

LEGISLATIVE COUNCIL

Tuesday 3 July 2001

The President (The Hon. Dr Meredith Burgmann) took the chair at 11.00 a.m.

The President offered the Prayers.

The PRESIDENT: Order! I acknowledge that we are meeting on Eora land.

BUSINESS OF THE HOUSE

Questions Without Notice

Motion by the Hon. John Della Bosca agreed to:

That questions commence at 3.30 p.m. on Tuesday 3 July 2001.

PETITIONS

Wildlife as Pets

Petition praying that the House rejects any proposal to legalise the keeping of native wildlife as pets, received from the **Hon. Richard Jones**.

Council Pounds Animal Protection

Petition praying that the House introduce legislation to ensure that high standards of care are provided for all animals held in council pounds, received from the **Hon. Richard Jones**.

Cannabis Sniffer Dogs

Petition praying that the Minister for Police intervene to prevent the use of cannabis sniffer dogs in the Northern Rivers area, received from the **Hon. Richard Jones**.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders

Motion by the Hon. Duncan Gay agreed to:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 93 outside the Order of Precedence relating to the retirement of the Hon. John Johnson be called on forthwith.

Order of Business

Motion by the Hon. Duncan Gay agreed to:

That Private Members' Business item No. 93 outside the Order of Precedence relating to the retirement of the Hon. John Johnson be called on forthwith.

RETIREMENT OF THE HONOURABLE JOHN JOHNSON

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [11.04 a.m.]: I move:

That this House records its appreciation of the Hon. John Johnson for services to the Legislative Council and the people of New South Wales, both as a member of the Legislative Council for 26 years and as President of the House for 13 years.

It is no oversight by the Government that the Deputy Leader of the Opposition is moving this motion. The Government insisted on this as a way to indicate to the people of this State the high regard held for the Hon.

Johno Johnson as a highly esteemed member of the Legislative Council. In fact, I asked to move this motion. I am the only member of the leadership group in the House today who served in the Legislative Council when the Hon. Johno Johnson was President, so I have a special recollection of that time.

Johno Johnson was born on 26 July 1930 at Murwillumbah in New South Wales. He left school at age 15 and commenced work in the retail industry. I acknowledge the presence of young students in the public gallery. They are about to hear a very special story, which I hope they will remember. There are people in politics—good people who try to do the right thing—who transcend the political divide and who are appreciated by those on both sides of the House. Johno Johnson married Pauline Russell on 6 January 1962, and they have two sons and two daughters. He became a delegate to the Shop Assistants Union and worked his way through the organisation to become the union's assistant secretary.

After many years in the Labor Party, Johno became honorary finance officer in the New South Wales branch of the Australian Labor Party, and he remains heavily involved in fundraising at State and Federal levels. I think all honourable members, and probably most of the staff of the Parliament, would have been collared by Johno at some stage or other and asked, "Brother, want to buy a raffle ticket?" If he was not happy with something I had said, he would say, "Duncan!" Johno was first elected to the Legislative Council in April 1976. In his maiden speech in November of that year he spoke out against abortion and for government-funded election campaigns. I read his maiden speech just last week and again I was struck by Johno's grasp of the English language. The final paragraphs of Johno's maiden speech read:

From the nadir of despondency late last year to a new epoch from 1st May this year, our party rejoices that it has reached the Treasury benches of this State. A rich new future is assured in which not wealth nor privilege matters, after eleven years of the legislative miscellany of injustice rendered by accident or design. If we are shown to be perfidious, that perfidy deserves the vengeance of the elector ... We have been given a duty of care in the strictest application for the common good that will be pursued with all vigour.

Several comments in that speech still apply today—I leave it to honourable members to work out which ones they are. In concluding his maiden speech, Johno stated:

In conclusion Mr President and honourable Members, I trust that my sojourn in this House will not at any future time be looked back upon in anger by anyone.

Johno got it right on his first day. I am sure that I will not be alone today in saying that he is a true icon of the New South Wales upper House. No-one will look back in anger on him. On Melbourne Cup day in 1978 Johno became President of the Legislative Council, which made him the youngest member ever to be elected President. President Johnson! The saying could have been, "All the way with Johno." Johno abandoned the use of ceremonial attire, preferring to preside in a suit without a wig or gown. However, unlike others, he never abandoned the other traditions of this House and he never allowed his political affiliations to interfere with his decisions from the chair. He worked hard for the Labor Party outside this Chamber, but when he was in the chair, he was impartial.

I urge all honourable members to obtain a copy of the compilation of Presidents' rulings that have been put together by the Clerks. They will quickly see that Johno made some of the best rulings in this Chamber—rulings that are still quoted today by Presidents in this place. During Johno's presidency, new Parliament House buildings were constructed and the original buildings were restored. It must have been a time of great change. I refer now to some of the thoughts that have been expressed by others about Johno. We all have our own thoughts about him. I refer to an article in the *Sydney Morning Herald* dated 10 January 1987, which states:

If there was a competition to name the most faceless man of the "faceless men" in charge of the State ALP, "Johno" Johnson would be a leading contender ...

As one Minister told the *Herald* this week: "If Johno ever stops supporting Barrie—

that is, Barrie Unsworth—

it will be the end of him as Premier ...

As one senior ALP figure put it: "If you don't get the nod from Johnno, you don't get the job."

The article then refers to Johno's raffles and it states:

The ALP picnic was held every year at Bronte Park. There was a raffle prize, a smoker's stand donated by R. M. O'Keefe—Johnny's father—a smoker's stand every year.

At the ALP conference, they used to raffle every year a rug—10 cents a ticket—and the rug was always obtained by the secretary of the Textile Workers' Union—

I do not know from where—

who would get a donation from one of the textile manufacturers.

I set up in opposition to embarrass them into doing something different. I raffled a big gallon bottle of Scotch whisky and we made more in one raffle than they had made in 20 years.

Of course all honourable members would be aware of Johnno's famous raffles of wine, whisky, et cetera, and they would know that Johnno does not drink. The article continues:

Every appointee within the ALP head office and every new Labor MP is also given a welcome by Johnno which is a laying-down of the law and an introduction to politics and theology rolled into one.

He offers frank political and personal advice at the same time, summing up the appointee. Some young single men come out of the morning tea with Mr President feeling that they have an imperative to marry while others feel they have been admitted to a seminary rather than a political party.

John Johnson's religious beliefs are evident and genuine but he does not discriminate against those who are of a different religion or no religion at all. He heads a Parliamentary prayer group in his office, welcoming members of all faiths and all parties. It is not a cynical exploitation but it is another one of the bridges Johnno builds between diverse groups.

In 1988, as a new member of Parliament, I recall that when the note came around for the prayer group meetings we were all summoned by our Whips and given a warning. We were told that he might be a nice man and that he might be doing the right thing, but some of our members had a habit, once under the spell of this nice man, of revealing all. So we had to be careful when we attended his prayer group meetings.

The Hon. John Jobling: He was very good at it.

The Hon. DUNCAN GAY: He was very good at it. The *Australian* of 14 May 1988 has an article written by Stephen Loosley, who at that stage was the Federal Labor Vice-President. The article was written at a time when there was jostling about who was to be the next Legislative Council President—whether Johnno would remain President or whether Max Willis would be appointed by the new Government. The first paragraph states:

The President of the NSW Legislative Council "Johnno" Johnson is the most rare person in public life. He is a public figure who is about politics.

Hear! Hear! The article continues:

This is as true in a party political sense as it is in internal ALP terms. He stands above partisanship and above Labor factionalism.

For Johnno is not only a respected figure within the ALP; he is a respected figure within the ranks of the Liberal and National Parties.

It is not often that I agree with Stephen Loosley, but he got that right. Johnno also has a rare wit. Sometimes it can be fairly cutting, as a letter to the *Sydney Morning Herald* dated 4 July 1991, which is headed "The jobs to go", reveals:

SIR: Could I, through your columns, recommend to the Premier the first 20 to go, listed below, and thus save the 12,480 other public servants due for the Greiner-Murray axe.

All may be reached at Parliament House, Sydney. Hand delivered notices should be sent, thus saving postage.

The Hon. N. F. Greiner, the Hon. E. P. Pickering, the Hon. P. E. J. Collins, the Hon. B. E. Baird, the Hon. J. Fahey ...

The list goes on, and the letter was signed, "Hon. John Johnson, Parliament House, Sydney." In conclusion, I will quote from an article in the *Bulletin* dated 24 April this year, which was written by Laurie Oakes, who has been around politics for a long time. Someone as respected as Laurie Oakes certainly has a feeling for politics. This article, which sums up Johnno Johnson so well, should be part of this motion. The article states:

On the same day that 31-year-old Stott Despoja won the Democrat leadership ballot, 70-year-old Johnno Johnson announced his decision to retire from the NSW Legislative Council. Johnno—no-one calls him anything else—is a legend in the NSW ALP, but his reputation and influence spread well outside that state. He is a prominent member of the NSW Right but, unlike most of the key figures in that faction, does not cultivate an image as a hard man. Johnno is better known for good works—among them, mentoring budding young Labor politicians, which is what makes him relevant to the discussion sparked by Stott Despoja's elevation.

With more than 50 years of Labor Party membership under his belt—25 of them in the state Upper House—Johnno is very definitely an old-timer. But for as long as anyone can remember, he has shouldered the responsibility of bringing on the next generation. Some of Labor's biggest names over the years were spotted and encouraged by Johnno when they still suffered from acne. NSW Premier Bob Carr, ALP general secretary Eric Roozendaal are just two of the current crop who owe a lot to Johnno's patronage and tutelage. Their successors will also have reason to thank him. As a Labor powerbroker said after Johnno's retirement announcement: "There will be people that he has identified through Young Labor that Carr and Roozendaal don't even know exist at the moment. He is a nurturer of people coming through."

That, as much as anything, sums up the man and his faith in young people from all parties. Over the years young people on my staff have certainly respected Johnno and they have benefited from his wisdom. Johnno, thank you for your friendship. You are a mate in the true sense of the word and not in the limited Australian Labor Party sense of the word. I have appreciated my time with you and I wish you a happy time out of this place. You certainly deserve it.

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Industrial Relations, Assistant Treasurer, Minister Assisting the Premier on Public Sector Management, and Minister Assisting the Premier for the Central Coast) [11.19 a.m.]: On behalf of the Government the Leader of the Government made a de facto contribution to debate last week. I wish to place on record a tribute to a member who is known and respected by everybody in this Chamber and by many people outside this Chamber. Firstly, I express my appreciation and gratitude to the Opposition for moving this motion. It is a perfect illustration of the high esteem in which all members of this Parliament hold our colleague. Johnno Johnson has become one of the most respected members of this Parliament. I have been lucky to know him both in Parliament and in my previous life as an official of the New South Wales branch of the Australian Labor Party, and before that as a party activist and union official. I have been through some tough times with Johnno. I do not want to go into any details, but we have been through some tough times, even recently. Johnno was my counsellor and adviser through some difficult times in the ALP organisation.

The Hon. Patricia Forsythe: Last week?

The Hon. JOHN DELLA BOSCA: Those times include the Labor Centenary House issue and ALP campaigning and fundraising, which had relatively slim pickings eight or nine years ago compared with today. Some honourable members referred to the events of last week. Johnno was a tower of strength during what was for many of us a harrowing week. Today, hopefully, we can appreciate last week's events in a bipartisan sense. The Hon. Johnno Johnson has been one of the most respected Presidents in this House—respected by politicians and parliamentary staff. We all know that Johnno became a father figure in this Parliament, and remains so now. People from all sides and factions of politics have sought Johnno's advice and help. Johnno's guidance and friendship has never stopped at party, factional or even State boundaries. Johnno has usually been able to oblige whether people wanted help on a personal problem or a political dilemma or they just wanted a prize for a raffle.

One reason for Johnno's popularity is that he has always had a good sense of humour and a unique turn of phrase. We have all experienced some of them. Johnno often says things like, "If you don't know, don't guess." He has said that to me quite a few times. An even better one for all of us to think about from time to time is, "Rules are made for the guidance of wise men and the observance of fools." Johnno was a tireless worker, finding time to help with many charities and fundraising activities. He is intensely proud of his Celtic roots. He is a proud Irish Australian and has probably forgotten more about Irish history than I will ever know. Amongst awards bestowed on him, I understand he received the great honour of Irish Australian of the Year in 1987. From my close observation of well over 25 years, his life has been founded on four firm pillars: his Catholic faith, his family and, as an extension of that, the Labor Party, and the vocational part, this Parliament.

Some have described Johnno as Labor's pope and have claimed that he has served the party with the zeal of a Jesuit. One of the first of the contradictions that I relate about Johnno is that he is a very open person but he is also a man of honourable discretion. He could tell us that, in fact, the real Labor pope was his namesake, Jackie Johnson from the Transport Workers Union. I am sure that one day he will be prepared to tell many people about such things. Johnno was born in Murwillumbah, which should entitle him to honorary life membership of Country Labor. He worked in the retail industry before becoming an official with the Shop Assistants Union and later became Assistant Secretary. Early in his career he became active in the Labor Party, and he was appointed Young Labor President in 1961. He was elected to the Legislative Council in 1976 and served as its President from 1978 to 1991. As the Deputy Leader of the Opposition, the Hon. Duncan Gay, said, Johnno's role in this place has been unique. Let me say that Johnno's role in the Labor Party is unique as well.

In the turbulence of party politics, Johnno developed a great level of trust from all comers. Many aspiring young politicians and young party activists have sought advice from him. Many of those are present

day leaders who owe their role to encouragement from Johno. Yet Johno was very much not someone simply behind the scenes. For many years he has been a member of the Australian Labor Party, New South Wales Branch, administrative committee. Even as a member of Parliament he has been a member of that committee. Johno chose the most tedious and difficult tasks at every election. I think I am right in saying that he is, and has been for some time, the only current member of the administrative committee to have also served on the old central executive. That is a unique achievement to span two generations of Labor Party history, and he did it comprehensively.

Literally as long as I can remember, which is nearly 30 years, Johno has always been the person who organises the distribution of campaign material to electorates. While it is of less concern to me, I am sure that Eric Roozendaal and the team at Sussex Street office of the Labor Party hope that he does not give that job away too soon. I am sure that many election secrets and tricks of the trade have not yet been passed on. Not only is this an onerous task, testing one's patience, but also it is a job that few want. It is typical of Johno's devotion to the Labor Party that he has continued to do this job over a long time with a great deal of excellence. As already mentioned, Johno excels in fundraising. Johno made the word "raffle" synonymous with the ALP. "Where two or more are gathered in my name, run a raffle", he would say.

As delegates are about to enter an ALP function or conference Johno will meet them with the words "Brother, I do not believe that you have bought one of these yet." At the Country Labor conference, for example, with Johno at the helm, he would hold a raffle when delegates arrived for each session, another when they left after each session and one big raffle at dinner that night. Johno trained generations of Labor Party activists on how to sell raffle tickets, how to offer the best deal and how to get the best return. He also extended this advice to charities.

Every year the New South Wales ALP holds its annual conference at Sydney Town Hall. Those lucky enough to attend this oldest political gathering in the country will know Johno's role. He has not often made speeches at this gathering. I am sure he has made more, but I can recall two speeches. One of those speeches would be one of the two best contributions I have heard at what is a great forum for political speechmaking. He was not there to make speeches. I would like to say he was not there to lobby delegates, but he did a fair bit of that. He was not there to meet dignitaries or talk to businesspeople or other visitors. He was there to organise and run the canteen. He followed the Napoleonic dictum that a great army marches on its stomach. Running the canteen for a conference of almost 1,000 delegates is not easy. The ALP found that out in the one year when Johno did not do it. Apparently, he had a disagreement with the then State Secretary, who shall remain nameless.

The Hon. Charlie Lynn: A leftie, no doubt.

The Hon. JOHN DELLA BOSCA: No, he wasn't a leftie.

The Hon. John Jobling: Was it you?

The Hon. JOHN DELLA BOSCA: No, it wasn't me. Johno left the running of the canteen to his critics. The consequences were ugly for the State Secretary, and Johno has run it ever since. It was not beneath the dignity of the President of the Legislative Council to undertake that task. This shows Johno's humble approach to his duties. Anyone who has ever visited Johno's office may realise that he is a bit of a hoarder. When I worked with him at the ALP office in the Trades Hall, Johno had at least three storerooms in which a cornucopia of delights was hidden away. All sorts of bargains from sales and auctions were stored there for future raffles, trivia nights and the like. What great prizes they made in monster raffles and at trivia nights. Staff who worked for the New South Wales ALP in the early 1990s developed a permanent aversion to Salada biscuits after Johno donated two years supply of these weight-watching delights.

The Hon. Michael Gallacher: You obviously didn't.

The Hon. JOHN DELLA BOSCA: I did not develop an aversion. For a number of years Johno conducted major statewide raffles for the party. Despite his position and title, Johno was all the time very much a rank-and-file worker for the party. The Labor Party has always been proud of its history. To many of us Johno is a great and important link in this chain. He has rubbed shoulders with many of the great political figures in State, Federal and international politics. He has countless yarns and anecdotes to tell. It is an understatement to say that Johno will be very much missed.

It might surprise people to hear that Johno was not unanimously supported to become President of this House. I have to tell a small tale that involves three other esteemed colleagues who are no longer with us. It

relates to the suggestion that the Hon. Kathleen Anderson, a former Government Whip in this place, might become President. She was a wonderful lady and no doubt a good candidate for the position but her concern was that Johnno would not take the right approach to the dignity of the office of President. In the course of lobbying to her advantage she was heard to remark, "You couldn't have Johnno up there. His idea of entertaining in the presidential dining room would be getting Keith Challenger and Keith Whatman in the President's dining room for tea and scones." At that time Keith Challenger was a great organiser with the Electrical Trades Union and Keith Whatman was a notorious Labor-supporting businessman and a wrecker by trade. Of course, early in his term as President Johnno took great delight in leaving his door wide open so Kath could walk past and see him having morning tea with Keith Challenger and Keith Whatman, two of his great mates, making sure she was aware that that was exactly what he intended to do with the office.

It is fair to say that there is hardly a person in the Labor Party who does not know Johnno, and few have anything but praise and respect for him. Fewer people know his wife, Pauline, but she has been the tower of strength in what has been a very active and arduous public life. On behalf of Parliament, the Labor Party and Johnno's friends in the Labor Party I thank Pauline for all her support for Johnno over the years and wish her all the very best as Johnno enters a new phase of his career. Johnno and Pauline's children—Andrew, Michael, Monica and Naomi—grew up as many children of political activists, coming to meetings and going to various events that Johnno was organising. They too have been a strength to Johnno throughout his career.

The high esteem in which Johnno is held is also shown by the messages of goodwill he is receiving from political colleagues. I cannot imagine Johnno in retirement. I know he is leaving this place, but I am sure it will not be a real retirement. I do not think he will retire from all the jobs he does that cause us to think so highly of him. Another contradiction in terms is that Johnno is one of the most patient people I know and is also one of the most impatient people I know. I say that in a genuine sense. Johnno will never give up on anybody. I have seen him endure great emotionally harrowing experiences trying to help people who have got themselves into trouble with everything from drugs to money to all sorts of personal difficulties. He will never give up on anyone who needs his help. By the same token—and I know this is so because I have been a bit foolish sometimes when he has been around—he does not suffer fools lightly. He has an acidic tongue if you do something foolish. In the end you know it is because he has your interests at heart.

Another important, critical contradiction in Johnno—and I think the final contradiction—but one of the things that makes him as a politician is that he is old style in his attitude to leaders and leadership. He is respectful of leaders, as everyone knows. He is a great organisation person. He is respectful of the positions of Labor Council secretary, ALP president and Labor Council president. He is thrilled at the knowledge that people like Paul Keating and Bob Carr, who could at times be described as proteges of Johnno's, have occupied the highest offices of this land. He is respectful in public but, if you make a mistake, in private Johnno is very good at pulling people back into line. He makes sure they know their real place and know how to be humble, but gives them the respect in office that they deserve.

Johnno, in your maiden speech you hoped that no-one would look back in anger at your sojourn in this House. I concur with the Hon. Duncan Gay who said that that wish has certainly been fulfilled. Thank you, Johnno.

The Hon. MICHAEL GALLACHER (Leader of the Opposition) [11.34 a.m.]: Johnno. That one word describes a man who has served 25 years in his Chamber, a parliamentary colleague who greeted most with the singular leveller—a leveller used to Prime Ministers, lawyers, shop assistants and blue-collar workers—the welcoming tag of "Brother". During the past 25 years Johnno has seen significant changes in this House, including how we as parliamentarians are appointed to our jobs. When he entered this House in 1976 members were appointed by Parliament. It was not until 1978 that the popular election of members commenced. Just two years after his appointment Johnno was elected the youngest ever president of this House, a position he proudly retained until 1991.

During this time Johnno did something I am sure not many of us in this Chamber today would dream of doing. Following Neville Wran's resignation as Premier, Johnno was offered a Cabinet spot, including the position of Leader of the Government in this House. Despite this seemingly once-in-a-lifetime opportunity he turned down the promotion. Instead, he continued his quest to raise funds and support for the Labor Party. In 1987 it was reported that he had raised more than \$5 million for the party. Like all honourable members in this Chamber, I would be very interested to know what that figure has now reached.

Members on this side were always pleased to hear that Johnno Johnson was in committee or attending some meeting. The longer the better, we believed, because that meant there was less time for him to raise more

funds to fight us at elections. His famous raffles and auctions in the parliamentary dining room are part of historic record. The days leading up to one of those fund-raising events would see all manner of prizes and auction items floating around, and the morning-after speculation would start about how much he had raised. Not long after I entered Parliament in 1996 I got a peek inside his room. I first thought this bloke liked a serious drink, and I had literally seen crime scenes that were tidier. My first thoughts could not be further from the truth. It would be accurate to say that any political party would be overjoyed to have a member with his fantastic ability to raise money.

Johnno is not just a stalwart of the Labor Party; he truly represents an era when the working class could identify with its elected Labor members: the last of the warriors. He is their light on the hill, a beacon that attracts young members of the Labor Party and nurtures their talents and skills. Many of these members have gone on to become significant political leaders, advisers, local councillors and members of the Legislative Council and Legislative Assembly.

There has been no mention this morning of Father Mac's heavenly puddings. I had not seen a great deal of them when I arrived but I am assured that in years prior to my arrival they were a significant part of Johnno's repertoire during the year. They were very well used to raise funds for charity but also cunningly used to advance and educate the youth wing of the Australian Labor Party in how to deal with ordinary people as they went about the business of selling Father Mac's heavenly puddings and raising money for charity. He is credited with spotting and encouraging such well-known political names as the Premier, Bob Carr, Eric Roozendaal and Stephen Loosley. It was Stephen Loosley who summed up Johnno's ability to cross the factional divide in a 1988 article fittingly entitled, "Johnno Johnson: a politician who has transcended politics". In that article Stephen said:

... it is striking that a single individual can converse on equal terms with people from left, right and the centre left.

I would venture to say that he was also able to converse on such equal terms with all members of this Chamber, no matter what their political views. Following Johnno's announcement that he was retiring, the regard in which he is held was again displayed when Laurie Oakes dedicated his 24 April column in the *Bulletin* to Johnno and his dedication to the developing of new and exciting talent within the Australian Labor Party. But politics is not Johnno's only love. Even though he is an extremely dedicated member of the Catholic Church, his Christian values go far beyond the church proper and for many years he was a host of the parliamentary prayer breakfast. His community dedication is further evidenced within his family life, and John and Pauline's four children, who have gone on to bless them with—I hope I am correct—eight grandchildren.

The Hon. John Johnson: Soon to be nine.

The Hon. MICHAEL GALLACHER: My introduction to politics, as honourable members may be aware, was working as a guard outside this place and the Legislative Assembly during the very early 1980s. A mutual friend of ours, who is a former mayor of Randwick Council, talked me into coming into Parliament to see what the whole process was about. That was not only my introduction to this place but also my introduction to Johnno Johnson. As honourable members have already stated, Johnno Johnson conducted himself in a fair and professional way. He had all the personality traits of a drill sergeant at the Police Academy I had seen the year before. As difficult as the disappointment of the 1991 election of a new President was for him, I am sure some advice that he imparted following his re-election as President in 1988 remained with him during this personally trying time. In 1988 he spoke of his simple philosophy on life:

I make my hobby my job and my job my hobby. Happiness is that which excludes every evil and fulfils every desire. Am I happy? Inordinately!

John, Johnno, brother, may your retirement make you inordinately happy.

The Hon. RON DYER [11.40 a.m.]: I welcome the opportunity to pay a relatively brief, but sincere and heartfelt, tribute to our colleague the Hon. John Johnson. Johnno Johnson is a real character in every sense of the word. He is a legendary figure in the Labor Party, and a person of strong religious principle. One of my clearest memories of a statement about the Hon. John Johnson was made many years ago by the late Wal Geraghty, who was a member of this House between 1961 and 1978. Wal Geraghty was a mentor of mine, and he was well known to Johnno Johnson. I have never forgotten that Wal Geraghty said to me on one occasion, "Johnno Johnson is a wonderful Labor man." That was a great tribute coming from Wal Geraghty, who himself was a wonderful Labor man.

Johnno Johnson is a wonderful Labor man because of his dedication to the cause in every respect: his adherence to his duties in the House, his fundraising activities through his raffles, and his attendance at every

Labor conference, wherever it is, selling books, raffle tickets and chocolates. Whatever goods he comes by he sells, and applies the proceeds for the benefit of the Labor Party. Reference has been made to Johnno's office upstairs, which is an amazing sight. When the Treasurer came into my office when I was a Minister he would describe it as "disgustingly tidy". Johnno's office is somewhat less tidy, but full of goods that he sells for the benefit of the Labor Party. When Johnno was finance officer at the New South Wales branch of the Labor Party the vestibule of the office was full of goods that he was selling.

At one stage Johnno must have bought a large quantity—perhaps it was a pallet—of Double D Eucalyptus. The reception area at the ALP office had a strong aroma of Double D Eucalyptus, to the extent that it was quite overpowering. Speaking of raffle tickets reminds me that I should correct the record in one respect. On one occasion I was speaking in the House on a bill that dealt with gambling. I was explaining that, because of my religious background, I did not support gambling, I am not very happy with it at all, and the only extent to which I participate in gambling at all is to buy Johnno Johnson's raffle tickets. However, I went on to explain that I do not regard that as a sin of avarice because I do not have an expectation of winning.

Outside the House the Hon. Tony Kelly said to me, "You came perilously close to saying that it is impossible to win one of Johnno's raffles." I would now like to set the record straight and say, quite simply, that it is not impossible; it is just a fairly remote possibility. I am also reminded that Johnno is the father of the House. He was elected to the House in April 1976, and he has obviously discharged his duties very well because he goes out of here with universal respect from all sides of the House. I was elected in September 1979, which means that I will succeed Johnno as the father of the House. After I go, if Reverend the Hon. Fred Nile is still a member he will be the father of the House.

I view the prospect of having 41 children with some trepidation, particularly as some of those children are somewhat wayward. I should like to conclude by thanking Johnno very sincerely for his service to the House, to the Labor Party, to his church and to the wider labour movement. I wish Johnno, Pauline and their children every happiness in the future.

Reverend the Hon. FRED NILE [11.46 a.m.]: On behalf of the Christian Democratic Party I support the motion of the Hon. Duncan Gay, Deputy Leader of the Opposition and Leader of the National Party in this House, recognising the 26 years of faithful service of the Hon. Johnno Johnson on his imminent retirement from the New South Wales Legislative Council. The Hon. Johnno Johnson will long be remembered for his consistent and faithful support of the pro-life cause. He has had a deep concern for the lives of the unborn children made in the image of God whose lives are snuffed out by abortionists and whose little, but perfectly shaped, hearts cease to beat. In his inaugural speech on 10 November 1976 it was one of the first issues he raised:

I well recall in my early life news media reports of the atrocities of Stalin and Hitler. They almost pale into insignificance when one considers the millions of dollars being made by so-called men of medicine who destroy life in the womb. There are, within our community, new Herods who propound the evil philosophy of easy abortion on such spurious grounds as the mental health of the mother or possible defects in children yet unborn. They have reflected that killing of a baby not yet born, but already an autonomous and viable human being, only on the grounds of suspicion—and uncertainty—of it being deformed, justifies the murder of any other deformed person.

Johnno Johnson has strenuously defended and fought to protect the family unit, which is the God-given natural and basic unit of society. He has worked hard, often behind the scenes, to ensure the defeat of antifamily, antilife bills and motions, particularly when a conscience vote was involved. He has also defended strongly the status and conventions of this House, and has sought to maintain its dignity as Australia's oldest House of Parliament by his rulings and by his example. As a dedicated Catholic he paid tribute in his inaugural speech to the influence of the Catholic Sisters who taught him in his childhood. He said:

For as long as I live their thoughts and actions will influence me. They have left a lifelong impression on me. I shall never be able to repay their outstanding service to me and to the community generally.

Obviously, that teaching and training has stayed with him throughout his life, and we know it will continue to be a part of him. Even though he is a dedicated Catholic, perhaps the most dedicated Catholic in the Parliament, he has always promoted the fellowship of all Christian members of this House, especially in the weekly prayer breakfasts he hosted in the President's chambers for more than 13 years. He respected all members, irrespective of their Christian background, whether Catholic or Protestant, Anglican or Baptist.

By his example, he also maintained his deep concern about the harmful effects of alcohol. I will not get into the issue of raffles and other matters. We pray that God will richly bless his retirement and give Johnno and his wife, Pauline, many happy years ahead to enjoy their family: four children and eight grandchildren. God bless you, Johnno Johnson.

The Hon. DOUG MOPPETT [11.49 a.m.]: I humbly claim one small distinction in this debate, which is that on the auspicious occasion to which others have referred, when the Hon. Johnno Johnson was sworn in as a member of this House, I was sitting as a member. All honourable members know the reason why I do not dispute the claim that the effluxion of time since then has rightly given to Johnno Johnson the mantle of father of the House. But I was certainly there and, in common with everyone else who was present, I was impressed with the portents of this interesting man who came into the House. I might add that, in anticipation of this debate, I telephoned his former colleagues Jack Doohan and Sir John Fuller, who particularly asked me to extend their best wishes to Johnno and to acknowledge the high esteem in which they hold him.

Thinking back on those days, I can clearly remember that there was a quick change in office—I think some other speaker has referred to that—and I went swiftly from the Government benches to the Opposition benches. Johnno took up his place in the Government corner of the Chamber. He was a dark-haired man who in many ways would have been seen as quiet and unobtrusive. He was not given to fulminating speeches or vacuous statements of presumed party policy, but what he was notable for was his acerbic wit in interjections. The interjections were quite remarkable: I do not think anyone has ever quite taken over that role. His interjections were particularly noteworthy in that they never deteriorated into being garrulous arguments across the House. I suppose that was one of his fastidious habits. He was always in top shape and he always had his mind on everything that was going on. He listened to everything and he was a master of repartee. It was certainly a pleasure to hear the little interjections that he made from time to time.

I immediately discerned that he had that unmistakable look of country shrewdness about him. We got on very well, swapping yarns about the bush, his experiences from travelling around on behalf of the union, coming to Coonamble, and stories of various prominent people in the retail trade and of trade union delegates or shop stewards who were around the bush. As many people have said, it was not hard to establish a friendship with Johnno Johnson. I think that everyone could find some point of contact where they had a great deal in common with him. Despite his effervescent and generous nature to which everyone has referred, which therefore made people vulnerable to his advances with raffle tickets, I must say that I quickly learned how to detect a particular look on his face and assiduously avoided the raffle tickets as much as I could.

I thought it was my bounden duty as a member of the National Party organisation not to subscribe money that I knew was certainly going to go to the coffers of the ALP. Nevertheless, I guess I compromised my principles because among the merchandise that he had for sale, which no-one has mentioned, he also had a brand of tea—Fortnum and Mason's royal blend—which came in beautiful big containers. I would have to say that the Moppett household survived on that wonderful supply of tea, no doubt to the benefit of the ALP but thanks to Johnno Johnson and his skills in the retail industry.

Johnno is a raconteur par excellence. I do not think I have ever known anyone who has such a range of stories on human experience and life as Johnno. One often associates with someone who is a raconteur a little stretching of the truth all the time, but in other matters Johnno had the most precise mind about matters historical, whether they were matters of state and public and affairs going back into history or whether it was biblical and hagiographic details. Not so long ago the Treasurer was in full flight and had to quickly refer to Johnno Johnson for the meaning of some precise terms that related to their common faith. Johnno, just like a dictionary, came out with the precise reason for the distinction that is made between orders and religious communities, if I remember correctly.

Johnno has a remarkable awareness of the history of the ALP and of public affairs that has affected us all. He has told stories in a way that gives extraordinary insights into, and understanding of, the affairs that have shaped our lives. I shared one of those innumerable tales with Johnno only the other day, and I am sure that many of you have heard his recounting of Jack Lang's meeting with the head of the Tariff group of insurance companies. I will not repeat it now, but if anyone wants to know just how principles sometimes are compromised in the face of a lucrative offer, it is a story well worth taking up with Johnno. Since those days, when Johnno was bouncing around as a pretty upstart sort of a fellow in some ways, he has achieved a comfortable eminence. We are not talking about a person who was destined to become a political leader: sometimes I think we all realise that that is an illusionary goal to pursue in life. It has some wonderful rewards, but it also has some great downsides and I believe that Johnno did not particularly aspire to receive public approbation and applause. He has been a quiet worker behind the scenes and not the sort of person who one expected to become a leader of his party in this House.

As others have mentioned Johnno was from the start, and has always been, a redoubtable and tenacious campaigner for the right to life movement and, if nothing else, an uncompromising and unflinchingly faithful

servant of the Labor Party in this House. In the end, I think we have all respected that, even at a time when the issue at stake is something that we are arguing over vehemently. At the end of the day, loyalty is a very precious commodity, and Johnno has demonstrated to us all the value of loyalty. As many people have said, he was a great President of this House. People will look back through history and perhaps the most permanent record will indeed be that of President Johnson and the distinguished way in which he carried out the duties of that office impartially, as my friend and colleague the Deputy Leader of the Opposition has said, but also with enormous dignity and gravitas. That is something for which we thank Johnno and something that we have certainly admired.

Johnno, you have been the very keystone of the bridge between state and church in New South Wales, between the ALP and other people in the community; a person who has a gift of communication that reaches across the artificial divides in society—if we can call them artificial, because they are man made. Johnno has reached to the heart of things in human nature and acted as a flux between people who might otherwise have been very much at odds with each other. You have been a catalyst in great events, although perhaps not the person who had the carriage of the business at the time, and I am sure that those who have had the carriage of great events appreciated your help. The Minister at the table, the Special Minister of State, has referred to the traumatic passage of legislation which was under his control. I am sure he would join me in acknowledging that in the passage of these great events people such as Johnno Johnson are needed to act as catalysts or, to put it in perhaps more banal terms, to oil the wheels of change.

Johnno has a philosophy that has been distilled out of unfathomable faith and unshakeable beliefs which were combined with the experience of life in a wide range of circumstances. He sits there now, his silver hair gilded with nobility, distinguished among his peers and revered by all who knew him. I can only sum up my thoughts, as I am wont to do, in Shakespearean terms and say of Johnno:

His life was gentle, and the elements
So mix'd in him that Nature might stand up
And say to all the world,
"This was a man!"

