety and Traffic Management) Act 1999 to allow the use of approved traffic lane camera devices as an alternative means of policing the illegal use of public transport lanes, in particular T-way lanes and bus lanes, and the Road Transport (General) Act

1999 to apply the operator onus legal mechanism to the enforcement of offences of driving in a T-way lane and in a bus lane. At the outset, I commend the honourable member for Ballina and the Opposition generally for their support for the bill, which is sensible and sound. The bill will make consequential amendments to the Criminal Procedures Act 1986. It will amend the Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999 to apply a unique security identifier to any photograph taken by an approved traffic lane camera device.

Presently, police undertaking enforcement of bus lanes are required to stop the offending vehicle so that details can be recorded and an infringement notice can be given to the driver. There is difficulty in undertaking enforcement in many instances due to the lack of locations with clear and safe areas to stop motorists. This has been identified as a particular problem in restricted areas such as the Sydney central business district and has resulted in limitations on the ability of the police to undertake regular enforcement for moving violations on the bus lane network. Based on the difficulties experienced with the regular enforcement of bus lanes, it is clear that the routine enforcement of transitway—T-way—lanes by the police could also present a similar problem. To ensure the considerable benefits to the public of the transitway and bus lane network, it is important that there is regular and effective enforcement of unauthorised traffic on T-way lanes and bus lanes. The legal mechanism proposed for enforcement is operator onus.

Section 43 of the Road Transport (General) Act 1999 currently deems the responsible person guilty of a limited range of offences as if that person was the driver. These offences are camera detected traffic light offences, camera recorded speeding offences and parking offences. If a designated offence occurs in relation to the illegal use of a T-way lane or bus lane, the person who, at the time of the occurrence of the offence, is the responsible person for the vehicle is taken to be guilty unless, via statutory declaration, he or she supplies the name and address of the person who was in charge of the vehicle at the time. Therefore, the responsible person for the vehicle has a duty to inform if they were not the driver of the vehicle at the time of the offence. There would also be provision for protection of the person responsible for the vehicle in circumstances where the vehicle was stolen, illegally taken or used at the time of the offence or the responsible person did not know and could not with reasonable diligence ascertain the name and address of the driver at the time of the offence.

Digital imaging technology incorporating optical character recognition functionality is currently used successfully in New South Wales by the Roads and Traffic Authority [RTA] for enforcement of toll avoidance and for Safe-T-Cam to monitor heavy vehicle movements. Digital image recognition technology of this nature equally can be used to identify illegal T-way lane and bus lane users. The proposed traffic lane camera devices, which would require approval of the Governor under the terms of the bill, would utilise digital imaging technology that involves the use of digital cameras capable of producing an image that can be stored digitally on a local or remote computer-based storage system. The optical character recognition software used to process images produced by the digital cameras will recognise numberplates and will produce the numberplate identification as text alongside the image.

This procedure provides built-in checking of the image recognition and camera system operation as part of the processing of incoming images. For security, the bill proposes that a unique identifier like that applying to digital speed cameras consisting of a series of 48 characters that is an individual combination of letters, numbers and symbols would be incorporated onto a photograph recorded by an approved traffic lane camera device. The image would include both a close-up view of the vehicle numberplate together with a wider-angle context view to identify the environment in which the vehicle was being operated. The T-way lane traffic lane camera device would consist of a single checkpoint that would capture two separate images of each vehicle travelling past that point. The system shall store the images only if a potential violation has been detected through automated matching of the numberplate with an electronic list of authorised transitway vehicles.

The system will automatically exclude images of authorised transitway vehicles from the potential violation record. The bus lane traffic lane camera device would consist of two checkpoints positioned in excess of 200 metres apart. Each checkpoint shall capture an image of each vehicle passing through that point. The system shall store both images only if a potential violation has been detected through automated matching of the numberplate at both checkpoints. The system will automatically exclude images of legal bus lane users from the potential violation record. Mandatory operational procedure requirements will be established for the selection of bus lane traffic lane camera device locations to accommodate the various exceptions that allow general traffic use of bus lanes in certain circumstances. That goes part of the way towards answering the question asked by the honourable member for Ballina.

Surveys undertaken by the RTA for the section of the bus lane in Oxford Street where a trial traffic lane camera device has been installed indicate a 75 per cent reduction in illegal use of the lane following the

installation, promotion and limited signposting of the trial site. This supports the proposition that this procedure would work elsewhere given the success of the trial in Oxford Street. The aim of the introduction of traffic lane camera devices and associated operator onus provisions for public transport lanes is to improve the efficient management of the transitway and bus lane network by providing a practical alternative means of enforcement. I acknowledge the Opposition's support for the bill. I commend the bill to the House.

Miss CHERIE BURTON (Kogarah—Parliamentary Secretary) [8.17 p.m.], in reply: I thank the honourable member for Ballina and the honourable member for Auburn for their contributions to this debate. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

NATIONAL COMPETITION POLICY AMENDMENTS (COMMONWEALTH FINANCIAL PENALTIES) BILL

Second Reading

Debate resumed from 10 March.

Mrs JILLIAN SKINNER (North Shore) [8.18 p.m.]: On behalf of the Coalition I speak to the National Competition Policy Amendments (Commonwealth Financial Penalties) Bill. I note that my colleagues the honourable member for Upper Hunter and the Deputy Leader of the Opposition have spoken previously on the bill. The Deputy Leader of the Opposition was rudely interrupted in the middle of his contribution last week. I have given him an undertaking that I will raise issues relevant to his health portfolio insofar as the bill affects optometrists, dentists and pharmacists. Before he was rudely interrupted and inappropriately suspended from the House, the Deputy Leader of the Opposition pointed out that, in introducing this legislation, the Premier is seeking to disown the national competition policy, although he is the only remaining signatory. It is the biggest cop-out of all time by the Premier, who has within his power the ability to go to the other States and the Commonwealth in a new Council of Australian Governments [COAG] meeting and say, "Let's look at this again." I will refer to that again later because that is what some of the interest groups that I will speak about have suggested.

To refresh the memories of those in the Chamber at the moment, in April 1995 there were nine signatories to the competition principles agreement. Of course, this was an agreement between the States, the Territories and the Prime Minister. The Premier of New South Wales at that time was Robert John Carr, who is the only remaining signatory to that agreement. Turning to the main parts of the bill, the honourable member for Upper Hunter focused on the effect it will have on the deregulation of liquor stores. He pointed out that the Opposition went to the 2003 State election with a policy that it remained opposed to the deregulation of liquor stores and, in particular, the abolition of the needs test in respect of applications for new liquor store licences. Prior to the election the Government matched the Opposition's promise and gave a firm commitment that it too was opposed to the abolition of the needs test and the deregulation of liquor stores.

The Government has broken promises on many occasions in the past, and this bill is a glaring example of that. The stunning thing is how little regard the Government has shown for some of the professions that will be affected by this bill, and the flow-on effect that it will have on the public at large. As I said, I want to focus on the three health professions that are particularly affected. The first is optometrists. I shall read onto the record part of correspondence from Mr Andrew McKinnon, the Executive Director of the New South Wales branch of the Optometrists Association Australia. In a letter dated 18 February to the shadow Minister for Health, Mr McKinnon said:

As you would be well aware, the financial penalties to which the Bill refers do not come into effect until 30 June 2004, leaving still some 4 months for negotiations between the state and federal governments on this issue. Why it is necessary to introduce the Bill at this point in time is very unclear.

In addition, we do not feel that all avenues to resolve the matter have been explored. Specifically, we consider that the matter should have been taken back to a meeting of COAG (a specially convened meeting if necessary) where the NSW government could have sought a change to the COAG agreement on competition policy rules. To the best of our knowledge, this has not occurred.

To the best of everybody's knowledge, that has not occurred. I am afraid it has been seen by optometrists—and I have consulted pharmacists and others in my area—as another example of a Premier who does not care. He thinks that he can make these decisions and disregard entirely the effect that it will have on the broader public and on the professions that will be affected in his attempt to shift the blame elsewhere. As the Optometrists Association Australia clearly pointed out, it was well within the Premier's power to raise this matter at another COAG meeting and to have a discussion that would have prevented all of this from being necessary.

All the interest groups I will refer to have remarked on the total lack of consultation. I know, because I was formerly the shadow Minister for Health, that there has been a record of consultation by the Department of Health with some stakeholders on bills relating to governance of their professions that were amended in line with competition policy. Although the final bill was never seen by the professional organisations, they had been consulted and they let their concerns be known. On a couple of occasions, on two of the bills, as shadow Minister on behalf of the Coalition I raised a number of issues which lead to the Government withdrawing its initial bills and resubmitting amended legislation.

There was consultation, although it was flawed to a certain extent. In the end the Government listened and its two bills were withdrawn and resubmitted. That has not been the case with this bill. There has been no consultation with the New South Wales branch of the Optometrists Association Australia, the Australian Dental Association or the Pharmacy Guild of Australia—the three groups most affected. I will read the letters of those organisations onto the record. In particular, a letter to the shadow Minister for Health, the Deputy Leader of the Opposition, from the New South Wales branch of the Australian Dental Association stated:

Lack of Consultation

Whilst considerable consultation was done with stakeholders when writing the Dental Practice Act 2001 and its Regulations, there has been no consultation by the Premier or the Health Minister with regards to the National Competition Policy amendments.

The Proposed Legislation undermines the Statutory Authority of the NSW Dental Board

... Dentists have previously been responsible to the Dental Board. Under the proposed changes, the Australian Securities Investment Commission (ASIC) potentially becomes the body responsible for regulating the corporate/business aspects of dental practice, as "Corporate dentistry" will be required to be partly governed by the Commonwealth Corporations Act 2001 ... the proposed legislation does not show full consideration to managing penalties for defaulting companies and other corporate management issues.