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [12.01 p.m.]: It is with pleasure that I speak in support of the motion of tribute to Johnno Johnson. The fact that Johnno can engender the sort of speech we heard from the Hon. Doug Moppett, a member from the other side of this House, is a mark of the respect that all members of this House have for Johnno, and an indication of what he has been able to achieve in his time in this place. I want to talk briefly in particular on behalf of the generation of younger people who have come through the Labor Party, for whom Johnno provided support and in respect of whom he played an important role as mentor.

Speaking from my own perspective, I first met Johnno when attending an ALP State conference—yes, he did sell raffle tickets and, of course, run the canteen. Many a ham sandwich and jam roll I had from that canteen! When I first met Johnno I was a young "leftie". In Young Labor we played our factional politics pretty hard. I viewed Johnno as an icon of the Labor Party, but also of the right. I viewed him with probably some scepticism, or perhaps even some suspicion, initially. I have to say that over the years I have come to appreciate the important role that Johnno played, both in the party and in Parliament, but in particular in assisting young people in the party and acting as mentor. He did that without factional favour.

There are a number of issues on which Johnno and I have significantly disagreed over the years. Johnno has never been backward in making his views known to me, but it has not stopped him from offering me support and advice, and the benefit of his wisdom. I know that I was not the only young person in the party who benefited from that. I certainly had the benefit of his advice on many occasions, both prior to entering Parliament and after I was elected to this House. There have been many late nights when I have sat on the benches in this Chamber and Johnno has come up to sit beside me and give me the benefit of his views on both parliamentary and political matters. My ability to involve myself in the operation of this House and my ability to contribute to debate have been greatly enriched as a result of those evenings when Johnno shared his knowledge with me.

I am not sure I needed his advice that "You don't take home the silver salt and pepper shakers and the cutlery from Parliament House." I think I probably could have worked that one out for myself, but the rest of Johnno's advice was very well received. A number of people have spoken about the fact that Johnno never gives up; that he is patient and persistent. My own personal experience certainly bears that out. There is one thing that

Johno certainly never gives up on, and that is people he believes have not "kept the faith", as he puts it. I have had that conversation with Johno on many occasions and received the benefit of his views about the importance of keeping the faith. On the birth of my son recently I received a card and present from Johno for Nathan. In the card, which was addressed to Nathan, was written, "Keep the faith. Both, that is. Your parents will explain this to you later." He is still not giving up. He has given me the task of explaining to Nathan exactly what he means.

Johno, I just want to say thank you for what you have given to the party, thank you for what you have given to this Parliament, and thank you for what you have given to a whole generation of young people who have, as I said, benefited from your knowledge, your wisdom and your support. Many people will say many wonderful things about you during this tribute, but I know there are many people who are not able to make a contribution. On their behalf I say thank you. You have been a wonderful mentor to many young people during your time in the party and you have given a lot. Thank you, Johno.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [12.04 p.m.]: I feel that, as a relative newcomer, I am not as well qualified as many in this House to speak of Johno. Certainly he loomed as a fearsome figure of power, and yet a disarmingly personable and kind man. I suppose I regarded him as fearsome also because he was such a tower of the smoking ethos. In respect of the difficulties I encountered when trying to get action from any government—this one included—about that very important issue, I must confess I did not feel that Johno was an ally to any degree. It is difficult for most of us to believe that members of the Labor right are human beings at all! To find someone with the warmth that Johno exudes was really quite extraordinary. I could confide in him, but I would suddenly think to myself: "Hang on. Be a realist. He is, after all, in the Labor right."

Geoff Rutledge, who worked for me briefly before he moved to Canberra, was a young, enthusiastic and very clever fellow. I am sure if Geoff had been a member of the Labor Party, Johno would have been looking after him with great energy—which I hope to do when the Democrats assume office. Geoff ran into Johno in the john and Johno said, "How are you, brother?" Geoff said, "Well thanks, Mr Johnson." Johno said, "What does everyone call me around here, brother?" Geoff said, "Johno." Johno said, "Well, you call me 'Johno' and don't call me 'Mr Johnson' again." That illustrates his warmth and lack of pretentiousness. I am sure he is very good at nurturing talent. In a sense that is what a political party needs, the idea that if you are tough you will survive. In the end, a party that eats its own has a short-term and not very intelligent view.

Someone who nurtures talent performs a very valuable function. I envy Johno's talent in that regard. The humanity he displays is something we should all aspire to. His dignity in the House is an interesting contrast to his warmth outside the House. He brings a formality to the House that has been less noticeable in those who have followed him as President of this Chamber. That perhaps demonstrates the influence of individual personalities in the running of the House. By the time I was elected to the Legislative Council Johno was no longer President and only deputised for the President on occasions. What I will remember most about Johno is his humanity. I wish him well in the future. I hope that he quits smoking and has a long and healthy life.

The Hon. PATRICIA FORSYTHE [12.08 p.m.]: I, too, wish to join in this motion of tribute to the Hon. Johno Johnson. I, like everyone else who has spoken, will also breach the forms of the House. It would be impossible to speak about the Hon. John Johnson other than as "Johno". It is somewhat ironic because when he presided over this House he would undoubtedly have expected us to observe the forms of the house, and the instructions he gave. However, I suspect that today none of us can refer to him other than as Johno. I spent three years in Parliament House as an adviser, prior to being elected to Parliament. That was during the period when Johno was President of this Chamber. In my role I would sit in the seats set aside for advisers and departmental officers on the other side of the gate and observe what was going on in the House. In that role I had an opportunity to see the way that Johno presided over the House—with tremendous dignity, authority and presence. I do not think any of us will forget that.

If as Johno goes out of this place today we forget his legacy and the lessons, for all the good words said about him his place in this House will count for little, when it should count for very much. As I was driving home from Parliament at 3 o'clock one morning last week I listened to the radio broadcast of the present session's last debate in the House of Representatives. A member was lamenting the loss of the forms of the House. He spoke about the loss of the tradition of members coming into the House while the speaker ahead of them was well and truly on his or her feet, and remaining in the House until the next speaker had completed his or her speech, so that if a member wished to make an observation about what had just been said, the member who said it would be present to hear that comment. I then started to think about the number of traditions of this House that have gradually been eroded over the 10 years that I have been a member of this place.

I suspect that such an erosion of the traditions of the House would not have occurred in the period from 1978 to 1991 when Johnno Johnson was President, nor, I suspect, in the period immediately afterwards. We give up the forms of the House at our own peril. Rules and traditions are important because they provide some guidance—even in the use of the honorific, although the member who prefers to avoid using it is not present in the Chamber. The retention of those rules and traditions—for example, the concept of "honourable member"—provides some form of impartiality in the way in which we deal with one another. I learnt some of these lessons from talking to Johnno during my early days as a member of this place.

As we mark Johnno's leaving this House today, we should note the strong contribution he made towards establishing and strengthening many of the traditions of the House. It is perhaps not ironic that when he was elected as President in 1978 he was the youngest President ever elected in a House of such long tradition, as 1978 marked the time when the first members elected through the democratic process came into this House. It was therefore appropriate that at that time a younger person be elected as President, to symbolise that the House was changing from being a place of rather ancient traditions to being part of modern democratic traditions.

I suppose Johnno will by now have forgiven me. Being part of the class of 1991, my very first act in this House after being sworn in was to vote in the ballot for President. Johnno will appreciate that, being a good member of the Liberal Party, I did not vote for him as President. It was only upon hearing a comment that Johnno made to some of us last week that I actually understood the strength of the reasons behind his belief that he had been betrayed at that time. The word "betrayal" was used a lot during the weeks following that period. I will not go through the details of what occurred at that time, but clearly Johnno understood that the word "betrayal" had been attributed to him. I am not aware of the background to that, but at least I now understand why Johnno felt as deeply as he appeared to feel at that time.

As other members have said, in many ways Johnno is a very gentle person. While he has been referred to as having been a mentor for members of the Labor Party, as each of us has come to this Parliament he has taken an opportunity to provide some guidance and wisdom, and that will be missed by members who follow. I hope that someone will take up the mantle of providing that wise, elder statesman role, because I think it is valuable to all of us.

I do not recall ever having succumbed to the raffle temptation. As most members know, that is the only form of gambling I have from time to time been persuaded to accept; I otherwise do not support gambling, as other members of the House also do not support it. Until I heard the Hon. Ron Dyer earlier, I was always fearful that if I bought a ticket it would be very embarrassing if I won. I did not appreciate that it was not a risk at all. However, like so many others, I succumbed to the temptation at Christmas time by buying the Father Mac's Puddings. I think one year Johnno persuaded me to buy three or four, and I think we were still eating Christmas puddings in our house as the next Christmas approached. So there are certain traditions that we will look upon with great fondness.

I say to Johnno, I hope you have a long and happy retirement. You will be missed in this place. If a mark of your leaving is that people on all sides can speak of you with fondness, given what you said when you arrived in the House about having no sense of anger, I think you will have lived up to everything you wanted.

The Hon. JAN BURNSWOODS [12.45 p.m.]: I wish to briefly pay tribute to Johnno on his forthcoming retirement. In the 30-odd years that I have known Johnno I suppose we have disagreed on many more matters than we have agreed on. As a member of the left and also as a feminist, Johnno and I have certainly fought our battles and disagreed on a large number of matters.

The Hon. Duncan Gay: Johnno's not a feminist.

The Hon. John Jobling: When did Johnno become a feminist?

The Hon. JAN BURNSWOODS: I would certainly concur with those members; I have never regarded Johnno as a feminist. Part of the strength of the Australian Labor Party relates to the ability of its members to jog along together despite the fiercest disagreements, and Johnno is one of the people who displays that ability. The party's strength also relates to its strong sense of history and the ability of its members to, in a funny way, celebrate disagreements. It is now possible, for example, to sit around and reminisce about the great disagreements we have had, and Johnno in reminiscing mood is a very good person to have those conversations with.

Like other members, I too have been part of Johnno's fundraising events, his raffles, and so on. I have always firmly believed that only about once in every 10 years did he permit a member of the left to win any of

his raffles. Certainly I have never been one of those lucky people. As the Hon. Ron Dyer said, not only was it difficult for any member of the left to win one of John's raffles, there was certainly a shade of political correctness that John insisted on before he would even contemplate it.

The main thing I wanted to say about John, which has also been said about other people, relates to his ability to deal with people on an individual level quite differently from the way he deals with them in political argument. I have certainly been aware of the role John has played, both here and elsewhere, in offering advice and practical help to individuals. In some cases where it was necessary to help individuals and very firmly read the riot act to other individuals, John, as a friend and a helper, was a strong person. He also demonstrated that strength in saying to some people that, for example, if they did not change their behaviour they would not be here for very much longer. A number of people, both in this Parliament and out of this Parliament, owe him a debt in that regard.

Another word that has been used consistently today in speaking about John is "loyalty". Certainly loyalty is John's most notable attribute. I am an ex-Catholic. Many years ago, like many other members of the left, John tried to convert me. If you were still a Catholic in the left, he tried to convert you to the right; if you were a lapsed Catholic, he tried to convert you back to Catholicism. I guess if he had ever succeeded, he would then have tried to convert you to the right. John never gave up that quality of loyalty to his church, his party and all the other causes he believes in. I have also observed that quality of loyalty in John's campaigning commitment and the assistance he has given to campaigns I have been associated with, in ensuring that the people and the causes he believes in win.

I suppose the other side of that quality of loyalty is demonstrated by how seriously John takes people who have not shown such a quality or whose behaviour he does not believe in. I think one of John's watchwords would be, "The enemy of my enemy is my friend." I have had some experience of his commitment to that view, and I thank him for his loyalty and the assistance he has given over the years.

The Hon. JENNIFER GARDINER [12.20 p.m.]: Years ago when I was the Country Party's research officer I felt it was part of my self-described job description to go down to Sussex Street from time to time to suss out whatever was going on there. I used to swipe copies of the Labor newspaper and various other bits of propaganda to read and report to my masters on what nasty things the Labor Party was saying about my party. Unlike the Hon. Doug Moppett, who has succumbed to royal blend tea, I can say that to the best of my recollection I have never committed the treacherous act of eating Labor Party chocolate.

The Hon. Doug Moppett: For you, that is really something.

The Hon. JENNIFER GARDINER: It is. I thank John for all the courtesies he extended to me over the years, long before I was a member of this Parliament—when he was the Presiding Officer and ever since. I really hope that the nurturing role that he took on, and still does take on, with young people in the Labor Party continues for generations to come to introduce to this Parliament people of his ilk, people who do not ostentatiously throw their weight around and become ogres in people's minds but who understand the significance of what we can contribute to public life in our political party in more subtle and decent ways.

After John was no longer the President of the Legislative Council he was assigned to many parliamentary committees, and he was a very conscientious committee member: Woe betide anyone who turned up late or who did not have a good attendance record. One of the committees that both he and I served on was a joint committee to look at reforms to the electoral Act. This goes back to the maiden speech that the Deputy Leader of the Opposition referred to and John's belief in public funding of election campaigns. It became obvious that John and I might be able to work together to improve funding under the electoral Act for the benefit of our respective parties. Regardless of what anyone else thought about this project, he and I worked on that. I agreed to talk to my masters—we were in government at the time and he was in opposition—and to work together with him. I took the issue seriously, found out what Cabinet minutes look like, and wrote a document which I called a Cabinet minute and sent it off to the leaders of the Liberal and National parties.

Some time later at a joint parties meeting I was amazed to discover a briefing note in the pile of documents indicating that Cabinet had agreed to the amendment to the law. I congratulated the Cabinet on its pragmatism and foresight in supporting the proposal. The Premier looked sheepish, went pink and said, "There is no point in congratulating me; I got rolled in Cabinet on this." But the rest of the members of Cabinet saw the wisdom of the Gardner-John amendment to the election funding Act and it passed into law. It was one of those nights in this place when there were no speeches: the second reading speech was incorporated and nobody else

spoke. John and I sat there on the backbench together grinning broadly. I remember him saying, "It doesn't do to gloat on your victories." We just sat there quietly as our handiwork went through the Parliament. Thanks, John, for all those friendships you have extended to me and to my colleagues. We wish you and Mrs Johnson every happiness in your retirement.

The Hon. JOHN RYAN [12.23 p.m.]: I know that the Hon. John Johnson is a very humble man and the last thing he would want is for the debate to be extended unnecessarily. I had the opportunity to observe the Hon. John Johnson initially as President from behind the golden gate, as the Hon. Patricia Forsythe said earlier, and I can assure the House that I was given plenty of advice about sartorial elegance. You made sure that you did not turn up without a coat on. You felt just as well under the control of the President behind the gate as you would have in front of it, so strong was the Hon. John Johnson's adherence to and respect for the traditions of the House. I must say that before I came to the Parliament I had come to the conclusion that the Hon. John Johnson was something of a cranky old man. I have changed my view enormously on that, having had the opportunity to interact with him as a colleague. I found him to be nothing other than a perfect gentleman. He has exhibited many aspects of being a Christian gentleman that I would hope to incorporate in my life and to reflect upon as well.

One of the things I have always appreciated from the Hon. John Johnson is his capacity to walk across the political divide and compliment people on the opposite side of politics for a job well done. On many occasions after I have given a speech in this place, made a suggestion or made some contribution to public life the Hon. John Johnson has been among the first to offer some sort of compliment for that effort. Like many other members, I too have fallen prey to his sales. He found my weakness: collecting commemorative plates. One of the things that is buried away out of sight in the Ryan household is a plate commemorating the centenary of the Labor Party. It is among my memorabilia for my grandchildren to find. It was the Hon. John Johnson who sold it to me. I am sure that I paid a premium for that plate, and I hope that one day it is worth every cent.

Like all other members, I have observed many miracles in this place associated with the life of the Hon. John Johnson. I think he must have entered this Parliament roughly around the time that the motor vehicle that he drives every day was made. I had a ride in that vehicle and I must say that we just made it to St Mary's Cathedral for a mass—I forget what the auspicious occasion was but the Hon. John Johnson offered me a lift. After observing his driving and its interaction with the operation of the vehicle I have to say that it is a modern miracle that the man is still on the road safely today. One of the other parts of this Parliament that I expect will experience some relief when the Hon. John Johnson leaves is the airconditioning system. As the Hon. John Johnson's neighbour, he and I have enjoyed the odd cigarette together—even though he was unaware of the fact that I was enjoying the same experience.

Having become a member, one of my first tasks in this Parliament was to participate in an election which took the Hon. John Johnson from the presidency. The Hon. Patricia Forsythe mentioned this. But one of the great miracles I saw occur after that, which must have been just about the equivalent of the building of the pyramids, was the removal of material that the Hon. John Johnson had stored in the presidential office so that it was suitable for the habitation of his incurably neat successor, the Hon. Max Willis. One of the things taken from the office at the time—I have not seen it but I have heard it extolled on many occasions—was a liquor collection. People knew that he was a great collector of this sort of memorabilia and delegations from overseas made a special effort to ensure that they brought something to Australia with them to dine in the President's office and to contribute to the collection.

I only hope that that national treasure is somewhere. I guess members of his family will read this and will ensure that that collection somehow or other is preserved in the National Estate. It is a phenomenally precious piece of Australian memorabilia and ought to be preserved somewhere, in a photograph if nothing else. I am a great respecter of the contribution that the Hon. John Johnson has made to this Chamber. I can testify to the fact that he never gives up on anything. I am a convert to the Protestant faith. Since I was educated a Catholic he believes he still has me. I am regularly informed by the Hon. John Johnson that because I was baptised Catholic I have never been lost to the Catholic faith. I only hope that if I am wrong in my change of faith he is right. In any event, I have respected the manner in which the Hon. John Johnson has conducted himself. He is worth every bit of the tribute he has received from all sides of the House. One humble thing I can take from him is the Christian manner in which he has conducted himself in interacting with other members of this House. It is worthy of copying and if it is a piece of the Hon. John Johnson that remains in this House after he leaves it will be a great legacy indeed.

The Hon. AMANDA FAZIO [12.30 p.m.]: I first encountered the Hon. John Johnson in 1997 when I joined the Young Labor right caucus of the Australian Labor Party. At first he was very wary of me, and for a number of reasons. I think he thought I looked like a left-winger. When he talked to me about some issues I

think he thought I was a left-winger. He thought I was a bit bolshie, maybe that I was a feminist, and he was definitely suspicious of me because, unlike some of the other women in the Young Labor right caucus at that time, I did not always have matching shoes and handbags and I certainly did not always wear make-up. I was a bit of an oddity in the Young Labor right caucus.

I must say, having met Johnno there, and having also met there his nephew Tony Iffland, with whom I still remain friends to this day, I came to understand the importance of the Labor Party to Johnno's family, not just his immediate family but to his extended family. They were all Labor supporters, and they were all very proud of that, and of being involved in the Labor Party, and contributing was second nature to them.

Like many members, I have had my differences with Johnno. We have some very different views on a lot of social and moral issues but, as John Della Bosca is inclined to say, the ALP is a broad church and there are many people with many different opinions who happily coexist within it because they have a strong support for the party's broader aims and objectives. I was not raised a Catholic, and Johnno has never tried to convert me, maybe because he knows that my dad was in the Masons and that my mother's folks were in the Orange Lodge. In those circumstances I was pretty lucky that Johnno even spoke to me! One of the things that has to be mentioned is that even though Johnno was very strong in his support of the Roman Catholic religion, he was also very understanding of other people's rights to have strong beliefs in their own religions.

Johnno gave support to candidates in the party regardless of their faction, religious beliefs or anything else. If you were an ALP candidate and you asked Johnno, in his capacity as party fundraiser, for fundraising assistance he was very generous. He assisted everybody. If, as one candidate did, you started off with a lot of money and bought a raffle prize and then could not sell the tickets, Johnno might give you a bit of an earful about how silly you had been, but he would then pull out all stops to make sure that all the tickets were sold. He has always been very generous in that regard, and I do not think anybody could ever question his overall commitment to ensuring that all ALP candidates got a fair shake from him.

Lots of people have mentioned the role that Johnno has played in mentoring people within the party. I see that as Johnno giving back to the party some of the opportunities he was given when he first joined the ALP, because he received the benefit of wisdom and advice from other party members. That is something we should really be paying attention to today because it is something that he has done to a far greater extent than a lot of other people, particularly by comparison with a lot of his contemporaries.

I was lucky to have benefited from assistance from some former members of this Chamber—the Hon. Clive Healey, the Hon. Dorothy Isaksen and the Hon. Kath Anderson—and in the same way Johnno had his group of people that he looked after, that he mentored, that he got involved with and that he encouraged. Even though some of those people are not still particularly active in the ALP they are always strong ALP supporters. If push comes to shove and we need a bit of a help in some campaigns, those people respond to the call because Johnno assisted them earlier. That assistance has not just been in political terms, it has also helped them to advance their careers and in other ways.

Because of all his hard work for the party, Johnno is held in very high regard by the ordinary members of the party. It is not just that he is important in the ALP office in Sussex Street, or just that he is important in Macquarie Street. Rather, he is known for his tireless work for the party, such as going to every country conference and assisting all of our country candidates. When you meet country party people they always ask, "How's Johnno going? Is he alright? Is he still running all the raffles? Is he still working hard?" That is because everybody knows that he has contributed so much; and he has not just based his efforts in the city, he has tried to look after party members everywhere.

In wishing Johnno a happy retirement I know he will not sit back and relax. That is not within his nature. He will no doubt spend more time with his family, but he will also spend time at the Randwick Labor Club, an organisation with which he has been involved for many years and that he has helped to develop to its present stage. When you drive past the club in Randwick you will see that it is expanding. It is an excellent club and Johnno's commitment to assisting it is commendable.

I have been a member of the party's rules committee for a very long time, as has the Hon. Jan Burnswoods. Now that Johnno is retiring from public office there is no impediment under the ALP New South Wales branch rules to Johnno being nominated for life membership of the ALP. I can honestly say that in my nearly 10 years of processing nominations for life membership in the party, I could not think of anyone who has earned it more than Johnno. He has contributed to the party through his activities in the union movement; he has contributed to the party through his fundraising; he has contributed to the party through his parliamentary career; he honestly is a tireless worker.

On election nights at the ALP office after all the results have been phoned through and everybody else has gone home, there would often just be Johnno and me left: I am a lot younger than Johnno and I would be there thinking, "I wish I could go home," but Johnno would still be working. We would clean up so that when people came back in the next morning to make sure the scrutineering teams were ready and everything else was ready to go, they would not walk into an office littered with empty beer bottles, wine bottles, drink cans and all sorts of food and a terrible mess. The worst thing of all was that I think for a long time that sort of work was left for Johnno to do on his own. Everybody else would swan off into the night.

The Hon. John Ryan: He was the only one sober!

The Hon. AMANDA FAZIO: He might have been the only one who was sober, but he was also the only one practical enough to know the cleaning up had to be done. When Johnno goes we will all miss his practical way of thinking and applying his mind to issues. There are so many people with airy fairy ideas here and in the party, but with Johnno you get straight talking and practical advice.

For all the efforts that Johnno has made I am looking forward to him being awarded life membership at a future ALP conference, provided he wants to accept it, because some people want to wait a bit longer. I do not think anybody else has earned it more. When Johnno is granted life membership I hope the party gives him the honour of making the response on behalf of all life members, because that will be a speech well worth hearing.

The Hon. IAN COHEN [12.37 p.m.]: On behalf of the Greens I support the motion of the Deputy Leader of the Opposition. I will speak briefly because I feel that my relative short time in this Chamber—I have known Johnno Johnson for six years now—is very little compared to the time that Johnno has shared with so many people in what has really been a significant part of the history of this Chamber.

As one who I suppose is on the other side of the great divide—politically, socially and on many moral issues—I have always felt there has been a significant degree of trust with Johnno. I was offered advice by Johnno very early in the piece, and it was essential to my survival. I must say that when I first came into this Chamber I had very little idea about certain issues that could have got me into significant trouble. Johnno, you gave me that advice, and you have since generously given advice to others, with no self-interest at all. From very early on you clearly indicated that you would be a trusted confidante, despite the fact that I was in another political party. On a human level you very selflessly offered your resources to me as a very wise counsel in this Chamber, and that is something that I have certainly appreciated very much.

From those early days you addressed me as "brother", which everyone would agree is an indication of your universal magnanimous spirit. And although we had our disagreements you made me feel that I was included as part of the functioning of this place and that in my own way I could uphold the strength of this House and the dignity of being one of its elected members. It always comes to mind when I think of you, and it always will, that on any given day when I may be feeling full of angst about your Government, other issues, or my personal life, you consistently answered my inquiry "How are you going, Johnno?" with "Wonderful". That consistency struck a chord in my mind.

As a member of the Standing Committee on State Development I got to know you quite well. Today it is a pity that the Hon. Tony Kelly and the Hon. Dr Brian Pezzutti, both of whom are members of that committee, are overseas on the business of that committee. While travelling to country towns you related stories which, as a minor student of history, I found entertaining and illuminating and a fascinating snapshot of your past and of Labor's history. Obviously Labor's history is of great interest to the Greens; we understand and acknowledge the foundation of the political systems in Australia.

I was amazed at the stories you related about your visits to most of the State's country towns. In each town you pointed out some retail premises that you had visited as a union delegate and where you had had discussions with the workers. You always recognised some architectural feature in country towns, such as Orange, and pointed it out to those of us with far less experience. You afforded me wonderful opportunities to learn about something new and different, including your background as a Labor activist and then moving on to becoming a member of Parliament.

Occasionally on those car trips and occasionally in this House we have debated our religious and philosophical differences. I was quite taken by the fact that despite my occasionally being quite insulting within my realm of belief, and quite clearly being at odds with you, you showed absolutely no rancour. Our differences passed over, like a wave, and we moved on to the next set of issues that we would debate and argue—and still you called me "brother".

I admit that I attacked some of the very basic premises of your beliefs. A short time ago in this House you asked me for a copy of my private member's bill on euthanasia, which I dutifully did, imagining what you would do with it behind the scenes. Nevertheless, I handed it over obediently. I would not dare withhold it, and I would not want to. We have had many productive talks, but perhaps the shortest was when I presented you a media release in reply to Archbishop Jensen's opinion of those who would seek euthanasia in our society. He said that, overwhelmingly, euthanasia would be inappropriate because people "are moral pygmies", to use his words. I attempted to engage you in an in-depth, philosophical debate, but it came to an abrupt end. There was no doubt about it, you simply said that you were right and I was wrong, and that there was nothing more to be said on the matter.

I accept that, and I accept that we have had many differences, yet we have shared much in the short six years that I have known you. It has been an honour to know you and it has been an honour to work with you, especially on the Standing Committee on State Development. You have been an inspiration and I wish you well in your retirement. As a Green I have been treated very generously by you in my time in this Parliament.

The Hon. HENRY TSANG [12.45 p.m.]: I pay my respects to the Hon. Johnno Johnson. Many honourable members have mentioned that he is a good man, and I add that he is a gentleman. In the Chinese tradition he is a great Mandarin. In the Chinese tradition a good Mandarin is measured by the way he looks after his family. We have all heard wonderful stories about Johnno's children and grandchildren, and about how he looks after his family. A true Mandarin also looks after his clan very well. Johnno looks after two clans, the Australian Labor Party and the Catholic faith—and he balances them both very well. A true Mandarin also looks after his nation, and I emphasise that Johnno looks after his nation.

The Australian Chinese community often say that we chose to come to Australia because of its democratic system. Only in this lucky country, Australia, can a working man rise to the prestigious position of President of the Legislative Council. It does not matter what one's background is, when one is appointed as President of this Chamber one is respected. We are lucky that an Australian from any walk of life can be chosen to do that job, and Johnno did it very well. Johnno's reputation is an indication that in our democratic system a person can serve in the Labor Party, and be respected by the left and by the crossbenchers. That is unique.

In another country, one would have to die to attain that respect. At the end of one's political life in another country, one is likely to be divorced and a broken man, but hopefully when one dies there one's enemies would keep quiet about the wrongs that one may have done. Instead, Johnno sits there smiling at the remarks by members of the crossbenches, the left, and me, a novice who has been here only two years. I have come to respect Johnno.

When I first came here you were tough towards me, and I did not like it. I wanted to come into the House without a tie, as my friend the Hon. Ian Cohen does. Johnno said to me, "Henry, you are a Labor Party man, you have to dress well." So, I wear a tie; he won. Johnno told me that I must remember that I am here as an elected member of Parliament, nothing else. He told me to forget that I am a community leader, forget that I have a community to serve, but remember that I am a member of Parliament. That went down well with me, and I have learned to say no to my community when Parliament is sitting. It is good to remember that we are here to serve the Parliament. Johnno, thank you for the hard lessons you have given me in the past two years. But more than anything else, I thank you for enabling me to tell the community that Australia is truly a democratic country, because one can be a member of Parliament and still be praised by one's enemies.

The Hon. DAVID OLDFIELD [12.50 p.m.]: I have just finished my second year as a member of this House, and of course Johnno has been here for 26 years—much longer than I would expect to have the chance to be a member of a place such as this. Whilst I have no direct knowledge of those 26 years, I have no doubt from everything that I have heard that Johnno has earned the great respect of everyone.

I understand there are three things you are not supposed to discuss in mixed company. I cannot remember the other two, but I have not been stopped from talking about anything with anybody. In my two years here I have never discussed politics with Johnno, so I am not sure where we may differ. Certainly my Uncle Ted, who was an ALP member of Parliament, was more in line with Johnno than I presume I am.

In my short time been here I have found Johnno extremely friendly. Though, as I have said, we have never had a political discussion or discussed anything particularly philosophical, I have always tried—though sometimes I have failed—to treat people as they treat me. I am sure Johnno is very familiar with, and would uphold, the concept of doing unto others as they do unto you. I have tried to be respectful if people are

respectful to me. When Johnno and I have sat together on occasions he has, as others have said, given an almost fatherly type of advice. From everything I have heard, and from my limited knowledge of Johnno, I must say that he is simply a great bloke. My experience is that he is friendly, and will chat with you about nothing of any great consequence, but I am sure that he would equally chat about things of considerable consequence. I have no doubt that his opinion on any subject would be greatly valued.

In a couple of weeks time—funny how politics brings people together—both of us are to appear on the television program *Sunday*. Strangely enough, we are to talk about somebody else. It was Johnno who told me this was to happen. I had not known that we would be on the same *Sunday* program, talking about Tony Abbott. Each of us has known Tony Abbott for different reasons. Tony Abbott certainly will know about our television appearance after today. I look forward to being on that program, which I will view differently now that I know I am to speak about Tony Abbott and that Johnno was selected for the same purpose. I understand that Tony nominated Johnno as one of the people he wanted interviewed.

The Hon. Patricia Forsythe: He did not nominate you.

The Hon. DAVID OLDFIELD: He certainly did not nominate me—though I will not say anything unkind about him at all, because that would not be appropriate. Johnno is a great bloke and I wish him well in his retirement. Frankly, I am sorry to see him leave this place. He goes at a time of his choosing, which is as much as anyone could really ask for. Though he has chosen the time, I am sorry to see him go. I have enjoyed our little chats at different times on different subjects. I am grateful for his friendly approach, his friendly conversation, and indeed his friendship, which has grown in the short time that I have been here. Good luck, Johnno. I hope you enjoy many, many, many years of retirement. I hope your life membership of the ALP goes on well into your centenary year.

The Hon. IAN MACDONALD (Parliamentary Secretary) [12.53 p.m.]: I remember when I came to New South Wales in 1978 as a sort of luminary from the south. I was thrust into the New South Wales branch of the party from the very—

The Hon. Charlie Lynn: Sheltered reaches of the Victorian ALP.

The Hon. IAN MACDONALD: Yes, it would have been somewhat sheltered. But, from the far left of the Victorian Labor Party I came to New South Wales. The two people responsible for getting me to New South Wales were Senator Arthur Gietzelt and Jack Ferguson, who was the Deputy Premier at the time. They gave me something of a briefing on the powerhouses of the right, and how we had to tackle right-wing members. They all had nicknames—Richo, Bazza, Bruva, and of course Johnno the Grocer. I was given great detail about the power of the right and its control of the party, and I was told, "Ian, we've got to do something to break their control."

It seemed that through this mentoring process that everyone has spoken about, the right were able to recreate themselves year in and year out. So I am not sure that I would praise that mentoring process as much as others have! I had heard so much about the power of the New South Wales right that it was with some trepidation that I had my first meetings with Johnno. That was when I was campaign director for Barton. I thought, perhaps, that an exclusion policy would be operating and that the left would get very little. I was very surprised: I went into the storehouse at Sussex Street where Johnno was presiding. Like Doug, I had the opportunity to get a whole lot of bits and pieces for our raffles and what have you.

I must admit that I developed a liking for Fortnum and Mason tea at the time. But I remember also that the store had a smell of curry, because the biggest item in stock was Fortnum and Mason curry. My mother had given me a taste for curry—curried sausages based on Keen's curry. Having experienced Fortnum and Mason curry courtesy of Johnno, I got a liking for perhaps finer curries.

Johnno helped us with a labour-saving device that saved us heaps of money. It was too obscure for me to go into now, but it worked. He also gave us a lot of advice about raffles. I thought this was a rather strange situation: here was this person that I had an image of as rather ferocious towards left-wingers, even if in a gentle way, but who at the same time was full of advice and encouragement. So I learnt right from the beginning that perhaps there was more to Johnno than we had thought at the time.

For 12 years I never bought one raffle ticket from Johnno. From conferences between about 1978 to 1990 I and most of the left used to walk past raffle stands, thinking that somehow these raffles were a bit of a

right-wing plot. As a consequence, we weren't suckered in like John Ryan and others who have contributed to this debate; we just wouldn't buy them! Of course, to keep us going, we had to have raffles at our own functions. But in the nineties Johnno finally got me to buy raffle tickets, and I bought the obligatory losing raffle tickets. Also, he had a very good array of books, and I started to buy some. From then on I was a participant in his various fundraising activities.

When I first came into Parliament I used to cop a heap over Frank Walker buying some bags to go overseas for a trip in 1986-87. Compared with the trips taken by members of the Greiner Government, this was a very modest trip indeed. You would have thought that the baggage would be the total demise of Frank Walker. But he became a Federal Minister. I remember the cheek of Johnno Johnson in going up to Greiner and saying, "Nick, this is a bit of an issue here. We can make some money out of this. Can I raffle the baggage?" It was duly taken off to one of Johnno's fundraisers for charity, and was raffled for an exorbitant and extraordinary amount of money. So, to me, some raffles had a dual meaning. That one in particular, I thought, was an amusing play on a political issue at that time.

In the 13 years that I have been a member of this place, Johnno has been one of the strongest of pro-trade unionists I have ever encountered in any faction within the Labor Party or within the labour movement generally. At meeting after meeting of caucus, or at meetings of the various policy forums of the party, he has always put forward very strong policies about trade unions. I remember recently, in relation to a bill to make long service leave provisions apply to casuals of five years standing, Johnno proudly announced that he had had another victory—although it had taken him 40 years from when he first started campaigning on it! Most of all I will remember Johnno's fervour about workers rights: they have been a very strong and consistent theme in his political life.

A number of speakers have referred to the propriety of the House. Within a month of becoming a member of this House I wore a nice leather jacket and a tie. I thought I would participate in all the proceedings and Barney, the Whip at that time, said, "Ian, get out of this Chamber now. You will not get the call, you will not speak. You will get thrown out. Leather coats are not allowed in this Chamber." I suspect that a leather coat would be acceptable now. Johnno, I am sure you will not be retiring but will be down at head office carrying out your usual duties at election time. During the Federal election campaign when we go down to head office to get posters, leaflets and how-to-vote cards Johnno will be presiding over an army of Young Labor, who will be dispensing those documents fairly to all electorates. Like all honourable members, I wish you every success and happiness in your retirement.

[The President left the chair at 1.02 p.m. The House resumed at 2.15 p.m.]

The Hon. RICK COLLESS [2.15 p.m.]: As one of the newest members of this House—I have been here not quite 12 months—I would have to say that following my appointment in August last year one of the first people from the Government to congratulate me was the Hon. Johnno Johnson. I had heard a lot about him, but only good news, before becoming a member of this House. People in the National Party who knew Johnno told me about him. They always spoke in glowing terms and told me what a wonderful bloke he was, so I was pleased when he introduced himself to me. I clearly remember his first words were, "Welcome, mate." That epitomises the way Johnno Johnson has conducted himself over the years he has been here, despite the fact that I have known him for only 12 months. I am unable to talk about the sorts of experiences other members have had, but I would like to enlarge on a small incident that happened on the day he introduced himself to me.

He said, "Rick, do you know when the Country Party was first formed?" I said, "Yes, I think I do, Johnno. I believe it was in about 1920 or 1921, something like that." He said, "No, it was much earlier than that." I said, "Was it?" He said, "Yes. Come with me and I will prove it to you." He took me to the painting on the wall outside the Chamber of Arthur Phillip raising the flag on Australian soil in 1788. He said, "See, I can tell you that the Country Party was here in those days." I said, "How do you work that out, Johnno?" He said, "Look at all the trees that have been cut down. You blokes have been doing that for years!" It showed me that Johnno was a man of wit, humour and friendship—and I will never forget that, Johnno. I would like to thank you personally for the very warm welcome you gave me when I came into the House and for the friendship you have extended to me since then.

The Deputy Leader of the Opposition referred to an article by Laurie Oakes which mentioned that Natasha Stott Despoja had been elected Leader of the Australian Democrats on the same day that the Hon. John Johnson had announced his retirement from this House. In the future when students of politics and political history look back on that day, they will probably say, "Who was the Natasha Stott Despoja who was mentioned

in dispatches on the day that the Hon. John Johnson announced his retirement from the New South Wales Legislative Council?" Congratulations, Johnno. I wish you and your family all the very best for a long and fruitful retirement. My friend, any time you happen to be travelling through Inverell you will always be welcome in my home.

The Hon. RICHARD JONES [2.21 p.m.]: I am grateful to have the opportunity to speak to the motion and to thank Johnno for his 13½ years of friendship in this place. Reverend the Hon. Fred Nile said that Johnno was respectful to all Christians. Johnno was respectful to all people, not just Christians—while some Christians have not been quite so respectful to Johnno. Johnno actually taught me to tell the time—now I know that when the big hand is on 12 and the little hand is on eight, it is eight o'clock. Before then I had no idea! Every time we had a committee hearing Johnno would remind me of the time the hearing was due to end and he would tell me when it was time for the committee to adjourn. He has been a very good timekeeper. He has forced me to miss a number of good questions!

When Johnno leaves this place a large chunk of history will go with him, and I find that very distressing because Johnno is an absolute fount of information, anecdotes and stories. For some years I have suggested to him that he should talk to a biographer so that his stories can be put into a book for everyone to read. I hope that we can get signed copies of the first edition, which would be a valuable edition, and no doubt the Parliamentary Library would have a calf-bound copy. Johnno, please do not take all your memories with you. Talk to a biographer, get someone to record the anecdotes you have been telling us over the years. We want to read them in the future. Congratulations on a very illustrious career. The fact that so many people have spoken in this debate shows your stature in this place and how you are regarded by members from all sides. I wish you well in your non-retirement.

The Hon. JOHN JOBLING [2.22 p.m.]: I participate in this debate or, as a certain former President would say, I desire to be associated with the motion moved by the Deputy Leader of the Opposition that the House note the service of Johnno Johnson as both a member and the President of this House for many years. It is fair to say that Johnno is a parliamentarian first and a politician second. He is a combination of both things, but he is principally a parliamentarian. That is perhaps the highest accolade that can be paid to a member of Parliament. His dedication and fairness as President were legendary.

The dignity and status of Parliament were paramount to Johnno, and he believed strongly in its association with the people of New South Wales. I recall Johnno's sitting in the chair and listening to the debate that transpired, sometimes a second reading speech, and then being left with the casting vote. Johnno was fair in the Westminster tradition and, much to the chagrin of his colleagues, occasionally voted against his party to allow debate to continue or the bill to proceed to Committee. Johnno was eminently fair and never feared making that sort of decision.

As a gatherer of intelligence in this House I suspect that Johnno had no equal. He was one of those rare people who could talk to 20 or 30 people—nay I tell a lie, two or three—and, from the little snippets of information he gained, figure out the entire story and people's intentions. Experience taught him how to solve the jigsaw puzzle. I must admit that I did tell most of my colleagues, "Be very careful of Johnno Johnson and of what you say to him. You mightn't think it's significant, but he's extraordinarily good and he will know what you mean—even though you haven't said it." I suspect, Johnno, we will not see the like of your skills and your ability in that field again—and, for that, I must admit I am grateful. It removes a great problem. I recall with interest and great kindness Johnno's sitting in the chair and dealing with recalcitrant members. He would use the dignity of the Chair and his knowledge of standing and sessional orders and sometimes even entreat members—he almost reached the stage of pleading with them—to comply with standing orders. Johnno preferred not to use a heavy hand. I can think of only one occasion when that approach did not work, and Johnno had the support of the entire House in the ruling that he made.

That Johnno was a villain in the running of his raffles is undoubtedly true. Johnno would come up with the most incredible raffles from his Aladdin's cave—I never knew how he did it and I would dearly love to know so that I may attempt to duplicate his efforts on this side of the House. I recall one occasion when I was running for preselection and Johnno was raffling, of all things, a case of Grange Hermitage. Those who know wine will be familiar with Grange Hermitage and the value of that prize. Johnno, with an impish smile, said to me, "Mate, brother, you'd better buy a ticket." I was sorely tempted, and Johnno knew that. He said, "Look, don't worry, if you win it I won't tell anyone." Imagine running for Liberal Party preselection and its being announced that I had won a Labor Party raffle for a dozen bottles of Grange Hermitage. I rather suspect Johnno would have arranged for me to win just to watch me squirm. He probably would not have told anyone and I almost regret not finding out what could have happened.

Dignity and tradition were paramount at all times in Johnno's execution of his role as President. No matter who visited Parliament—whether from the diplomatic or consular corps or an overseas delegation—they were always greeted with grace, consideration and kindness. Johnno was, without doubt, a great representative of the people of New South Wales. He believed strongly in the traditions of his role, which he undertook with diligence and great care. He always expressed the view that something was either true or it was not—he would often correct people about that. As to the running of Parliament and his role in it, Johnno did not hesitate to express the view that the correct way was the only way—and that was how Johnno did it. When Johnno represented the State of New South Wales at parliamentary and community functions, one would see him wince at any breach of protocol—especially if it was committed by a colleague. Johnno was a stickler for ensuring that protocol and tradition were followed correctly.

Johnno is an example to all members—regardless of their political beliefs—and an embodiment of the traditions and dignity of Parliament. To that end, Johnno, many of us will miss you and we are sad to see you go. We thank you for upholding the dignity of Parliament and for teaching all of us as new members what was right, what was proper and what was expected of us. As the Hon. Richard Jones said, Johnno always arrived at functions on time—he was never late—and he was always ready when it was time to depart. He took the same view about the finishing and starting times of parliamentary committees—and paid close attention to the big and the little hands on the clock. Perhaps that is simply because we have moved from analogue to digital clocks, which no longer have hands. That could be used as an excuse by those who do not understand the committee requirements. I hope that Johnno excuses me for borrowing his terminology when I say: Brother, I am grateful to have been here when you were a member and President. I am grateful for what you taught us. I believe that this Parliament and its traditions will be poorer upon your retirement.

The Hon. PETER PRIMROSE [2.30 p.m.]: As a member of the left of the Labor Party in this State and as Government Whip in this place, I acknowledge Johnno as a deeply respected and wise friend, a guide and a trusted and hard-working colleague. However, as a member of the left I would also like to correct the record. In fact, I did win one of Johnno's raffles, but I was then successfully persuaded to donate back the prize. I take this opportunity to place on the record some of the comments that have been made by people who are not members of this place—people who have asked me to make known their views of and their admiration for Johnno Johnson. Sam Moreton, President of New South Wales Young Labor and researcher for Johnno Johnson, writes:

The Hon "Johnno" Johnson was President of Young Labor in 1961 but he never ceased his involvement in our organisation at the end of his term. Johnno is about to leave the Parliament but as is his wont, he will not cease his involvement in politics nor surrender the burden of mentoring further generations of young people in politics.

In the early 1960s Johnno would be found chairing Youth Council meetings in the Tower Room in Trades Hall or in his shop on Elizabeth St Paddington, replete with his trademark apron and surrounded by Young Labor Peers such as John Ducker and Deirdre Grusovin. At the commencement of the 21st century Johnno is still chairing meetings in the Labor Council Building and can still be found, apron often a feature, with Young Labor gathered around soaking up the stories and advice. Johnno's advice is always readily and expansively given. The recipient may not always find Johnno's discourse easy to bear, but most often on reflection his message will be welcomed as on point, adopted for its discerning honesty and ignored at ones peril.

Johnno is fond of saying "never forget the young".

Johnno Johnson left Young Labor nearly forty years ago but never ceased to counsel the Young. He is retiring from the Legislative Council but not from politics. The present generation of Young Labor activists, like the generations before us owe Johnno an enormous debt. The fruit of his labour will be born for generations to come.

Sam also asked me to convey the remarks of Damian Power, a former staffer of Johnno, to show that his influence within politics is much broader than New South Wales. Damian Power wrote:

It must never be forgotten that in the dark days of the Queensland branch of the ALP that it was Johnno who was given the thankless task of attempting to negotiate a workable solution to the problems the Queensland party faced as it reformed itself into a party that could win and form government after so many years in the wilderness. The victories of the Goss and Beattie Governments owe much to your often forgotten contributions. It was Peter Beattie on the night of Queensland Labor's overwhelming election victory this year who remembered that it was you Johnno who listened to him and gave him time when no one else would.

On behalf of every honourable member I simply say: Johnno, well done brother.

The Hon. Dr PETER WONG [2.34 p.m.]: Even though I have known Johnno Johnson for only a couple of years, he impressed me as being a humble, kind and friendly person. He is a man of great wisdom and, as has been mentioned by many honourable members, he was a great President. It appears as though he continued in that role, because since I have become a member of Parliament he has never lobbied me on any

Government legislation. On many occasions I have had to seek his advice and help. I remember approaching him after the Hon. Ian Cohen issued a media release about his intention to introduce a euthanasia bill. I was assured by Johnno that the numbers were on our side. No doubt, now that Johnno is leaving, the numbers will be a bit shaky, but between God, Johnno and Archbishop Pell I am sure we will still win.

Recently, I had the honour of being invited to dinner at Warren college, at the University of New South Wales. During that dinner I was told how many times Johnno had visited the college and offered support and help to students. Johnno also had a secondary agenda—that is, to recruit talented young men to join the Labor Party. I have tried to follow his example. Johnno is leaving the Parliament to retire, but no doubt he will continue the work of the church, the community and the Labor Party. I do not think he will ever retire. I thank him again for the lessons that he has taught me.

The Hon. PETER BREEN [2.36 p.m.]: I know Johnno Johnson as someone who welcomed me to this House as an old friend, even though he did not know me from a bar of soap. When I gave my first speech and announced my connection with St Patricks Church, at Church Hill, I felt that, as a result of that, we were friends for life. Before that I had known Johnno only as the bloke at the church who sold Father Mac's Christmas puddings. To be perfectly frank, I thought he was a retired priest, which just goes to show my ignorance of politics. After I was elected to this place I discovered that we had a great number of mutual friends, not the least of whom is a certain lawyer larger than life who drove Johnno and I just about crazy during his recent defamation case against Channel 7. Johnno's moral principles and his regard for friendship and loyalty were severely tested during John Marsden's trial. He was genuinely distressed by the daily newspaper reports of the allegations against John, and once or twice I copped it as if Marsden's social life was somehow my responsibility. But his support for Marsden was unflinching.

When the case was successful last week, Johnno was one of the first to be on the telephone and to congratulate him. In fact, it shows the collective nature of Johnno's friendships. Many people on both sides of the political divide and also in various social and other circles in the community have a high regard for him. There is one thing that I will miss when Johnno leaves. I will not be able to keep up with all things theological, philosophical, biblical and Irish. Without Johnno's regular press clipping service, copies of book extracts and speeches, I will be condemned to a parliamentary career in a spiritual and moral vacuum. However, at least two drawers of my filing cabinet will be freed up as a result and, for that, I will be grateful. It has been a great pleasure and a privilege to know you, Johnno, even though it has been for a short period. I wish you every success and good health and prosperity in your retirement.

The Hon. CHARLIE LYNN [2.38 p.m.]: I pay tribute to Johnno Johnson. Since I became a member of Parliament I have had the highest regard and respect for him. I, like many other honourable members who have spoken today, had heard the name Johnno Johnson, but I had never met him. When I was elected to this place I expected to meet somebody about 10 feet tall and three pick handles between the shoulder blades, because of his reputation.

Since I met and have worked with Johnno I have come to understand why people from all walks of life and across the political spectrum have the highest regard for him. I came here with an Army background. Some of the stories I have heard about Johnno today confirm in my mind that sergeant majors are born, not made, and they are not all necessarily in uniform. The sergeant major is the key building block of any organisation. He has a great deal of personal courage and lives by the values he espouses. He shows great compassion for the people he associates with and the community in which he lives and mentors young people coming up through an organisation. Johnno fits that description.

As a previous speaker said, Johnno represents an old style of leadership. I hope that old style of leadership never goes out of fashion. More progressive styles will come and, like other things, they will go. But the old-style values of honesty, truth and personal courage are enduring. Johnno will long be remembered for those values and for his consistency, which other speakers have referred to. Johnno also has that special quality which is part of the old-style leadership: the common touch. He keeps in touch with his local community and his constituency. By the same token, he has great vision and has mastered the art of communication. It is not often that we have great leaders who have both those qualities—the common touch and vision—and are supported by strong values. People have often asked me about Johnno.

The Special Minister of State said that his commitment to his faith is his top ideal, followed by his family, then his party, and then the Parliament. During my time here I have formed a different view. I believe that the Labor Party comes first, and God second; that is the way it seems to me. It must cause him some

conflict from time to time. It would be a fine line between those four values: faith, family, party and Parliament. He probably shows equal commitment to them all. Johnno Johnson is the last of the old Labor warriors. As some crossbenchers who became members in recent years have said, one of the great things about coming into Parliament, even on the opposite side of politics to Johnno, is the brotherly and friendly welcome you receive from him. He offers advice, counselling and mentoring regardless of who you are because he is interested in building better people. By building better people he builds a better community and a better country.

On a personal note, one of my lasting memories is of a conversation I had with Johnno after my preselection. It was very tight, and I won by two votes. The next day Johnno said to me, "How did you go, brother?" I said, "I got up by two votes, Johnno." He said, "Brother, in this game one's a win, but two's an absolute landslide." I have never forgotten that and I have never forgotten his genuine friendship and mateship. Johnno, I offer my personal best wishes to you and your family on your retirement and for the future. I regard it as an honour to have been a member of this Parliament whilst you have been here. You are a living legend. You are someone for whom I have the highest respect and regard. I hope to see you in the future. I know that you will not retire completely, and I am sure we will see you around Parliament House. It has been an honour to serve in the Parliament with someone of your stature.

The Hon. JANELLE SAFFIN [2.44 p.m.]: I have achieved what has been referred to by the Hon. Ron Dyer as a remote possibility. I have won one of Johnno's raffles, and I won the big one. The Hon. Jan Burnswoods said that a left winger hardly ever won. I not only won, I achieved it as a left winger. It was a big surprise.

The Hon. Jan Burnswoods: Did you keep it?

The Hon. JANELLE SAFFIN: I did get to keep it. It was in 1995 when the Labor Party won the election and we held a celebration in the Strangers Dining Room. Johnno held a huge raffle with many items, including a bottle of Grange Hermitage—which from time to time he throws in. The dining room was very crowded and noisy and I could not hear. Anthony Albanese, who was beside me, said, "That's your ticket. You've won." I could not believe it. He raced over and helped me claim the prize before Johnno changed his mind. It was the only time I have ever had Grange Hermitage. I must tell you, Johnno, that I drank the bottle with some Belgian chocolate. I thought it was too good to waste with food. It was very nice wine. Another item in the raffle prize was an electric frypan. It is still in its box after six years. I might give it back to Johnno to include in another raffle. I look at it from time to time and remember that I won it in the raffle.

Over the years ALP members could never go to an ALP function without Johnno being there with raffle tickets. The Hon. Ian Macdonald said that he resisted buying tickets because it was always said, particularly in the left, that it was a right-wing plot and if we bought tickets we were only helping the right. I am a soft touch and I have always bought tickets. Sometimes I would walk stoically past Johnno in a group, but he would get me later. I have always bought tickets from him and I never won—except for that night. I could never work out the tickets and how someone could win a raffle. I would look at all the numbers and wonder what they meant. If I could not work them out, I am sure that plenty of others could not work them out either. I hate to say it, but I think it might be intentional: we are not meant to work them out.

I have parted with a lot of money over the years, particularly on Father Mac's Heavenly Puddings. Like the Hon. Patricia Forsythe, I have bought so many puddings that I end up giving them away, and I still have a stack of them in the cupboard. But Johnno gets me every time. When new members are elected to Parliament Johnno gives them advice. His very good and practical advice can keep you out of trouble. Being a member here is not like working in a regular workplace. There are unwritten rules. Johnno has the run of the place. He is very helpful and he offers disinterested advice that is dispensed equally to members of all parties. The Hon. Henry Tsang told me that he is still waiting to have one of those chats; he feels a bit left out. Often when I am photocopying, Johnno will sit down and have a chat with me. I will miss those chats because he tells me many stories about this place and about the Labor Party. I always find his stories very interesting. Recently people have been discussing who will move into Johnno's room when he goes. Someone said that I might have to move into his room, but I said, "I can't, I get asthma. Do you want to kill me?"

The Hon. Duncan Gay: I moved into one of Johnno's offices after he left.

The Hon. JANELLE SAFFIN: How did you survive?

The Hon. Duncan Gay: The carpet was in perfect condition because no-one had walked on it.

The Hon. JANELLE SAFFIN: I think it is the smoke; the smoke accumulates. I said, "I don't think I would be able to breathe in there. We are getting a new member, Michael Costa, and I think Michael Costa should have that room. I am happy where am and I don't want to move." Another thing I get from Johnno is the articles. We all get articles, but mine are from Christian sources. Johnno does not try to convert me, but I do not think he has given up totally on the Catholicism. I did attend a memorial service with Johnno at St Mary's Cathedral for homeless people who had died. Johnno is an institution in his own right. The Labor Party is richer for having him as a member. There are some things that I disagree with Johnno about. I spoke once in this House on the issue of abortion. I thought long and hard before I did that because of Johnno. I have an adjournment speech ready on that subject but in deference to Johnno's last days here I decided to wait until he leaves, because he has been in the Chamber every night during the adjournment debate.

The Hon. John Jobling: He got wind of what you are doing.

The Hon. JANELLE SAFFIN: I know. I am sure he will be working against me. It is because of my respect for him that I have decided to wait until he has gone. Johnno is good at making others feel good. One morning my colleague the Hon. Ian Cohen said that when one says good morning to Johnno and asks how he is, he always says, "I am wonderful", or "marvellous". He frequently says to me, "Good morning, beautiful." I always answer, "Good morning, Johnno. How are you?" He says, "As good as you look." If that comment came from some other members it would be sexist, but from Johnno it is not.

The Hon. John Jobling: He is astute, isn't he?

The Hon. JANELLE SAFFIN: He is very astute. As I said, if it came from some other colleagues it would be a bit sexist, but from Johnno I take it with good grace, and it does make me feel good. I have great affection for Johnno and I will miss him in this place. I wish him and Pauline well in his retirement.

The Hon. DON HARWIN [2.52 p.m.]: When the Minister for Juvenile Justice made some remarks earlier in this debate she spoke of Johnno's role in mentoring younger members from across the Australian Labor Party and how important that was in the work of the ALP and the difference it made to a number of people's lives. That personal dimension to what he does causes me to speak also. As a number of other honourable members said, although he is a fierce advocate for his party, he cares about people across the political spectrum and has always had a word of advice and injunctions for people on both sides of politics. I am sure that a number of my colleagues—younger members of the party, particularly the honourable member for Pittwater in the other place—who have had quite a bit to do with Johnno over the years, would want me to place on the record their thanks.

Earlier in this debate there was discussion about presidents of Young Labor, people Johnno has had a lot to do with over the years. He himself is a former president of Young Labor. A number of my friends who are former presidents of the Young Liberal movement and who have been in this place in one form or other have had quite a bit to do with Johnno around the corridors, and have always enjoyed the repartee they have had with him. I refer to Catherine Cusack, who worked with Virginia Chadwick; Marise Payne, who worked with Ted Pickering; Trent Zimmerman, Shayne Mallard and Jason Collins, who worked with Max Willis; and John Brogden and Andrew Maiden, who worked with the Hon. J. P. Hannaford. Although I have been a member of this place for only two years, I worked here for seven years, between 1987 and 1995—with one year off for bad behaviour. I was well aware of Johnno, as the Hon. Janelle Saffin just said, as an institution around the place.

In the two years that I have been a member, I have particularly valued discussing various historical events with Johnno. Other honourable members have referred to Johnno's extensive memory bank of anecdotes and recollection of events, and it has been great fun talking with him, particularly about some of my Liberal predecessors. It is always a matter of some personal regret to me that not many of my colleagues know very much about our party's history. It has been refreshing to be able to talk to Johnno about our party's history, even though I cannot do that with some of my colleagues, which is a great shame. This is a House of great characters. As we go around our party branches nothing goes down better than talking about the Legislative Council and some of the characters amongst our colleagues. Pre-eminent amongst all of them has been the greatest character of them all: the Hon. John Johnson, MLC. We will miss you, I will miss you, and I wish you all the very best for the years to come.

The Hon. JOHN JOHNSON [2.56 p.m.]: Ten years ago today the Hon. Duncan Gay became Chairman of Committees. Ten years ago today I got the sack. On 27 November 1975 I was selected by the Parliament as a member, to take my seat from 23 April 1976. Note: 27 November 1975 was only 16 days after a

day of infamy in the annals of the Australian Labor Party and indeed, in my view, the annals of the nation. I am going to start my contribution where I should start. My wife, Pauline, is an absolute gem. Pauline was a member of the Australian Labor Party before I was. Pauline's support over the years has been paramount in any success that I have had. She has never complained about the continuous nights out or the continuous weekends out. She has always been there with support.

As has been mentioned, we have four children. Andrew and his wife, Angela, have three children, Cameron, Lachlan and Victoria. Michael and his wife, Maureen, have two children, Amelia and Sophie, and will soon welcome another child. Monica and Jeff have three children, Christina, Jack and Declan. Naomi and Mark were married earlier this year. Our children have brought great joy and great happiness to our lives. The arrival of each of our grandchildren has brought us magnificent joy.

Today my contribution will be rather rambling because there are so many things to say. I can remember, as a young bloke, going down to the ALP office and thinking what a strange old bloke was down there. He was a member of this House. His name was Chris Love. Every time I went down there somebody was there with a box of photographs asking him to identify them. I thought: my God, he is the repository of a lot of history. When I go down to the ALP office now, what is there? Boxes of photographs!

I want to say a few things at the outset. There will be no book. I want to keep my mates! I know not only where the bodies are buried, but where the cemeteries are. Years ago a very venerable secretary of the Labor Party named Bill Colbourne was an institution. He gave me some of the best advice I have had. The first thing he said to me was, "Always remember, son, never gloat over victories. The vanquished have long memories." When I came into this institution I found two men from my area of the State: the then President, Sir Harry Budd, and Max Willis. If you look at the board that lists the Presidents, you will see that I was the fourteenth President of this House; Sir Harry, from my home town, was the thirteenth; and Max Willis, the fifteenth, was also from my home town.

Three Presidents in a row came from the same town. I do not know what is in the water on the Tweed, but Sir Harry Budd's father represented the Tweed Mr A. E. Budd MLA; Sir Eric Willis was a Premier from the Tweed; Frank Nicklin, a Premier of Queensland, was from the Tweed; and Fred Caterson MLA was from the Tweed. Jack Boyd, H. L. Anthony, Doug Anthony and the third generation of Anthonys, the current member for Richmond Larry Anthony MP, are all from the Tweed, along with Ann Symonds, who served in this House with most of the members. I would deem to say that very few areas can boast of advancing so many people from the one small area—a country town of 6,000.

I used to look from our side of the river to the other side of the river to the Budds' house. As a young fellow I thought—and remember that Sir Harry Budd was here for 36 years—if Sir Harry Budd can make the Legislative Council why can't I? I knew the education he had and what I had: I started school late. In latter years my father worked on the ticks staff, Department of Agriculture. As most of you realise, I have a withered hand as result of tetanus, which delayed my starting at school and resulted in me missing a couple of years of advancement at school. I left school after some nine weeks in high school.

When I first came to this Parliament, particularly when I became President, I doubt whether I could have done the job without the assistance of one Les Jeckeln. Les Jeckeln was a tremendous man. He was a tremendous educator. He left this Parliament in good hands. His successor was John Evans, whom I was happy to appoint to the position of Clerk of the Parliaments. Most people would start at the top, but I start at the bottom. We have had great parliamentary staff: the attendants have been superb—nothing is a worry; Dr Cope, who was the Librarian, and Rob Brian, the present Librarian, assisted by David Clune and others; Stephen Mills, who was the Catering Manager, and David Draper, the existing Catering Manager; members of the parliamentary staff Peter McHugh and Doug Carpenter, who are now officers of the Parliament of Western Australia; Russell Grove and Mark Swinson from the lower House; and Greg Kelly from the lower House. It is a wonder Greg survived.

I came into the Chamber one night and as I stood to read a message from the Governor I thought something on my left moved. I sat down and I turned to the left. During the dinner break the largest tadpole I have ever seen had been placed in a carafe that sits on the President's desk. I penned a note to Greg Kelly, "Would you please send down the file 'Dismissal: Minor members of the staff.'" Hansard can make a silk purse out of a sow's ear, and we witness that daily. I want to pay tribute to my union, the Shop Assistants Union. Greg Donnelly, its current secretary, is a superb secretary. The union has played a tremendous part in the emancipation of shop assistants. I wish it well long into the future. It has been said that I have two faiths: a

spiritual faith and a secular faith. The card that I addressed to Nathan, the young son of our Minister Carmel Tebbutt, said, "Keep the faith, both." And I meant them both, the spiritual and the secular—the secular being three big letters: ALP. Something that has astonished me over the years—and I do not care whether it is left wing or right wing, as the records will attest—is that as soon as people get out of this place, provided they have got the statutory number of years or have been in certain positions for a number of years, they are quick to go down to the Governor, wanting to retain the title "Honourable" for life. Here is one bloke who will not be.

My successor will be a young man, Michael Costa, who comes from the Labor Council. Men such as Bob King, Jim Kenny, Ralph Marsh, John Ducker, Barrie Unsworth and now Michael Costa have all been secretaries of the Labor Council of New South Wales and members of this House. We should also remember the presidents of the Labor Council of New South Wales. Fred Bowen, Norman Thom, Peter McMahon. Peter Sams, Michael Easson and John McBean did not come here, but have proved themselves in other fields. I have no doubt that John Robertson, a young man whom I have known since he was six years of age, will do a great job as the replacement at the Labor Council for Michael Costa.

The New South Wales trade union movement is a very responsible body. A look at the history of the other States will show that industrial disputes that took place in those States were characterised by war, war, war, whereas in New South Wales we have tended to rely on jaw, jaw, jaw. That is terribly important. The most important thing for trade union officials is to make sure that every one of their members goes home every week with a full week's pay, not two or three days out because of strike action—even though, at times, it is absolutely necessary.

There are a few things that I would like to say about the Labor Party, with Bill Colbourne as secretary, Richo, Stephen Loosley, Della and Eric. I can remember being in Albury when Shane Easson came to me and said, "Can I have a talk to you?" I said, "Yes." He said, "I want to talk about Della. There are some moves on to block his ascendancy." I said, "Oh. Well, we had better grab him and have a talk to him." We did. We fixed it.

When I was President, I had a young man working with me who is in the gallery, Tim Mitchell. He said something to me one day after we had a visit from a diplomatic representative. He made the comment that youth groups had been established in Australia. They went to Japan, they went to England, they went to Canada, they went to America and the important role for young Australians was to go to Asia. That was set up from my office as the Australian-Asia Young Political Youth Leaders program. Tim co-ordinated the first one and was founding President of the organisation. It was a bipartisan gathering. It is now co-ordinated by its president, Andrew Ethel, from the Liberal Party. They have made numerous trips overseas. They have received numerous delegations. The program has standing in the community. It has bipartisan support from the foreign Ministers and leaders of the various political parties. It is one of the better things that came out of my office.

I have had some great people work with me. I had drivers like Wally and Alf and Bill. The services provided by the drivers unit and the various heads of that unit over the years have been superb. I thank them for all of their endeavours. Marie Sergio and Sue Russell were marvellous secretaries, as was the part-time secretary I shared with Les Jeckeln, Mrs Luther. I had James McGillicuddy and Damien Power, whose sister Erica and her husband Alex, daughter Bridget and brother Connor are in the gallery this day. Now I have Sam Moreton, who is the President of Young Labor. He is a great bloke, a compassionate bloke, a caring bloke, a bloke whom I have tremendous admiration for. I will long remember all of his courtesies, all of his caring, and it will be long into the future that his efforts will remain in my mind.

I am getting older. I have known every Labor Premier since Lang. I often used to have a talk to Jack Lang down the road in Nithsdale Street. Joe Cahill was a giant who strode the political stage as a colossus. During horrendous times in the Labor Party when the splits were on—and I will come back to those—Joe Cahill guided us in this State. He had a lot of help. Neville Wran is remembered by all members of the Labor Party with affection. He is remembered by our political opponents—for them trying to chip away at him was like trying to chip away at granite. Syd Einfeld, Pat Hills, Terry Sheahan, Peter Cox and Kevin Stewart, Eric Bedford, Ron Mulock, Lyn Gordon, Lionel Bowen and Laurie Brereton are names from the past but they are icons in Labor history. In this House, Kath Anderson, John Doohan, Sir John Fuller, Sir Adrian Solomons, Norm Thom, Peter McMahon, Barney French, Dorothy Isaksen, Don Burton, Fred Bowen and Lindsay North were giants among others. I have been in this Chamber under many Whips. The best of them all is the Hon. Peter Primrose, and all of the others were great friends of mine. The Hon. Peter Primrose is the most diligent person I have ever met in the exercise of his duties.

I handed out my first how-to-vote card with two people, one named Tom Mooney and the other named Phil Norris when John Curtin contested the 1943 elections. Later on, when I was eligible to join the Labor Party

and when a branch was re-formed, those two men took me along to join the Labor Party. Lots of people have influenced my life: I have made mention of my wife, along with my beloved parents, Harry and Nellie Johnson [nee Carroll] of happy memory, the presentation nuns who taught me at school, and Dr Woodberry, SM, from the Aquinas Academy and Father Michael McCarthy the now Parish Priest of Oatley. They have had a profound influence on me. During the same year I was elected as President there was elected in Rome a new Pope whose name was John Paul, who was, in my view, the Great. Some of his writings have the deepest philosophical meanings that one could ever read. We have a new Archbishop, Archbishop George Pell, whom I welcome with open arms, and I pay tribute to the former Archbishop, Cardinal Clancy.

The Australian Labor Party was born in 1891 out of the trade union movement. When it moves away from the trade union movement, it will cease to be the Labor Party. It has a very proud record. The ABC was an invention of the Labor Party, as were the Government Insurance Office, the Scully plan for the stabilisation of the wheat industry, the Commonwealth Bank, workers compensation, the Royal Australian Navy, sick leave, annual leave, long service leave, maternity leave, the Department of Main Roads, the eight-hour day, the lotteries and TAA. If people look round the walls of this Chamber, they will see the name Fred Flowers, the President from 1915 to 1928, who did more for the establishment of Taronga Park Zoo than any other person.

I turn to the widows pension. There used to be a fund called the Railway Workers Mangle Fund. The members of the Railway Workers Mangle Fund subscribed one penny of their salaries per week to the mangle fund. When a man was killed on the railways or died by misadventure otherwise, a few days after a man died there arrived on the doorstep a couple of representatives of the mangle fund with a mangle so that his wife could take in washing. Members should read the history of the widows pension; read the records of this place. What some members of this House had to say would make you cry. Electoral funding, the electrification of the railways, reform of this House, and the building of the Sydney Harbour Bridge, the Sydney Harbour Tunnel, the Opera House and Darling Harbour stand as Labor's edifices. [*Extension of time agreed to.*]

I have seen some funny things happen in this Chamber of recent times. I have seen a young child come in here in the last few days to get daddy to stop talking. He was hungry; he wanted his dinner. I saw the Hon. Richard Jones come into the Chamber with a white alpine dingo pup, much to the consternation of the then President. Other than the Hon. Doug Moppett I have seen each and every one of you, and many others, come in. In all the time that I have been a member of this House I have only been told four lies, two by one person and two by another. I will say this about the Leader of the House, who is absent: I have known Michael Egan for just over 30 years and I have never known him to tell a lie. That is a great tribute to anyone. I have a lot of dealings with him. I have never known my mate the Hon. John Della Bosca to tell me a lie either.

Mention has been made of mentoring. Some years ago I decided to hold a series of dinners in the President's dining room. I called them Passing on the Heritage. At the first Passing on the Heritage dinner the guest speaker was the Acting Prime Minister, Paul Keating. Also attending the dinner were Gabrielle Harrison, Cameron O'Reilly, Eric Roozendaal, Anne Purcell, Tony Bourke, the late Andrew Ziolkowski—who was the member for Parramatta and the husband of Gabrielle Harrison—Chris Brown, who is now in the tourism industry, Belinda Neal, John Della Bosca, John Hatzistergos, Joe Tripodi, Tim Mitchell, Steve Hutchins, David Tierney, John Gilmore, Morris Iemma, Reba Meagher and Michael Marks. Tony Iffland, Trish Armstrong, Tony Sheldon, Tony Sherbon, Donna McKenna, Mark Lennon, Deirdre Grusovin, Eric Roozendaal, John Casey, Bob Carr, Andrew Lillycrap, Mark Latham, Tom Forest, Shane Easson and others who did not sign the visitors book. There were other dinners. Graham Richardson was the speaker at one of them.

Unless we nurture the young, unless we pass on the heritage, our political parties will die and our political institutions will die. I hold certain principles, and I hold them very strongly. During my 13 years as President of the Legislative Council, not one representative of any of the Communist governments of the world crossed my threshold. Whilst they persecuted people of my religion and gaoled my fellow trade unionists, they got no truck from me.

The Hon. Richard Jones: I thought you were a tolerant man.

The Hon. JOHN JOHNSON: You cannot tolerate evil! The Labor Party has been through some tragic times. Some of those tragic times have been the splits. I lived through a split. I was in Queensland in 1954 for the election of the Gair Government, when it received about 54 per cent of the vote. I was there three years later, when that Government received almost 52 per cent of the vote. Six months later, extremists got hold of the party in Queensland, expelled Gair, and a Labor Government that had been in office since 1915, apart from a short break of three years, was destroyed. We were out of office for 32 years, until December 1989. To go through

those years was pathetically tragic. But more pathetically tragic was the split that was caused by Dr Evatt. I do not think I have had a shot at anybody so far, but Dr Evatt was a tragedy for our political party and a tragedy for the nation. Good men and good women were excluded from the party, for no other reason than where they went on Sundays.