The association then refers to serious implications in relation to professional indemnity insurance. The letter further stated:

Serious Implications in regard to Professional Indemnity Insurance

Under the proposed amendments, a dental practitioner who is less qualified than his/her employees could potentially hold practice ownership ...

Amendments will increase the Cost of Statutory Compliance

Duplication of administration of the various Acts ... will impact upon the costs and productivity of the private sector and may contribute to a shift of eligible patients back to an already overloaded and under-funded public dental system.

The speaker who follows me will be alarmed about that. The association also referred to the amendments reducing the availability of public sector dental services, higher dental health care costs, limitation on patient treatment choice, issues related to advertising, and a prohibition against directing or inciting misconduct. In conclusion, the New South Wales branch of the Australian Dental Association points out that the proposed bill clearly does not serve the interests of the public and may in fact have the opposite outcome intended by increasing costs, reducing access to and availability of services and potentially compromising the quality of care available. The proposed amendments do not appear to best meet the needs of the community. It is feared that diminishing standards of care and poorer health outcomes may result.

I now raise matters relating to pharmacists. In particular, I refer to two letters published by the Pharmacy Guild and circulated widely to members of the guild before the 2003 State election. One letter is signed by the Leader of the Opposition, the honourable member for Upper Hunter, who was the Leader of the National Party at the time, and the then shadow Minister for Health. That two-page letter makes a commitment as follows:

In government, the Coalition will seek to ensure that any revision of legislation affecting pharmacy, including the Pharmacy Act, incorporates the seven key principles proposed by the Guild, namely:

- Effective control over third party pecuniary interests
- Pharmacist ownership of pharmacies
- Limit of three pharmacies to be owned by a pharmacist
- Pharmacy premises to be registered
- Each Friendly Society to be grandfathered and limited to three pharmacies with only Friendly Societies operating pharmacies as at December 2002 able to expand to this cap. No new entries to be permitted
- All aspects of pharmacy practice other than provision of stand alone cognitive services to be through a community pharmacy
- Corporate pharmacies to be solely owned by pharmacists

That letter was dated 7 February. A letter similarly dated and signed by the then Minister for Health, Craig Knowles. It makes exactly the same commitments; and I will mention only a few of them. Talking specifically of the Carr Government's legislation, he said:

[The legislation] will reinforce the essential role of community based pharmacy in delivering quality health services. This will be achieved through the following principles:

- Pharmacist ownership of pharmacies as recommended in the National Review ...
- Effective regulation over third party pecuniary interests
- Continuing to limit to three (3) the number of pharmacies to be owned by a pharmacist

It is clear from that letter that the then Minister for Health promised pharmacists that there would be no change to the ownership requirements, and the Government has broken its promise.

Mr David Campbell: Costello ripped off \$376 million.

Mrs JILLIAN SKINNER: The Minister for Regional Development have been in the Chamber earlier and he would have heard what I read onto the record from the optometrists. Perhaps I should go back to it because the Minister seems not to have been interested in it then. The optometrists say there was absolutely no reason why the Premier could not have gone back to COAG and sought a variation to the competition policy rules. The rules do not come into effect until 30 June this year. To try to blame the Commonwealth for this is not wearing with the community.

I have written personally to all 1,800 pharmacies in New South Wales who are members of the Pharmacy Guild. Letters will go out to them again. I have been in touch with every one of my local pharmacies, liquor stores and other liquor outlets. Many of my colleagues have done the same in their electorates. It is extraordinary that the Government not only is jeopardising the safe and effective delivery of health services, optometry, dentistry and pharmacy, but is also saying to the community that it agrees with the freeing up of the sale of liquor. That is extraordinary given that we had an Alcohol Summit in this Parliament. It shows that the Government loves the spin and the flimflam of words but when it comes to putting things into practice it does not follow through.

The Premier is trying to pretend he is impotent, as my colleague the Deputy Leader of the Opposition said, in relation to making changes. That is not true. If he wanted to, the Premier could have gone to COAG or the Prime Minister and sought a variation of the national competition policy principles. I am proud of the Coalition for sticking to its election promise and will vote against this legislation. I say to members of the Pharmacy Guild, members of the Dentistry Association and members of the Optometry Association, "When we make you a promise we keep our word."

Mr PAUL GIBSON (Blacktown) [8.33 p.m.]: The honourable member for North Shore said that the Coalition does keep its promises. Everyone remembers during the campaign a couple of elections ago her party promised no GST, and it happened two minutes after they were elected. I could go on and on. Tonight we are speaking about national competition policy. It should be called the national Russian roulette policy, because that is what it is. There is a gun at the head of the Premier and the Government in New South Wales. If we had unlimited money we would say to the Prime Minister that we could cop this \$50 million loss each year, but we do not have that money because it is better spent on hospitals and schools. We are forced into this legislation.

All the States and Territories agreed in 1995 to reform anticompetition legislation unless it could be shown that retaining restrictions to competition was in the public interest. The original 2000 deadline for the program was extended to June 2002 and then to 2003. Since 1995 1,765 pieces of legislation have been reviewed nationally, with almost 70 per cent of those being reformed. New South Wales has shown good

progress, having reviewed and reformed 73 per cent of 216 pieces of legislation slated for reform. But it has yet to meet obligations in a number of areas, and this bill corrects that. The Government believes that it was not in the interests of the people of New South Wales to take that further step that the Federal Government has forced us into.

In 2003 the National Competition Council [NCC] recommended the suspension of \$50.8 million in competition payments pending the finalisation of its program. To avoid further penalties New South Wales needs to meet the obligation that it was committed to some seven years ago. Honourable members should bear in mind that \$50.8 million is one cut, but if they consider the Grants Commission cut of \$376 million that has been taken from New South Wales—a cut that will be taken for the next five years—we are talking about a lot of money. We are talking about hospitals, schools and the standard of living of everyone in New South Wales being affected by the Federal Government. In the same way as the Spanish election, when the Federal election comes around sometime this year I do not think the people of New South Wales will forgive the Prime Minister for the position he has put the State in. I am certain Mark Latham will be the new Prime Minister of this nation and he will give us a new direction. The cuts that are being made to New South Wales are draconian. People in New South Wales and right across the nation pride themselves on fair play, whether it be in the sporting arena or in the political arena. Fair play is not what is being dealt out to New South Wales by the Prime Minister, and he will pay at the ballot boxes.

This legislation is necessary to comply with the initial agreement. The NCC will examine the final legislation, but New South Wales intends to reduce the anti-competitive restrictions on the sale of alcohol while maintaining controls that are in the public interest. Alcohol is one area in which the Government has grave concerns, and always has had. A diverse group of New South Wales industries, including liquor stores, chicken farmers, dentists, optometrists and pharmacists will face greater competition under the provision of this legislation. The single purpose of this bill is to enable New South Wales to avoid penalties being imposed by the Federal Government. Under this legislation central price setting for chicken farmers will be removed. Dental surgeries and optometry practices will no longer have to be owned by a practitioner. Restrictions prohibiting large pharmacy chains will be lifted, and banks will no longer be forced to wait a year before foreclosing on farm land. For a State government to be forced into such harmful legislation is a condemnation of the Federal Government.

The Leader of the Federal Opposition, Mark Latham, said recently that by and large competition has been good for Australia, but we are getting to the fag end of national competition policy. By that he meant that minor economic gains were being made by the creation of bigger social problems. That will come back to bite the Prime Minister. Mark Latham also said he does not believe in achieving small notional economic gains by creating bigger social problems, and this fag end of legislation does exactly that. The social problems it creates will far outnumber the economic gains that would come from it. Those problems will rebound on every country town before much longer.

I will now refer to areas that will be affected by this legislation. Our nation is experiencing the worst drought in 100 years, yet the Federal Government wants to take away the Farm Debt Mediation Act. Farm debt in New South Wales has increased in six out of seven farming categories. That is a 5 per cent increase, which is similar to the rate during the 1982-83 drought. The Farm Debt Mediation Act requires that a meeting take place before a creditor can take possession of a property or any other enforcement action under a farm mortgage. To take away that legislation is simply unfair. A financial institution from Sydney does not have an intimate knowledge of the impact of drought or the drain on finances when farmers restock and plant new crops. No-one wants to see farming families evicted from their land, which, in many cases, they have worked for generations.

According to New South Wales Agriculture, of the 952 cases mediated under the Act 88 per cent were successfully resolved in a manner satisfactory to both the bank and the farmer. Australia has the most competitive farming sector in the world, particularly compared to its European and North American counterparts. It is ridiculous for the Federal Government to remove the limited measure offered to New South Wales farmers by the Farm Debt Mediation Act. The Premier was absolutely right when he stated that the current system works well. This legislation, which has been forced on us, takes away that protection for farmers. The laws were designed to recognise the particular circumstances under which farmers operate, including the large amounts of capital required to farm; the unpredictability of nature, such as droughts, floods, fire and other unique Australian climatic factors; the need to compete against heavily subsidised competitors, such as American and European farmers; and the cyclical nature of the industry.

The Farm Debt Mediation Act legislates a cooling-off period on closures, nominated mediators for affected farmers and required conduct during mediation sessions. The Act also allows banks to properly assess a

farmer's personal and financial situation, which leads to a favourable result in the majority of cases. Farm debt mediation is a structured negotiation process in which the mediator, as a neutral and independent person, assists the farmer and creditor in attempting to reach agreement on the present arrangements and future conduct of financial relations between them. The mediation is a civil, voluntary and confidential process that is quick, accessible and affordable. The Federal Government wants to remove that legislation, a move that will harm farmers. I am certain that the farming sector will not forgive the Federal Government for doing so.