I will tell you a funny story about something that happened only last Friday night. I received a letter from the Catholic Bishop of Parramatta inviting me to a function to view the new artworks and so on in the rebuilt St Patrick's Cathedral. I rang and spoke to one of his staff, and I said, "What are you raffling?" I was told, "We're not having a raffle." I said, "It's a Catholic function, and you're not having a raffle? It can't be fair dinkum." However, they left it to me. Last Friday night we did have a raffle, and we got nearly \$4,500 from a raffle they were not going to have.

There are numerous things that I would like to place on record, but there is something I do not want to forget. Some years ago there was a successful move in the Northern Territory for a bill on euthanasia. It had been said to me some years before, "The fight for abortion seems to be lost"—I did not believe that to be the case—"and euthanasia is the next big issue." I thought: It is not going to escape us like the abortion issue has. I called a meeting here at Parliament, and we set up a group called Euthanasia No. The co-ordinator of that group was Tony Burke—a man that you will all hear a lot more of in future years. People in all the political parties maintain that the Euthanasia No campaign was the best political campaign ever conducted, and I concur and we won.

I cannot conclude this contribution without reference to the late great Fred Daly MP, a member of the National Parliament. He was a real mentor to me and I think fondly of him often. I must also make mention of my good friend the Hon. Leo McLeay MP, a former Speaker of the House of Representatives. His friendship I have always valued and still do—thanks mate!

If when you scan the *Government Gazette* you come across an item that reads, "Evacuation of a gravid uterus", you may wonder what this is. In the early 1970s, by stealth, such an item went into the *Government Gazette*. It related to the funding of abortions. We now live with the consequences of 100,000 Australians dying every year as a result of abortions. I ask those who have a different view to mine to ask themselves one question: When in my lifetime was I never a human being? I urge the Government to advance funds for adult stem cell research. It is non-controversial, it shows great promise, and it is preferable to embryonic stem cell research, which requires the destruction of human embryos—and each of us was one of those one day—with all the attendant controversy and division. It is something that needs to be done. In the next few years you will have legislation before you on these important issues.

I thank you all for your indulgence. To the Hon. Duncan Gay and to every single one of you who has made a contribution to this debate, I thank you from the bottom of my heart. I go with nothing but admiration for each and every one of you. I consider you all to be good friends, great compatriots, great mates, or fellow Centre Unity members. It has been a tremendous experience being a member of this Parliament. There is a Latin phrase "tenete traditiones", which means "keep to the traditions". Traditions are important. Be it on your head if you do not keep them. Look after the young.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [3.39 p.m.], in reply: I commend the motion to the House and ask that it be passed unanimously.

Motion agreed to.

Pursuant to sessional orders business interrupted.

QUESTIONS WITHOUT NOTICE

INDUSTRIAL AWARDS ONLINE SUBSCRIPTION FEE

The Hon. MICHAEL GALLACHER: I ask the Minister for Industrial Relations a question without notice. Is the Minister aware that a motion was carried at the New South Wales Labor Council meeting on 14 June, following concerns raised by the Electrical Trades Union [ETU], which demanded the removal of the \$16.50 being charged to purchase awards on the Department of Industrial Relations web site? Has the New South Wales Labor Council written to the Minister about this matter? What action will the Minister take to address what the ETU described as "this penny pinching and morally deficient fee"?

The Hon. JOHN DELLA BOSCA: I am aware of the ETU's concerns about the matter. Indeed, the secretary of the ETU has raised them with me personally. I have no recollection of receiving correspondence since that time. I know about the resolution. The honourable member asked specifically whether I had received correspondence or responded to it. I do not recollect having seen or having responded to correspondence. The Department of Industrial Relations web site provides a comprehensive service in having awards electronically available online for union members, non-union members and employers. The web site contains details about awards and appropriate agreements across all sectors. There is no charge to the public for accessing the information by electronic transfer. I understand that there is a telecommunications cost attached to downloading the material to print it. I still have the issue of costs in relation to that under consideration.

I will respond to any ETU or Labor Council representations, and when the matters have been finally considered I will respond to the question of the Leader of the Opposition. The material is available electronically, so it is accessible online. It is obviously possible to purchase copies of awards through the usual channels. The main point of the ETU resolution is that young tradespeople and apprentices should have access to information about their employment conditions. I strongly endorse that principle. The service, at least in theory, should be available free of charge to people at the beginning of their career. I undertake to provide an appropriate answer to the honourable member after I have responded to the ETU and Labor Council representations.

SKATEBOARD PARKS

The Hon. JAN BURNSWOODS: My question is directed to the Minister for Juvenile Justice. What action has the Government taken to provide skate parks for young people in New South Wales?

The Hon. CARMEL TEBBUTT: Young people often raise the issue of their access to recreational facilities. We hear a lot about the need to ensure that young people do not become involved with juvenile offending, drug abuse and other risk-taking activities. An important aspect in preventing that is providing young people with safe, interesting and appropriate recreational activities. I am not saying that the provision of skate parks will necessarily resolve all the issues relating to young people. Nevertheless, the skills and experiences that young people have when interacting in safe recreational activity can be important in their developing the skills needed to make a successful transition to adulthood. One of the things that young people ask for is something to do that alleviates boredom while at the same time being relevant to them.

A recent initiative of the Government is the funding of INDENT—the provision of drug and alcohol free entertainment, which is organised by young people for young people. The initiative is proving very successful. However, there is another practical way in which the Government is listening to young people and giving them what they want for their own entertainment, and keeping the community happy as well. I am referring to provision of skateboard parks and facilities. Just last May—my colleague the Special Minister of State will appreciate this—my colleague in the other place the Hon. John Watkins announced a \$44,000 grant to improve a skateboarding facility on the Central Coast at Wyong. It enabled the Salvation Army, which runs the Oasis Youth Centre in Wyong, to enclose the local skate park for use in all weather conditions. They added more ramps to the park, making it a significant regional facility.

I am pleased to advise the House that the Wyong funding brought the total of funding given since 1995 by the Government to skateboard parks throughout New South Wales to over \$1.4 million. Funding has come a long way since 1994-95, when the previous Government allocated a miserly \$17,500 for skateboard parks. The Carr Government more than doubled that figure in its first year in office—to \$40,000 in 1995-96. It raised the bar yet again in 1996-97, to \$68,000 in funding. The following year there was a huge leap in funding to nearly \$400,000 a year. Since then the government has continued to fund skateboard parks to the tune of around \$300,000 annually. Local fundraising or contributions made by the local council match many of the Government funded skateboard park projects. Since 1995 there have been 92 projects varying in size from \$1,620 for Manly this year to \$90,000 for Wollongong City's Dimond Brothers Playing Field skate park and \$147,000 for a Liverpool City Council skate park, both in 1998-99.

This year alone the Carr Government has funded 31 skateboard park projects. We are placing such an emphasis on skate parks because we know that they are what young people want. Skateboarding is a popular pastime for young people. Providing dedicated skate parks and ramps keeps young people entertained and off the streets, where skateboarding can sometimes be a nuisance. I have often been impressed with the initiative that young people and their local communities have shown in instigating skate parks. Many local communities have embraced skate parks. They have supported local fundraising efforts that have been organised by young people, because they want to see their young people provided with appropriate and safe activities.

COUNTRY ENERGY ELECTRICITY TARIFFS

The Hon. DUNCAN GAY: My question is to the Minister for Juvenile Justice, representing the Minister for Energy. What action is the Government taking to ensure that customers of the newly formed Country Energy enjoy competitive electricity prices, especially in the lead up to full retail contestability? Is Country Energy expected to deliver cheaper electricity prices to its customers across New South Wales? If so, can you guarantee that one of the first actions of the new company will not be an announcement of an increase in some tariffs?

The Hon. CARMEL TEBBUTT: I think that the question is similar to previous questions that the Deputy Leader of the Opposition has asked. I will refer it to the Minister on the other House and undertake to get a response as soon as possible.

MOUNT MARSH LOGGING

The Hon. IAN COHEN: My question is directed to the Minister for Juvenile Justice, representing the Minister for Forestry. Will the Minister investigate the proposed logging of Mount Marsh given an abundance of koalas and the existence of seriously underrepresented spotted gum forests? Failing that, will the Minister consider stopping logging due to the growing number of young conservationists moving to the site to protest against the logging?

The Hon. CARMEL TEBBUTT: I will refer the question to the Minister for Forestry and undertake to get a response as soon as possible.

STEPPING STONES PROGRAM

The Hon. RON DYER: I ask the Minister for Juvenile Justice a question without notice. What is the Armidale Stepping Stones program partnership between the Department of Juvenile Justice and the local police and community youth club?

The Hon. CARMEL TEBBUTT: The Hon. Ron Dyer referred to the important Stepping Stones program, a collaborative effort: the Department of Juvenile Justice and the Police and Community Youth Clubs [PCYC] organisation in Armidale work in partnership. As the name suggests, the program seeks to take a step by step approach in giving specially targeted training to tackle some of the very difficult issues involved in juvenile offending. The program is based in Armidale because the officers of the department working in the New England region devised it and because it gained the invaluable support of the Armidale PCYC. Its location does not reflect in any way on the level of juvenile crime in Armidale compared with other regional centres.

The six-week course started last month with seven young offenders attending weekly sessions at the PCYC clubhouse. Key components of the program are: teaching of behavioural awareness, training in cultural awareness, development of skills, and sporting and recreational activities. The alcohol and drug counsellor for Juvenile Justice in New England, Mr James Riley, initiated the program, in close consultation with the acting controller of the Armidale PCYC, Senior Constable Tonilee Newman. The drug and alcohol counsellor position in Juvenile Justice is funded by a special allocation to the department as a result of the New South Wales Drug Summit. Stepping Stones places strong emphasis on using cultural awareness training to help young Aboriginal people who get into trouble. The training program, however, has been designed to assist all troubled young people, no matter what their cultural or racial background.

Local Aboriginal elders are involved in training and talking to young people about the importance of their cultural roots and trying to instil in them a sense of cultural pride and identity. A trip in the bush is envisaged to help reinforce those values. Attendance at the training is voluntary. While police and Juvenile Justice officers strongly encourage it, the program has been designed with plenty of sports and recreational activity to make it attractive to young people. As Minister for Juvenile Justice, I am particularly encouraged by the willingness of the PCYC organisation to support the program in a substantial way. A PCYC bus picks up the trainees and takes them to the club. I understand that that involvement highlights something of a new philosophy for PCYC police, an approach aimed at helping to reduce juvenile crimes through effective case management and outcome development of young people who have been referred for assistance.

On a number of occasions when I visit local PCYCs, particularly in regional areas, I find that they are working closely with Juvenile Justice to provide a crime prevention approach. That has been welcomed in many

regional communities and by young people. In Armidale it is a new attempt to tackle some old problems. It deserves success and I congratulate all those involved. The department will take a keen interest in the outcomes, with a view to possibly using similar measures in other centres.

THREDBO LANDSLIDE INQUIRY CORONER'S REPORT

The Hon. MALCOLM JONES: I direct my question without notice to the Minister for Juvenile Justice, representing the Minister for the Environment. Following the Thredbo disaster the Minister for the Environment said that he favoured out of court settlements for the families and businesses affected by the disaster. On 26 June the Minister's counsel totally denied liability for the disaster, contrary to the Coroner's findings. Will the Minister explain this very cruel incongruity to the victims of the disaster?

The Hon. CARMEL TEBBUTT: This important question refers to a very tragic incident. Given the question raises some legal issues, I will refer it to the Minister for the Environment, and undertake to get a response as soon as possible.

SCHOOL CLOSURES REVIEW COMMITTEE

The Hon. PATRICIA FORSYTHE: My question without notice is to the Special Minister of State, representing the Minister for Education and Training. Has the Government resolved to establish only a single school closures committee to deal with issues from each of the schools that have been identified for closure? Will the provision of only one committee prevent the separate and unique issues identified at each school from being dealt with appropriately? Will the Minister reconsider this decision?

The Hon. JOHN DELLA BOSCA: Given the diligence with which the Minister has addressed these problems, and if the Hon. Patricia Forsythe's question is followed to its logical conclusion, I can assuredly perceive that the answer is no. However, the question is one of detail and under the policy of another portfolio. I remind honourable members, especially those opposite, that there are only two Ministers in the Chamber today. I know that was the custom many years ago.

The Hon. Michael Gallacher: You have broad shoulders!

The Hon. JOHN DELLA BOSCA: Yes, we do have broad shoulders. The Minister for Juvenile Justice and I will try to do justice to all questions. With specific questions such as this one, I will refer the question to the Minister for Education and Training, and get an answer as soon as I can.

TED NOFFS FOUNDATION AWARDS

The Hon. IAN WEST: My question is to the Special Minister of State. Minister, what individuals or organisations from New South Wales that work in the drug and alcohol field were recently honoured with awards by the Ted Noffs Foundation?

The Hon. JOHN DELLA BOSCA: In spite of still recovering from the excesses of parliamentary activities, or otherwise, on Friday night and Saturday morning—and some walking influenza—I presented awards at the Ted Noffs Foundation Award Night. I hope I did not spread my virus, which I am sure had reached the incubation stage by then.

The Hon. Duncan Gay: Which virus?

The Hon. JOHN DELLA BOSCA: I think it is the Moscow flu. It might be a variation of what the Hon. John Johnson talked about in his contribution. This is the third year that the Ted Noffs Foundation has held this event. The purpose of the awards night is to acknowledge the exceptional and often unrecognised work of individuals and organisations and to promote best practice in the alcohol and drugs field in Australia. There were six award categories: treatment, prevention, organisational excellence, individual contribution, youth-specific initiatives and specialised service targeting a special population. Four organisations or individuals from New South Wales were given awards by the Ted Noffs Foundation.

The Wollongong Crisis Centre, which opened in 1978 and evolved into a service offering detoxification and short-term residential rehabilitation, shared the treatment services award. This centre was previously awarded a certificate of achievement for its contribution to the improvement of the Illawarra Area

Health Service. Joynt Youth Action in the Southern Highlands shared the prevention award. The Joynt Youth Action team is one of our newly formed community drug action teams. As I recently informed honourable members, that organisation is doing some terrific work with young people, including its mission to create better opportunities for all youth in the Southern Highlands.

The Methadone Treatment program and the Needles Syringe program in Penrith were also acknowledged for work in the prevention area. They have produced a resource kit, providing consistent and accurate information regarding methadone treatment services in the area. Their aim, for which they won this award, is to dispel myths and create a level of community acceptance of the programs by humanising the dimensions of the drug problem. The Indigenous Festivals of Australia, which is based in Willoughby, won the youth-specific initiative award. This innovative organisation produces the Croc Festivals for indigenous and non-indigenous youth in remote and regional Australia. This project simultaneously addresses issues of drug and alcohol prevention, involving young people in visual and performing arts, sport and employment opportunities in a 100 per cent drug and alcohol free environment.

I was honoured to present the award for individual contribution to someone who I am sure is well known to all honourable members, Professor Wayne Hall. Professor Hall has been Executive Director of the National Drug and Alcohol Research Centre at the University of New South Wales since 1994. His contribution to research in this field has been nothing short of outstanding, not only in Australia but also internationally, and we have greatly benefited from this expertise, particularly during and since the New South Wales Drug Summit. Professor Wayne Hall has been a member of the Government's expert advisory group on drugs since its formation. Sadly, we will shortly lose him because he is moving interstate to pursue other academic and research opportunities.

I congratulate the Ted Noffs Foundation on hosting these awards. As I pointed out in my speech, the Government recognises and appreciates all those who work in this difficult field, whether it is at the front line or in research, prevention, education, and treatment. That is the first time that I have presented an award in the form of a scroll. It had attached to it a piece of paper containing the words I had to say about the recipient and an instruction to take the ribbon off the scroll. [*Time expired.*]

GENETIC RESOURCES ACCESS

The Hon. RICHARD JONES: I ask the Special Minister of State, representing the Minister for Agriculture, a question without notice. Does the company Ex-Genix, formerly known as AMRAD Discovery Technologies, have agreements that give it exclusive access to a significant proportion of Australia's genetic resources? Has Ex-Genix made a deal with the Victorian Department of Conservation and Natural Resources, Melbourne's Royal Botanic Gardens, the Northern Territory's Parks and Wildlife Commission and the Tasmanian Herbarium? Does the company AstraZeneca have an agreement with Griffith University, the Queensland Museum and the Queensland Herbarium to collect material for analysis to survey, literally, every living thing in Queensland? Will the Minister reveal what deals have been done in New South Wales with pharmaceutical and agrochemical companies to give the rights, exclusive or otherwise, to commercially develop compounds that they find in Australian plants and animals?

The Hon. JOHN DELLA BOSCA: I am appreciative that the Hon. Richard Jones managed to ask his question within one minute. Under the sessional orders, which are getting a bit long in the tooth, I have four minutes in which to answer. I will take less time to answer the question than it took the Hon. Richard Jones to ask it. Obviously, this is a complex matter involving science and details of the activities of that company.

The Hon. Richard Jones: It is all true.

The Hon. JOHN DELLA BOSCA: As the Hon. Richard Jones believes that the information is true, the Minister would need to obtain advice before providing an answer. I will refer the question to the Minister along with the honourable member's interesting research material, if he wishes.

KEMPSEY DISTRICT MENTAL HEALTH SERVICES

The Hon. JENNIFER GARDINER: I direct my question to the Special Minister of State, representing the Minister for Health. All honourable members would have been shocked by the circumstances that lead to the death of a patient last night at Kempsey District Hospital. Is the Minister aware that General Purpose Standing Committee No. 2 took evidence at Kempsey and noted in its report on rural and regional

health service budgets that there was concern about the adequacy of mental health services in that town and that district? Will the Minister undertake a review of funding levels for mental health services in the Kempsey district?

The Hon. JOHN DELLA BOSCA: The Hon. Jennifer Gardiner asked a very good question. If the first part of the question was addressed to me, I have to be honest and say that no, I was not aware that General Purpose Standing Committee No. 2 had taken evidence about that matter. The question stated that there was concern about the adequacy of services, and asked about the location.

The Hon. Duncan Gay: It was at Kempsey.

The Hon. JOHN DELLA BOSCA: No, not the township, the proximity of an acute mental health service to the general hospital in that town. Obviously, the Government would want to express sincerest condolences to the family and friends of the victims of the attack. According to today's media reports the lady died as a result of the attack. The Government also sends its condolences to the two staff members who were seriously injured in that assault. The Minister, Craig Knowles, and Professor Beverley Raphael, the director of the Centre for Mental Health, flew to Kempsey this afternoon. The alleged perpetrator is being interviewed by police and it is inappropriate for me to comment further about that aspect of the matter.

I advise the Hon. Jennifer Gardiner that all area health services employ security officers. Each area health service is required to carry out an internal review of security every year, and an external review every five years. The situation with our public health facilities is such that on 27 May the Minister for Health announced a campaign to reduce violence against nurses. Obviously, that campaign was not directed at the specific set of circumstances that arose at Kempsey last night. Nonetheless, it indicates that the Government and the Minister were concerned about the security and safety of hospital employees and patients in the event of violent assault.

As part of the Government efforts to help nurses, \$500,000 has been spent on training them in how to deal with abusive and violent people. Additionally, the Minister has established an anti-violence task force with the assistance of the Nurses Association to address the prevention and management of incidents involving violence. I find it appalling that health professionals, nurses, doctors, community health workers and admission clerks, all of whom care for people when they are sick, have been assaulted and find themselves the victims of violence and abuse in their workplace as a result of actions by members of the public. On this occasion the assault appears to have been by a patient in that health facility.

This situation is not unique to our State. In 1999 the United Kingdom National Health Service launched a zero tolerance campaign. The Department of Health is examining the outcome of the campaign for its applicability to the New South Wales context. In the United States of America the Department of Labor has issued guidelines for preventing workplace violence for health care and social service workers. Those guidelines are regarded as the world's best practice, and the Department of Health is examining them for possible use or adaptation in New South Wales.

The Minister for Health has written to the Attorney General seeking his advice on whether sentencing guidelines adopted in the United Kingdom last year have merit in New South Wales. The Hon. Jennifer Gardiner asked whether the Minister was considering a review of funding levels. I do not have any advice on that or any knowledge of it. I will refer that component of her question to the Minister for his future response.

KIDS HELP LINE

The Hon. JANELLE SAFFIN: I direct my question without notice to the Special Minister of State. Is the Minister aware of any new measures to provide young people with practical help and information about drug and alcohol issues?

The Hon. John Ryan: There is a really good campaign by the Howard Government.

The Hon. JOHN DELLA BOSCA: Yes, I know. Why does the Hon. John Ryan not ask me a question about it, and I might give him a surprising answer. If the Hon. John Ryan wants to ask a question about the Federal Government's campaign I would be happy to talk about it. I will answer the question that I was asked. I am happy to inform the House that the Kids Help Line is the successful tenderer to run the new 24-hour drug and alcohol telephone service for young people in New South Wales. As the 1999 Drug Summit recognised,

young people who use drugs do so for complex and varied reasons. They need drug and alcohol services that are tailored to meet their particular needs. The Kids Help Line has a distinguished history, and a considerable reputation, in the delivery of telephone services to young people.

Currently, the Kids Help Line answers 9,000 calls each week, with 40 per cent of the questions coming from children and young people living in New South Wales. An expanded Kids Help Line would provide our young people with access to drug and alcohol counsellors and to vital information, whether they live in a small country town or Sydney's inner city. That funding will allow the Government to identify geographical hot spots for drug and alcohol use across metropolitan and regional New South Wales. The Kids Help Line referral database will ensure that relevant agencies, which respond to young people with drug and alcohol problems, are up to date with the latest information.

With the agencies' permission, the agencies will be added to the Kids Help Line web site so that their services become available to anyone in New South Wales seeking help for drug and alcohol problems. Young people of all groups in our community face the greatest risks from drug and alcohol abuse. The expanded Kids Help Line will provide them with accessible drug and alcohol services 24 hours a day, seven days a week. It will link young people to a range of specialist and local services that will help them to make positive life choices. The service will include an electronic mailing list and discussion group for agencies that work with young people to facilitate information sharing and consultation.

Drug and alcohol co-ordinators will assist operators with specialist knowledge on the types of drugs, and their rate of use, in the various regions in this State. Their knowledge of services and agencies will also be valuable. It is also acknowledged that referrals to agencies are likely to increase because of this initiative, and the Kids Help Line is sensitive to the need for consultation and information exchange on referral protocols. The initiative will be funded over three years as part of the National Illicit Drugs Strategy.

MELBOURNE FILM STUDIO

The Hon. ELAINE NILE: I direct a question without notice to the Special Minister of State, representing the Treasurer. Is it a fact that the Victorian Government is close to announcing the development of a \$40 million high-tech production studio planned for Melbourne? What action did the New South Wales Government take to attract this development to our State in order to expand film production facilities in New South Wales and increase our share of the market and interest in a world-class film production here?

The Hon. JOHN DELLA BOSCA: That is a very good question. None of my Victorian colleagues have telephoned me and intimated that the Victorian Government is about to make that announcement.

The Hon. Duncan Gay: It was in the press.

The Hon. JOHN DELLA BOSCA: I familiarised myself with the press this morning, so I cannot use the excuse that the Hon. Michael Egan normally uses, which is that he does not read the *Sydney Morning Herald*. I must have missed the item; on that day I must have been tied up with detailed workers compensation consultations. Opposition members did not take the bait!

The Hon. Doug Moppett: That would not have taken long!

The Hon. JOHN DELLA BOSCA: I know that the concern of the Hon. Elaine Nile is based on a desire to ensure that an important potential employment generator of quality jobs, such as those in a film and production studio, would be located in New South Wales if this were possible and appropriate, so I will seek information from the Department of State and Regional Development. I do not know whether I should wait for the Treasurer to return or whether I should do that before he returns. I will provide the honourable member with an answer to the question.

ELECTRICITY TARIFF EQUALISATION FUND

The Hon. JOHN JOBLING: My question without notice is based on Standing Order 29 and relates to public affairs. Have budgetary concerns about the operation of the Electricity Tariff Equalisation Fund been validated by an independent third party? The question is addressed to the Deputy Leader of the Opposition.

The Hon. DUNCAN GAY: Madam President—

The Hon. Peter Primrose: Point of order: The adopted sessional orders in relation to questions to Ministers and other members provide that questions may be put to other members relating to any matter connected with the business on the notice paper of which the member has charge. From recollection, at page 296 of Erskine May *Parliamentary Practice* outlines the limited circumstances in which a question may be asked of a private member. Basically, such questions are limited to a bill, motion or other matter connected with the business of the House for which the member is responsible. My argument is that the honourable member who has been asked the question is not responsible for the matter raised in the question. I submit that the question should be ruled out of order.

The Hon. John Jobling: Further to the point of order: Standing Order 29 deals with questions seeking information from the Government or from private members:

Questions may be put to Ministers of the Crown relating to public affairs; and to other Members, relating to any Bill, Motion, or other public matter connected with the business of the House ...

This matter relates to business of the House. It relates to the Appropriation Bill and budget documents that have been before the House. Therefore I contend the question is in order.

The Hon. DUNCAN GAY: To the point of order: This matter has to do with budgetary ramifications, and it has to do with the budget estimates, which are still before this House. It is also a matter to do with, as the shadow Minister for Energy has recognised, the PRT. I am in a position to answer this question, whereas the Government is not in a position to answer such a question. If Government members do not want to know what the ACCC has said about the Electricity Tariff Equalisation Fund, they should say so, instead of trying to rort the rules.

The Hon. John Della Bosca: To the point of order: It seems to me that the Deputy Leader of the Opposition and the Hon. John Jobling have hoist themselves on one another's petards. The point taken by the Deputy Leader of the Opposition is based on the notion that he is responsible for this matter. To be so responsible he must be a member of the Executive Government, which he is not. The Hon. John Jobling's point inherently anticipates debate on the budget.

The Hon. John Jobling: It is a motion to take note of the budget estimates and related papers.

The Hon. John Della Bosca: It is still a debate about the Appropriation Bill and cognate bills. Following the logic of the Deputy Leader of the Opposition, he can answer the question only if he is a member of the Executive Government. To follow the argument of the Hon. John Jobling, the Deputy Leader of the Opposition can only answer the question if he anticipates debate.

The Hon. DUNCAN GAY: Further to the point of order: Standing Order 29 provides:

Questions may be put to Ministers of the Crown relating to public affairs; and to other Members, relating to any Bill, Motion, or other public matter connected with the business of the House ...

I contend that this is a public matter connected with the business of the House, because on 13 June this year I wrote to the ACCC to outline my concerns about the Electricity Tariff Equalisation Fund. Those concerns include the anti-competitive nature of the fund, and the effect that the fund is having on interstate electricity retailers who are trying to operate—

The Hon. Amanda Fazio: Point of order—

The Hon. DUNCAN GAY: Madam President, the honourable member cannot raise a point of order on a point of order.

The PRESIDENT: Order! Is this a point of order on the point of order?

The Hon. Amanda Fazio: Yes it is, Madam President. My point of order is that the Deputy Leader of the Opposition was not speaking to the point of order, that he was in fact engaging in substantive debate on an issue raised in a dorothy dix question asked of him, even though he is not a member of the Executive Government.

The PRESIDENT: Order! I remind the Deputy Leader of the Opposition that when speaking to the point of order he must direct his remarks precisely to the point of order. I call him to order in that respect.

The Hon. DUNCAN GAY: Madam President, to the point of order on the point of order: I contend that you have to understand what was going to be in my answer to be able to determine whether the point of order is valid or otherwise. I was quite properly putting on the record what my answer would have been had you not—

The PRESIDENT: Order! The Deputy Leader of the Opposition is close to canvassing the ruling. The honourable member will resume his seat. Does the Special Minister of State rise to speak further to the point of order?

The Hon. John Della Bosca: If I could speak briefly to the point of order: The Deputy Leader of the Opposition, at least at the beginning of his contribution, made the articulate point that the question raised business to do with him as Leader of the Opposition, not to do with business of the House. Quite clearly, I submit, he is well and truly outside the provisions of the standing order on which the Hon. John Jobling has relied.

The PRESIDENT: Order! The problem is that the standing order on which members are basing the right to ask a question of the Deputy Leader of the Opposition has been superseded by new sessional orders, which at their commencement provide:

That, for the remainder of the present Session and notwithstanding anything to the contrary in the Standing Orders, the following general rules apply to questions without notice—

Therefore, the sessional orders supersede the standing orders. The appropriate section of the sessional orders states:

Questions may be put to other Members relating to any matter connected with the business on the Notice Paper of which the Member has charge.

It is quite clear, having regard to the various rulings on this matter, that the Deputy Leader of the Opposition does not have charge over the matter about which he was seeking to answer a question. Accordingly, I uphold the point of order.

EXTREMIST AND RACIST ACTIVITIES

The Hon. HENRY TSANG: My question is directed to the Special Minister of State, and Minister for Industrial Relations. Can the Minister outline the Government's response to recent reports of extremist and racist activities in New South Wales?

The Hon. JOHN DELLA BOSCA: I thank the honourable member for his question and commend him for his commitment to fighting racism and intolerance in New South Wales. The people of New South Wales are of more than 200 nationalities and speak some 80 languages. The contribution of migrants is one of the most invaluable assets of our social fabric. Some years ago Reverend the Hon. Fred Nile was one of the first leaders of a political party to speak out against attacks on places of worship. From memory, that was in the early 1990s. Honourable members will be aware that the Minister Assisting the Premier on Citizenship, the Hon. Morris Iemma, reported to the Parliament on recent alleged Ku Klux Klan activity in the Northern Rivers region. Police reported it was the result of activity by an individual rather than the group, however, it is still totally unacceptable. As a government we must treat any report of racist activity seriously. To this end of the Community Relations Commission and the B'nai B'rith Anti-defamation Unit have commenced a project under the Community Partnership program. The State Government is providing half of the \$100,000 needed for the anti-racism program.

Central to the project is a publication entitled "I am not a racist, but", which will be distributed to New South Wales homes. The commission and B'nai B'rith will also establish a Courage to Care "Fair Go" Award, which allows the community to nominate individuals who create goodwill and tolerance. The Premier will present the award to the recipient. In addition, the commission will set up a consultative committee and this will provide an opportunity for culturally diverse communities to participate and provide advice on the program. We have a responsibility not to be silent on this form of activity. Last week there was a development in New South Wales political circles that must not go unchallenged. The Leader of the Opposition—the alternative Premier—told reporters at a press conference that she was against speaking out on racist attacks and incidents. She criticised Minister Iemma. She told Australian Associated Press—and it was released on the wires at 5.02 p.m. on 25 June:

I would have thought that [this is] the last thing we should be doing is giving publicity to people who incite racial tension and I am surprised and disappointed that the Minister raised the matter in the House today.

I cannot agree. The Leader of the Opposition is wrong. We must expose those groups and individuals who threaten our harmonious society, no matter where they are. I know that the Hon. Helen Sham-Ho, the Hon. Dr Peter Wong and the Hon. James Samios would all agree. Yesterday the Hon. Henry Tsang gave a perfect example of why the Leader of the Opposition was wrong when he quoted late German pastor, Martin Niemoller, who opposed the Nazis. Niemoller said:

First they came for the Communists but I was not a Communist so I did not speak out. Then they came for Socialists and Trade Unionists but I was not one of them, so I did not speak out.

[Time expired.]

DRIVERS MARIJUANA USE

Reverend the Hon. FRED NILE: I ask the Special Minister of State a question without notice. Is it a fact that health research reported in the *Daily Telegraph* today has revealed that 45-year-old drivers killed in car crashes were just as likely to be affected by marijuana as alcohol? Is it a fact that marijuana users should not drive for at least five hours after smoking the drug? Is it a fact that THC, the active ingredient of marijuana, has become an emerging issue for curbing the road toll? What action is the Government taking to address this very serious and growing problem with marijuana use and driving in New South Wales in order to save lives and lower motor vehicle accidents due to the influence of marijuana on drivers, such as the introduction of random drug testing?

The Hon. JOHN DELLA BOSCA: I appreciate that this question is based on a media report. As with the Hon. Elaine Nile, the honourable member has stumped me because I thought I had read the *Daily Telegraph* thoroughly today. However, I do not recall reading that report. I do not know why I missed it. Perhaps I read the wrong edition, but I did not pick up on that report. I will have a look at it and develop my own response to it. Obviously, I would be careful in responding on behalf of the Minister for Health because I assume Reverend the Hon. Fred Nile is seeking a more technical answer to the question, that is, looking at various kinds of testing programs and other possible technological solutions that can be put in place, perhaps similar to random breath testing for alcohol.

I am not aware of the efficacy of the possibilities that have been quoted. I have heard about them in connection with my portfolio interest regarding post-Drug Summit issues. Obviously, as Reverend the Hon. Fred Nile is no doubt aware, like everybody in New South Wales, it is fairly simple to make the observation but whatever one's views about the use of cannabis in general and its criminality or otherwise, one thing is certain: as with driving under the influence of alcohol, it is extraordinarily irresponsible and inappropriate to operate a motor vehicle while under the influence of marijuana.

The Hon. John Ryan: And it is illegal.

The Hon. JOHN DELLA BOSCA: It is obviously illegal, but it is clearly life-threatening and has the same ramifications as driving under the influence of alcohol, if not more so. Therefore, I will ask the Minister for Health to expeditiously provide a detailed answer to Reverend the Hon. Fred Nile.

PHUONG NGO AREA HEALTH SERVICE APPOINTMENT

The Hon. CHARLIE LYNN: My question is to the Minister for Juvenile Justice. What role did the Minister play in the appointment of Phuong Ngo, now convicted of Australia's first political assassination, to the South Western Sydney Area Health Service? Did the New South Wales Health Department raise serious objections to the appointment because Phuong Ngo had been banned by the Licensing Court from holding office in licensed clubs for 10 years? Did the Minister, despite these objections, instruct the legal branch of the department to proceed with the appointment in her capacity as adviser to the then Minister for Health, Dr Andrew Refshauge?

The Hon. CARMEL TEBBUTT: The question does not relate in any way to my responsibility as a Minister or my responsibilities in this House. Therefore, I do not understand in what capacity the honourable member is asking the question. It is a matter for the public record that the person referred to by the Hon. Charlie Lynn was a member of the South Western Sydney Area Health Board. That is no longer the case, as far as I am aware, but it is not a matter that has anything to do with my public responsibilities.

DRUG SUMMIT INITIATIVES

The Hon. AMANDA FAZIO: My question is directed to the Minister for Juvenile Justice, and Minister Assisting the Premier on Youth. What has the Government done as result of the Drug Summit to assist vulnerable young people?

The Hon. CARMEL TEBBUTT: The House has already heard from the Hon. John Della Bosca today about the kids helpline, one of the initiatives arising from the Drug Summit to assist vulnerable young people. Honourable members would be well aware that the Drug Summit, held two years ago, brought together the key stakeholders who have an interest in and experience with the tragic consequences of drug abuse in our communities. The Government examined the 172 recommendations from the Drug Summit. Its response includes \$176 million to be provided over four years, and the youth and families targeted component is at least \$25 million.

Before I speak about specific initiatives that target vulnerable young people, it is worth mentioning that most young people are not addicted to drugs. The conspicuous examples are not the norm. As was the case in their parents' generation, some young people have used illicit drugs on one or two occasions. For some young people addiction follows after experimental or recreational use goes badly wrong. That is tragic enough. As a community, we must accept that often for young people regular drug abuse and addiction arise from the fact that there is some issue or problem in their lives that they find too difficult to deal with in any other way. It is a cry for help. It is with this recognition that some of the initiatives from the Drug Summit plan of action specifically target young people who are at risk of getting caught up in the vicious cycle of drug abuse. The obvious aim is that if problems in young people are addressed early enough, hopefully those problems can be prevented from becoming more serious, leading to drug abuse.

Reflecting a commitment to early intervention, the Government is piloting a program called Primary Connect. This program seeks more effective ways of meeting the needs of children at risk of disconnecting from school, at risk of drug use, of offending, of self-harming behaviour or of mental or physical health problems. Projects will be trialled in three communities requiring additional support and assistance. Through better co-ordination and the facilitation of existing services, Primary Connect will help children aged between five and 12 years to be closely connected to their families, schools and communities; strengthen parent-child relationships and parenting skills; and ensure access to services for children and young people.

People may ask why we are working with children aged between five and 12 years on initiatives targeting young people, an age group defined as being between 12 and 24 years. However, problems that emerge in early years may, if left unchecked, lead later to drug abuse or involvement in juvenile offending. This program is based firmly on evidence that suggests that strong links to family and school reduce the risk of young people becoming involved in drugs and antisocial behaviour. It is also clear that the most effective support for young people is delivered before problems become entrenched. Services will be delivered in school and community settings, which will make them more accessible, and they will be designed in consultation with local communities. We are also committed to increasing young people's participation in service planning and government decision making. We know that services supporting vulnerable young people are more likely to be effective if young people are involved in and consulted about the planning and delivery of these services. To this end, the Commissioner for Children and Young People will launch two kits this year designed to increase participation by children and young people in community life.

The Government will also build on current approaches to improve youth participation in service planning and delivery. This includes consultation being undertaken with the Youth Advisory Council. Other initiatives target training for youth service providers, improving accommodation options for young people, developing an Aboriginal youth strategy and providing grants to young people to stage their own all-ages events. [*Time expired.*]

Mr JOHN MARSDEN

The Hon. DAVID OLDFIELD: My question is directed to the Special Minister of State, representing the Minister for Police. Is the Minister aware of news reports today that state that John Marsden plans to pursue Police Commissioner Peter Ryan for allegedly allowing a witch-hunt against him? Does the Minister believe there is any substance to John Marsden's allegations? Does the Minister deny the existence of any such witch-hunt? Does the Minister believe that police inquiries into Mr Marsden's affairs were warranted?

The Hon. JOHN DELLA BOSCA: Even under parliamentary privilege, those questions must be answered very carefully. The issues clearly involve Mr Marsden's opinion or intention to pursue various public

office bearers and/or the New South Wales Commissioner of Police and, as such, they are private matters for Mr Marsden. As for the policy issue regarding the alleged pursuit of Mr Marsden by the police, I will ask the Minister for Police to provide an answer.

OCCUPATIONAL HEALTH AND SAFETY REGULATIONS

The Hon. DON HARWIN: My question is directed to the Minister for Industrial Relations. Why has the introduction of the new occupational health and safety regulations been delayed yet again until 1 September, as announced on 29 June? Does this announcement contradict the Minister's statements in the House on 29 March and again on 6 June that the old regulations would be retained for only three months beyond their original replacement date of 31 March? Did the Minister mislead the House?

The Hon. JOHN DELLA BOSCA: I certainly did not mislead the House: everything I said at the time was true. Opposition members know that I am a consultative kind of guy. The Occupational Health and Safety Regulations 2001 began life as regulations in 1999, which, as anyone with a basic knowledge of parliamentary chronology will know, is two years before I became a Minister. These regulations have been a long time in the making, and I will take this opportunity to kick around a few things with the House in respect of them.

Smooth, structured consultations commenced two years before my appointment as Minister. As honourable members will be aware, Parliament passed legislation nearly two years ago that still does not contain regulations. We are operating on an interim basis under the factories, shops and industries regulations, and will continue to do so until September. The Government has several objectives in this area. We need an occupational health and safety code that covers all workers in New South Wales and guarantees their safety in the workplace through a regulatory framework. The current framework is deficient because it does not cover 60 per cent of workers, most of whom are covered at present only by extension of the current principles in the regulations. That is not satisfactory.

The current regulations are restrictive and fairly clumsy in their impact. They are often not directly relevant to many modern workplaces. For example, call centre workers and electricity workers—except for factory or domestic fittings—and a whole range of other employees are not covered by mandated safety regulations. During my time as Minister concern has been expressed on the union side that, in the absence of the prescriptive regulations provided by the old Factories, Shops and Industries Act 1962, some workers rights would be affected adversely. I disagree with that view, but I respect it and it must be carried through the consultation process. At least one major employer organisation is concerned that some aspects of the current occupational health and safety law will impact adversely on the rights of employers to defend themselves against common-law negligence claims under workers compensation. They are just two areas of dispute. *[Time expired.]*

WORK AND FAMILY STRATEGY

The Hon. JOHN JOHNSON: My question is directed to the Special Minister of State, and Minister for Industrial Relations. Will the Minister inform the House how this Government is assisting workers with family responsibilities?

The Hon. JOHN DELLA BOSCA: We spent some time this morning paying tribute to the Hon. John Johnson courtesy of the motion moved by the Deputy Leader of the Opposition. However, if this is the Hon. John Johnson's last question in this place—it may not be—it is a great privilege for me to be the Minister to answer it. I thank the Hon. John Johnson for this question. Supporting the rights of workers with family responsibilities is a key plank of the New South Wales Labor Government's industrial relations platform, and obviously a key personal concern of the Hon. John Johnson. We have already improved entitlements for employees, such as extending the right of parental leave to regular casual employees and amending the Anti-Discrimination Act to protect carers in the work force. Our new work and family strategy 2001-2003 entitled "Making It Work" is about to be released on the Department of Industrial Relations web site.

The strategy focuses on developing partnerships with selected industries to assist in implementing family friendly arrangements at the workplace level. The projects in the new strategy involve the Department of Industrial Relations working directly with small business to develop creative solutions to making small business family friendly. One project is to develop a model of rostering and shift work arrangements in the residential care sector, an issue about which I have already informed honourable members on previous occasions. Another useful and practical project is to produce a work and family guidebook for small business employers, in partnership with the State Chamber of Commerce in New South Wales.

The aim of the guidebook is to provide small business with answers to their questions about family friendly arrangements in a practical step-by-step format, illustrated by examples and with reference to relevant information about work and family provisions and requirements. Another of my department's booklets entitled "Maternity at Work"—a guidebook for employees on their rights and responsibilities—has been so popular that it is now in its third edition of print. By developing models of good practice and providing practical information, the Government is helping to make family friendly workplaces a reality in this State. I look forward to informing the House of future developments relating to the Government's work and family strategy. I again make the point that we will sorely miss the commonsense of, and the sensible questions asked by, the Hon. Johnno Johnson when he departs from this House.

SYDNEY HARBOUR JET SKIS

Ms LEE RHIANNON: I direct my question to the Special Minister of State, representing the Minister for Transport. What measures does the Government plan to take to ensure that jet ski use on waterways such as Manly Dam, the Hawkesbury-Nepean River, Botany Bay, Pittwater and Port Hacking will not increase as a result of the ban on jet ski use in Sydney Harbour? Will the Government consider banning jet skis on these other waterways? If so, when?

The Hon. JOHN DELLA BOSCA: The honourable member has raised a number of issues concerning jet skis.

The Hon. Duncan Gay: She frowns on jet skiers, but she felt that there were some responsible jet skiers.

The Hon. JOHN DELLA BOSCA: Because the issue raised by Ms Lee Rhiannon generated such passion it would be unwise of me to speculate by trying to answer her question. I will obtain a proper answer for the honourable member from the responsible Minister.

PENSIONERS COMPULSORY THIRD PARTY INSURANCE PREMIUMS

The Hon. RICK COLLESS: My question without notice is directed to the Special Minister of State. Will thousands of pensioners under the age of 55 years, including invalid pensioners, single parents and Vietnam veterans, now face huge green slip premium increases as a result of the abolition of the pensioner vehicle classification that allowed for a discount on premiums for pensioners? Will the Minister instruct the Motor Accidents Authority to conduct a review into discount premiums for pensioners aged under 55 years?

The Hon. JOHN DELLA BOSCA: Unfortunately, the honourable member's question is based on a false premise. Under the Motor Accidents Scheme, pensioners, both aged and non-aged, have been eligible for a 10 per cent discount on the base premium for sedans. However, the cost of claims for this group has increased dramatically over the past few years. Last year some insurers began to impose a loading on non-aged pensioners. Effectively, that meant that non-aged pensioners—pensioners aged 30 to 54—were paying more for their premiums than were drivers of the same age who were not pensioners. That, of course, was not acceptable. In order to protect non-aged pensioners, the Motor Accidents Authority restructured classifications so that non-aged pensioners will pay no more than drivers of the same age who are not on a pension.

There is a new seniors category for motorists over the age of 55, which provides a 25 per cent discount. It should be noted that the principal cause of the major variation in green slip prices is changes to insurer discounts and loading structures, not the change in rating districts or, for that matter, the establishment of the new seniors category.

I have already informed honourable members that I have asked the Motor Accidents Authority to investigate the discount and loading structures of insurers to ensure that they are fair. It is important to note that, whilst one insurer may impose a loading, another may offer a discount for the same category. Motorists should therefore shop around to get the best premium for their vehicles. They can get assistance from the Motor Accidents Authority by telephoning 1300 137 600, or by visiting the web site at www.maa.nsw.gov.au.

The Hon. RICK COLLESS: I ask a supplementary question. Is it fair to say that non-aged pensioners will now have their premiums assessed on the same basis as the non-pensioner population? In fact, did the Minister make a statement to that effect to this House on 6 March 2001?

The Hon. JOHN DELLA BOSCA: I repeat: The previous practice meant that non-aged pensioners were paying more for their premiums than were drivers of the same age—a practice that was unacceptable. I do not think I can answer the honourable member's question any more clearly than that.

EXTREMIST AND RACIST ACTIVITIES

The Hon. JOHN JOHNSON: My question without notice is directed to the Special Minister of State. Will the Minister acquaint the House with the full quote, part of which he used in reply to a question asked earlier today by the Hon. Henry Tsang?

The Hon. JOHN DELLA BOSCA: As this is a moving quote I will place it on the record. It is fitting to place it on the record in answer to the question asked by the Hon. John Johnson as it refers to another great man of the Christian faith in the last century—a Lutheran theologian, German pastor Martin Niemoller.

The Hon. Ron Dyer: He was an opponent of the Nazis.

The Hon. JOHN DELLA BOSCA: As the Hon. Ron Dyer just pointed out, he was an opponent of the Nazis, after a military career in the German navy.

Reverend the Hon. Fred Nile: He was a submarine commander in the German navy.

The Hon. JOHN DELLA BOSCA: Reverend the Hon. Fred Nile confirms that he was a submarine commander in the German navy. Obviously, he and tens of thousands of other brave people stood against that regime. Martin Niemoller said:

First they came for the Communists but I was not a Communist so I did not speak out. Then they came for the Socialists and the Trade Unionists but I was not one of them, so I did not speak out. Then they came for the Jews, but I was not Jewish so I did not speak out. And when they came for me, there was no one left to speak for me.

VISITING MEDICAL OFFICERS INDEMNITY COSTS

The Hon. Dr PETER WONG: My question without notice is directed to the Special Minister of State, representing the Minister for Health. While salaried doctors working in the public hospital system are covered for indemnity costs under the Government's Treasury Managed Fund, is the Minister aware that visiting medical officers [VMOs] and other non-salaried doctors are not? As reported in the *Daily Telegraph* on Monday 2 July, this has already resulted in the resignation of an anaesthetist and a gynaecologist from Tamworth Base Hospital and the imminent resignation of four other specialist VMOs. How does the Minister intend to address this anomaly, which is resulting in the loss of the much needed services of specialist doctors from the public hospital system? Will the Minister consider using the Government's Treasury Managed Fund to extend medical indemnity cover to VMOs and to stem the haemorrhaging of specialists from the public hospital system?

The Hon. JOHN DELLA BOSCA: I should give my question time brief away and start reading the *Daily Telegraph* in greater detail, as that seems to have been the basis for most of the interesting questions that have been asked today. As the honourable member's question sought details about policies that are specific to the portfolio of the Minister for Health, I will refer the question to the Minister for Health. I am sure that he will provide the honourable member with the appropriate level of detail and thus satisfy his inquiry.

PHUONG NGO POLITICAL CAREER

The Hon. GREG PEARCE: My question without notice is directed to the Special Minister of State. Did the Minister have lunch with Phuong Ngo on 5 September 1994, some nine hours before John Newman was assassinated? Did he discuss with Phuong Ngo his future plans in relation to the New South Wales Labor Party? At that lunch, did the Minister promise to use his influence with the then Leader of the Opposition, the present Premier, to get Phuong Ngo a seat in the Parliament? What action did the Minister take to further Phuong Ngo's career in the Labor Party?

The Hon. JOHN DELLA BOSCA: The answer to the first part of the honourable member's question is yes. The answer to the second part of the question is I cannot recall.

GAS AND CHEMICAL STORAGE FACILITIES

The Hon. PETER PRIMROSE: My question without notice is directed to the Special Minister of State, and Minister for Industrial Relations. Will the Minister tell the House what is being done to ensure the safety of major gas and chemical storage facilities in New South Wales?

The Hon. JOHN DELLA BOSCA: A major accident at a large gas or chemical storage installation has the potential to cause significant harm and damage, not only at an occupational level but also at a public

level. This was illustrated by the explosion and fire that erupted in September 1998 at the large gas plant operated by the Esso company at Longford Victoria. That event caused the death of two workers at that facility and very significant property damage. It led to a major disruption of Victoria's natural gas supply and also threatened the surrounding environment.

A plan for the development of a new regime for the regulation of major hazard facilities in New South Wales has been adopted by the New South Wales Government. In keeping with the Government's plan, a whole-of-government co-ordinating body, the Major Hazard Interagency Committee, has been established. The committee is led by the Department of Urban Affairs and Planning, WorkCover and the Department of Industrial Relations. The committee is examining the implementation in New South Wales of the National Standard for the Control of Major Hazard Facilities, which was established by the National Occupational Health and Safety Commission in 1996.

The national standard sets out a safety regime that is specifically designed to account for large-scale operations of major hazard facilities and the risks they present. It recognises the different legislative responsibilities of government agencies that have a regulatory interest in the operation of such facilities. The development of the proposed new regime for the regulation of major hazard facilities in New South Wales will provide a means of ensuring the observance of Convention No. 174, established by the International Labour Organisation, which focuses on the operation of these facilities.

While the Major Hazard Interagency Committee continues with its development work, WorkCover is currently making a significant effort to address safety at major hazard facilities in this State. WorkCover will conduct safety compliance reviews of New South Wales facilities over the next two years. The reviews will provide a useful profile of all major hazard facilities in New South Wales and will assist in the effort to develop appropriate risk containment strategies.

In the conduct of the reviews, WorkCover inspectors will be checking occupational health and safety management systems implemented at the sites of the facilities and also plant operator competencies and emergency procedures. Two sites located in the Newcastle area have already been inspected and several other significant chemical and gas storage installations operating in the Illawarra region have been targeted in the two-year program. Remedial or enforcement action will be taken by WorkCover if safety shortcomings detected in the site reviews indicate that such action is warranted. I look forward to having an opportunity on a later occasion to inform the House of progress of the Major Hazards Interagency Committee and WorkCover in their effort to assess major hazard facilities in this State.

ELECTRICITY RETAILERS GREENHOUSE TARGETS COMPLIANCE

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: My question is directed to the Minister for Juvenile Justice, representing the Minister for Energy. Given the Premier's grandstanding before the Ministerial Council on Energy and his reply in the other place to the Dorothy Dixier by Mr Greene, the honourable member for Georges River—in which the Premier boasted of his "hard decisions to protect the environment" and also said, "The New South Wales Government can and should lead in the global effort against greenhouse gases"—and given his call, as quoted by the Minister on 2 July, proposing that "all States and Territories introduce compulsory greenhouse benchmarks for electricity retailers", what penalties will the Minister for Energy introduce to convince electricity retailers to meet their existing greenhouse targets? Has the Government read the IPART report which states that only two retailers have complied? Will the Minister continue to reject amendments to energy bills that provide for penalties for carbon monoxide emissions? Apart from grandstanding, what concrete steps will the Government take to enforce retailer compliance? [*Time expired.*]

The Hon. CARMEL TEBBUTT: The Hon. Dr Arthur Chesterfield-Evans referred to what he calls grandstanding. I take exception to the honourable member's claim that the Government is grandstanding on environmental achievements. I quote Jeff Angel in yesterday's *Sydney Morning Herald*—I could not get a better source—who said:

In environmental terms, Bob Carr is the best State premier Australia has ever had.

I cannot say much more than that. If the Government is grandstanding, so is Jeff angel. I know that the Hon. Dr Arthur Chesterfield-Evans holds Jeff Angel in high regard and listens to what he has to say on a number of issues. In fact, the honourable member moves amendments based on Jeff Angel's views and considered expertise and advice. That is probably a sensible thing for the honourable member to do. But, as I said, if the Government is grandstanding, I suggest that Jeff Angel is as well. As part of the Action for the Environment

Statement last week, the Government released a significant package of initiatives aimed at improving air quality. I have previously spoken about some of the initiatives in this House. As to the specific issues of greenhouse gas emissions, targets and penalties, I will refer the honourable member's question to the Minister for Energy and undertake to get a response as soon as possible.

RURAL AND REMOTE SCHOOLS TEACHERS ACCOMMODATION

The Hon. DOUG MOPPETT: My question without notice is addressed to the Special Minister of State, representing the Minister for Education and Training. Is the Minister aware of the difficulties experienced by teachers taking up appointments in rural and remote schools who are now required to provide their own furniture in Teacher Housing Authority properties? Is the decision to no longer provide furnished accommodation being reviewed? What provision is made for the cost of relocating furniture acquired in these situations?

The Hon. JOHN DELLA BOSCA: I do not know whether that issue was in the *Daily Telegraph* as well. It has caught me by surprise.

The Hon. Duncan Gay: The *Daily Telegraph* is not interested in the bush. It is like Country Labor.

The Hon. JOHN DELLA BOSCA: I am sure that Country Labor would be very interested in this matter. The question asked by the Hon. Doug Moppett is an important one. I am not in a position to give an answer. I will refer the question to the Minister for Education and Training, who I am sure will be able to furnish the honourable member with an answer in the near future.

UNPAID TRIAL WORK

The Hon. JAN BURNSWOODS: My question without notice is directed to the Special Minister of State, and Minister for Industrial Relations. Will the Minister inform the House about the practice of trial work?

The Hon. JOHN DELLA BOSCA: The commencement of a new job is an exciting time for most employees, particularly for those commencing their first job after leaving school or returning to the work force. While most employers are aware of and comply with their responsibilities to new employees, a small minority of unscrupulous employers offer unpaid trial work before a person can start paid employment. New South Wales industrial laws do not have provision for unpaid trial work, for the very good reason that people should be remunerated for their endeavours throughout an employment relationship. Despite these laws, the Department of Industrial Relations is receiving an increasing number of complaints about unpaid trial work, particularly in restaurants and shops.

Several recent examples illustrate this practice. In one case the department helped a 17-year-old kitchen hand recover her rightful pay after unpaid trial work at a Port Macquarie takeaway shop. A second matter involved a waitress at a Hamilton restaurant, who also recovered lost wages and pro rata holiday pay after the department intervened on her behalf. Similarly, a female shop assistant in Dubbo was paid \$330 by her employer for trial work after an investigation by the department. Last month a concerned parent contacted the department's western Sydney contact centre complaining that her daughter had been working without pay on trial for a position in a ladies clothing retailer outlet in the Campbelltown area. The person also advised that a number of other young girls were in a similar position. A departmental inspector visited two of the company's outlets and interviewed both store managers and the area manager. Whilst the company representatives denied that any unpaid trial work was being undertaken, the inspector emphasised the Government's concern about such practices. The inspector also supplied employers with information and offered department assistance, wherever possible.

A further call from a concerned parent has now been received by the department. The parent advised that her daughter had now obtained a casual position with the company and was paid for the two three-hour shifts she had previously worked. Such examples tend to indicate that most employers breach these laws out of ignorance. For this reason the department will increase its educational activities over the coming months. While most employers fail to meet their obligations out of ignorance, some employers deliberately seek to exploit new workers. Job hunters should be wary of employers who offer trial periods, delay paying wages, refuse to put job details in writing, or pay only a commission. Before starting a new job, workers should contact the Department of Industrial Relations to find out about their minimum pay rates and other entitlements. This information is freely available on the Internet and in publications issued by the department. By taking such steps workers can protect themselves from possible exploitation.

WATER POLLUTION

The Hon. IAN COHEN: My question is to the Minister for Juvenile Justice, representing the Minister for the Environment. Is the Minister aware that a school presentation in Parliament last week hosted by the honourable member for Manly explained what are clearly major hazards in polluted waterways throughout the metropolitan area? Testing shows that there are high and dangerous levels of faecal coliform. Leaking sewerage systems were to blame in many cases, and there is dangerous pollution in many areas of the Georges River, Botany Bay, Port Hacking, and areas in the western suburbs. What is the Government going to do about this dangerously high level of water pollution in our urban areas?

The Hon. CARMEL TEBBUTT: I am aware of the presentation that took place last week and I heard some media reports in the morning prior to the presentation. Unfortunately, I was not able to attend, because it clashed with question time. In general, that sort of exercise is very good for school students because it gets them involved in environmental issues and gives them an increased and improved understanding of the political process and how to develop responses to the issues they are pursuing, whether they are environmental issues or other issues on the school agenda.

StreamWatch, the initiative the students were involved with, does valuable educational work in assisting students to study the environment by monitoring small creeks and lagoons across New South Wales. It is part of the national program of Waterwatch. The Environment Protection Authority [EPA] and the Government are supportive of the program. I am advised that the lead agency is the New South Wales Department of Land and Water Conservation. The program has a key role as an education tool and looks at what priority issues, such as salinity, can be targeted into the program.

StreamWatch is also linked with the State water monitoring strategy being developed by the State Water Monitoring Co-ordination Committee. The chair of StreamWatch is a member of the committee. StreamWatch is not aimed at beaches or other swimming locations, which are monitored by the EPA's Beachwatch and Harbourwatch schemes.

There have been many significant improvements in Beachwatch results in recent years and it is pleasing to be able to convey to the House the EPA's advice that Sydney's beaches returned a perfect scorecard in the latest test in May, with all 35 beaches passing the national guidelines for both bacterial indicators and recreational water quality.

The Hon. Ian Cohen has referred to some of the findings of StreamWatch that were presented by the students last week. It is true that some of those findings were of concern, but I think the findings of the tests confirm what the EPA has been saying for some time. That is, that one of the most prominent threats to water quality in our urban streams is run-off caused by rain and sewer overflows. That is why the Government has instituted unprecedented programs aimed at controlling sewer overflows in stormwater that will help to protect water catchments and popular swimming areas—including the Dee Why Lagoon, which I think is one of the areas the students tested.

The Environment Protection Authority is now using the powers under the Protection of the Environment Operations Act to regulate Sydney Water's sewer overflows. Since 1997 the Government has committed \$80 million to tackle stormwater pollution. This program is building pollution trapping devices on streams and other waterways, and educating communities about how to minimise the impact of garden chemicals, litter and green waste on stormwater. The Government will spend about \$40 million in 2001-02 to continue reducing stormwater pollution in waterways across the State.

The urban stormwater program has funded more than 250 stormwater reduction projects worth \$60 million around Sydney Harbour and other New South Wales waterways since 1998. So far, this initiative has prevented more than 3,600 tonnes of pollution—that is equivalent to about 360 large truck loads—from reaching our waterways each year. More than 800 pollution-trapping devices have been installed in New South Wales waterways, and a major community education campaign, "The Drain is just for Rain", has informed consumers and businesses about how to reduce the impact of stormwater pollution. Sydney Water's new \$20 million stormwater improvement program is further improving the capture of rubbish in our waterways.

The Hon. IAN COHEN: I ask a supplementary question. The Minister advised the House that a significant number of pollution-trapping devices are being installed throughout urban New South Wales. Are these devices gross pollutant traps or are they able to filter down to the level of dog faeces and other chemicals in the system, which are the greatest pollutants of our waterways?

The Hon. CARMEL TEBBUTT: I am not an expert on these issue but I understand that the majority are gross pollutant traps. I undertake to seek further information for the honourable member.

DEPARTMENT OF COMMUNITY SERVICES CAMPBELLTOWN OFFICE STAFFING

The Hon. JOHN RYAN: My question is to the Minister for Juvenile Justice, representing the Minister for Community Services. Have the staff at the Campbelltown office of the Department of Community Services recently been reduced by three? Was a training course for potential new foster parents, which was to be conducted by the Campbelltown office of the Department of Community Services [DOCS], cancelled last week due to lack of staff? Have new volunteers for foster parenting who have completed previous training courses at Campbelltown and Ingleburn been told that the final processing of their applications will not be completed until December? How is the reduction in staff at Campbelltown justified, and what measures will be put in place to ensure that there are adequate facilities to train and process new foster parents in the Campbelltown area?

The Hon. CARMEL TEBBUTT: This is not a matter on which I have any information and therefore I am not able to respond in any detail. It is a question that in some ways is more appropriately placed on notice, given that it seeks detail about staff numbers and refers to specific operational matters such as training courses. Nevertheless, I will refer the question to the Minister for Community Services and undertake to get a response for the honourable member.

DUKE OF EDINBURGH AWARD SCHEME JUVENILE JUSTICE DETAINEES PARTICIPATION

The Hon. RON DYER: My question is to the Minister for Juvenile Justice. Will the Minister update the House about recent developments regarding the Duke of Edinburgh Award scheme as it operates within her portfolio of Juvenile Justice?

The Hon. CARMEL TEBBUTT: The fact that I am a Republican does not mean that I cannot be positive and appreciative of the great value of the Duke of Edinburgh Award scheme in helping to develop thousands of young people in the general New South Wales community each year. That is what the scheme does. In brief, the scheme helps to build self-reliance as well as a sense of community service responsibility, while challenging young people with a taste for adventure in the great outdoors. Its successes in our schools and colleges, both public and private, have drawn wide acclaim. For many years graduates have been proud to see the Duke of Edinburgh Award listed prominently on their school record.

It is perhaps not so widely known that the success of the scheme as a program is also helping to change the lives of young offenders serving sentences in Department of Juvenile Justice detention centres in New South Wales. I have spoken in the House previously of some of the achievements of detainees on Duke of Edinburgh Award programs. One of my greatest pleasures as Minister for Juvenile Justice is seeing young detainees receive their Duke of Edinburgh Awards. I will take the opportunity presented by this question to note three particularly outstanding achievements by detainees in recent weeks. Just a couple of weeks ago at the Fred Baxter Juvenile Justice Centre near Gosford, I had the pleasure to present awards and recognition to three young men.

Two received their silver awards which they earned after they completed the second tier of the scheme following the completion of the initial bronze award. The third detainee I presented with a certificate of recognition for having gained the scheme's highest level, the gold award. Completing such a demanding course is a big achievement for young people who enjoy the freedoms and advantages of normal school and community support. For an 18-year-old in detention it is a very special attainment. I understand that this young man will receive his award officially at a special ceremony at Government House later this year. At present 16 detainees at the Frank Baxter Centre are undertaking Duke of Edinburgh Award training, and two are scheduled to complete the gold award next year.

The award scheme consists of four main components: community service, skills development, recreational and expeditions. For community service commitments young men from the Baxter centre are active in local surf life saving clubs; the rural fire brigade, which I know many honourable members in this House have an interest in; the National Parks and Wildlife Service, doing track maintenance and revegetation; and helping people with disabilities in swimming or horse riding programs. The skills component usually involves after-hours TAFE training at the centre in areas such as welding, cookery, computer programming and industrial cleaning. Consistent participation in the high level of programmed sporting activity at the centre satisfies the recreational demands of the scheme.

The final component, the expeditions, are also termed therapeutic camps. They cover periods from two to five days and take participants into an environment sharply different from their surrounds in detention or the world they moved in before their sentences. In the wilderness they learn how to fend for themselves, and how to relate to their environment and to each other. For the gold award the current recipient was required to spend five days teaching young people a new skill and then undertake substantial conservation work under the guidance of the Friends of the Colo organisation. I thank the staff of the Duke of Edinburgh Award scheme for their efforts to help these young people in detention. I place on record my gratitude to both community organisations, without which it would not be possible for detainees to participate in the Duke of Edinburgh Award scheme, and to staff of the department who have contributed enthusiastically much of their time to organise and supervise activities under the scheme, especially the expeditions.

INDUSTRIAL AWARDS ONLINE SUBSCRIPTION FEE

The Hon. JOHN DELLA BOSCA: Earlier today the Leader of the Opposition asked me about the awards on-line service. I answered his question, but I have since received further information. A charge has always applied to the award subscription service. Subscription costs have not increased. The current price for the award in question is \$16.50 per award. The last time the subscription price increased was 1 July 2000 due to the GST.

SCHOOL CLOSURES

The Hon. JOHN DELLA BOSCA: On 29 May the Hon. Patricia Forsythe asked the Hon. Carmel Tebbutt, representing the Minister for Education and Training, a question about building the future. The Minister supplied the following answer:

Under the Government's draft proposal for inner Sydney schools, *Building the Future*, Marrickville High School was to merge with Dulwich High School on the Dulwich High School site. Enrolments at Marrickville High School have declined from 1,007 in 1984 to 286 in 2001. Over the same period, enrolments at Dulwich High School have declined from 870 to 467.

Extensive consultation took place concerning the *Building the Future* draft proposal to ensure that school communities were given the opportunity to clarify issues and, where appropriate, suggest informed alternatives. In this respect, a number of letters and submissions were received which indicated a preference that, should Marrickville High School merge with Dulwich High School, this occur at the Marrickville High School site.

The Hon. Dr Andrew Refshauge, Deputy Premier, Minister for Urban Affairs and Planning, Minister for Aboriginal Affairs, Minister for Housing and member for Marrickville has acknowledged publicly the efforts made by members of the Marrickville High School community campaigning to maintain the existing school on its present site. Dr Refshauge has also recognised publicly the strengths and loyalties of the communities of both Dulwich High School and Marrickville High School.

The Government's final plan for inner Sydney schools indicates that further community consultation is to take place to determine whether Dulwich High School and Marrickville High School will amalgamate and, if so, the site of the amalgamation. A working party will be formed to complete this consultation by the end of September 2001.

TEENAGE HEROIN USE

The Hon. JOHN DELLA BOSCA: On 29 May Reverend the Hon. Fred Nile asked the Hon. Carmel Tebbutt, representing me, a question about heroin use. I now supply the following answer:

1. The Government is concerned at any drug use by young people. That is why we held the 1999 Drug Summit. We have developed a range of policies from prevention through to treatment to assist young people to deal with the drug problem. A number of our programs focus on young people particularly at risk.
2. I am advised that a total of 7.7 million needles were distributed by the Pharmacy Fitpack Scheme through the private sector. I am advised that the Children and Young Persons (Care and Protection) Act 1998 requires the mandatory reporting to the Department of Community Services of any child suspected to be at risk. I am advised that the policy of the NSW Department of Health is that children under 16 requesting injecting equipment for their own use fall into the at-risk category. I am further advised that requests from people aged under 16 are very different.
3. I am advised that following a recent police investigation charges were laid against four persons who were running an operation in the supply and distribution of heroin and cocaine from the Tudor Hotel which is located at 64 Darlinghurst Road, Kings Cross. The four persons were charged with "conspiracy to supply a commercial quantity of heroin" and "conspiracy to supply a commercial quantity of cocaine".
4. The Needle and Syringe Program is a tool to protect injecting drug users from potentially fatal diseases. The Government's focus in programs for young people is to prevent them from taking drugs, to save their lives and get them off drugs and into treatment.

LEGAL PROFESSION CONDUCT AND DISCIPLINE

The Hon. JOHN DELLA BOSCA: On 30 May the Hon. Peter Breen asked me a question relating to the conduct and discipline of the legal profession. The Attorney General provided the following response:

The Attorney General will table the report of the Law Reform Commission in the near future. The Attorney General is considering the recommendations of the report and what action will be taken in response to the report.

AMBULANCE BOARD RESTRUCTURE

The Hon. JOHN DELLA BOSCA: On 30 May the Hon. Jenny Gardiner asked me a question relating to the Ambulance Board. The Minister for Health provided the following answer:

The Ambulance Board was dismissed in March. A smaller board with a fixed tenure of six months was appointed at that time. It has been charged with the specific responsibility for the implementation of the relevant recommendations of the Auditor General. Following the completion of this work in September a new board will be appointed.

SYDNEY UNIVERSITY CHANCELLOR DAME LEONIE KRAMER

The Hon. JOHN DELLA BOSCA: On 30 May the Hon. Elaine Nile asked me, representing the Minister for Education and Training, a question about Dame Leonie Kramer. The Minister provided the following response:

- 1) The Government upholds the policy that, like all other NSW universities, the University of Sydney is an independent and autonomous institution. Accordingly, politics internal to the University are for the Fellows of the Senate to resolve among themselves.
- 2) Yes.
- 3) The University of Sydney is Australia's oldest, and also one of its most diverse and dynamic. The publicised controversy concerning Dame Leonie's role as Chancellor is regrettable but has not damaged the reputation or standing of this robust and respected institution.
- 4) An Amendment By-law relating to the offices of Chancellor and Deputy Chancellor was enacted by the Senate of the University on May 14, 2001 and gazetted on June 1, 2001, following the Governor's approval.

On June 6 2001 members of this House defeated a motion that the amendment by-law be disallowed. Accordingly, this amendment by-law is effective and its operation is the responsibility of the senate of the University of Sydney.

BUILDING THE FUTURE

The Hon. JOHN DELLA BOSCA: On 5 June the Hon. Patricia Forsythe asked me, representing the Minister for Education and Training, a question about schools on the Central Coast. The Minister provided the following answer:

Submissions and letters received during the consultation period relating to the Government's *Building the Future* draft proposal were considered carefully and issues noted by the project team. The final report prepared by the *Building the Future* project team, which has been made public, took into account the letters and submissions received from school communities, as well as the views expressed by school communities during meetings with members of the project team.

A similar process was undertaken in relation to the developments associated with the reconfiguration of several Central Coast schools, where the views expressed through submissions and meetings were considered during the development of the consultation report. In both cases, acknowledgment of written submissions is noted in the relevant consultation report.

FIREFIGHTERS DEATH AND DISABILITY INSURANCE

The Hon. JOHN DELLA BOSCA: On 6 June the Leader of the Opposition asked me a question about the firefighters industrial dispute. The Minister for Emergency Services provided the following response:

The Minister for Emergency Services last met with representatives of the Firefighters on 8 May this year. As a result of hearings in the Industrial Relations Commission [IRC] on 27 June 2001 the matter will now be arbitrated. The agreed position that was recently endorsed by the IRC will ensure that all firefighters will receive well deserved death and disability cover at levels to be either determined by the IRC or agreed between the Government and the union.