Another area that will be affected by the legislation is the sale of liquor. The main consensus at the recently held Alcohol Summit was that the best way to control teenage drinking was to limit the number of liquor outlets. The implementation of the national competition policy in this area opens up a Pandora's box. The Police Association has raised concerns about this issue. Ian Ball, in a letter from the Police Association of New South Wales dated 26 February, said:

Incidents such as the one we saw at Redfern last week are fuelled by alcohol and making the purchase of grog more freely available is akin to lighting another Molotov cocktail.

I agree with that statement. The legislation as required by the Federal Government would have given new meaning to the phrase "fill 'er up". It could have meant "fill me up, fill my girlfriend up and fill the car up as well". The Government did not accept that provision. If we had, people would have been able to buy alcohol in service stations. If I want to buy alcohol I go to a bottle shop, hotel or club. When I go to pay for petrol at a service station, alcohol should not be displayed and I should not be pressured into buying it. The legislation will make alcohol more accessible and more difficult to control. We have introduced wonderful harm minimisation strategies in this State. This legislation will make the implementation of further harm minimisation strategies more difficult, and everything we have done in the past will go out the window.

The national competition policy was first introduced to oversight State performance in electricity, gas, ports, water, rail and roads. But no-one in his wildest dreams would have thought that the fag end of the legislation would have applied to liquor outlets and pharmacies. Under this legislation, every supermarket across the length and breadth of the nation will be able to sell alcohol. It will have a major impact on New South Wales. I come from Young, a small country town with all the necessary services, such as chemists, hotels and optometrists. Businesses in country towns will be swallowed up by the big combines, such as Woolworths, Coles and Frank Lowy shopping malls. I have no doubt that the legislation will kill the country towns and country people will never forget what the Federal Government forced the State Government to do.

The greatest battle in road safety improvement has been addressing the problem of drink-driving. More people have been killed on our roads than the number of Australians who have been killed in war. The implementation of the national competition policy reforms will mean that alcohol will be able to be purchased almost anywhere. When people go to supermarkets to do their weekly grocery shopping, alcohol will be displayed and people will buy it. Prime Minister Howard and Treasurer Peter Costello should take responsibility when the road toll figures blow out and more people are killed, injured and maimed on our roads. It is interesting to note that the day the Federal Treasurer announced that Queensland would be fined \$7 million and New South Wales fined \$51 million, the Federal Government announced a massive surplus of \$4.6 billion.

The Queensland Treasurer, Terry Mackenroth, said that the Federal Government is robbing the States to make itself look good and to give it a war chest for the coming Federal election. Although it has a massive war chest, it will not be enough. The people of Australia, particularly the people of New South Wales, will not forgive the Federal Government. Previous speakers have said that the Premier could have done something. On 18 September 2003 the Premier wrote to the Prime Minister and spelled out some of the policy shifts that would be required in areas such as taxi plate licences, the chicken industry, pharmacists and alcohol sales. His advice was to no avail. Treasurer Peter Costello, in a reply letter dated 8 December, said:

The Australian Government has decided to accept the Council's recommendations on competition payment penalties—

The Federal Treasurer could have changed that—

for New South Wales 2003-04 competition payments. Specifically, New South Wales' estimated competition payment entitlement of \$254.4 million will be subject to two 5 per cent permanent reductions (totalling \$25.4 million) for lack of progress with chicken meat industry legislation and regulation of liquor sales; and a 10 per cent total suspension (\$25.4 million) for outstanding legislation review items.

The Treasurer is saying that the Federal Government will penalise New South Wales to the tune of nearly \$50 million. One of the reasons he gave in the letter he wrote to the Premier was the failure to open more liquor

outlets in this State. The Treasurer should be condemned for that. He said it straight out: \$25.5 million for lack of progress with chicken meat industry legislation and regulation of liquor sales. We are proud of our stand on liquor outlets in this State, our harm minimisation strategies and our battle to overcome alcohol problems. Australia would be one of the best countries in the world in regulating the sale of alcohol. That is particularly so in this State. Yet the Federal Government wants to fine us \$25 million because it wants us to open up more grog shops. Shame on the Federal Government! The people of New South Wales will not forgive the Federal Government, especially at the next Federal election.

Mr ADRIAN PICCOLI (Murrumbidgee) [8.48 p.m.]: That was a very interesting presentation by the honourable member for Blacktown, particularly in light of the leaks from the Labor Party's caucus room. The honourable member has been very critical of the Premier. It is easy to be critical, and a few government members have a history of criticising. They are critical of the Premier in private, but in public they all fall into line and praise His Majesty, the King of New South Wales, Bob Carr. That is exactly what we have seen from the honourable member tonight. He has continued to peddle the dishonest argument that the Government and the Premier continue to put about national competition policy and payments.

The title of the legislation—National Competition Policy Amendment (Commonwealth Financial Penalties) Bill—is politically dishonest, and that is the length to which the Premier is prepared to go to gain maximum political advantage out of this situation. It is plainly dishonest to blame the Commonwealth Government for the reforms we are debating this evening. The Council of Australian Governments [COAG] agreement was signed by Premier Bob Carr in 1995 and we witnessed the birth of the national competition policy. The agreement was signed by all State Premiers and the then Prime Minister, the Hon. Paul Keating. Of all those signatories, only Bob Carr is still in office.

Liquor reform, poultry reform, farm debt mediation, water reform and so on, which have been dealt with in the national competition policy process, were listed by the Premier nine years ago. To say they have been suddenly thrust upon him by the Commonwealth Government is an out and out lie, and it is disgusting that people like the honourable member for Blacktown continue to peddle that lie. I understand that a Federal election is imminent and that the State Government is focused on getting its Labor mates in Canberra elected. However, honourable members opposite should concentrate on the issues for which they are responsible, such as transport, the health system, and the people who are dying unnecessarily because our hospitals are not being adequately managed and funded by the New South Wales Government. We have experienced a transport disaster, but the Premier is off doing warm, fluffy things and swanning on the red carpet with Nicole Kidman. He is spending his time and energy trying to win the Federal election for the Labor Party instead of focusing on the things for which the Government is responsible.

The Premier is responsible for the issues we are debating tonight. If honourable members have a problem with the fact that these issues have arisen and that deregulation will occur in some industries, they should remember that this legislation was introduced by a Labor Minister. The Premier signed the COAG agreement and started this process rolling. He listed these issues nine years ago and no-one should be fooled by his rhetoric that this has been suddenly thrust upon him. That is a lie. In fact, the Labor Government in New South Wales is perfectly poised to do something about this issue.

The COAG comprises all the Premiers and the Prime Minister. The Premiers are more than able to renegotiate the agreement and the national competition policy process and to take these issues off the table. The Government's Labor mates are in government in all the States and they work together as a team. I understand that, but if members opposite were fair dinkum about protecting these industries they would get together with their colleagues in the other States and do something about it. It is a lie to say they are being forced to do this or they will be penalised \$50 million out of the blue. There is another solution. When these areas are introduced for deregulation and reform, the National Competition Council does not necessarily insist they be deregulated.

Mr Matt Brown: Are you sure? The Federal Treasurer says we must do it.

Mr ADRIAN PICCOLI: They do not have to be totally deregulated. If the State Government can prove it is in the public interest to retain regulations, under the national competition principles they can be retained. Rice growing is important in my electorate, and the State Government managed to retain the rice-vesting powers because, for a change, it did some work. It put the case to the National Competition Council that it was in the public interest to retain vesting for the rice industry and the council was happy to agree. Unfortunately, the Government is getting lazy after nine years in office. As I said, the Premier is too busy swanning up and down the red carpet with Nicole Kidman.

The State Government has not done its work on the Farm Debt Mediation Act. Threats were made to withhold money because it had taken no action. Suddenly, the Minister for Agriculture woke up to himself and realised he should do some work. He made the necessary amendments to that legislation and the Opposition is more than happy with them. The Hon. Duncan Gay, the shadow Minister for Agriculture, did more work than the Minister on this issue. The only reason the Minister got off his backside and did something was that the shadow Minister was in contact with the National Competition Council.

Mr David Campbell: Are you sure?

Mr ADRIAN PICCOLI: I am absolutely sure. After the Minister did something, the council was satisfied. This Government has become lazy after nine years in office. It is convenient to blame the Commonwealth Government for everything. The Government has produced disgusting advertising about the Commonwealth Grants Commission. Honourable members opposite are blaming everyone except themselves; they take no responsibility for wasting \$160 million on the Millennium trains and \$10 million on the Austeel Pty Ltd debacle. That taxpayers' money was thrown down the drain. Hundreds of million of dollars have been wasted by this Government and it is wasting another \$850,000 on an advertising campaign designed to attack the Commonwealth Government in the lead-up to a Federal election. This is a lazy Government; its members have taken their hands off the wheel and given up. They are more interested in big white cars than in doing something constructive.

I will focus my attention on the Farm Debt Mediation Act and the Poultry Meat Industry Act. The Opposition does not have a problem with the amendments to the Farm Debt Mediation Act other than that it took so long for the Minister to address it. In the meantime we have been subjected to a scare campaign, particularly in western New South Wales, during a drought when the Act was most needed. Government members told farmers that the Commonwealth Government would force the State Government to repeal the Act. That was never the case. If the Minister had done his work when it should have been done there would have been no problems. He has finally introduced amendments that satisfy the National Competition Council and everyone is happy. Most importantly, farmers are protected.

The Minister for Agriculture has been lazy with regard to the Poultry Meat Industry Act, which he has known has been coming for some time. This bill replaces the existing requirement for batch poultry supply agreements between poultry growers and processors to be arrived at by the Poultry Meat Industry Committee with a requirement that they merely be registered with the committee. One of the largest poultry processors in New South Wales, Bartter Enterprises, is based in my electorate. The company has significant longstanding concerns about the way the New South Wales poultry industry operates. It comes from an obvious position as a processor, having to deal with its growers, particularly those in the Newcastle region, under the Poultry Meat Industry Act. I have met with representatives of Bartter Enterprises on a number of occasions. Indeed, I run into Peter Bartter quite often at the airport in Griffith and in Sydney, and he does not hesitate to tell me his views about the New South Wales poultry industry.