MAGISTRATE PAT O'SHANE PUBLIC COMMENTS

The Hon. JOHN DELLA BOSCA: On 21 June the Hon. Elaine Nile asked me a question about Pat O'Shane. The Attorney General provided the following answer:

I am aware of a number of media reports about Magistrate Pat O'Shane. I can confirm that I have requested the Judicial Commission to investigate the statements which were made by Magistrate Pat O'Shane's on the ABC's Lateline program. Sitting arrangements in the Local Courts are a matter for the Chief Magistrate. It would be inappropriate for me to comment further on either of these matters.

LAKE MACQUARIE POWERCOAL MINING OPERATIONS

The Hon. JOHN DELLA BOSCA: On 29 May the Leader of the Opposition asked the Hon. Eddie Obeid a question about Powercoal mining operations. The Minister provided the following answer:

I am advised that an appropriate level of flood impact investigations have been undertaken. Specialist consultants appointed by the Department of Urban Affairs and Planning undertook comprehensive verification of the flood information and provided information on flood risk. The information is publicly available.

TUGGERAH TO KANWAL PACIFIC HIGHWAY TRAFFIC STUDY

The Hon. JOHN DELLA BOSCA: On 29 May the Hon. Charlie Lynn asked the Hon. Eddie Obeid a question about roadworks. The Minister provided the following answer:

The draft report is being considered as part of an integrated transport plan for the Central Coast, which will identify a framework and priority for the development of the road transport network, including the Pacific Highway between Tuggerah and Doyalson.

ROADS AND TRAFFIC AUTHORITY VEHICLE BULLBAR GUIDES

The Hon. JOHN DELLA BOSCA: On 30 May the Hon. Malcolm Jones asked the Hon. Eddie Obeid a question about bullbars. The Minister provided the following response:

The RTA will ensure that vehicles fitted with outside equipment continue to comply with registration requirements particularly in regards to protrusions which may injure pedestrians. Of particular concern are the ways in which items protruding forward of the bumper bar or bullbar are fitted, such as brackets supporting aerials and lights. Also of concern are bullbars that have sharp edges and pointed corners or bullbars fitted with accessory attachments such as fishing rod holders and fittings that affect the field of view of the driver.

There are no plans by the RTA to ban bullbars. The RTA is, however, co-operating with the Federal Government, other jurisdictions, Standards Australia and industry organisations in developing design standards for bullbars and vehicle frontal protection systems. The Standard, which will be a Standards Australia document, is expected to be finalised this year. The RTA will formalise its policy with regard to the design standards for bullbars as soon as the Australian Standard is issued.

Regulation 42.9.1 (now 12.1) is a provision under the Australian Design Rules 42, General Safety Requirements. This is reflected in Paragraph 25, Protrusions under Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998. The RTA is preparing a Vehicle Inspectors Bulletin detailing related specifications regarding protrusions on the front of vehicles. The Bulletin also provides very clear guidelines on the issue of a defect notice where a fitting is found not to comply.

The vehicle owner will be given up to 14 days, and in some cases up to 28 days, to clear the defect and comply with regulations. In addition to the publication of the Bulletin, the RTA will undertake a public awareness campaign involving print advertisement and a leaflet distribution for inspection stations.

THREDBO AND PERISHER VALLEY LOCAL GOVERNMENT VOTING RIGHTS

The Hon. JOHN DELLA BOSCA: On 6 June the Hon. Malcolm Jones asked the Hon. Eddie Obeid, representing the Minister for Local Government, about local government elections. The Minister provided the following answer:

Residents of Thredbo and Perisher Valley have the same electoral rights as other voters in local government elections. Their residence within Kosciuszko National Park does not affect this. Those localities fall within the area of Snowy River Shire Council. Under the Local Government Act 1993, a citizen who is entitled to vote at a State or Federal election is entitled to vote at a local government election. A person who is entitled to vote must also enrol in order to exercise that right. Enrolment is based on where a person resides so that a resident of an area is entitled to vote for the local council of the area. The same residential electoral rolls are used for State and local government elections. If a person is therefore enrolled in Thredbo or Perisher Valley, he or shire will be entitled to vote in the election of the Snowy River shire Council.

A person is also entitled to vote in local government elections if he or she is the "owner of rateable land" in the council area or if he or she occupies land for over 3 years or is a rate-paying lessee. This allows people who pay rates to the local council through owning rateable property, leasing property, or who are effectively resident in the area to vote. Entitlement is based on whether the land is rateable. Under the Local Government Act, land that falls within a National Park is exempt from rates. The entitlement to vote that comes with paying rates is therefore not applicable in these cases. However, this does not affect a person's entitlement to vote if that person is a resident of an area.

SCHOOL STUDENT FIREARM POSSESSION

The Hon. JOHN DELLA BOSCA: On 29 May the Hon. John Tingle asked the Treasurer a question without notice relating to possession of an unregistered hand gun by a student. The Minister for Police provided the following response:

I am advised by the Deputy Commissioner (Field Operations) that the owner of the unregistered firearm was charged with the offences of "Possess Unregistered Pistol" and not "Keep Pistol Secure".

LAND TAX THRESHOLDS

The Hon. JOHN DELLA BOSCA: On 29 May the Hon. David Oldfield asked the Treasurer a question without notice relating to land tax. The Treasurer provided the following response:

- (1) Annual increases in the land tax threshold are based on the land values provided by the Valuer-General to the Office of State Revenue each year.

Since the 1999 land tax year, the land tax threshold on investment properties has been indexed to the estimated change in statewide land values for commercial, business, industrial and residential properties. The tax threshold for the premium property tax is indexed annually to the estimated change in Sydney residential land values. By law, the land tax threshold cannot fall. In the case of a percentage decrease in land values, the tax threshold remains the same as for the preceding land tax year.

- (2) Yes. Several measures are available to lessen the impact of land tax. For example, land used for primary production or agricultural shows is exempt from land tax. Land used by marketing and pastures protection boards is also exempt from land tax.

Taxpayers having difficulty meeting their tax obligations may apply to extend or defer the payment of their tax. Premium property taxpayers holding a Pensioner Concession Card or Seniors Health Card may apply to have their payment deferred indefinitely. In addition, tax obligations can be paid by three instalments at intervals of 60 days.

- (3) No. Land tax is currently levied on an owner's total taxable land holdings. An owner with multiple land holdings may claim the tax threshold amount only once irrespective of the locality of land in NSW. A system with multiple tax thresholds based on locality would raise significant difficulties in determining an appropriate tax threshold for land holdings. Such a system would, therefore, increase administration and compliance costs.

In addition, applying multiple thresholds would result in inconsistent tax treatment of different taxpayers for experiencing a given increase in land value. Such inconsistencies would undermine the fairness of the tax as applied across the State.

ABORIGINAL CHILD PLACEMENT

The Hon. CARMEL TEBBUTT: On 29 May the Hon. Helen Sham-Ho asked me, representing the Minister for Community Services, a question about Aboriginal and Torres Strait children in care. The Minister provided the following answer:

The Children and Young Persons (Care and Protection) Act 1998 specifies alternative dispute resolution as a way of resolving issues for children and young people where possible. When Aboriginal children and young people enter the out-of-home care system attempts are made to place them according to the Aboriginal Placement Principle. Placement with Indigenous care givers (relatives/kin and others) and placement with non-Indigenous relatives/kin satisfy the requirements of the Aboriginal Placement Principle. (*Report on Government Services 2000: Steering Committee for the Review of Commonwealth/State Service Provision*).

As at 30 June 2000, in NSW, 96% of Aboriginal children were placed in accordance with the Aboriginal Placement Principle. This is the highest proportion nationally, with proportions ranging from 42% in Tasmania to 96% in NSW. In NSW, 55% of Aboriginal children were placed with indigenous relatives or in kinship placements. The remaining 41% were either placed with indigenous carers, who were not kin, or with non-Indigenous relatives (*Report on Government Services 2001: Steering Committee for the Review of Commonwealth/State Service Provision*).

There will be occasions when, due to the unavailability of Aboriginal carers, an Aboriginal child is placed with a non-indigenous carer. When this happens continuous efforts are made to ensure that Aboriginal children maintain links with their kinship groups and with their communities. To ensure that Aboriginal foster carers receive training and ongoing support additional funding was provided in 2000 (\$100,000 one-off funding and \$60,000 recurrent) for the establishment of an Aboriginal Foster Care Support Service. ACWA are currently providing the auspice for this Service.

The Service will:

- ☐ Provide culturally sensitive and appropriate support to Indigenous foster carers;
- ☐ Facilitate collaborative working relationships between Indigenous foster carers and DoCS/other service providers, and
- ☐ Increase the numbers of indigenous foster carers.

GREY-HEADED FLYING FOXES

The Hon. CARMEL TEBBUTT: On 30 May the Hon. Richard Jones asked me, representing the Minister for the Environment, a question about flying foxes. I have been provided with the following answer:

- (1) The National Parks and Wildlife Service is required to prepare a recovery plan for the grey-headed flying fox within five years of listing, which occurred on 4 May 2001. As such the National Parks and Wildlife Service is at a very early stage in preparing this recovery plan and no decisions have been made about what actions it will contain.

There are three legislative processes within the *Threatened Species Conservation Act 1995* (TSC Act) which allow approvals to be issued to harm-threatened animals. The first is a license under Section 91 of the TSC Act. The second is a license under Section 120 of the *National Parks and Wildlife Act 1974* specifically for a threat to life or property, for the welfare of the animal or for scientific purposes. The third is through an approved property-management plan.

- (2) The National Parks and Wildlife Service is currently evaluating these options and has not made a final decision on what future licenses will be issued. However, the Service encourages non-lethal alternatives to the management of flying foxes such as full crop netting. Under its previous flying fox licensing policy the National Parks and Wildlife Service audits compliance to the specified conditions of the approval, and ascertains evidence of crop damage prior to issuing approvals.
- (3) Refer above.

NATIONAL PARKS LAND CLEARING

The Hon. CARMEL TEBBUTT: On 30 May the Hon. Ian Cohen asked me, representing the Minister for the Environment, a question about land clearing in national parks. I have been provided with the following answer:

The NPWS is not aware of any evidence that material has been removed from the site for profit.

BIOMASS POWER GENERATION

The Hon. CARMEL TEBBUTT: On 31 May the Hon. Ian Cohen asked me, representing the Minister for Energy and Minister for Forestry, a question about biomass power generation plants. I have been provided with the following answer:

I am advised by the Minister for Energy that there is both State and Federal government funding of biomass power generation projects in New South Wales. State Government funding is being provided through the Sustainable Energy Development Authority under its Renewables Investment Program. A range of biomass power projects including biomass cogeneration systems and waste to energy plants are being supported with grants and low interest loans. Since 1997 grants totalling \$3.22 million and loans totalling \$1 million have been provided for sewage, green waste, rice husk, bagasse, and landfill gas projects. In addition, related projects involving biomass fuel supply from municipal waste and sugar cane trash, and a biogas plant have received grants of \$1.95 million and loans of \$1.24 million.

Grants totalling \$570,000 have also been provided through the Sustainable Energy Research and Development Fund administered by the Ministry of Energy and Utilities for biomass-related projects involving the conversion of wood wastes to charcoal, cane trash collection, the use of wood wastes in steelmaking and the properties of biomass ash. The Federal Government has provided grants for biomass energy and associated projects in New South Wales through the Australian Greenhouse Office. Project grants totalling \$3 million have been provided for municipal waste utilisation and the conversion of wood wastes and woody weeds to charcoal.

The Hon. JOHN DELLA BOSCA: If honourable members have further questions, I suggest they place them on notice.

Questions without notice concluded.

STANDING COMMITTEE ON SOCIAL ISSUES

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Industrial Relations, Assistant Treasurer, Minister Assisting the Premier on Public Sector Management, and Minister Assisting the Premier for the Central Coast) [5.15 p.m.], by leave: I move:

That the Standing Committee on Social Issues have leave to sit during the sittings or any adjournment of the House on Wednesday 4 July and Thursday 5 July.

The House does not normally grant leave for a committee to sit while the House is sitting. However, this is an unusual set of circumstances. Community groups have been invited to attend committee hearings tomorrow on the assumption that the House would not be sitting. As we are at the end of the session, I ask the House to support this special case.

Motion agreed to.

SYDNEY OLYMPIC PARK AUTHORITY BILL**Second Reading**

The Hon. IAN MACDONALD (Parliamentary Secretary) [5.16 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

This is a bill to establish the Sydney Olympic Park Authority and to build—literally to build—on the success of last year's Olympic and Paralympic Games.

Just as important, this bill aims to ensure environmentally sound management of the Millennium Parklands, a huge new area of open space in the geographic heart of Sydney.

Homebush Bay before the Games was an area of environmental degradation; now it has been remediated and under the proposals in this bill will be managed to world-best-practice standards, as part of the overall development of Sydney Olympic Park.

As honourable members know, and as the whole world knows, the Olympic Games held in Sydney last year were a spectacular success. The Olympic Games, the sporting competitions, and events throughout the city were brilliantly organised, held in brilliant Sydney spring weather, and provided a hugely enjoyable 16 days for athletes, spectators, volunteers, visitors and the people of Sydney.

Just over a fortnight later, the Paralympic Games were another 10 memorable days. Both the Olympic Games and the Paralympic Games were announced to be the best ever. We know that was not just a formula; it was the truth.

The Games left Sydney a wonderful new precinct in Sydney Olympic Park. The purpose of this bill is to ensure we make best use of it—not just the venues and the nearby development areas, but also over 450 hectares of open space forming the Millennium Parklands and comprising Bicentennial Park as well as the open space near the former Olympic Village—the new suburb of Newington—and along the Parramatta River foreshores.

This bill represents part of the Government's use of that Olympic legacy, acknowledging with great pleasure the momentous events held there in the past. But the focus of this bill is the future, the best use and best management of a large area right in the centre of Sydney, which is now opened up for the enjoyment of all.

The bill will establish from 1 July this year a new statutory authority, the Sydney Olympic Park Authority [SOPA] with responsibility to manage the public assets of Sydney Olympic Park—open space, venues, transport routes and development areas. Part 2 of the bill establishes SOPA and Part 4 sets out its functions. In between is Part 3, which vests land in the new Authority.

The functions of the Sydney Olympic Park Authority are set out in clause 12 of the bill. In summary they are to:

- manage the development and use of Sydney Olympic Park
- promote and manage events at Sydney Olympic Park
- protect and enhance the Millennium Parklands
- operate and maintain public transport facilities, and
- act as the contact point in the New South Wales Government on all Olympic-related issues.

Division 2 of part 4, in clauses 16 to 25, sets out the powers of SOPA in relation to planning matters and to act as a local council in certain circumstances. Most municipal functions, such as internal road management and waste services, currently undertaken at Sydney Olympic Park by the Olympic Co-ordination Authority—or OCA—will be continued by SOPA. The bill also provides SOPA with the necessary powers to ensure that activities inside unique venues such as Stadium Australia and the SuperDome comply with relevant building, fire and life safety standards.

At this stage it will be helpful to honourable members to refer to the five maps which are referred to in the bill. All will be kept in the offices of the new Authority. I have asked the President to allow four of the five to be available for inspection by honourable members.

The first map shows the area defined as Sydney Olympic Park, which will be held by SOPA. This includes both the holdings of the State Sports Centre Trust, which continues in existence as a business operation but without holding land in Sydney Olympic Park, and Bicentennial Park, which becomes part of the Millennium Parklands.

The second map shows the Sydney Olympic Park development area, where the notification power in clause 25 of the bill operates.

The third map shows the Millennium Parklands; the fourth shows the way the roads in Sydney Olympic Park are vested in SOPA, the Roads and Traffic Authority and Auburn Council under clause 7 in Part 3 of the bill.

The fifth map, not copied for honourable members but referred to in clause 9 (3) of the bill, extinguishes some redundant encumbrances on title.

I now want to speak at more length about the Millennium Parklands. I think it is fair to say that the people of New South Wales do not yet appreciate what an extensive and varied area of open space is becoming available for active and passive recreation at Sydney Olympic Park. Five years ago, the Homebush Bay area was, to be blunt, a dump. It was Sydney's rubbish heap at the bottom of the backyard—except that as Sydney grew Homebush Bay had stopped being at the bottom of the backyard. It is now in the middle of Sydney.

Preparations for the Games began with what was a quarry, an abattoir, a stockyard, an ammunition depot and a dump for waste including dioxins—in other words, environmentally degraded land. It has been sensitively remediated to the highest environmental standards. The process was undertaken by OCA and SOPA will inherit the fruits of that work. Many of the key staff who have put years of their lives into the work will transfer to SOPA.

The open space at Sydney Olympic Park is both varied and integrated. There is great variety from Bicentennial Park and the open space between Newington and the venues, to the Newington Nature Reserve in the north and the former Newington armaments depot, the riverside parkland, Wilson Reserve and Auburn Reserve. The Bicentennial Park Trust will be abolished under clause 80 of the bill and under clause 8 of schedule 8 its staff transfers to the new Authority. Bicentennial Park will become part of the Millennium Parklands held by SOPA.

Bicentennial Park is now a well-established recreation area, drawing thousands of visitors especially at weekends and holidays. But the part of the Millennium Parklands best known to most people is probably the open space between Newington and the main venues such as Stadium Australia and the Sydney Showground. Newly planted trees are changing it from the way people remember it. Soon the walkways along Haslams Creek will be as attractive and as popular as any in Sydney. This area also includes observation mounds with panoramic views along the Haslams Creek valley.

The Newington Nature Reserve forms part of the Millennium Parklands and has been established on remediated land at the north end of Hill Road. The bill changes its name from the Silverwater Nature Reserve. It was dedicated as a nature reserve on 15 September last year, the date of the Opening Ceremony of the Olympic Games. Its ownership will not pass to SOPA.

This sensitive parkland area will remain, as sought by the National Parks and Wildlife Service, a dedicated nature reserve and protected by NPWS legislation while under the care, control and management of SOPA. Also, clause 57 of the bill requires SOPA to establish an Advisory Committee for Millennium Parklands. SOPA is also required to prepare a plan of management for the Millennium Parklands. The Advisory Committee is to be consulted on the plan of management and any changes to it.

Near to the Newington Nature Reserve is the former Newington armaments depot, a significant area of open space containing many buildings erected when this was a military establishment of the Colony of New South Wales in the late nineteenth century. It has seven kilometres of internal narrow-gauge railway, so in clause 12 (d) the bill authorises SOPA to operate public transport facilities within Sydney Olympic Park. We expect this area, with its frontage to the Parramatta River, to become a very popular destination for visitors.

Another significant part of the Millennium Parklands is the Wilson Reserve and the former Auburn Reserve. These open spaces have also been carefully restored to world best practice environmental standards.

Despite their variety, the Millennium Parklands together constitute a single eco-management system. OCA developed and implemented a widely recognised management regime for preserving biological diversity across the entire precinct, including endangered flora and fauna such as the green and gold bell frog. Separating the preservation of biodiversity would create a risk to these species.

Major events such as stadium football matches and the Royal Easter Show generate parking and event management issues that affect the parklands. For example the Hill Road car park, the horse trail used during the Easter Show and pedestrian and bicycle access to major events all impact on the parklands. This is another reason for integrated management.

But perhaps the strongest argument is that, because of the previous uses of much of the land, heavy metal and leachates are still being gathered across the whole site. This process will continue for some years and it too requires careful and integrated management. Therefore, the Government has decided to have the whole of the Millennium Parklands managed by a single authority.

Part 4 of the bill specifies other functions for SOPA. The new Authority will have similar powers in relation to roads in Sydney Olympic Park as OCA had under the Homebush Bay Operations Act, which the bill repeals. These powers are necessary particularly in connection with major events. However, for the purposes of the Protection of the Environment Operations Act, clause 45 of the bill provides that the Environment Protection Authority, rather than SOPA, is the appropriate regulatory authority.

A further significant function for SOPA is as the link with the major Olympic organisations, the International Olympic Committee and the Australian Olympic Committee. Clauses 12 (e) and 63 of the bill provide for this role for the new Authority, appropriate because of the association that will always exist between Sydney Olympic Park and the Games of the year 2000.

I also want to refer to some other changes made by the bill. As I have already mentioned, the Bicentennial Park Trust Act and the Homebush Bay Operations Act are repealed. The Homebush Bay Operations Regulation however continues in effect and is renamed the Sydney Olympic Park Regulation 2001. And a new Water Management (Sydney Olympic Park Authority) Regulation confirms SOPA's function as a water supply authority providing treated water to customers within the Sydney Olympic Park Development Area.

I turn now to the development areas forming part of Sydney Olympic Park. On 20 June the Premier released a draft of the master plan for Sydney Olympic Park referred to in clause 17 of the bill. The Treasurer has also released a request for proposals for commercial and residential development in the areas adjacent to Olympic Park Station (but excluding the Australia Centre). Integration of the venues and adjacent development at Sydney Olympic Park into the woven fabric of Sydney will not be a quick

fix. It is a huge area; Sydney Olympic Park will eventually be a centre about the size of present-day Chatswood. Gradually areas around the venues, the Sydney Showground and Olympic Park Station—to the south of the Millennium Parklands—will attract new businesses and, just as important, new residents to what will always be a unique part of Sydney.

The Government's aim in encouraging development at Sydney Olympic Park is to engineer a more interactive urban precinct. The venues, of course, are used only a small proportion of the time. We need to inject a variety into Sydney Olympic Park so that it is an attractive place to visit at any time, as well as an attractive place to live or work in.

This is a major development path that the Government is proposing to follow. We think it holds out an exciting future for Sydney Olympic Park. SOPA's role will be to manage the responses to the request for development proposals, and to negotiate and supervise the process of development, using planning powers agreed with the Department of Urban Affairs and Planning. The consent authority for development at Sydney Olympic Park will be the Minister for Urban Affairs and Planning and that department will remain closely involved with SOPA in planning matters.

The master plan is not a master plan for the venues, for Stadium Australia, the SuperDome, the Sydney Showground and the other venues at Sydney Olympic Park. Development at Sydney Olympic Park will provide a framework for the major venues to interact with so that our Olympic venues operate in the future in a vibrant urban area. Already the Aquatic Centre has shown the way. Other venues at Sydney Olympic Park are similarly successful—the State Sports Centre and now the Tennis Centre, for example.

The Government expects the major venues also to get on their own feet financially. The accumulating changes at Sydney Olympic Park will increase its quality as a destination and increase the variety and frequency of events that the major venues can attract. To that extent, the Government plans to help the venue operators, but not through direct financial support.

The Treasurer has previously announced the composition of the Board of SOPA. There are to be at least four members of the board including the chief executive officer. The Government has accepted an amendment that a person with private sector experience be included as a board member.

SOPA will inherit many staff and some buildings for its offices at Sydney Olympic Park from the Olympic Co-Ordination Authority, but it is not OCA. On and from 1 July and under Schedule 7 of the bill, OCA will cease to have any planning powers at Sydney Olympic Park. OCA continues its separate existence, working steadily to complete the administrative, financial and legal paperwork involved in winding up the world's largest peace-time event. Already, the Sydney Paralympic Organising Committee Limited has completed its work and has been absorbed into OCA. On 31 May 2001, the Olympic Roads and Transport Authority ceased to exist and its assets and liabilities have been merged with OCA. When SOCOG's final accounts are completed and audited, it too will have any remaining assets and liabilities transferred to OCA to complete the financial sign-off of New South Wales great Olympic project.

The Sydney Olympic Park Authority is a new body with a new mandate and a new board. Its purpose is to manage and, where appropriate, develop public assets at Sydney Olympic Park—to build on the best Games ever one of the best places in Sydney to work or live in, or to visit whether for major events or to enjoy the magnificent new open spaces in the heart of Sydney.

I commend the bill to the House.

The Hon. DON HARWIN [5.17 p.m.]: I have the pleasure of leading for the Opposition on the Sydney Olympic Park Authority Bill. In April Mr Roger Perkins, the President of the Sydney Olympic Park Business Association, was cited in the *Sydney Morning Herald* as stating:

The Government was already benefiting from events such as the show, which brought in nearly \$200 million to the New South Wales economy. But outside of show time many venues at Homebush Bay, more than six months since the end of the Games, are languishing with few events.

This bill is obviously part of a fairly detailed examination of the future of the Homebush Bay precinct that is under way in Government circles. This bill, which constitutes the Sydney Olympic Park Authority, is a step along the way toward addressing those concerns and others in the community about the future of the area. As such, the Opposition does not oppose the bill. The geographical scope of the Sydney Olympic Park Authority is set out in the bill. It includes control over venues and the public domain where the Olympic Games were held, 450 hectares of open space which is known as the Millennium Parklands, old Bicentennial Park, but not the Newington Nature Reserve which, because of its high conservation value, quite properly remains under the jurisdiction of the National Parks and Wildlife Service.

The Sydney Olympic Park Authority will be a statutory corporation. It will have responsibility for economic development of the precinct, including the provision of infrastructure; the promotion, management and organisation of activities and facilities for various users at Homebush Bay; the protection of the environment and cultural heritage of the area; the provision and operation of public transport; ongoing liaison with the International Olympic Committee and the Australian Olympic Committee; and it will act as a point of contact for Olympic-related matters that are of interest to the community arising out of the Sydney 2000 Olympic Games. The statutory corporation will also subsume the Sydney Olympic Co-ordination Authority [OCA], which I suppose will make the Leader of the Government in this place the Minister for post-Olympics.

The draft master plan has already been released and some concerns have been expressed about it. I thank the Minister for the copy of the master plan that the Opposition has received and I believe that all

honourable members of this House have been supplied with a copy. I am sure, from the extensive consultation plans that are afoot, that some of the concerns will be dealt with. Perhaps the Parliamentary Secretary, on behalf of the Minister, will address those in his reply. The concerns from some quarters suggest that perhaps the consultation is not as well founded as might be suggested. The expectation is that a final master plan will be available later in the year. At that stage, private sector development proposals will be sought.

Concerns have been expressed about the scope of the Sydney Olympic Park Authority. In part that arises from the experience gained from the operations of the Sydney Harbour Foreshore Authority, which effectively excludes the jurisdiction of local government. Against all that, it should be recognised that the management of the Homebush Bay precinct is a huge task. It is a large-scale project and it will need all the resources and weight of a government authority behind it to successfully provide a vision for the site which is so fondly remembered by Sydney residents, residents of New South Wales and indeed Australians generally because it was the precinct which hosted the Olympic Games.

I point out that the Opposition has been extensively briefed by the Government on some issues for which some amendments are proposed. I understand that in excess of 40 amendments have been foreshadowed. The Opposition will listen to the debate and the answers provided to honourable members who move the amendments, but at this stage I simply conclude by thanking the officers of OCA for their briefings and the staff of other honourable members who have kept the Opposition informed about the voluminous number of amendments that will be dealt with. Given the time of the evening, that is all I should place on record at this stage other than to return to the point at which I began: namely, the Opposition does not oppose the bill.

The Hon. RICHARD JONES [5.23 p.m.]: This bill establishes the Sydney Olympic Park Authority [SOPA], which will be responsible for managing all lands at Homebush, including Bicentennial Park, the Millennium Parklands and Silverwater Nature Reserve. Bicentennial Park was dedicated under the Bicentennial Park Act 1988 and was placed under the control and management of a trust. The park was established on the occasion of the Bicentennial celebrations, and commemorates 200 years of European settlement in Australia. The park covers approximately 100 hectares, including 60 hectares of natural estuarine wetlands and mangrove forest. The park was the first major example of environmental rehabilitation at Homebush Bay, with some 40 hectares of parkland being converted from its former use as a rubbish tip serving the State Rail Authority and municipal authorities.

Remediation of contaminated areas within the park has been managed by the park trust with the Environment Protection Authority [EPA] as regulator. The Millennium Parklands have been heralded as a "great legacy of the Olympic Games", larger than Centennial and Moore parks in the eastern suburbs. The master plan report of the September 1995 Olympic Co-ordination Authority [OCA] proposed, for example, the Millennium Parklands as a great new metropolitan park for Sydney:

It is proposed that a metropolitan park containing several ecologically distinct areas be developed incrementally at Homebush Bay. This park would provide important natural habitat and various amenity areas. The park would be a great legacy of the Olympic Games and provide for the western suburbs a facility equivalent to but larger than Centennial Park and Moore Park in the Eastern Suburbs.

Silverwater Nature Reserve is an important element of the Millennium Parklands and is distinguished by the sensitive nature of its environments and the need for more protective management. The reserve contains more than 157 plants and 140 bird species; the eastern-most tip of the threatened Cumberland Plain woodland, including the Sydney Turpentine-Ironbark Forest, which is a listed endangered ecological community; Sydney's only example of a complete estuarine zonal succession from eucalypt woodland through to the inter-tidal zone; the endangered green and golden bell frog; and significant numbers of migratory waders, such as latham's snipe, curlew sandpiper and red-necked stint, which are protected by international migratory bird treaties. The reserve also contains the only forest vegetation in Sydney's inner west which is suitable for long-term conservation. In fact, so significant is the area that in 1991 it was listed on the Commonwealth Register of the National Estate.

The Silverwater Nature Reserve, however, not only preserves a unique and nationally significant part of western Sydney bushland, but it also honours a 1995 pre-election promise by Bob Carr. However, the boundaries of the reserve, as approved by the New South Wales Government, exclude lands on the western edge that is adjacent to Silverwater prison. Those lands were part of the original nature reserve proposal which was submitted by the National Parks Association of New South Wales [NPA]. The association originally proposed a 135-hectare reserve 12 years ago, in the Bicentennial year, 1988. That proposal was forced to be reviewed and reduced to 100 hectares in 1999, according to document entitled "Latham Report: Proposed National Parks Additions in Sydney Region", after a grassland area was converted to a landfill mound.

In the light of these historical and conservation values, I and the peak environment groups have strong concerns about this bill. Those concerns stem from the fact that the bill appears to be simply aimed at maximising the opportunities for development of the Olympic site, including parkland, without the current high environmental constraints that operated during development of the Olympic site. At present the Olympic site is a centre for environmental excellence in building, event management, and care of natural areas and parkland. I seek leave to incorporate the remainder of my speech in *Hansard*.

The DEPUTY-PRESIDENT (Reverend the Hon. Fred Nile): Order! For the benefit of honourable members, the only question is that the Parliamentary Secretary does not know the content of the speech.

The Hon. Ian Macdonald: I have a fair idea.

The DEPUTY-PRESIDENT: Order! I assume there is no reference to individuals. That is the point I am making.

The Hon. RICHARD JONES: No.

The Hon. Ian Macdonald: No. He is a very honourable member of this House.

Leave granted.

The bodies which currently manage the site's parklands and reserve, the Bicentennial Park Trust and National Parks and Wildlife Service, are, for example, conducting excellent conservation and education work at these sites. Work such as: investigations conducted, in conjunction with the University of Sydney Department of Medical Entomology and the Westmead Hospital Institute of Clinical Pathology and Medical Research into the control of mosquito populations without the use of chemical control agents; extensive rehabilitation of wetlands within the parklands, which are home to migratory bird species recognised under the China-Australia and Japan-Australia Migratory Bird Agreements; and the Field Studies Centre environmental educational programs for some 20,000 young people. It is crucial that these important conservation and education works continue and the environmental legacy that the Homebush parklands and reserve have provided to the community is not only maintained, but expanded. I will be moving a number of amendments during the Committee stage aimed at doing exactly that.

These amendments include: keeping the Millennium and Bicentennial Parks separate to SOPA and managed by a single trust board, with the same staff, as at present; formally reserving the Millennium Parklands with Bicentennial Park and the bed and waters of Haslams and Powells Creeks; ensuring that the controls on leasing and re-categorisation of parkland that exist in the Local Government Act are replicated in this bill; ensuring that there is a specific prohibition against expanding car parking into the parklands; ensuring that the requirement for the Sydney Olympic Environment Guidelines to be used as a check for consistency when assessing development, contained State Environment Planning Policy (SEPP) 38 (Olympic Games & Related Projects) is carried over into this bill and the guidelines are able to be upgraded; ensuring that the Water Reclamation and Management System and solar energy grid at Newington are required to be maintained and expanded; ensuring that SOPA has a clear role in ensuring managers of the existing and new buildings conform to high environmental standards; ensuring that SOPA has the power to require event management plans, particular in relation to waste management; ensuring that SOPA is required to produce a State of the Environment Report, in the form of a full annual report; ensuring that the master plan must be exhibited for public comment; and ensuring that the bill provides for future additions to be made to Silverwater Nature Reserve by requiring the lands adjacent to Silverwater Nature reserve to be managed as a buffer, in sympathy with the nature reserve, and not cleared or turned into a car park or field.

These amendments will ensure that the parklands and the public domain are given the level of protection that they deserve. It is after all far more appropriate to keep Millennium and Bicentennial Parks separate to SOPA, than having SOPA with its development focus, control all land. Centennial and Parramatta Parks, which are set in a separate local council context, have a similar arrangement. It also makes better economic sense. SOPA would then be able to focus all of its attention and resources on saving the Olympic Park venues, such as the Superdome and the State Sports Centre, and not be burdened with the management of and responsibility for conservation areas. Overlapping trust membership and staff sharing arrangements would also provide economies in operations and make use of Bicentennial Park's 13 years experience in managing parklands at Homebush Bay, including the remediation of contaminated sites. The bed and navigable waters of Haslam and Powells Creeks are integral to the adjacent Millennium and Bicentennial parks and should therefore be brought within the ownership and control of the relevant park trusts. Community land should not be able to be alienated without transparent process, community consultation and application of the Environmental Planning and Assessment [EP&A] Act.

Unlike the Olympic Coordination Authority [OCA], SOPA should not: have a status different from other government organisations in respect of disclosures of information; have immunity from environmental law proceedings commenced by persons other than the Environment Protection Authority; be excused from designated development [EIS] obligations under the EP&A Act; assume the functions of a roads authority or traffic authority; or assume all the functions of the council normally responsible for the area. The regime governing the land and environment of Homebush Bay and controlling the development and operation of Olympic venues both at Homebush Bay and at other Sydney locations may be appropriate for the preparation and staging of the Olympic and Paralympic Games. The pressures to construct many large venues, meet immovable deadlines, successfully stage a world event and ensure security, may have required a regime which in significant respects departs from principles of public participation, accountability, and access to information, normally observed in planning and environmental protection in Australia. However, it is generally accepted and expressly recognised in the provisions of Olympics legislation that the longer-term governance of these sites will require a different approach. Expanding car parking needs to be prohibited in order to ensure that these parklands are not made into de facto car parking areas for the sporting, showground and entertainment venues. SEPP 38 establishes principles and procedures by which development projects on the Olympic site have to be assessed.

In determining development applications the Minister for Urban Affairs and Planning must, as well as considering, inter alia, the relevant matters under section 90 (1) of the EP&A Act, consider: the long term planning strategy for the area; the use of the development after the games; and the consistency of the development with the "Environmental Guidelines For the Summer Olympic Games (the Sydney Olympic Environment Guidelines)" and with the principles of ecologically sustainable development [ESD]. The Sydney Olympic Environment Guidelines contain vital environmental standards, that should be applied to new development. If they are not, the current the environmental standards for operation of the existing buildings, such as energy efficiency aspects of design, are likely to be compromised or defeated by pressure from managers to install airconditioning, et cetera. The guidelines formed part of the Sydney Olympic 2000 Bid in September 1993. In fact, the guidelines were a vital element in Sydney's success in winning the right to host the 2000 Olympic Games. The guidelines were incorporated in the host city contract entered into with the International Olympic Committee and provided a vision for Sydney's green Games.