We need to achieve a delicate balance with regard to the poultry industry. The industry needs to remain viable but, equally, poultry producers need to remain viable. That is why the Coalition has grave concerns about these reforms. We are not sure that the changes were necessary to satisfy the National Competition Council. We do not believe that the New South Wales Government carried out enough investigation to see whether other changes should have been made to protect poultry growers. All farmers, whether they be wheat farmers, grape growers, or poultry growers, face the same problem. There are a lot of farmers, and there are only a handful of processors, so the market and the bargaining power are with the processors.

It is unfortunate that the Government has chosen to take this approach to solving its national competition problem. Unfortunately it will be at the expense of some poultry farmers in New South Wales. As I said, it requires a delicate balance. The poultry processors in my electorate alone employ about 1,500 people, and they are large employers throughout New South Wales. However, we also need to protect those who do not have a lot of market power, in this case the poultry growers.

It is unfortunate that the Government has been lazy in its approach to national competition policy. If it had done its research, it would not have had to rush the legislation through and make these botched changes, which at the end of the day will hurt a lot of people, particularly those in the poultry industry. The honourable member for Upper Hunter also referred to the impact of the legislation on the liquor industry. I call on the Government to stop being so lazy. It has been in office for a long nine years; it has been a very long nine years for the people of New South Wales. The Government has three years to go. It should at least get things right in those three years.

Mr MATT BROWN (Kiama) [9.03 p.m.]: I am pleased to support the National Competition Policy Amendment (Commonwealth Funding Penalties) Bill. The Government has been reluctant to introduce the bill, but it has been forced to do so because it needs funding for the State's schools, hospitals, roads, and police officers. The Commonwealth Government is proposing to withdraw more than \$50 million not just this year but each and every year, and that amount will be indexed unless the New South Wales Government introduces these reforms. That is a disgrace.

I should like to give some indication of what \$50 million would buy. It is the equivalent of 760 nurses' salaries and double this year's funding for primary school class size reductions. The honourable member for Murrumbidgee said the Government ought to concentrate on issues for which it is responsible, such as its class reduction policy, the inadequacies of our health system, and building more roads. The Government does not shirk from its responsibilities, and neither does anyone on this side of the House, but we cannot honour those responsibilities when the Commonwealth Government continually withdraws funding for the State to provide essential services. That is the cornerstone of this debate. We want to get on with the job of running the State. The people of New South Wales have entrusted that job to us for very good reason. The people of the electorate of Kiama and many other electorates are not happy with the way the Federal Government is seeking to rip the social fabric from them, simply because of its ideological belief in national competition policy.

Last year I met with representatives of the Pharmacy Guild. Yesterday morning—I arrive at the office a lot earlier than my staff—I took a phone call from a Berry pharmacist. He said to me, "Matt, I understand the work you are doing on this and I understand the Government's position. I just want to let you know that we support that position." The Pharmacy Guild knows where to go on this matter. That is why Pharmacy Guild representatives are in Canberra lobbying the Federal Government and holding meetings with the Prime Minister. They know exactly why we need to pass this bill. The honourable member for Parramatta made a very good point. Pharmacy Guild representatives are not talking to the Opposition because they see it as an irrelevant Opposition, and they do not want to even engage in dialogue with its members because they know that this policy is being driven at an ideological level as a result of the Federal National Competition Council imposing sanctions and restricting money to essential government services in New South Wales.

The main purpose of the bill is to amend the Poultry Meat Industry Act 1986, the Liquor Act 1982, the Farm Debt Mediation Act 1994, the Optometrists Act 2002, the Dental Practice Act 2001, the Dentists Act 1989, and the Pharmacy Act 1964 to enable compliance with National Competition Council requirements and therefore to ensure that New South Wales does not incur financial penalties for deemed breaches of the Competition Principles Agreement. Under the Competition Principles Agreement all governments were obliged to review and reform potentially anti-competitive legislation. The National Competition Council assessed New South Wales as non-compliant in meeting Competition Principles Agreement obligations in relation to certain reforms. New South Wales is potentially subject to a permanent reduction in funding from the Commonwealth of more than \$50 million per annum.

The Government intends to provide for reforms that will enable New South Wales to comply with the Commonwealth's requirements to minimise those financial penalties. In the areas of pharmacy and farm debt mediation, negotiation between the Government and the National Competition Council has resulted in less onerous amendments than were previously requested by the council. With regard to the Liquor Act 1982, the bill deletes the right to lodge an objection to an application for a liquor licence on the grounds that the local community's needs for alcohol are already being met and replaces it with a social impact assessment process. Many people call this the "needs test". The bill also imposes a ban on the sale of alcohol through petrol stations, strengthens restrictions on the sale of alcohol through convenience stores, milk bars and corner stores, and introduces a new annual fee regime for hotels and bottle shop owners.

I previously mentioned the social impact assessment process. We in New South Wales have communicated to the Federal Parliament our strongly held view that a robust liquor regulatory regime must remain in place, given the substantial harm associated with alcohol abuse in the community. It is nothing new to this Parliament that studies done right across the world show that if alcohol is more readily available for sale, there is greater alcohol consumption. Studies show that the more alcohol outlets there are, the more alcohol is sold—and I am sure that the purchasers are drinking it and not just keeping it in their cellars.

We had a very good Alcohol Summit in this Parliament last year at the instigation of the Premier, and one recommendation of the Summit was that we have a robust regulatory regime regarding the sale of alcohol. The bill provides that applicants for a new hotel or bottle shop licence must advertise the social impact assessment and put it on public display so the local community has every opportunity to make informed

submissions to the Liquor Administration Board outlining its opinion about that licence. The board may approve a social impact assessment only if it is satisfied that the overall impact of the application being granted will not be detrimental to the local community or the broader community.

This means that the immediate impact as well as the broader New South Wales impact of issuing a licence can be taken into account. The content of the social impact assessment will be determined by regulations and by consultation with relevant stakeholders. The key theme running through all Carr Government legislation is its consultation phase with relevant stakeholders. But New South Wales is not reinventing the wheel here; we are much persuaded by the opinion and the practice of Queensland, particularly Queensland's public impact assessment process, which provides a useful model for the matters that should be included in this State. For example, as part of the public impact assessment in Queensland, applicants must provide the results of a survey of local residents' views on a licence application. In the Queensland public assessment process there is a rigorous protection of the community from the harm that can be caused by excessive numbers of alcohol retail outlets, and the National Competition Council has assessed that as complying with the policy. The New South Wales Government will do everything in its power to prevent adverse impact from a proliferation of liquor retail outlets in this State.

What is the Government doing about the sale of liquor in petrol stations, convenience stores, and supermarkets? The good thing is that this bill prohibits the sale of liquor from petrol stations. So the licensing court may not issue a liquor licence to any premises that are used primarily for the sale of petrol. It is that clear. It is that sort of concern that only this Parliament is putting forward to the National Competition Council, whose ideological obsession is to have liquor outlets everywhere—in petrol stations, vending machines, milk bars and, presumably, ice-cream stalls. It is the Carr Labor Government and this side of the House that are saying that that is not what we want for our communities.

The bill also strengthens the current restriction on the sale of liquor in convenience stores. Currently the Act refers only to convenience stores that are open longer than the standard hours for bottle shops. We have expanded this to include mixed businesses, corner shops, and milk bars, and we have expanded the restriction to cover these types of general stores no matter what hours they are open. This is a great protection for the people in our State. It is consistent with measures adopted by Victoria that have been assessed by the National Competition Council as compliant. The bill retains the existing restriction on the sale of liquor by supermarkets.

The member for North Shore participated in the debate, but I am not quite sure what her point was; she seemed to contradict herself at every stage. The member for North Shore is peddling the Conservative line. I have heard that line used by Conservatives on the South Coast who have said, "Why has the Premier not put in submissions to the Prime Minister and to the Federal Government and highlighted this important information?" The Premier has done that. He has not only mentioned it in his letters, he has mentioned it time and again in public and in conversations. I have copies of letters that the Premier has written.

In a letter to the Prime Minister dated 10th September he says he is alarmed and disappointed by the National Competition Council's recommendations to the Commonwealth Treasurer that New South Wales is going to be slugged \$51.4 million. The Premier has outlined why he thinks that should not happen. The Premier also wrote to the Prime Minister about the importance of farm debt mediation, the problems with the unregulated proliferation of alcohol outlets, and about the problems with multinationals and national corporations taking over chemist shops, dentists and optometrists. I have a copy of that letter here.

Mr Thomas George: What is the date of it?

Mr MATT BROWN: It is 10 September 2003. The Premier has also written to the Federal Treasurer informing him that he wrote to the Prime Minister on 10 October 2003, in which he again outlined why the New South Wales Government does not think it should harm the community in any way by having more liquor outlets, corporatising our chemist shops, and taking away the farm debt mediation aspect from our farmers. The Federal Treasurer replied to those letters on 8 December 2003, and his comments are nothing less than disturbing. Peter Costello wrote back to the people of New South Wales via their Premier and said:

The Australian Government has decided to accept the Council's recommendations on competition payment penalties for New South Wales' 2003-04 competition payments. Specifically, New South Wales' estimated competition payment entitlement of \$254.4 million will be subject to two 5 per cent permanent deductions (totalling \$25.4 million) for lack of progress with chicken meat industry legislation and regulation of liquor sales; and a 10 per cent pool suspension (\$25.4 million) for outstanding legislation review items.

It is as clear as that. What the Federal Treasurer is basically saying to New South Wales is, "We are going to take money off you so you can't run your schools and your hospitals, so you can't build your roads, and so you can't have extra police out there on the beat—because you don't conform with our competition policy." It is a disgusting display of ideology from that free market mob down in Canberra and it is hitting us where it really hurts here in New South Wales: in our communities. I commend the bill to the House.

Mr IAN ARMSTRONG (Lachlan) [9.18 p.m.]: As some members have already said, this legislation has been a long time in the making, having effectively been signed off by the Premier nearly nine years ago. So the legislation has been available for a long time for consideration and discussion, and now the Premier is attempting to use it for political cannon fodder. It is interesting to note that the Premier and the Government have been talking about how, if New South Wales goes down this path, it will be penalised by the Commonwealth by about \$50 million per annum. If the Premier did not spend \$800,000-plus on a spurious advertising campaign he might not need quite so much money. I also make the point that this is the Government's legislation; it is not the Opposition's legislation, and it is not an Independent's legislation.

This bill was introduced following negotiations and agreement with the Commonwealth. I believe that the Premier's signature is on the agreement. Anyone who goes into negotiations with another government—Commonwealth or State—and signs a document but later regrets doing so should not represent the Government in the first place. People are responsible for what they sign. There would not be a Premier in the history of this State—nor probably a Minister—who, at various times, has not rejected the opportunity to sign off with other governments or government instrumentalities. That is what they are paid to do; it is why they have the white cars and titles. People expect the Government to use its judgment to the benefit and ultimate growth of the State. If the Premier did not like the agreement, he should not have signed it. The detail can be argued afterwards.

I shall outline some of the facets of the bill. Honourable members have referred in detail to the amendment to the Liquor Act 1982. I do not propose to go into the detail of that because it has been well covered. However, I shall refer to some of the principles. A social impact assessment is a responsible measure, provided it is done thoroughly. It is wrong to have one more outlet that can sell even one more stubby of beer in a town such as Walgett, Bourke, Wilcannia or Condobolin—the same could be said for many Sydney suburbs. Health authorities—nationally, internationally and domestically—churches, health groups and even the Australian Medical Association have spoken in today's media about the cost of alcohol to the community because of the high death rate and hospitalisation of people affected by alcohol. On the weekend I was in Melbourne and saw similar articles in the Melbourne newspapers. This is not rocket science. Anyone who is half awake would understand that alcohol is the highest cost to the community in physical and mental health, and community disturbance.

Increasingly across this State and nation there are problems with mental health management because of the number of people who are mentally disturbed. Recently I read that in any given year there are more separations and divorces than there are marriages, and alcohol is often a factor. Likewise, alcohol is often a contributing factor in assaults and apprehended violence orders. How many children have only a father, a mother or neither because of alcohol? Alcohol consumption that is well managed is a great social amenity and has been for hundreds of years. Indeed, it is mentioned in the *Bible*. However, when alcohol is abused it is a dreadful enemy of the individual and the community as a whole.

I am concerned about the naivety of some speakers, who said that supermarkets will not be able to sell alcohol. Some speakers said that supermarkets could not sell it now. That is wrong. My town has Woolworths and up the end, through a couple of sliding doors, is the liquor shop. The same situation exists in South West Rocks, Cootamundra and Young. It is foolish to suggest that people cannot buy alcohol at supermarkets. One need only walk one metre either to the right or the left, through a doorway, to be in a liquor outlet. This is serious because alcohol is probably the greatest scourge of this nation after cancer and heart disease. It causes more pain to families and the community than anything else I could name. It is important for us to get the facts right. If this Parliament gives tacit support to further expanding the opportunity for people to buy alcohol, it will do a great disservice to the community.

A couple of Sundays ago I went to my local supermarket at about 9 o'clock in the morning. Sitting outside the supermarket at one end of the little car park, which is probably only 30 metres long, were eight men, mainly middle-aged fellows, two of them obviously affected by alcohol, even at that time. A couple of older people and some women with small children were going through the doorway into the supermarket. It is unhealthy for people affected by alcohol to hang around a small supermarket in a country town or a shopping centre in a suburb. I ask honourable members to clearly understand this amendment before they vote on it.

I turn now to the amendment to the Poultry Meat Industry Act. For as long as I have been in politics, problems have existed between producers and contractual growers—those who grow chickens for and on behalf of processors. Processors supply chickens, chemicals, veterinary and feed advice, the arrangement being that the growers will grow the chickens to a certain stage. They must meet certain weight and quality requirements and have limitations in the number of chickens they lose. The chickens must also be produced within a certain time frame. For many years the argument has centred on the amount of compensation growers should receive. Many years ago a committee was formed and I commend Mr Barry Buffier, former Director-General of NSW Agriculture and National Agribusiness Manager for Westpac Bank, for his advice, management and foresight, which were welcomed by all participants. I hope that the new amended Act will remove some of the angst from a difficult relationship that has existed for many years.

I have strong feelings about the amendment to the Pharmacy Act—in particular, with respect to supermarkets. The Act prevents people from buying pharmacy products at supermarkets, but I wonder how long it will be before we see chemist shops in supermarkets, similar to the liquor outlets. I have two reasons for expressing doubt about this. First, the two major attractions in any suburban shopping centre or country town main street are the pharmacy or chemist and the newsagent. People go there on a daily basis. They are the most used facilities in retail areas. Usually supermarkets are not in the mainstream of a suburb or country town. If chemists or newsagents become part of supermarkets in the future, I have serious reservations about the balance of trade in the main street of country towns or suburban mainstream shopping centres.

Second, many individual pharmacies are linked by computer. People who have a prescription filled in the morning may return later that day or the next day to have the prescription refilled. The chemist can look on the computer and say, "Mr Smith, you got that prescription yesterday afternoon." The chemist can check on customers. By the same token, Mr Smith's daughter and grandchild may visit the chemist because the grandchild has a runny nose and fever. The mother may ask the chemist for some advice or to recommend something for the child's cough. We often see someone sitting comfortably in a pharmacy chair while the chemist takes his or her blood pressure without charge because a doctor has requested a record of blood pressure be kept twice a week for the next three weeks. Those services are provided free of charge for the good of the community. People may have an ulcer on their leg that needs dressing, and often the chemist or the assistant changes the dressing.

I doubt whether we will see such services provided in a supermarket environment. I simply cannot see the chemist or his assistant stepping out between the dog food and milk and changing dressings, or between the bananas and baked beans and looking into some kid's conjunctive eye. We should think seriously about what chemists have provided traditionally and what they provide now, and very well. Supermarkets will argue that they can cut the cost of chemist products by up to 30 per cent. The other day I had an argument with one leading supermarket operator. I simply do not believe that. On the other hand, what is it worth to have an established facility providing a service in the community and also keeping some business activity with a reasonable distribution?

The Farm Debt Mediation Act, which came into effect during the term of the previous Government, will be amended. It is unfortunate that we have to have that legislation. The Government should look seriously at why people get into trouble with their bank, particularly in times of drought or when there is a downturn in the wool industry, the beef industry or the grain harvest industry, because it involves management practices. It is inevitable that there will be high seasons and low seasons, there will be droughts and there will be good times. That is part of management practice. There is no fixed market for wool—we tried it once with wool and it did not work—beef, grains or horticultural products; it is a floating market. There will be opportunities to sell well and buy well, and there will be opportunities, if people have a factor written into the business plan, to go broke. Somebody once said, "You have no right to stop me if I want to." The bottom line is that that is part of management. I suggest that while the Government might pat itself on the back regarding the Farm Debt Mediation Act, it should also have a serious look at offering farmers and allied industries more practical advice on how to keep out of trouble, instead of trying to rescue them when they are in trouble.

We need to have a hard look at the capacities of the Rural Assistance Authority. That successful body was set up during the Depression, in about 1931 or 1932. Only a few years ago its success rate with clients was about 98 per cent, and I suspect that that has not fallen much. Once again I urge the Government to look at using the Rural Assistance Authority in a much more flexible way, and using the Department of Agriculture to work much more closely with farmers who feel that they need these services for economic management purposes so that they will not have a confrontation with their banker or, indeed, the lender of money who might have sold them a property a couple of years ago and they cannot meet the repayments. People need advice before, not

after, they get into trouble. Once people go into mediation they are in trouble. Let us try to keep people out of trouble. Let us put in resources, instead of trying to rescue people when it is almost too late. The legislation is a bit like the curate's egg. I hope that the Government is prepared to admit when facets of the legislation are simply not working in the interests of the industries, and that it brings the legislation back into the Chamber if necessary.

Mrs KARYN PALUZZANO (Penrith) [9.33 p.m.]: I support the National Competition Policy Amendments (Commonwealth Financial Penalties) Bill. The simple purpose of this bill is to enable New South Wales to avoid penalties being imposed by the Commonwealth on the advice of the National Competition Council [NCC]. Every member of this House will be aware that the Commonwealth is compelling New South Wales to change the way it regulates these industries or forfeit \$51 million in competition payments because the NCC has deemed us non-compliant under the national competition principles agreement. That \$51 million represents 20 per cent of the competition payments due to New South Wales, and the threat will continue to hang over New South Wales unless the Government does the NCC's bidding.

The decision to regulate industries such as liquor and poultry, to name just two, are fraught with danger. In the weeks since it was announced that the Commonwealth wanted these and other industries deregulated, I have met with and heard from a number of constituents and community groups throughout Penrith. None is happy about this decision, particularly with regard to the deregulation of the liquor industry. People have approached me to ask why the Commonwealth would punish the New South Wales Government for trying to minimise the number of outlets that sell alcohol on our streets. To tell the truth, I am still wondering—and I am sure the constituents of members opposite will also be asking this question—what sort of government would actually want to increase the number of liquor outlets.