The guidelines address the following issues: energy conservation, including planning and transportation, and low energy design for buildings and infrastructure; water conservation; waste avoidance and minimisation; improving air, water and soil quality; protecting significant natural and cultural environments; and responsible event management. Many of the environmental features in the design and operation of games venues and other sites at Homebush Bay can be traced back to the guidelines and reflect efforts made by the Sydney Olympic Games planning, regulatory, construction, organising and support agencies, and the private sector contractors who built the facilities, to realise the vision contained within the guidelines. Design features and installations have been included in these constructions in order to lower energy use, to reduce greenhouse gases and other emissions, and to reduce water consumption.

The features include: five-year contractual commitments to use 100 per cent green power, in the case of the Stadium and Superdome, gas generation and co-generation of electricity; natural ventilation to minimise airconditioning and the use of natural lighting, notably in showground animal pavilions; installations to manage and moderate electricity and water consumption; and a wastewater reclamation and management system [WRAMS] which filters sewage, used water and stormwater, and reuses this water for irrigating the area's extensive landscaping and in the flushing of toilets.

The guidelines have also been given expression, more or less, in a host of OCA environmental policies and guidelines. They include OCA's environmental strategy, its Homebush Bay structure plan, Homebush Bay master plan, transport strategy, landscape strategy, environment policy, technical guidelines covering statements of environmental effects and other subjects, environmental tender specifications, environmental management plan, environmental management system, development consent conditions and environmental audits and reviews, ensuring that planning, management and regulation at Homebush Bay is in keeping with the Sydney Olympic Environment Guidelines will give the best possible protection to the area's environmental values and maintain progress towards the goal of ecologically sustainable development [ESD]. It has also been the practice to produce an annual state of the environment report for the Olympic site. The area is a significant urban mosaic with sensitive environmental lands and as such this practice should be required to be continued.

The boundaries of Silverwater Nature Reserve may need to be extended in the future to take in areas of high conservation value not yet included within the reserve. The management of the buffer zone surrounding the Reserve could therefore prove to be critical to its long-term viability. As it stands now, valuable open space around the Reserve remains vulnerable to encroachment by new developments. Developments such as the establishment of new car parks to serve existing venues or the siting of entertainment or sporting facilities in the parklands aimed at supporting commercial activities. There is after all no doubt that the Olympic site will be under development pressure. The Treasurer himself is reported to have admitted, in the *Sydney Morning Herald* of 8 June 2001, that, "The challenge we have now is to make it... [the site] a venue that attracts people almost every day of the year." The pressure will not however just come from the need to attract paying visitors; it will also come from industry.

The outgoing Olympics Minister, Michael Knight, for example, said he expected the site would be attractive to telecommunications and information technology companies because it was "right at the junction of the two best power supplies in the State". He also said that a number of entertainment, call centre and information technology [IT] businesses had already approached OCA with proposals. We must therefore ensure that the precious wetland and woodland areas at Homebush Bay are quarantined from redevelopment now and are not left to the vagaries of economic forces.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [5.27 p.m.]: The Australian Democrats believe that the Sydney Olympic Park Authority Bill is severely flawed. It formally establishes a new authority which will control the planning and development of the vast 760 hectares site for the Sydney Olympic Park at Homebush Bay and will be a future home for approximately 13,000 people. The Government is establishing yet another authority in law which will have virtually no transparency and little accountability. It will be the future home during ongoing planning and development of 13,000 people. These people will not have a say in the planning decisions that affect their wellbeing and their pockets unless the Democrats amendments are agreed to. For the 10-15 year planning process, the Department of Urban Affairs and Planning will be the consent authority, but nothing in the bill provides any transparency in the actions of DUAP. People will be paying their rates to Auburn Council, which boils down to taxation without representation.

The bill does not state its purpose, and it needs to. We have had some representations, but there is nothing significant in the bill. For example, the press release issued by the Treasurer on 27 May stated that the aim of the bill is to make the Olympic Park site and its park and surrounds Sydney's first choice for entertainment, sport and leisure. What about the residents? Are they just there to balance the books? The bill needs to state its purposes. The purpose of the bill is to ensure that Sydney Olympic Park becomes an active and vibrant town centre within metropolitan Sydney; that it becomes the premium destination for cultural, entertainment, recreational and sporting events; that any new development carried out under or in accordance with the Act accords with world's best practice in environmental and town planning standards; and ensures the protection and enhancement of the natural heritage of Millennium Parklands.

The Democrats are alarmed that the bill contains no reference to public consultation on the master plan. It is interesting to note that the master plan appeared before the authority—that supposedly will implement the master plan—has been established. That is nothing short of extraordinary. Talk about the cart before the horse! The Democrats are alarmed that this bill, which will create a powerful new authority with ownership and control of a vital part of Sydney, with a life of 10 to 15 years and beyond, makes no—I repeat, no—provision for public consultation on the master plan. It only requires public consultation on the Millennium Parklands. There will be no consultation in respect of the built areas. Therefore, the Democrats will move amendments to require public consultation on the master plan. It does not have to be the case that new authorities lack transparency and accountability. Conversely, we should be moving to a situation where authorities do have transparency and accountability.

The new Sydney Harbour Federation Trust, a new Commonwealth authority planning the future of harbour Defence sites, has it in spades! Planning is not secretive and is set out clearly in the Sydney Harbour Federation Trust Act. Honourable members need only take a walk to Customs House to view the first stages of this best-practice planning, which are on display there. When it comes to development authorities, the Howard Government—pushed a little by the Democrats, it must be admitted, but also by its constituents in Federal electorates bordering the Defence lands along the harbour—has produced a much more progressive result than the Carr Government. As honourable members are no doubt aware, Olympic Park planning has been proceeding for some time under the Olympic Park Authority Act. In fact, on 19 June the Premier released a draft master plan and it will be on public exhibition until 18 July. The question is: Why was a plan produced before the authority supposedly responsible for its implementation was established? The Olympic Co-ordination Authority had no plans for the site post-Olympic Games, so why was it involved? That authority's lack of planning beyond the Olympic Games was the problem.

James Wairide, a professor of landscape architecture, said that the effect was basically snookered, in that there was not sufficient space within the built area for significant development. I wonder if the development will be tower blocks above the car park because there is no alternative? Anyone who has visited the Royal Easter Show would be aware that all land has been used and there is a problem associated with further building without destruction of the amenity when it is being used for the purposes for which it was designed—that is, sporting events and the Easter show, and events of that type. We must not be lulled into a false sense of security by the fact that there is an impressive draft master plan. There is no compulsory mechanism for public input into that plan or changes to it. It might be noted that there has been further documentation seeking tender ideas from developers.

The authority will effectively be given the functions and powers of local government. When local government develops local environment plans [LEPs] they are required to consult with the public, as set out in the well-known Environmental Planning and Assessment Act. However, there is no such requirement for the Sydney Olympic Park Authority. The Government will argue that it has provided for public consultation, and that this will be included in a new regional environment plan, called SREP 24, which is currently being developed by the Department of Urban Affairs and Planning [DUAP]. The Government will argue that, in that event, it is not necessary to include that in the bill. The Government is wrong. The bill does not require that any new environmental planning instrument contain provision for public consultation.

In fact, the bill does not even State that the authorities must make an environmental planning instrument. It is purely optional. The Government is telling us that we should rely on assurances from DUAP! I have a letter to that effect from Sue Holliday, the Director-General of the Department of Urban Affairs and Planning, but there is nothing to say that that cannot be changed at any time. This is a long-term plan. The Democrats will be moving important amendments to try to remedy this situation. Those amendments will: require the Government to engage in public consultation; require that the public notice of the draft master plan appear in a State, not local, newspapers; require that the Olympic Park plans are consistent with the Millennium Parklands; and acquire parliamentary scrutiny of master plans for Sydney Olympic Park by making them disallowable.

The Democrats are also dismayed by the lack of corporate governance of the Sydney Olympic Park Authority [SOPA]. In 1997 the New South Wales Audit Office published a review, titled "Corporate Governance", which discussed the governance of these types of authorities. The report is particularly relevant to the Sydney Olympic Park Authority. The report found that the role and functions of boards are often ambiguous; and that their roles, functions, responsibilities and public accountability are not clearly defined and may overlap with the Minister and the chief executive officer. The Sydney Olympic Park Authority has failed to incorporate any of the lessons learned from the Audit Office report. It has not clearly defined the respective roles,

responsibilities and powers of the Minister, the board and the chief executive officer. In addition, it establishes no criteria for the selection of board members. Therefore, the Democrats will move important amendments that will require:

- (1) Ministerial directions to be in writing and made available for public inspection.
- (2) The Minister to call for public expressions of interest for board positions.
- (3) Expertise criteria be developed for board appointments, in the areas of environmentally sustainable building practices, management of public domain and parklands, town planning and financial management.
- (4) That no more than half of the members appointed are public servants or persons employed by a public authority—

it might be noted that this requirement is contained in the Sydney Harbour Federation Trust Act—

- (5) That the minutes of each board meeting be made public.

Which is also contained in the Sydney Harbour Federation Trust Act. The way the bill is currently drafted means that the Minister can appoint to the board people with no expertise. He can appoint any number of his mates to the board, so long as the number is greater than three. In case the board gets any idea of independence, the Minister can continue to appoint people to the board until he gets his way. He can then give secret instructions to the board, which the board may have to front for. For example, if a deal were done with a property developer in a back room, it could not be challenged by the residents and someone other than the Minister would be fronting for it. It is a bit like selling the schools to pay for the neglect of education resulting from Olympic capital funding, and then getting the public servants in the education department to front up to the public protest meetings.

This House should not pass a bill that will allow for positions on a board to be a so-called gift of the Government. The Democrats have amendments to fix these problems and I hope that they will be supported. There is no doubt that the Government will argue that our amendments for good corporate governance are not workable and would establish precedents that could be applied to other government departments and authorities. We would say: It is about time! Why should authorities be governed in a way that is inferior to the private sector? Is it not time that the recommendations of the New South Wales Audit Office, instead of collecting dust in the Parliamentary Library, were taken seriously?

Ms LEE RHIANNON [5.39 p.m.]: The Greens have a number of concerns about the legislation; indeed, when we first saw it we thought there were very serious problems with it. We understand that since that time the peak environment groups have been liaising with the Government and that as a result both the Hon. Dr Arthur Chesterfield-Evans and the Hon. Richard Jones will propose a number of amendments to the bill. We welcome the Government's willingness to consider these different points of view and its preparedness to consider amending the proposed legislation. There is, therefore, a real possibility that the bill will be improved, and the Greens welcome such an improvement. I understand that under the bill the Sydney Olympic Park Authority will take control of the Millennium Parklands and the Silverwater Nature Reserve. I understand also that the Silverwater Nature Reserve is to be renamed the Newington Nature Reserve. As an aside, I find this renaming a little odd, given that the reserve is slap-bang in the middle of Silverwater.

The Hon. Duncan Gay: The reason for it being called Newington Nature Reserve is that it is the original site of Newington College.

Ms LEE RHIANNON: The Deputy Leader of the Opposition informs me that it is the original site of Newington College—I thank him for pointing that out. I imagine the making of all those links will help a little with the marketing of the Newington properties, so I am sure the owners of those properties will be pleased. The Greens' concern is that the new authority will be focused on the sporting and commercial venues, and that this will be at the expense of maintaining the excellent rehabilitation and conservation work that has been carried out in the area by the Bicentennial Park Trust and the National Parks and Wildlife Service. As other speakers have said, these extensive rehabilitated wetlands are, for part of the year, home to migratory birds species from Japan, China and Siberia. Indeed, those wetland areas are recognised under the China-Australia Migratory Bird Agreement and the Japan-Australia Migratory Bird Agreement. We therefore have a commitment to ensuring that such bird populations, when they arrive in our country, have suitable habitat.

The Bicentennial Park Field Studies Centre is also significant in terms of the environmental work that is carried out in the area. The centre runs education programs on environmental issues for up to 20,000 young

people each year. The Bicentennial Park Trust has been working closely with the scientific community to improve conservation outcomes. For example, the trust has been working with the University of Sydney to develop ways to control mosquito populations without using chemical control agents. Certainly, such work would have benefits for regions far beyond that part of Sydney.

The protection of those wetlands, the migratory birds species and the fantastic educational and scientific work that goes on is of major concern to the Greens, and we believe those issues should be a priority of the legislation. The Greens are also concerned about the future of the built environment at Olympic Park. Whilst we understand and support the imperative that the site should not become a white elephant, irrelevant to the public or expensive for the taxpayer, future development must be handled sensitively and responsibly.

As we know, the 2000 Olympic Games earned a reputation as the "green" Games. Whilst the Greens would dispute the extent to which the Games were green, there were some exciting aspects to the Games, and obviously the public transport developments would have to be high on the list. The greatest mistake the Government could make at this stage would be to let its development mates come in. Everyone would have seen, a week or so ago, the media reports on the redevelopment, which showed pictures of how the area could look. Indeed, I think people were shocked at the prospect we could face.

With the former Olympic Co-ordination Authority [OCA]—which, as we know, was never a particularly transparent organisation—teaming up with the Department of Urban Affairs and Planning [DUAP], as the consent authority, there is every reason to fear for the future of the site. The Greens believe that there is every chance that under this bill we will end up with a Gold Coast at Homebush Bay. When we saw the plans after they were drawn up, that thought was brought to mind. We could also have the "Meritonisation" of Olympic Park.

The Hon. Don Harwin: It is an apt description.

Ms LEE RHIANNON: Yes. When one looks at Sydney these days, "Meritonisation" is an apt description. That is why the Greens are concerned "Meritonisation" could well happen in the Homebush area as well. The secretiveness of the OCA, which has been reincarnated as the Sydney Olympic Park Authority, combined with DUAP's contemptuous disregard for public opinion or the public interest, will exclude the general public from having any say at all about what goes on with the redevelopment of the site. As we have seen time and time again, when the big developers see an opportunity they put in a call to their Labor contacts, perhaps slip in a gentle reminder about recent electoral donations, and before we know it Harry Trugiboff is writing the master plan—something that is not to be welcomed, given the potential that exists around the Homebush area.

However, there is no reason why this has to be the case. There exists at Olympic Park a fantastic opportunity for carefully considered new development that is responsible, cutting edge environmentally and appropriate to the site. Clearly, this area on the upper reaches of the Parramatta River needs to be handled in a most sensitive way. What remains to be seen is whether the Government has the will or the vision to realise this.

The Greens are also concerned about the ongoing issue of toxic waste in and around Olympic Park. I pay tribute to the many local residents and community groups who have worked tirelessly on this issue. Those people thought that when the site was taken over for the Olympics they would receive some recompense, but they have simply been ignored year in and year out. It is well established that the pre-Olympics clean-up did not go far enough and that there are real limitations to the clean-up measures that were carried out and those that are now planned. I understand that large quantities of highly dangerous chemicals are buried at the site and that over time those chemicals will leach into the water table and into the bay itself.

It will be interesting to see whether the ongoing problem of toxic waste will be tackled as part of the redevelopment. The Greens believe that it should be a priority, because we imagine that down the track if the issue is not addressed the residents of the area will raise real concerns about the chemicals they have been exposed to. We need to ask ourselves: Will prospective residents of the area be given detailed information about the health risks, or will the Government want to cut corners and avoid anything that could cost money by lowering the financial return from property sales?

It must be remembered that in his Budget Speech the Treasurer said that the Olympic Games cost \$1.42 billion. Many people around town suggest that the figure is more likely to be between \$5 billion and \$7 billion. Obviously, the figure is much higher than \$1.42 billion, because the Treasurer did not include the

cost of transport, police and health services used during the Olympic period. What we do know is that at that time money was readily found for a fantastic Olympic Games to be held. We now believe that the Government needs to take a whole-of-government approach, to ensure that development of the site is appropriate and future residents of the area will not be disadvantaged or have their health compromised.

The Hon. GREG PEARCE [5.49 p.m.]: The Olympic Park site is testimony to a vision started by the Greiner Government that saw its culmination with the Olympic Games held last year—the greatest Games ever. Sydney Olympic Park represents the very heart of this success. To both the State and the nation the park has become a grand symbol of the ingenuity and innovation that epitomised the Sydney Olympic Games. Sydney Olympic Park is, in a very literal sense, a concrete example to the rest of the world of what New South Wales can achieve. The park's creation, however, was always envisaged as having a dual purpose: the first was fulfilled at the end of the Olympic Games; the second was to use the Olympic opportunity to provide world-class facilities in the revitalised Homebush area for the people of New South Wales and Australia as a whole.

With so much public money being spent on the Games, the people of New South Wales had the right to expect that this multibillion-dollar infrastructure investment would not become an expensive reminder after just two weeks of use. And indeed there is no reason why this should be the case. A world-class aquatic centre, a large capacity stadium, a tennis centre and a first-class entertainment complex in the form of the Superdome as well as an existing hotel have laid a very strong foundation for an area that has no reason to become a ghost town. This was a major concern addressed by the Greiner Government from day one.

The huge expenditure poured into the Olympic infrastructure has not come without a cost to the people of New South Wales. Much-needed investment in non-Olympic infrastructure has played second fiddle for at least the past six years. It is safe to say that government development outside of the Olympics has stagnated for some considerable time. While there was always going to be a cost to the people of New South Wales, many residents feel rightly upset about the lack of development in areas such as hospitals, police stations and schools. In light of the cost of holding the Games, the Government clearly had a duty to get the best return on investment it could for the community. Recognising the problem was always going to be a simple task. Simply put, for two weeks Olympic Park was going to be the busiest space in Australia, and then almost overnight, like all other Olympic sites before it, it was going to become a lonely place indeed. Naturally, this is what happened.

And so now we come to the heart of the matter: Why was a plan for the future of Olympic Park not set out in advance? Everybody knew what would happen to the site after the Olympics. Yet it has taken some nine months since the end of the Games for the Government to attempt to even address this issue. It will be even more time before anything concrete comes out of this "board of authority". However, let me make this point: the board of authority must not be given total control to make any decision as it sees fit. Sydney Olympic Park is a park for the people and the people must be consulted on how it can be best utilised. The Government must ensure that a full and open public consultation process occurs, that recommendations are made out of this process, and that detailed responses are given to any substantive contribution made by a member of public—but I will not hold my breath.

While the Government crawls along with this whole process a world-class facility sits there resembling a white elephant more and more each day. However, that is not to say that there are no events ready and willing to be held at Sydney Olympic Park. For example, the 2003 Rugby World Cup, which is to be held in Australia, may not be held there because the State Government is unwilling to underwrite major World Cup games—despite the extra tax revenue for New South Wales. The general manager of the Australian Rugby Union [ARU] has stated that the New South Wales major events board had not even approached the ARU about games being played in this State. At a time when we have some of the best sporting facilities in the world sitting vacant we should be champing at the bit to host an event as prestigious as the Rugby World Cup, with an estimated 3.3 billion television viewers. But it appears that the Government once again is content to simply sit on its hands.

The Opposition, and indeed the people of New South Wales, have the right to ask why in the six years leading up to the Games the Government found no time to look at what would happen to Sydney Olympic Park after the Games were completed. Unfortunately, this is not the only example of the Government's reactive approach to infrastructure development. Recent gross domestic product figures highlighted by the State Chamber of Commerce show that the Government is letting New South Wales slip behind. In the March quarter Victoria and Queensland both recorded growth of over 2 per cent while New South Wales could record only a measly rate of 0.2 per cent. It is therefore with some bemusement that I read of the Premier's recent stroll around his electorate pointing out the relative merits of various apartment buildings.

Turning to the details of the bill, it will establish the Sydney Olympic Park Authority [SOPA], a board of authority under the direct control of the Minister. The board will be a statutory corporation with direct responsibility for and control of the Olympic Park site. The Opposition notes the integral part that the private sector will play in the revitalisation of the Olympic Park site. Business is the engine needed to drive forward an area such as Sydney Olympic Park. With this in mind, the Opposition proposed that at least one member of the board have experience in the private sector with projects similar to that being undertaken by the SOPA board. The Opposition finds it curious that the Minister deems it important enough to have a member from the Labor Council on the board yet did not want somebody of experience from the private sector. Let our position be made very clear in this House: the only way for sustainability to be achieved in the Olympic Park site is for the private sector to have an integral part in the decision-making process. It is gratifying that the Government has agreed to rectify this shortcoming in the bill.

Another significant concern of the Opposition about the bill relates to implementation, or more appropriately the lack of implementation. The Government's track record on post-Olympic infrastructure is abysmal. No better example can be found than the Government's "Beyond 2000" package, a glossy little number. The "Beyond 2000" brochure is effectively a list of projects for development after the Olympics. The problem with creating a list such as this is that it can quickly become a list of broken promises, as this one has. Recently the State Chamber of Commerce gave a report card on these projects and stated that approximately 60 per cent of the projects listed in the brochure are not yet approved or are still in the preplanning or development stage. The "Beyond 2000" document stinks of the PR spin that has become the calling card of this Government. We in the Opposition can only hope that the establishment of the Sydney Olympic Park Authority represents an authentic attempt by the Government to make something of the Olympic site.

Let me conclude by reiterating that the Opposition is supportive of the bill as amended. Ultimately, given the sheer size of the task ahead, the Sydney Olympic Park requires competent environmentally and socially sensible management of its future with a financially responsible focus. What the Opposition does object to is the fact that this was not planned six years ago. Instead, the Government has let a world-class facility sit often deserted during nine months, with no change on the horizon. Unfortunately, this is merely another example of the Carr Government's approach to infrastructure. It seems that the Premier is more concerned about critiquing other people's developments than looking after the Government's responsibilities to the people of New South Wales. The bill as amended represents a belated attempt to secure the future of Sydney Olympic Park. I notice that the Hon. John Johnson is in the Chamber. I also wish him a wonderful, happy and long retirement, although I am sure we will often see him around this place. Thanks, Johnno.

The Hon. IAN COHEN [5.57 p.m.]: I support the earlier comments by my colleague in this debate. The Greens support the bill on the condition that it includes the amendments proposed by the Hon. Richard Jones and the Hon. Dr Arthur Chesterfield-Evans. The Greens suggest that the Government is not forthcoming with the true financial liability of the Olympic Park project. We have considerable concerns, which were reflected by the Council of Social Service of New South Wales in a media release dated 15 March 2001. It states:

The Council of Social Service of NSW... has expressed grave concern at media reports today, that Stadium Australia, at Homebush Bay, is facing a severe financial crisis, and maybe exerting pressure on the NSW Government to bail it out.

"In the run-up to last September's best ever Olympics, NCOSS regularly raised the urgency of the NSW Government addressing the long term financial liabilities arising from the Homebush Bay facilities and site," said NCOSS Director, Gary Moore.

"Today's news about the level of Stadium Australia's debt, and its poor prospects for 2001, adds to the continuing concern about the long term viability of the Superdome, and the general confusion and secrecy about future plans for the whole Homebush Bay site."

"It is now patently clear that Michael Egan's boast of May 2000, that the Olympics are paid for, to the last cent, is simply untrue."
...

"And, it must be made clear to the NSW Government, that any temptation to sink public funds into a bailout of Stadium Australia, or any other Olympic facility, must be open to public input, and not concluded behind closed doors with private firms."

The Olympic Games resulted in important advances in ecologically sustainable development [ESD], with extensive use of water recycling systems, use of renewable energy, protection of habitat of the endangered green and golden bell frog, and public event waste reduction systems. However, there are serious environmental contamination problems at Sydney Olympic Park arising from previous industrial activities at the site. Issues that will require ongoing management are heavy metals contamination of waterways and ongoing remediation of contaminated sites. At one stage I attended a meeting of local residents. We hear stories that in many

residential developments in sites surrounding the Olympic sites people suffer from diseases related to contamination, with the actual contamination rising in their back yards. We have seen real estate developers put significant developments on what is still toxic land. That matter needs to be properly addressed because there will be ongoing problems as time goes by.

I accept and believe that people in a number of housing developments around that site are suffering at this time, and will continue to suffer, until the Government properly remediates the area. A proper assessment is needed, and a degree of honesty that has not been forthcoming so far. We also need to ensure that future development does not encourage car transport. We all saw the great success of public transport during the Olympics and that success needs to be built upon. Developments should occur in proximity to the station, and no additional car parking should be provided. The Bicentennial Park and Newington Nature Reserve are important for nature conservation and should not be subject to development pressure. The bill should incorporate the matters outlined in a letter that was forwarded to crossbenchers by Rachel Warmesley, from the peak environment groups through the Environment Liaison Office. The letter states:

Amendments to the Bill are necessary to ensure that:

- the management of urban areas and parks areas are separate either through administration by separate organisations, or through strictly different management planning processes;
- the *Environment Guidelines for the Olympic Games* are applied to the master plan, plans of management, and development applications;
- there is public consultation about the adoption of master plans, plans of management, and amendments to these plans, as well as to the *Guidelines*;
- the corporate governance of SOPA is transparent and accountable;
- there is a requirement for annual State of the Environment reporting;
- there is retention of key environmental infrastructure such as the Water Reclamation and Management Scheme (WRAMS), the solar energy grid at Newington, and the use of Green Power; and
- land adjacent to Silverwater Nature Reserve are managed as a buffer in sympathy with the reserve and not turned into a car park.

I understand that the Government will accept many of the amendments to be moved by the Hon. Richard Jones and the Hon. Dr Arthur Chesterfield-Evans. The Greens are therefore prepared to support the bill. Our ongoing concerns reflect community concerns about the drain on the purse and the concerns outlined on Thursday 11 January by Gerard Ryle and Joseph Kerr in an article in the *Sydney Morning Herald* which states:

Sydney's main Olympic venues would remain a drain on taxpayers for years, with public funds being used to subsidise some big events, the Premier warned yesterday ...

Mr Carr said the plan would inevitably involve taxpayer-subsidised transport and possibly other forms of public help. In test events prior to the Games, the Government subsidised private buses at a rate of about \$11 per person to provide transport to the site. "In one form or another we'll have to continue to subsidise public transport to the events that are held out there, beginning of course with the Easter show ...

There will be an ongoing financial drain. I hope that will not compromise what are significant protected areas.

The Hon. Duncan Gay: All types of public transport are subsidised anyway.

The Hon. IAN COHEN: As the honourable members says public transport is a service to the public—and the Greens agree that it should be. We just hope that public transport will continue to be viable from a financial and social perspective, having regard to the protection and maintenance of important environments of endangered species, such as the green and golden bell frog and the Ramsar-registered migratory birds, and other significant areas which could become a real showpiece in years to come for the people of western Sydney. All this has to be done with absolute diligence by the Government. On the understanding that the proposed amendments will be accepted by the Government, the Greens will support this bill.

Reverend the Hon. FRED NILE [6.05 p.m.]: The Christian Democratic Party supports the Sydney Olympic Park Authority Bill, which is necessary because of the conclusion of the Olympic Games and the need to reorganise the authority. The bill will establish a new authority, the Sydney Olympic Park Authority [SOPA], and will provide it with the functions necessary to use and manage the land at Sydney Olympic Park. The bill provides sufficient power to SOPA to operate major events, manage complex commercial contracts and continue commercial development on the site, as well as have the care and management of the Millennium Parklands including Bicentennial Park.

Most municipal functions—internal road management, public parks, waste et cetera—carried out by councils and currently undertaken by the Olympic Co-ordination Authority [OCA] at Sydney Olympic Park will be continued by SOPA. The bill provides for SOPA to: manage development on Sydney Olympic parkland, promote and manage events at Sydney Olympic Park; protect and enhance parklands at Sydney Olympic Park; facilitate and maintain public transport facilities; and be the central contact with the Government on all remaining and future Olympic Games issues.

The bill will replace the Olympic Co-ordination Authority Act 1995 and the Homebush Bay Operations Act 1999 with regard to Sydney Olympic Park. On 28 May I received an interesting and thoughtful letter from Judy Harrington, who has been involved in the monitoring of birds at Homebush Bay for many years with Bird Australia in her work in Bicentennial Park. The letter states:

You may not be aware that there are extensive rehabilitated wetlands within the parklands and that the waterbird refuge in Bicentennial Park is home to migratory bird species that come from as far away as Japan, China and Siberia. These birds are recognised under the China-Australia Migratory Bird Agreement and the Japan-Australia Migratory Bird Agreement. What guarantee do we have that these species will be protected if the area is to be controlled by a commercial entity? More importantly, just why do the parklands and the nature reserve have to go to the control of this new Authority?

Honourable members know that this bill provides for the management of the parklands in accordance with National Parks and Wildlife Service legislation. Any development must be approved by the Minister for Urban Affairs and Planning. The Sydney Olympic Park Authority board is to establish an advisory committee for the Millennium Parklands that can make recommendations to the board in respect to the care, control and management of the Millennium Parklands. The Minister for the Environment must be consulted on the composition of the committee. Judy Harrington concludes in her letter that others should "... ensure that these important conservation and education functions are retained and run by the right type of people ..." so that they will be maintained for the future.

During the briefing I asked why the two functions—the commercial activities and the management of environmentally sensitive wetlands in the parklands—should be the responsibility of one body? The Government claimed that it was a more efficient way to manage the functions. They are two different types of activity, and there is always the danger that pressure will be put on the commercial side of the operation and that this would then bring about neglect of Bicentennial Park and the wetlands. Will the Government give an assurance that the highest priority will be given to those sensitive wetlands by the new Sydney Olympic Park Authority?

The Hon. Dr PETER WONG [6.10 p.m.]: The Sydney Olympic Park Authority Bill addresses the important issue of management of the Sydney Olympic Park post the Olympics. I share the comments of the Hon. Greg Pearce that this seems to be a belated attempt to secure the future of the park. A considerable amount of New South Wales taxpayers' money has been invested in the Sydney Olympic Park area, and we have a responsibility to ensure that it does not turn into a white elephant. In fact, members of this House are talking not only about the former Olympic venues but also about more than 450 hectares of open space that make up the Millennium Parklands.

I note that the board of the newly formed Sydney Olympic Park Authority consists of a good mix of people with extensive relevant experience in corporate governance and public administration, commercial and urban planning skills, business and marketing skills, and sport and environmental policy experience. The Unity Party will support the bill to ensure that a strategic framework is in place to manage this high-profile and expensive site. Having said that, I will consider carefully the amendments proposed by the Hon. Richard Jones and the Hon. Dr Arthur Chesterfield-Evans which are supported by the Nature Conservation Council, which seeks to ensure a sound environmental and economic future for Sydney Olympic Park.

The Hon. IAN MACDONALD (Parliamentary Secretary) [6.11 p.m.], in reply: I thank all honourable members who have contributed to this discussion. I seek leave to incorporate my comprehensive reply in *Hansard*.

Leave granted.

The Government appreciates the comments of Honourable Members in this debate. The contributions that Honourable Members have made reflect the increasing public interest in the magnificent area at Sydney Olympic Park.

Our preparations for the best Olympic Games ever included, as Honourable Members know, not only the construction of world-class venues and building an Olympic village which is now becoming the new suburb of Newington, but also rescuing from environmental degradation a very substantial area of open space.

This area, to be known as the Millennium Parklands, is proposed to include the existing Bicentennial Park, but that is only a small part of an open space area which is over 430 hectares and is twice the size of Centennial Park.

A small number of Honourable Members may think that the Government should separate ownership and administration of the open space areas at Sydney Olympic Park from the venue precinct and the areas where professional and residential development will take place in coming years.

The Government is strongly committed however to integrate the management and development of the whole of the Sydney Olympic Park area defined in the Bill, for two main reasons.

The first reason is actually one that should concern representatives of environmental groups. The whole of Homebush Bay as it existed ten years ago was environmentally degraded.

The remediation programs undertaken by the Olympic Co-Ordination Authority have received numerous awards and have been recognised worldwide as benchmarks for urban remediation. These programs did not finish when the Opening Ceremony took place in September last year. Environmental remediation and enhancement are processes which will continue.

These processes affect the whole of Sydney Olympic Park and should be managed by the one Authority. That is what the Government proposes in this Bill.

The second reason is an operational one. Sydney Olympic Park stages major events, sometimes several at the one time. Plans for matters such as traffic management, car parking and public transport vary depending on the scale of the events and where within Sydney Olympic Park the events are taking place—for example, the pattern of public transport use and car parking at the Easter Show is different from what happens when a major fixture is at Stadium Australia—and the pattern of usage varies depending on what the event is.

It would make no sense to draw a boundary line somewhere through the Sydney Olympic Park site and say that an event authority is responsible for traffic management within that boundary and another authority, principally concerned with open space, has to turn its attention to traffic management at the times when usage of Sydney Olympic Park is heaviest.

Even more importantly, the water management system and leachate management system are each linked physically across the entire site and require one integrated management process.

The simple truth is that Sydney Olympic Park is one large area combining world-class venues, the Sydney Showground, areas that will develop for commercial and residential use, as well as extensive and varied open space. The whole area needs to be managed by a single authority with competence in all the facets necessary for a complex space. The Sydney Olympic Park Authority will fill that role.

Through discussions with Honourable Members which preceded today's debate, a number of amendments have been proposed.

Before turning to particular proposals, I want to emphasise once again the Government's view that integrated management of Sydney Olympic Park is vital not only for its success as a location for premier events, but also for its success as a manager of open space.

Honourable Members will be aware that there are many types of open space and a wide variety is found within Sydney Olympic Park.

The area includes wetlands, open grasslands suitable for family recreation, and parklands and walkways between the new suburb of Newington and the venue precinct.

Several amendments have been proposed to give statutory effect to the Environmental Guidelines prepared in 1993 as part of Sydney's Olympic bid.

The Government will accept amendments along these lines, as we will regarding the necessary exhibition of the Master Plan for Sydney Olympic Park.

We are also prepared to accept amendments which will make explicit provisions such as the new Authority's obligation to prepare an annual report on a variety of environmental matters and a positive obligation to encourage the use of renewable energy and operation of the Water Reclamation and Management Scheme.

That scheme is now recognised as a world leader in environmental technology, supplying grey water for appropriate uses, both in the venue and development precincts and in the new suburb of Newington.

I also want to mention the proposal that the management of open space at Sydney Olympic Park be subject to provisions which apply to community land under the Local Government Act.

We have discussed the proposed amendments extensively both with Honourable Members and between Government organisations.

We have agreed that certain provisions of the Local Government Act, amended in a manner which ensures that they contribute to the effective management of open space as well as the environmentally sensitive use of community land, be added to the Bill.

We have also agreed to the inclusion of provisions that outline objects for Sydney Olympic Park Authority as an organisation. They will complement the detailed functions already featured in the Bill.

Some amendments we are not prepared to accept, for example, the suggestion that management of the Haslams Creek waterway should be transferred to the Authority.

The Government believes it is important to maintain the present management regime for the waters of Sydney Harbour and management of that waterway should be left with the Waterways Authority.

Equally, there have been several recommendations regarding corporate governance which we do not believe are properly a matter for this Bill and would make the Authority unworkable and unable to undertake commercial negotiations with property developers and other private sector firms.

Similarly, certain amendments have been proposed which concern the process of the Plan of Management for the Millennium Parklands which we believe should be left to evolve in consultation with the community and other agencies.

Statutory constraint is not appropriate. Management of open space around the Newington Nature Reserve is an example. We see this as a matter for the Plan of Management and not for statutory prescription. After all, Sydney Olympic Park Authority will, for a large part, consist of the people and the programs that have already achieved widely recognised world-class results in environmental management.

These are people who have been involved in a large and very successful exercise in environmental remediation over the last five years. They are highly committed to it.

It is the Government's view that Honourable Members can expect from the Sydney Olympic Park Authority as good a job in environmental management as its predecessor, the Olympic Co-Ordination Authority, achieved over the last five years.

Other amendments have been suggested with which we cannot concur. The application of principles of Ecologically Sustainable Development have been a matter of pride for OCA and will continue to be for SOPA.