Perhaps members opposite will be able to offer an insight into this ludicrous Commonwealth proposal. Perhaps they will be able to explain why they think it is a positive move to increase the sale of alcohol. However, more than likely, they will try to divert the attention of the House from the facts of the matter. Members on this side of the Chamber will look at the facts. In late December, while most people were focusing on Christmas shopping, the Commonwealth's National Competition Council fined the New South Wales Government in excess of \$50 million for failing to regulate the liquor, poultry, taxi, pharmacy, dental, optometry and rice industries. Let me first discuss the issue of the \$51 million fine imposed on the Government. To put the magnitude of this fine into perspective, I will list what \$51 million can buy: seven new primary schools, 560 new police, 500 new ambulances, 90 fully staffed intensive care unit beds, 680 teachers or 750 new nurses.

I acknowledge a recent visit to the electorate of Penrith, which sits in the Federal electorate of Lindsay, by the Prime Minister, Mr Howard. I note that he visited a local independent school. He gave awards to a select group and attended at fundraiser for the local Federal member. On that same day I was revisiting a local primary school and speaking to parents. Unlike the Prime Minister and the Federal member, I was out meeting local Penrith residents and also on my bi-monthly polties in the parks and at shopping centres. I have asked them what they think about the national competition plan and I have listened. Many people decided to contact my office with regard to this matter. I have with me today a number of comments from local residents, so now I will name them. Mrs J. Hopkinson of Emu Heights wrote to me saying that the Commonwealth's plan will:

... increase crime because these smaller shops will be easy targets to steal from.

Mrs Hopkinson warns:

The Federal Government should be very careful in their actions. It is not a future I want for my child where alcohol is so easy to get a hold of.

Mrs Stringer of Emu Plains asked:

How dare the sanctimonious Federal Government even suggest it?

Mr Michael Maddock of Emu Plains said:

To allow more outlets for our youngsters to obtain alcohol only goes to show the total lack of duty of care the Commonwealth has towards the future generation ...

Has the Commonwealth considered the views of Ms Smith, who said:

... they are asking for cigarettes to be put under the counters—their motto is out of sight out of mind—alcohol should be treated the same way, and with the same motto.

Mrs Diamond from Emu Plains wrote:

My husband and I most definitely do not want to see the liquor industry deregulated. Good luck to you and Bob Carr with this fight.

In truth, these are only a few of the comments that I have received. Constituents in Penrith are extremely concerned about the Commonwealth's proposed changes to liquor licensing laws. As my parliamentary colleagues have already touched upon, New South Wales currently has approximately one liquor outlet for every 500 people—a ratio that I am sure most people would deem acceptable and not in the slightest anti-competitive. I never envisaged the day when, in the interests of competition, a 10-year-old on an errand to a local shop may be able to buy bottled milk and walk past rows of premixed drinks, bottles of wine and slabs of beer. During the recent Alcohol Summit, organised by the New South Wales Government, we heard statistical and anecdotal evidence that an increase in the number of outlets would lead to an increase in the number of alcohol-related health problems and incidences of underage drinking. So, as my parliamentary colleagues and I have displayed during this debate, the community is particularly concerned about deregulation of the liquor industry.

The National Competition Council's demand that the New South Wales Government regulate other industries is equally concerning. I am the patron of the Penrith poultry club—a position I am honoured to hold—and a number of the club's members have contacted me. So, unlike the Commonwealth, I did a little research on the effects of such a decision. The deregulation of the poultry industry, implemented by changes to the Poultry Meat Industry Act, will have a catastrophic impact on poultry farmers throughout New South Wales. A 2001 report found that deregulation of the poultry industry would lead to an average fall in poultry farmers' income of between 17 per cent and 24 per cent. On average, that equates to a loss in the region of \$20,000.

What is the argument for deregulation? Supposedly, it will lead to increased competition and an ensuing drop in the price of poultry meat. But a study showed that deregulation is likely to bring about a 1 per cent fall in the price of poultry. In order to save less than 10¢ on a chicken, we could potentially wipe out hundreds—if not thousands—of family poultry farmers. Admittedly the electorate of Penrith does not contain a large number of family poultry farmers, but that should not and will not stop me from raising the industry's valid concerns in this place. This is an industry in which processors rather than growers have the bulk of the market power. When we think of the level of hard work and investment put in by the State's 330 chicken growers we can appreciate that it is only fair that they have a reasonable degree of protection in a tough marketplace. That is why in New South Wales an industry committee sets base prices and approves agreements between poultry growers and processors for the supply of poultry.

However, the National Competition Council is set upon decentralising our practical, effective system of grower-processor contract negotiations. Therefore, we reluctantly concede the abolition of the existing Poultry Meat Industry Committee's power to set standard rates for poultry supplied by growers to processors. Our bill also abolishes the existing requirements that contracts between growers and processors be approved by the committee. It will now be up to individual farmers and processors as to how they negotiate contracts and what those contracts will contain. The bill refocuses the industry committee on facilitating contract negotiations rather than on its previous role of assessing whether prices and contract terms are reasonable.

While this model removes the prescriptive role of the industry committee, the Government has made sure that the Act retains important protection for chicken growers. Our legislation will, for example, retain the right of chicken growers to bargain collectively with individual processors, preserving the negotiating power of the many small individual growers in their contract negotiations with a few large processors. Last week I received an email from a poultry farmer who lives in Western Sydney. Mr Lehwess said the Commonwealth Government's demands will be:

... the end of the poultry industry in New South Wales. Processors will then be able to dictate terms and conditions to growers at their pleasure, sack any growers who do not do as they wish and pay whatever low price they feel like paying. Currently the processor I contract to is wanting to pay us less than we were earning 3 years ago and it is only the Poultry Meat Industry Act that is preventing them from doing so. This Act is not against the public interest.

Unlike the National Competition Council and the Commonwealth Government, many of my parliamentary colleagues and I have been out in our electorates discussing the implications of these changes. Not surprisingly, many people are angered by the council's lack of foresight into the problems their actions will cause. I would like to note a number of things. First, this bill is the result of a Commonwealth Government that wants to see more liquor outlets on our streets. Removing the needs test—a test where a new liquor store is assessed on its

need by the community—is a dangerous move. It will inevitably lead to the granting of more liquor store licences, and could force families currently employed in this area out of business—just like it did in Victoria.

I also note that the competition council's demands will seriously impact on people working in other areas, such as those in the rice and poultry industries, the taxi industry, and the dental and optometry industries. In spite of these changes, I acknowledge the positive steps Premier Carr and the New South Wales Government have taken to ensure these changes are not catastrophic. Replacing the needs test with the social impact assessment will hopefully protect many communities from being inundated with more outlets. The Premier said in his second reading speech:

The Government has calibrated, as best it can, the provisions of the bill so they will have the least possible impact on New South Wales families, while at the same time preserving essential services from a \$51m cut we simply cannot afford.

It is important to realise exactly who has put the New South Wales Government in this position. The Commonwealth Government has, for whatever reason, yielded power to big business at the expense of the local family-owned businesses and farms. In conclusion, I commend the New South Wales Government for the steps it has taken to minimise the harm that these changes will have on the community. I commend the bill to the House.

Mr STEVE CANSDELL (Clarence) [9.44 p.m.]: I oppose the National Competition Policy Amendments (Commonwealth Financial Penalties) Bill. After reading the overview of the bill, I am more convinced that my decision is morally right. The overview of the bill reads:

Reform of legislation is required unless the benefits of restrictions of the community as a whole outweigh the costs, and the objectives of the legislation can only be achieved by restricting competition.

Although six industries are affected by the bill—liquor, poultry, dentistry, optometry, pharmacy and farm debt—the major negative impacts for my electorate are the deregulation of the liquor industry and the deregulation of pharmacies in New South Wales. The Clarence electorate and the New South Wales Nationals are opposed to this bill. We believe that our pharmacies are currently providing an excellent, community-based and professional service. The bill puts this level of personalised service at risk. Once again, the Carr Government is claiming that it has been forced to introduce this bill due to the requirements of the National Competition Council [NCC]. In the context of a \$36 billion State Government budget, the New South Wales Coalition and I believe that the social benefits provided by pharmacies—that is, personalised and community-based services—outweigh any small penalty from the NCC. If the Premier were sincere he would talk to the NCC and change this, but he has not.

I oppose and will vote against any legislation the Carr Labor Government may propose to deregulate the liquor store industry in New South Wales. The electorate of Clarence and I oppose any legislation that will allow liquor stores to spring up in convenience shops, corner stores or supermarkets. It was hypocritical of the Premier to claim that the Federal Government was forcing New South Wales to deregulate, when the National Competition Council was established by an agreement of the Council of Australian Governments [COAG] in 1995. The document was signed by the six State Premiers and Prime Minister Keating. Premier Carr is the sole surviving signatory still in office. The National Competition Council was created by the six States and the Commonwealth. If the Premier were serious he would lobby his five Premier mates to make the changes he sees as necessary.

The real story behind the NCC dividend loss of \$12 million is that the Carr Government lodged its submission, arguing only a commercial case for the retention of the needs test instead of a public interest or social impact test. The Coalition stood ready to offer prima face support for any New South Wales legislation that would replace the needs test with either a social impact assessment process or a public interest test. If this does not happen, widespread liquor sales and the deregulation of outlets will be a fait accompli. As the shadow Minister, the honourable member for Upper Hunter, said:

It is far more important to maintain responsibility in the industry, as was discussed during the recent Alcohol Summit, and to prevent the ready availability of alcohol, especially to young drivers, than to deregulate for the sake of a few dollars.

One wonders why we had an Alcohol Summit. It was a waste of time if we are going to vote today for deregulation of the liquor industry. It is mere lip service and insincerity from the Premier. What price do we put on having a healthy community? The sum of \$12.5 million is a worthy sacrifice to maintain some control over liquor consumption, especially by our young, our vulnerable and our families in trouble. Things will get out of control if people are able to whip down to the corner store for a bottle of milk and a six-pack. The New South

Wales Police Association President, Ian Ball, has voiced the concern of operational police about the impact of the proposed changes. In a submission to the New South Wales Government the Police Association argued that the greater availability of liquor would increase crime and the road toll, and reduce safety on our streets. The association said that it would result in more public order riots—such as the Redfern riots of last month—and make policing an even more dangerous job than it is today. Any deregulation that makes alcohol more available will have enormous social costs. Mr Ball also said:

Incidents such as the one we saw at Redfern last week are fuelled by alcohol and making the purchase of grog more freely available is akin to lighting another Molotov cocktail.

He finished by saying:

For the Premier to argue he is compelled to pass a law he doesn't support because of Competition policy is really an abrogation of responsibility.

The Government is being irresponsible by blaming the Federal Government again and again. The New South Wales Labor Government could resolve this problem with bipartisan support from the Coalition by talking to the National Competition Council and the other State Premiers and amending the Council of Australian Governments agreement. The amount of \$12.5 million will not pay for the negative impacts on our communities that deregulation of the liquor industry will cause. For those reasons, on moral and ethical grounds, I cannot support the bill. If, as Government members have said in this debate, Labor opposes deregulation, it is being extremely hypocritical by introducing this bill. The Government does not want to deregulate the liquor industry, yet its members will vote for the bill. The Government members should show some internal character and vote against it.

Mr STEVE WHAN (Monaro) [9.50 p.m.]: When the Premier recently introduced this bill he said that he was reluctantly commending it to the House. I agree with those sentiments. We should not have to introduce these measures. The national competition policy was introduced a number of years ago, in theory, to bring benefits to consumers and communities. After nearly nine years of the Howard Government, the policy has been twisted so that competition is an end in itself: it is pure economic rationalism rather than a benefit to the community. The prescriptions of the Howard Government and the National Competition Council [NCC] have given us a Hobson's choice: cop a \$51 million fine or slug businesses, particularly in country New South Wales. As is stated in the explanatory note to the bill, we have to have this legislation because the NCC has expressed dissatisfaction about the degree of reform we have undertaken in the regulation of poultry supply, liquor, farm debt mediation and the dentistry, optometry and pharmacy professions. The explanatory note further states:

The New South Wales Government has made a number of submissions to the NCC and the Commonwealth establishing the net public benefits arising from current regulatory arrangements and justifying the degree of reform undertaken for each Act. In each case, the NCC has not accepted the submissions.

As I said, we are left with that choice: cop the fine or introduce legislation that will mean that rural New South Wales businesses will have a tougher time. As previous speakers have said, \$51 million would fund a huge amount of services for regional New South Wales. In health care, it would fund the recruitment of 750 nurses, if the Howard Government trained enough nurses to be recruited. In education, it would fund the employment of many teachers in country schools. It would fund a lot of road works. The Carr Government and Country Labor have fought hard to protect that vital funding for country people and businesses. The Nationals and the Liberal Party have once again miserably failed to influence their colleagues in this area.

I will deal first with the liquor changes. At the Alcohol Summit held last year it became clear that there was universal agreement that deregulating the points of sale of alcohol would be totally counterproductive. That is why the NCC's demand, which has been backed up by the Howard Government, that New South Wales allows the sale of alcohol from a range of outlets is out of step with community views. New South Wales Labor did not agree with getting rid of the needs test. Rather than delete it, we propose to replace it with a social impact assessment. As the Premier said in this place, the social impact assessment will be an extremely tough assessment that will ensure that a whole range of impacts on communities are taken into account. I hope the Federal Government accepts this proposal. In this legislation the Government will ban the sale of alcohol through petrol stations, corner shops and milk bars. That position is supported by the community and the industry. The Australian Hotels Association has stated:

The key problem highlighted at the Alcohol Summit was underage drinking and the importance for parental supervision.

The association expressed concern that the attempt by convenience stores and service stations to become points of sale for liquor "will not only undermine the work of licensees and the New South Wales Police but will propagate the problems New South Wales faces with alcohol". In my electorate, the *Cooma Express*, a newspaper that rarely has much to say in support of either me or the Premier, said in its "Snowman" column:

For ONCE, Bob Carr seems to have done something which Snowman approves of. There is no real need for increased liquor outlets at supermarkets and service stations. After all the work done to stop drink-driving it seems very odd someone would suggest selling booze to drivers. Cooma is well equipped with bottle shops and liquor outlets—we, like other places don't really need more.

The bill attempts to address those concerns with the proposed social impact assessment and to curb the proliferation of alcohol sale outlets in our towns by preventing petrol stations, corner shops and milk bars as liquor outlets. We need to hear from the New South Wales Opposition that it will insist on its Federal colleagues accepting this proposal. As to the poultry meat industry provisions in this legislation, once again Country Labor has stood up for the rural industry while the State and Federal Coalition has done nothing. I do not have a big poultry industry in the Monaro electorate, but as a member of Country Labor I have heard of the serious concerns of this industry.

I recently read the comment of the New South Wales Farmers Association that deregulation will devastate farmers and their \$425 million industry. The association has suggested that this legislation will have a negative impact of \$60 million on farmers. Why is the New South Wales Government putting forward legislation that will have such an impact? Because John Howard, Peter Costello and the Federal Liberal and National parties will fine New South Wales if we do not. We are being forced by the Coalition to do as the legislation suggests:

- (i) To replace the existing requirement for batch poultry supply agreements between poultry growers and poultry processors to be approved by the Poultry Meat Industry Committee with a requirement that they merely be registered with the Committee, and
- (ii) to abolish the Poultry Meat Industry Committee's existing power to set base rates for batch poultry supplied by poultry growers to poultry processors.

Once again, the State Opposition has dodged this issue. In all of the speeches made by Opposition members, they constantly dodged the real impact on this State of the national competition policy reforms. It is a pity that the honourable member for Burrinjuck has left the Chamber. A few weeks ago I heard an interview she gave on an ABC radio program. The ABC may have played some grabs from the interview, but not once did I hear her mention that it was the national competition policy driving this legislation. It is dishonest to try to shift the blame onto the State Government. Presumably she and all her State colleagues have found it impossible to pick up the phone and tell their Federal colleagues that this change is not acceptable.

The Farm Debt Mediation Act seems to have had a good result, due to the efforts of the New South Wales Minister for Agriculture and Fisheries to try to meet the demands of the Howard Government. Who can object to a scheme that gives farmers some assistance when they are facing a bank intent on turving them off their farms? It seems that through this legislation we will be allowed to continue the farm debt mediation program with two amendments: first, if the Rural Assistance Authority finds that a lender has not attempted to mediate in good faith the lender must wait 12 months before enforcing its security; and, second, allowing the Administrative Decisions Tribunal to review Rural Assistance Authority decisions. Country Labor pushed hard for the retention of this program on behalf of its constituents. Once again, the New South Wales Coalition played along with John Howard's agenda.

The NCC's insistence on changes to dental, optometry and pharmacy regulations is a direct attack on regional small businesses. Many of these businesses are family owned and run and have been providing services to our communities for many years. Our existing system was working well. I am willing to bet that not a single member in this place has had a member of the public bang on their office doors and demand changes. The bill retains health and safety protections and protections against improper conduct, but it reluctantly removes restrictions from dental and optometry practices and relaxes restrictions on pharmacies. Once again, we do not have a choice. Together with many Country Labor colleagues, I have run campaigns to try to pressure the Howard Government into changing its mind.

Country towns value these businesses and the part the families who run them play in the economic and social lives of our communities. Pharmacists play a vital role in our towns; they are a critical part of health care provision in small towns. A local pharmacist knows his or her customers and he or she provides advice and

keeps track of medication. They are invaluable and we should not allow them to be replaced by pharmacies in supermarkets or major chain stores. This legislation attempts to stop the worst of corporate consolidation of pharmacy ownership, but the Government has been forced by the Howard Government to lift the cap on the number of pharmacies that pharmacists may own. The Premier told us in his second reading speech that the Pharmacy Guild was meeting with the Prime Minister. I have not heard whether that meeting was successful, but I hope it was. I also hope that the guild continues to push the Commonwealth Government to maintain protection of pharmacies.

Where does the Howard Government agenda end? The Commonwealth Government is determined to deregulate the taxi industry. That measure is not included in this bill, but it is on the agenda. In some small country towns that might not seem important, but in bigger regional towns and cities it is a real problem. Queanbeyan is well served by the Queanbeyan Taxi Co-operative Ltd. I have spoken to owner-drivers in Queanbeyan who have paid significant sums for their taxi licences and who are worried about their retirement if open competition devalues those licences. Importantly, they also question the long-term impact on customer service. Tony Ward from Queanbeyan Cabs has provided me with some of the industry's research into areas in which deregulation has occurred, such as New Zealand. One study states that in an overwhelming number of cases the lack of increase in demand has led to a significant decline in productivity and profitability. That has resulted in considerable flow-on effects to public benefit-related areas, including pollution, congestion, service quality and safety. The industry is worried about the National Competition Council's agenda, and it has every right to be.

Regional New South Wales has long questioned whether competition for competition's sake looks after its interests. This is an area of policy in which the benefits are unevenly spread. That has been evident in many of the areas already deregulated. For example, airline deregulation has given commuters on capital city routes big benefits, but regional air services are struggling. We recently lost an air service to Cooma as a direct result of fares to Canberra being much cheaper than fares to Cooma. In many cases competition suits the big markets and big companies but not small rural interests. Under the Howard Government's competition policy we have moved beyond the interests of consumers and communities and into the implementation of pure ideology. It is once again a case of rural small businesses and rural communities being sacrificed on the altar of economic rationalism.

Country Labor and the Carr Government have stood up for country New South Wales. We have fought where we could and we hope this bill stops the Howard Government forcing the State Government to allow alcohol sales from corner shops and service stations. We have also saved farm debt mediation. There are things in this bill Country Labor would rather not have to do but, as the Premier stated, they have been reluctantly introduced. This debate has seen the Labor Party standing up for the interests of country businesses and the Liberal Party and The Nationals wafting around the edges and rewriting history. Many honourable members opposite have told us how long Bob Carr has been the Premier of New South Wales. He and all honourable members on this side of the House are proud of that.

However, we have not seen honourable members opposite face up to the fact that by voting against this legislation they will cost our community \$51 million a year. They do not seem to care about that. During the past week it has been demonstrated that the Opposition does not care that the Grants Commission wants to take about \$370 million out of this State's coffers. John Howard is saying that that should happen and apparently that is okay by honourable members opposite. The Opposition has not complained that the Medicare agreement will strip \$105 million a year from our hospitals. It has an amazing economic policy black hole and \$51 million, \$375 million and \$105 million grabs do not matter. Apparently the revenue from stamp duty does not matter either. The Opposition believes that it can cut payroll tax, poker machine tax and stamp duty and it will have no impact on services in New South Wales.

Mr SPEAKER: Order! The honourable member for Lismore will come to order. He will have an opportunity to speak in the debate.

Mr STEVE WHAN: John Brogden was asked in Parliament whether his loyalty lay with the residents of New South Wales or the Commonwealth Government. He responded that his loyalty was to cutting taxes and that that was the aim of the Liberal Party and The Nationals. My loyalty is to providing services to the people of New South Wales in the most efficient and effective way possible. The Government is here to provide services to the people of this State. The Leader of the Opposition, John Brogden, the Liberal Party and The Nationals might want to put cutting taxes ahead of providing decent health care services and education, but I am not willing to do that. They might want to put it ahead of building decent roads in rural New South Wales—

Ms Katrina Hodgkinson: Point of order: The honourable member is clearly outside the leave of the bill. I ask you to ask him to return to the bill.

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

Mr STEVE WHAN: The honourable member for Burrinjuck obviously heard me mention her name and has wandered back into the Chamber. I know that her constituents will remember how she backflipped over the Woodlawn mineworkers. She could not stand up to her colleagues in the party room and ensure that the miners were supported, despite the fact that she had supported them in this place. She could not come into this place to ensure her party supported her position. Once again, the Liberal Party and The Nationals failed to stand up for the people of New South Wales. The Opposition does not care about \$51 million worth of services. It matters to the Labor Party. *[Time expired.]*

Mr THOMAS GEORGE (Lismore) [10.05 p.m.]: Along with my Coalition colleagues I oppose the National Competition Policy Amendments (Commonwealth Financial Penalties) Bill. The bill's object is to amend various Acts in connection with the Commonwealth financial penalties arising from the national competition policy reviews. The honourable member for Monaro gave a disgraceful performance by raising matters that have nothing to do with this legislation. A press release dated 17 February 2002 states:

New South Wales today announced that it would respond to some outstanding National Competition Policy obligations it agreed to in 1995.

That is, by the Carr Labor Government. The press release continues:

President of the National Competition Council, Dr Wendy Craik, said that the National Competition Council would quickly review the detail of any legislation as soon as it had passed both houses of the NSW Parliament and become law.

"The NCC will examine the final legislation closely, but it appears that NSW intends to move to reduce anti-competitive restrictions on the sale of alcohol, while maintaining controls that are in the public interest," said Dr Craik.

"After publicly threatening to open up the market in ways that might cause harm, the NSW Government's proposals appear to be similar to reforms that have been adopted without controversy in other States and Territories that have met their NCP obligations.

Dr Craik said it was a pity that NSW only moved to meet its obligations after the NCC was forced to recommend financial penalties.

"If NSW had undertaken these reforms before it would likely have avoided penalties. NSW has had nine years to provide an independent review".

Talk about a lazy, arrogant Government! The press release continues:

The reforms that the NSW Government has proposed appear to be in line with reforms undertaken elsewhere.

If the NSW legislation is passed, the NCC will assess whether the changes meet NSW's NCP obligations and what other obligations are still outstanding. This will be done towards the middle of this year.

Another press release issued by the National Competition Council states:

National competition policy has greatly strengthened the Australian economy and the completion of the legislation review and reform program will consolidate gains and create further benefits for consumers.

All states and territories agreed in 1995 to reform anticompetitive legislation unless it could be shown that retaining restrictions to competition was in the public interest...

Since 1995, 1765 pieces of legislation have been reviewed nationally with almost 70 per cent of these reformed.

New South Wales has made good progress...

In 2003 the National Competition Council recommended the suspension of \$50.8 million in competition payments pending the finalisation of this program.

To avoid future penalties, NSW will need to meet the obligations it committed to seven years ago as outlined in the attached material.

This bill will amend the Liquor Act 1982, the Poultry Meat Industry Act 1986, the Dentists Act 1989, the Dental Practice Act 2001, the Optometrists Act 2002, the Pharmacy Act 1964 and the Farm Debt Mediation Act 1994. I refer, first, to the Liquor Act and I declare up front my interests, as I am a partner in a hotel. The shadow

Minister for Gaming and Racing, the Hon. George Souris, on behalf of the Coalition, stated the Opposition's position in relation to that issue. The Poultry Meat Industry Act 1986 will be amended to replace the existing requirement for batch poultry supply agreements between poultry growers and poultry processors to be approved by the Poultry Meat Industry Committee with the requirement that they merely be registered with the committee.

New part 3 will abolish the existing power of the Poultry Meat Industry Committee to set base rates for batch poultry supplied by poultry growers to poultry processors. The Minister for Agriculture and Fisheries, the Hon. Ian Macdonald, spread myths in an attempt to defend the New South Wales poultry industry from deregulation. Late last month he admitted that neither he nor his department had acted to defend the Poultry Meat Industry Act. He said that he had left it to Cabinet to deal with the statement that was made by the National Competition Council that the Act was uncompetitive. The Minister for Agriculture and Fisheries had a responsibility to act on an issue that was integral to his portfolio. He is supposed to act in the interests of farmers.

It is the intention of New South Wales Labor to abolish the Act and to deregulate the poultry industry. It is doing the same thing in the liquor and other industries with the National Competition Amendments (Commonwealth Financial Penalties) Bill. The Nationals have made it clear that they intend to oppose deregulation of the poultry industry. The shadow Minister, the Hon. Duncan Gay, urged the Minister for Agriculture and Fisheries to commission a proper independent public interest assessment review into the Poultry Meat Industry Act. The shadow Minister has been working hard in this area since last October. If it were not for his efforts this bill would not have received the support it has received. Several members referred earlier in debate to the poultry industry, which is an important part of the Lismore electorate. This week I received an unsolicited letter from 14 poultry growers who represent the poultry industry in my area. It states:

Dear Thomas,

We urge you to pressure the State Government to implement a moratorium on the progression of the National Competition Policy (NCP) Bill until appropriate consultation with industry has been undertaken.

The major reasons given by the National Competition Council for recommending that the New South Wales Government be issued with a fine were that in its assessment, "the State Government failed to show that the restrictions (of the current Act) were in the public interest and, moreover, failed to conduct an open NCP review process", (2003 NCP assessment). That is, the State Government has failed to comply with NCP requirements.

As growers we find this totally unacceptable. We demand that the State Government meet its obligations to the NCP and poultry growers by commissioning a proper independent "public interest" assessment review into the Poultry Meat Industry Act.

The current Poultry Meat Industry Act, approved and endorsed by this same State Government in October 2002, helps to protect growers such as us from the abuse of market power by processors. However the NCP Bill offers no protection for growers, and will effectively promote opportunity for the reduction of our income.

We are particularly disappointed that the current Legislation has not been given the time to be effectively implemented. The PMIC has, under the chairmanship of Barry Buffier, begun to introduce and implement constructive and fair guidelines to be followed by processors and growers alike. We find them to be proactive, promoting a professional business relationship between processor and growers, and a positive environment for maintaining best industry practice. It is in the public interest for the State Government to ensure that this continues.

It is apparent that if the NCP Bill is approved, it will have a catastrophic effect on poultry growers, as the Bill is equivalent to deregulation. We find this of great concern. Sunnybrand growers are a young group, a few aged over fifty years and all with dependent families. We can boast that we are one of the most technologically current grower groups in NSW and are always open to moving forward. However, such commitment to the industry is not free of financial burden. We have all built our farms in an environment that promised stability and viability.

A change in Government legislation has the power to destroy this environment, our livelihoods, our families and many others also dependent on the poultry industry.

We urge you to act on our concerns and insist that a moratorium on the progression of the National Competition Policy (NCP) Bill be implemented and a proper review into the Poultry Meat Industry Act be conducted, to protect the livelihoods of the Far North Coast and other affected regional areas of NSW.

I can list all 14 growers for the benefit of honourable members if I am required to do so. The growers that I represent have stated in writing how disappointed they are with the attitude of this Government to their industry. The changes that are to be made to the Dentists Act 1989, the Optometrists Act 2002 and the Pharmacy Act 1964 have been well and truly covered by the honourable member for North Shore, who spoke earlier in debate. The changes to the Farm Debt Mediation Act 1994 have also been covered. I do not support the bill.

Debate adjourned on motion by Ms Virginia Judge.

BILLS RETURNED

The following bills were returned from the Legislative Council without amendment:

Lord Howe Island Amendment Bill
Public Lotteries Legislation Amendment Bill
Retirement Villages Amendment Bill

SPECIAL ADJOURNMENT**Motion by Mr Grant McBride agreed to:**

That the House at its rising this day do adjourn until Wednesday 17 March 2004 at 10.00 a.m.

The House adjourned at 10.20 p.m. until Wednesday 17 March 2004 at 10.00 a.m.