However such matters must always be left as a primary reference point in the performance of its functions whenever relevant rather than unreasonably made a matter of necessity in circumstances which may be beyond the control of SOPA.

Overall, however, contributions which Honourable Members have made, both in this debate and in the discussions which have preceded the Bill coming before the House, have been helpful. Members have assisted the Government to refine the legislation in a manner which should ensure that Sydney Olympic Park maintains its special place, not only as the site of last year's magnificent Olympic and Paralympic Games and major sporting events, but also one of the most significant additions to open space within the Sydney urban area since the proclamation of Centennial Park over one hundred years ago.

The Millennium Parklands, managed as part of Sydney Olympic Park by the new Authority, will be one part of the legacy to the people of Sydney and New South Wales.

Motion agreed to.

Bill read a second time.

In Committee

Part 1

The Hon. RICHARD JONES [6.14 p.m.], by leave: I move my amendments Nos 1, 7, 11, 12, 22 and 26 in globo:

No. 1 Page 2, clause 3. Insert after line 15:

Environmental Guidelines means the *Environmental Guidelines for the Summer Olympic Games* prepared by Sydney Olympic 2000 Bid Limited and dated September 1993, as amended from time to time under this Act.

No. 7 Page 8, clause 17. Insert after line 29:

- (4) The Minister for Urban Affairs and Planning must not approve the master plan, or any amendment of the master plan, unless that Minister has considered whether the master plan or the amendment is consistent with the Environmental Guidelines.

No. 11 Page 9. Insert after line 27:

19 Development to be consistent with Environmental Guidelines

Before carrying out any proposed development, the Authority is to consider whether the proposed development is consistent with the Environmental Guidelines.

No. 12 Page 10, clause 20. Insert after line 4:

- (2) In determining an application for consent to carry out development on land within Sydney Olympic Park, the Minister for Urban Affairs and Planning must consider the consistency of the proposed development with the Environmental Guidelines.

No. 22 Page 14, clause 33. Insert after line 28:

- (7) The Minister must not adopt the plan of management, or any amendment of a plan of management, unless the Minister has considered the consistency of the plan, or the amendment, with the Environmental Guidelines.

No. 26 Page 19. Insert after line 14:

46 Amendment of Environmental Guidelines

- (1) The Authority may, with the consent of the Minister, amend the Environmental Guidelines.
- (2) Before the Minister gives consent to a proposed amendment to the Environmental Guidelines, the Authority must:
 - (a) give public notice of its intention to amend the Guidelines, and
 - (b) publicly exhibit the proposed amendment for a period of not less than 28 days.
- (3) During the period of public exhibition referred to in subsection (2) (b), any person may make a written submission to the Authority concerning the proposed amendment.
- (4) When submitting an amendment to the Minister for approval, the Authority must give the Minister a report that includes a summary of public submissions and responses by the Authority.
- (5) The Environmental Guidelines may be amended only if:
 - (a) the proposed amendment will improve the environmental outcomes provided for in those Guidelines, and
 - (b) the Minister for Urban Affairs and Planning has been consulted on the proposed amendment.
- (6) Any member of the public is entitled to inspect, free of charge, at the office of the Authority during ordinary business hours, a copy of the Environmental Guidelines and a copy of the report referred to in subsection (4).

These amendments ensure that the Environmental Guidelines for the Summer Olympic Games continue to remain in force over the Sydney Olympic Park (SOP) lands; master plans for the parklands or any amendments to those plans cannot be approved unless the Minister for Urban Affairs and Planning has considered whether the plan or amendment is consistent with the guidelines; and developments on the parklands can only be carried out if the Sydney Olympic Park Authority (SOPA) has considered whether the developments are consistent with the guidelines.

The amendments also ensure that developments on the parklands can be consented to by the Minister for Urban Affairs and Planning only if he has considered whether the developments are consistent with the guidelines; plans of management or any amendments to those plans cannot be adopted unless the Minister for Urban Affairs and Planning has considered whether the plans or amendments are consistent with the guidelines; the guidelines can only be amended if the Minister for Urban Affairs and Planning is of the opinion that the amendment or amendments will improve the environmental outcomes provided for by the guidelines; any amendments to the guidelines, by SOPA, must be subject to public notification, exhibition and comment; and the Minister must be provided with a summary of any public comments and members of the public are able to inspect, free of charge, a copy of the guidelines and the SOPA report on public comments.

The foundation of the successful green games was the Sydney Olympic Environmental Guidelines. Originally this bill removed these from the regulatory scene. However, after discussions with the Government the amendments reinstate their role and reinstate the role of public comment on any amendments, in recognition of the fact that the guidelines were prepared with significant environment group and stakeholder involvement. Amendment of the guidelines is initiated by SOPA, and if they improve environmental outcomes they can be adopted. Both the Minister responsible for SOPA and the Minister for Urban Affairs and Planning have a consent role. Public comment is sought.

The amendments also reinstate the use of the environmental guidelines as the benchmark to judge development applications. Thus the Minister is required to consider the consistency of a development with the guidelines. Also, there is provision for the same testing to occur with management plans, the master plan and work undertaken by SOPA. As a result environmental standards should be maintained and, if possible, improved.

The Hon. IAN MACDONALD (Parliamentary Secretary) [6.15 p.m.]: The Government supports the amendments of the Hon. Richard Jones.

The Hon. DON HARWIN [6.15 p.m.]: Many honourable members have spoken about the significant conservation value of the Homebush Bay precincts, particularly in the old Bicentennial Park section. The Opposition welcomes the amendments and, with the Government, will support them.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [6.16 p.m.]: I support the amendments.

Reverend the Hon. FRED NILE [6.16 p.m.]: The Christian Democratic Party supports the amendments along the lines of my contribution to the second reading debate.

Amendments agreed to.

The Hon. RICHARD JONES [6.17 p.m.]: I do not move my amendments Nos 2 to 5, 13, 24, 28, 29, and 31 to 34.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [6.17 p.m.], by leave: I move Australian Democrats amendments Nos 1, 3 and 4 in globo. Although they are not entirely in common, I understand they have the support of the Government:

No. 1 Page 2. Insert after line 6:

3 Objects

The objects of this Act are to make all reasonable attempts to:

- (a) ensure that Sydney Olympic Park becomes an active and vibrant town centre within metropolitan Sydney, and
- (b) ensure that Sydney Olympic Park becomes a premium destination for cultural, entertainment, recreation and sporting events, and
- (c) ensure that any new development carried out under or in accordance with this Act accords with best practice environmental and town planning standards, and
- (d) ensure the protection and enhancement of the natural heritage of the Millennium Parklands.

No. 3 Page 8, clause 17. Insert after line 27:

- (3) The Authority, in preparing the master plan, must ensure that public notice of the draft plan is given in a newspaper circulating throughout the State.

No.4 Page 8, clause 17. Insert after line 29:

- (4) The master plan for Sydney Olympic Park must be consistent with the plan of management for the Millennium Parklands under Division 3 of this Part.

Amendment No. 1 corrects a fault in the bill but does not state its purpose. It does not have the objectives, and it really needs to have them. For example, the Treasurer's press release of 22 May stated that "the aim will be to make the Olympic site and its parkland surrounds Sydney's first choice for entertainment, sport and leisure". What about the residents who will be there? Are they merely there so that real estate can be sold to prop up finances? Presumably, not much land can be given to them if the open spaces are still to be used. The bill needs to state the purpose of the area, and it has four purposes, which are set out in my amendments.

The Hon. IAN MACDONALD (Parliamentary Secretary) [6.19 p.m.]: The Government supports the three amendments moved by the Hon. Dr Arthur Chesterfield-Evans.

The Hon. DON HARWIN [6.19 p.m.]: The Opposition supports the amendments.

Amendments agreed to.

Part as amended agreed to.

Parts 2 and 3 agreed to.

Part 4

The Hon. RICHARD JONES [6.21 p.m.]: I move my amendment No. 6:

No. 6 Page 7, clause 14, lines 27 and 28. Omit "take into consideration, where relevant,". Insert instead "act in a way that is consistent with".

This amendment ensures that Sydney Olympic Park Authority [SOPA] has to "act in a way that is consistent with" and not just "take into consideration, where relevant" the principles of ecologically sustainable

development. Currently, the bill states that ecologically sustainable development is considered where relevant. These are miserly words for a site with such environmental ambitions. The amendment obliges SOPA to act in a way consistent with ecologically sustainable development. There is still much room for interpretation, but at least the key concept cannot be easily discarded. Unfortunately, the Government will not support the amendment.

The Hon. IAN MACDONALD (Parliamentary Secretary) [6.22 p.m.]: The Hon. Richard Jones has anticipated the Government's view on this matter. The change of emphasis from "take into consideration, where relevant" to "act in a way that is consistent with" would, in some cases, constrain SOPA in a manner that is unreasonable or may be impracticable. The changed emphasis could oblige SOPA to act in a manner beyond its reasonable control of all resources. While SOPA is prepared to have regard to the ecologically sustainable development principles in the Local Government Act, experience during the development of the Sydney Olympic Park demonstrated that flexibility is required to achieve balanced outcomes. For example, there has been substantial debate about the technology associated with airconditioning systems. This is an area where SOPA requires flexibility to work with both environmental groups and developers to achieve the most realistic and best possible outcomes. The Olympic Co-ordination Authority had this flexibility during the development of Sydney Olympic Park and achieved outstanding results, which the world has quite rightly recognised.

The Hon. DON HARWIN [6.23 p.m.]: The Opposition has been persuaded that it would be unreasonable and, in many instances, impracticable to go down the line suggested in the amendment moved by the Hon. Richard Jones. I would simply note that Opposition members, including the Deputy Leader of the Opposition, have had longstanding concerns when these sorts of amendments have been moved to a variety of bills, and it would be remiss of me not to remind the Committee of those objections on this occasion.

Amendment negatived.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [6.23 p.m.]: I move Australian Democrats amendment No. 2:

No. 2 Page 8, clause 17. Insert after line 19:

- (2) The Authority must ensure that the master plan is prepared in a manner that is consistent with the provisions of the *Environmental Planning and Assessment Act 1979* relating to the public consultation and exhibition process for local environmental plans.

The problem with the bill is that it does not make provision for public consultation. The Government wants to do this through an environmental planning instrument called Sydney Region Environment Plan 24 [SREP 24]. This is not sufficient as it can be changed by the Department of Urban Affairs and Planning without public consultation. We have a letter from the Department of Urban Affairs and Planning stating that it is developing this SREP 24, but a letter is not nearly as satisfactory as a provision enshrined in legislation. Our amendment follows the public consultation process adopted by local government in developing local environmental plans, as this is effectively a local government precinct. Basically, what is sought to be brought in is found in the Environmental Planning and Assessment Act, to which one would think that the Government would be committed; and, if it is not, one would think that the Opposition would be so committed.

The Hon. IAN MACDONALD (Parliamentary Secretary) [6.24 p.m.]: The Government opposes the amendment. These matters regarding enhanced public consultation in the Sydney Olympic Park master planning exercise will be adequately addressed in the Hon. Richard Jones' amendments Nos 7 to 10, which the Government will support.

The Hon. DON HARWIN [6.24 p.m.]: The Opposition also will support the Hon. Richard Jones' amendments Nos 7 to 10, so we support the Government in its opposition to the amendment.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [6.25 p.m.]: Without wishing to interrupt my colleague, who has the advantage of support from the Government and the Opposition, I believe that amendments Nos 8, 9 and 10 proposed by the Hon. Richard Jones, with public exhibition of the master plan, still are not as thorough as those in the Environmental Planning and Assessment Act.

Amendment negatived.

The Hon. RICHARD JONES [6.25 p.m.], by leave: I move my amendments 8, 9 and 10 in globo:

- No. 8 Page 8, clause 17, line 29. Insert "The Minister may not approve the master plan unless it complies with the requirements of the environmental planning instrument referred to in subsection (4)." after "Planning".

No. 9 Page 9, clause 17, line 3. Omit "may". Insert instead "must".

No. 10 Page 9, clause 17, line 4. Insert "and public exhibition requirements for the master plan" after "plan".

These amendments ensure that the master plan cannot be approved by the Minister for Urban Affairs and Planning unless it complies with the public consultation requirements for environment planning instruments under the Environmental Planning and Assessment Act. A crucial document in the site's future is the master plan. Currently, a new master plan is on exhibit for public comment. The amendment ensures that this practice continues.

The Hon. IAN MACDONALD (Parliamentary Secretary) [6.26 p.m.]: The Government supports the amendments.

The Hon. DON HARWIN [6.26 p.m.]: As I previously indicated, the Opposition supports the amendments.

Amendments agreed to.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [6.26 p.m.]: I move Australian Democrats amendment No. 5:

No. 5 Page 9, clause 17. Insert after line 4:

- (5) Sections 40 and 41 of the *Interpretation Act 1987* apply to and in respect of the master plan.

In view of the lack of public consultation, this amendment makes the master plan disallowable by Parliament. This means that there must be discussion of the master plan. In view of the negativeness of the Government and the defeat of my previous amendment, this amendment should be supported.

The Hon. IAN MACDONALD (Parliamentary Secretary) [6.27 p.m.]: Unfortunately, the Government does not take that position, and will oppose the amendment. The master planning process already includes provision for substantial public consultation. The amendment therefore is unnecessary.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [6.27 p.m.]: Can I ask the Opposition to state a position on this amendment?

The Hon. DON HARWIN [6.27 p.m.]: To satisfy the Hon. Dr Arthur Chesterfield-Evans, I am happy to provide him with the Opposition's position. It is that we are satisfied with the amendments that have been moved by the Hon. Richard Jones and that the protections available in other legislation ensure adequate consultation on this matter.

Amendment negatived.

The Hon. RICHARD JONES [6.28 p.m.], by leave: I move my amendments Nos 14 and 18 in globo:

No. 14 Page 12, clause 28. Insert after line 21:

- (5) In order to assist the making of future additions of land to the Newington Nature Reserve, the Authority must manage the lands adjoining the Reserve in sympathy with the Reserve.

No. 18 Page 13, clause 32. Insert after line 35:

- (4) The Authority must ensure that the plan of management includes, after consultation with the Director-General of National Parks and Wildlife, a proposal that land adjoining the Newington Nature Reserve is to be managed as a buffer to that reserve.

These amendments ensure that the lands adjoining the Newington Nature Reserve must be managed in sympathy with the reserve, and that the plan of management for the parklands must include a proposal for land adjoining the reserve to be managed as a buffer to the reserve. The current nature reserve boundaries are fragile. There is no buffer for such an internationally important bushland. These amendments lay the basis for future expansion of the reserve and management of adjoining lands as a buffer. In this way protection will be enhanced and the bushland gem of the area will have a better chance of survival in the long term.

The Hon. IAN MACDONALD (Parliamentary Secretary) [6.29 p.m.]: The Government supports the amendments.

The Hon. DON HARWIN [6.29 p.m.]: The Opposition also supports these amendments. As I mentioned earlier, the Newington Nature Reserve has very high conservation value, and the amendments are an improvement to the bill.

The Hon. IAN COHEN [6.29 p.m.]: The Greens are pleased to support these amendments and commend the Hon. Richard Jones for his attention to these important environmental issues. There is great potential for these areas to be showpieces, not only for Olympic construction but on a global basis as representative of the environmental credentials of New South Wales. I commend the Hon. Richard Jones for moving these amendments.

Amendments agreed to.

The Hon. RICHARD JONES [6.30 p.m.], by leave: I move my amendments Nos 15, 16, 17, 19 and 23 in globo:

No. 15 Page 12, clause 30, line 30. After "may,", insert "in accordance with the provisions of this section and".

No. 16 Page 13, clause 30. Insert before line 1:

- (2) A lease, licence or any other interest or estate in respect of the Millennium Parklands may be granted by the Authority:
 - (a) for the provision of public utilities and works associated with or ancillary to public utilities, or
 - (b) in accordance with an express authorisation in the plan of management for the Millennium Parklands and with such provisions of the plan of management as apply to the granting of the lease, licence or other interest or estate.
- (3) The plan of management is to specify the purpose for which any such lease, licence or other interest or estate is to be granted by tender only.
- (4) If the Authority proposes to grant a lease, licence or other interest or estate in respect of the Millennium Parklands, the Authority must:
 - (a) give public notice of the proposal, and
 - (b) exhibit notice of the proposal on the land to which the proposal relates, and
 - (c) give notice of the proposal to such persons as appear to the Authority to own or occupy the land adjoining the land to which the proposal relates.
- (5) The notice of the proposal must include:
 - (a) information sufficient to identify the land concerned, and
 - (b) the purpose for which the land will be used under the proposed lease, licence or other interest or estate, and
 - (c) the full term of the proposed lease, licence or other interest or estate, and
 - (d) the name (if known) of the person to whom it is proposed to grant the lease, licence or other interest or estate, and
 - (e) a statement that submissions in writing may be made with respect to the granting of the proposed lease, licence or other interest or estate within such period (of not less than 28 days) as is specified in the notice.
- (6) Any person may make a submission in writing on the proposal to the Authority during the period specified in the notice.
- (7) The Authority must, before granting the proposed lease, licence or other interest or estate, take into consideration all submissions duly made to it.
- (8) In addition to any other restrictions created by a lease granted under subsection (1), land that is the subject of any such lease cannot be sublet for a purpose other than a purpose for which the land is permitted to be used under the plan of management.

No. 17 Page 13, clause 32. Insert after line 35:

- (4) Sections 36-36N of the *Local Government Act 1993* (other than sections 36 (1) and (2), 36A (2), 36A (3) (d) and (5), 36B (3), (4) (d) and (6), 36C (2) and (5) and 36D (2), (3) (d) and (5) of that Act) apply to and in respect of the Millennium Parklands as if:

- (a) the Millennium Parklands were community land within the meaning of that Act, and
 - (b) the Authority were a council within the meaning of that Act, and
 - (c) section 36 (4) of that Act included "contaminated land" as a category.
- (5) A plan of management, and a report that includes a summary of public submissions and responses by the Authority, must be available for public inspection at, and purchase from, the office of the Authority during ordinary office hours.

No. 19 Page 14, clause 33, lines 3 to 5. Omit all words on those lines.

No. 23 Page 15, clause 35. Insert after line 6:

- (2) The Millennium Parklands must be used and managed in accordance with the plan of management.
- (3) Pending adoption of the plan, the nature and use of the Millennium Parklands cannot be changed.

These amendments ensure that the provisions relating to the use, management, fees and licence of, and preparation, notice and public availability of management plans for community land in the Local Government Act are applied to the Millennium Parklands. One issue with the bill is the need to fully protect the Millennium Parklands through ongoing management processes. This means that the management status of parks should be given proper recognition. I originally proposed that the park area be split off from the Sydney Olympic Park Authority [SOPA] and kept with a separate authority. However, these amendments provide an effective separate management regime instead.

This group of amendments applies the management, planning and leasing provisions of the Local Government Act, which are an advance on the current proposals in the bill, to the parklands. The bill adopts the provisions of the Bicentennial Park Act 1987, which predates the Local Government Act. The amendments make it clear that SOPA does not receive special treatment compared to local councils. They retain the role of the Minister, that is the Treasurer, in consenting to the management plan.

The Hon. IAN MACDONALD (Parliamentary Secretary) [6.31 p.m.]: The Government supports the amendments.

The Hon. IAN COHEN [6.31 p.m.]: I support the amendments. During earlier debates on this matter there was concern about the Treasurer having control over the lands rather than them being under the control of the National Parks and Wildlife Service and the Minister for the Environment. However, these amendments somewhat remedy that situation and the Greens strongly support them.

Amendments agreed to.

The Hon. RICHARD JONES [6.32 p.m.], by leave: I move my amendments Nos 20 and 21 in globo.

No. 20 Page 14, clause 33, line 20. Insert "and a report that includes a summary of public submissions and responses by the Authority" after "Millennium Parklands".

No. 21 Page 14, clause 33. Insert after line 28:

- (7) Once the plan of management is adopted, any member of the public is entitled to inspect, free of charge, at the office of the Authority during ordinary office hours:
 - (a) a copy of the plan, and
 - (b) a copy of a report on the public submissions, and the responses by the Authority, made in respect of the plan.

These amendments ensure that SOPA must submit a summary of the public comments received on the plan of management for the Millennium Parklands to the Minister; and the public is able to inspect, free of charge, a copy of the plan of management for the parklands, the SOPA report on public comments and SOPA's responses to those comments. SOPA should be required to produce a representations report that summarises the public submissions to the plan and the responses of the authority, and place it on the public record as a matter of course.

The Hon. IAN MACDONALD (Parliamentary Secretary) [6.33 p.m.]: The Government supports these amendments.

Amendments agreed to.

The Hon. RICHARD JONES [6.33 p.m.]: I move my amendment No. 25:

No. 25 Page 19. Insert after line 13:

46 Maintenance and extension of water reuse system

- (1) The Authority must maintain and extend, to the greatest extent practicable, the use of the Water Reclamation and Management Scheme at Sydney Olympic Park.
- (2) The Authority must encourage the use of renewable energy.

This amendment ensures that SOPA must maintain and extend the use of the Water Reclamation and Management Scheme [WRAMS] and encourages the use of renewable energy at Sydney Olympic Park. A basis of the claim of the site to be ecologically sustainable is the reuse of water for non-potable purposes. This amendment requires SOPA to maintain and extend its use. WRAMS has been very successful: it provides water cheaper than potable water and will be a model for other urban areas seeking sustainability. This amendment also requires SOPA to encourage the use of renewable energy, another hallmark of environmental sustainability.

The Hon. IAN COHEN [6.34 p.m.]: The Greens support this amendment. It is extremely important that we have examples of recycled, non-potable water and sustainable energy. This could go a long way towards resolving many of the problems existing in urban areas in the Sydney Basin. This is a significant step forward in creating a society that is more sustainable.

The Hon. IAN MACDONALD (Parliamentary Secretary) [6.35 p.m.]: The Government supports the amendment.

Amendment agreed to.

The Hon. RICHARD JONES [6.35 p.m.]: I move my amendment No. 27:

No. 27 Page 19. Insert after line 14:

46 Annual state of environment report

- (1) The Authority must produce an annual report as to the state of the environment in Sydney Olympic Park, and in particular in relation to the following environmental sectors:
 - (a) land,
 - (b) air,
 - (c) water,
 - (d) biodiversity,
 - (e) waste,
 - (f) noise,
 - (g) Aboriginal heritage,
 - (h) non-Aboriginal heritage, with particular reference, with regard to each such environmental sector, to:
 - (i) management plans relating to the environment, and
 - (j) special projects relating to the environment, and
 - (k) the environmental impact of activities at Sydney Olympic Park, and
 - (l) environmental impacts from the operation of buildings at Sydney Olympic Park.
- (2) In preparing the report, the Authority must make reasonable endeavours to obtain information in relation to any land, building or facility that is not owned or under the control of the Authority and that is relevant for the purposes of this section.

This amendment ensures that SOPA must produce an annual state of the environment report on the lands of Sydney Olympic Park. This requirement ensures the continuation of the previous practice of the Olympic Coordination Authority in producing a state of the environment report. It will help provide accountability and publicise the ongoing environmental achievements, which will be a lightning rod for international attention and tourism.

The Hon. IAN MACDONALD (Parliamentary Secretary) [6.35 p.m.]: The Government supports the amendment.

Amendment agreed to.

Part 4 as amended agreed to.

Part 5

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [6.36 p.m.], by leave: I move Australian Democrats amendments Nos 6, 7, 8, 9 and 10 in globo:

No. 6 Page 24, clause 55. Insert after line 4:

- (2) Any direction given by the Minister to the Authority must be in writing and be made available for public inspection along with the reasons for the direction.

No. 7 Page 24, clause 56, line 9. Omit all words on that line. Insert instead:

- (b) 7 persons appointed by the Minister after the Minister has publicly called for expressions of interest in being appointed as a member of the Board.

No. 8 Page 24, clause 56. Insert after line 9:

- (3) The members appointed by the Minister are to consist of persons having expertise in the following areas:
 - (a) environmentally sustainable building practices,
 - (b) management of the public domain and parklands,
 - (c) town planning,
 - (d) financial management.

No. 9 Page 24, clause 56. Insert after line 11:

- (4) Of the members appointed by the Minister, no more than 3 may, at any one time, be public servants or persons employed by a public authority.

No. 10 Page 45, clause 10 of schedule 4. Insert after 29:

- (2) The minutes of each meeting of the Board are to be made publicly available by the Authority (including being posted on the Internet).

These amendments relate basically to corporate governance and effectively ensuring that the Minister does not have dictatorial powers. Amendment No. 6 makes public any ministerial directions to the board, with reasons being required. The Minister cannot make a deal with the developer and then tell the board to implement it, which is theoretically possible. Amendment No. 7 specifies the number of people on the board. At present the number is three or more, but the Minister may appoint board members at his or her discretion. Thus, the Minister could appoint people and gain control of the board.

Amendment No. 8 sets out the qualifications of board members to ensure that they have qualifications that relate to management of the park in order to be appointed to the board. Amendment No. 9 ensures that not more than half the members of the board are public servants. This was a feature of the Sydney Harbour Federation Trust, which came out of Canberra. I would not like the State Government to support the Federal Government on this and I would not think that the Liberal Party would be behind Mr Howard. I trust that the Opposition will state its support for amendment No. 9 or give reasons for opposing it. Amendment No. 10 requires board meetings to be made public in the minutes. That is a basic probity issue relating to freedom of information so that decisions about this facility will be made public. This happens with the Sydney Harbour Federation Trust Act, so it can happen with a public facility. I urge support for my amendments.

The Hon. IAN MACDONALD (Parliamentary Secretary) [6.38 p.m.]: The Government opposes Australian Democrats amendments Nos 6 to 10. I seek leave to incorporate my reasons in *Hansard*.

Leave not granted.

These amendments would enmesh the authority in bureaucratic red tape and make it impossible for the board to undertake tough commercial negotiations with property developers and other firms. Amendment No. 6

would force the authority to make all records of board discussions and all dealings between the authority and its Minister available to counter parties in commercial negotiations with the authority. This amendment is unworkable and unnecessary, given that board minutes would be subject to disclosure under freedom of information [FOI] legislation, subject to consideration of the public interest of, on occasion, protecting the financial interests of taxpayers.

Amendment No. 6 provides that any direction given by the Minister must be in writing and available for public inspection along with reasons for the direction. This amendment misconceives the relationship between the authority and the Minister. Clause 35 of the bill provides that the authority is subject to the control and direction of the Minister. This is the same relationship that exists between a Minister and the departments under his or her control. It is not the same relationship that exists between a Minister and a state-owned corporation. A state-owned corporation operates at arm's length from the portfolio Minister and the shareholding Ministers.

Ministerial directions to state-owned corporations must be given in writing and there is provision made for directions to be tabled and published in the *Government Gazette*. These provisions do not apply to departments and agencies that are subject to the general control and direction of a Minister. Departments do not operate at arm's length from the Minister. In keeping with Westminster conventions, the Minister is answerable for the performance of these departments and agencies. As such, the Minister must be able to direct them in a less formal manner. Ministers must be able to direct them in the performance of their functions if Ministers are to be answerable to Parliament for their departments.

Amendment Nos 7, 8 and 9 would increase the size of the authority, require the appointment of persons with particular expertise, restrict the number of public servants on the authority, and require the Treasurer to call for expressions of interest regarding appointments to the board. These amendments misconceive the nature of the board and the authority. It is not intended that the board operate as a broad, representative body. It is important that the board be kept small to ensure that it can operate effectively. It is unrealistic and unnecessary to attempt to include on the board all areas of expertise that might be able to contribute to its work. Indeed, the bill provides for the board to establish committees. The bill provides specifically for the establishment of the Advisory Committee for the Millennium Parklands, and it can also establish such other committees as it requires. Committees are the appropriate mechanism for obtaining broader and specialist input for the benefit of the board.

Amendment No. 10, which relates to the publication of board minutes, requires that the minutes of board meetings be made publicly available, including on the Internet. This amendment would make it possible for the board to function properly, particularly in dealing with commercial negotiations. Minutes of the board will be available in accordance with the Freedom of Information Act 1989. The FOI legislation is already used to obtain the minutes of other government agencies. There is no reason why it cannot work equally effectively for this authority. The FOI Act balances the public interest in information against other public interests. The FOI legislation recognises that, in certain limited circumstances, the public interest in confidentiality of information might outweigh the public interest in publishing the information. This would protect taxpayers' interests in dealing with property developers.

The Hon. DON HARWIN [6.42 p.m.]: Amendments Nos 6 and 7 relate to the governance of statutory corporations. The Opposition has a general concern about openness and accountability on the part of government. While not disagreeing with some of the principles behind these amendments, we are concerned that this matter should not be dealt with independently of other statutory bodies in a way that may jeopardise the ability to attract wide-ranging expressions of interest from the private sector. The issue of commercial in-confidence needs to be examined individually as part of a whole-of-government review of the operation of public bodies. These concerns are best addressed in a whole-of-government policy approach, not as a response to one piece of legislation about one authority. The Opposition will spell out policy initiatives in these areas at a future time.

Amendment No. 8 refers to the composition of the board. The Opposition's concerns about the board were spelt out clearly by the honourable member for Hornsby in another place. In fact, the Opposition successfully moved an amendment to this part of the bill, ensuring that there will be private sector experience on the board. Obviously much of the success of the Olympic precinct will depend on the participation of the private sector, and we are pleased that the Government accepted the Opposition amendment in the lower House. However, the Australian Democrats amendment falls short of our objectives for the board of the authority.

Amendments negatived.

Part 5 agreed to.

Part 6 agreed to.

Schedules 1 and 2 agreed to.

Schedule 3

The Hon. RICHARD JONES [6.45 p.m.]: I move my amendment No. 30:

No. 30 Page 41, schedule 3, line 6. Insert ", together with the bed and waters of Haslam's Creek and Powell's Creek" after "Authority".

This amendment would ensure that the beds and waters of Haslams Creek and Powells Creek are part of the Millennium Parklands. This will add the two main creeks to the park and their protection will be improved as a result of the management planning process.

The Hon. IAN COHEN [6.45 p.m.]: The Greens support the amendment. The increase in toxic materials in the sediments of those waterways must at least be monitored, and potentially dealt with at a later stage. The amendment adds significantly to the area of responsibility, and we support it.

The Hon. IAN MACDONALD (Parliamentary Secretary) [6.46 p.m.]: This amendment seeks to include Haslams Creek and Powells Creek in the Millennium Parklands. These creeks are currently owned and managed by the Waterways Authority, not the Olympic Co-ordination Authority. The Government does not support this amendment. Tidal waters of the harbour should not be fragmented but should be retained under one authority for consistency of policy and management practices associated with the harbour's waterways. The Government has received a letter from the Waterways Authority making it clear that it would prefer not to have these creeks split from its area of responsibility and authority. Therefore, the Government opposes the amendment.

The Hon. DON HARWIN [6.47 p.m.]: The Opposition's approach to the amendment is similar to its position on the previous Australian Democrat amendments. It is not appropriate in this sort of legislation to make a major policy change to the way in which tidal waters of the harbour are administered. We should deal with such matters when examining waterways legislation. Therefore, the Opposition has been persuaded to support the Government's position on this amendment.

Amendment negatived.

Schedule 3 agreed to.

Schedules 4 to 8 agreed to.

Title agreed to.

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

[The President left the chair at 6.50 p.m. The House resumed at 8.00 p.m.]

WASTE AVOIDANCE AND RESOURCE RECOVERY BILL

Second Reading

Debate resumed from 2 July.

The Hon. RICHARD JONES [8.00 p.m.]: This bill represents the most extensive examination ever of waste management in New South Wales, and not before time. New South Wales is at a crucial turning point in how it manages waste. As at January 2001, the estimated Sydney putrescible landfill capacity was 20.8 million tonnes of waste. That capacity is being drawn down at a current rate of around two million tonnes per year. So only about 10 years worth of space is left. With the exhaustion of existing landfill capacity in Sydney on the horizon and the undesirability of exporting metropolitan waste to rural New South Wales, decisions must be made about next generation infrastructure and waste avoidance practices. Frankly, the current Waste Act is not

fit for the task. Its target of 60 per cent waste reduction by 2000 has not been met; its industry waste management plans have been ineffective; waste management has suffered from a lack of strategic direction; and the regional waste boards approach has prevented the achieving of targets.

These problems and the capacity of the current system to maximise waste recovery and avoidance are serious problems that need to be comprehensively addressed. I hope that the waste management structure that is proposed by this bill will do exactly that. This bill will replace regional waste boards with a single State agency, Resource New South Wales. It will replace the State Waste Advisory Council with the independently chaired Resource New South Wales Board, which will have a role in relation to waste similar to that of the Sustainable Energy Development Authority on energy issues. The bill will replace the extraordinarily unsuccessful current industry waste reduction plans with new arrangements that adopt the concepts of product stewardship and extended producer responsibility. It will also replace the existing numerical waste reduction target with non-statutory goals.

The bill will also replace the existing hierarchy with avoidance, resource recovery and disposal; extend the existing regulation-making power under the Protection of the Environment Operations Act to regulate and prohibit the treatment and disposal of waste; and amend the Act to allow the Environment Protection Authority [EPA] to waive payment of the waste levy in limited circumstances. As I indicated earlier, several problems have arisen in relation to existing regional waste boards. The boards do not possess sufficient expertise; their powers, functions and responsibilities are too open to interpretation; they are not sufficiently representative of industry and the community; and they have not been cost effective. The accountability of those boards is also confused by the fact that they are State Government entities, yet their membership is limited to local council nominees.

The State Waste Advisory Council has struggled to provide leadership. Concerns about its performance have been widely expressed. That council is not set up to deal adequately with the full range of waste issues and it does not have an independent chair. As a consequence, council has had little legitimacy with environmental or local government groups. On the other hand, the board of Resource New South Wales will have an independent chair and experts representing resource conservation and environmental protection, community interests, local government, the waste management industry, industry, rural and regional interests, financial and risk management, and urban planning and infrastructure to advise it on the preparation and implementation of its plans, programs and activities.

Industry waste reduction plans seek to encourage industries to participate and co-operate with the EPA in the negotiation and preparation of a waste reduction plan for particular industry sectors and, if such a plan is in force with respect to that sector, to comply with the plan. When an industry sector does not negotiate a waste reduction plan in good faith or does not comply with the requirements of the plan, or it is particularly diverse, complex or competitive, the Minister can authorise the preparation of a plan without negotiation for that industry sector. To date, however, no industries have been made the subject of non-negotiated industry waste reduction plans, despite the fact that industry has not achieved all of its targets in the dairy plan, after three years the tyre plan shows little sign of reaching its targets and progress in achieving the targets, and commitments in the beer and soft drink plan are much slower than anticipated.

In contrast, product stewardship and extended producer responsibility have been extremely successful internationally. Successful schemes are operating extensively in the United States of America, Japan, Canada and in much of western Europe. The introduction of those concepts will also allow the Government to intervene and act decisively, when industries are not doing the right thing, to reduce problem wastes while allowing industry to undertake self-initiated, flexible and cost-effective approaches. Despite the 60 per cent waste reduction target by the year 2000 and the hierarchy contained in the existing Waste Act, the most efficient use of resources has not been able to be attained nor waste generation in New South Wales continually reduced. In general, total waste disposal in New South Wales has stabilised at only 20 per cent to 25 per cent below 1990 levels and approximately five million tonnes of waste are still disposed of annually in New South Wales, four million tonnes of which are disposed of in the Sydney metropolitan area.

The ineffectiveness of the waste reduction target and hierarchy has also led to development consent being issued to the proposal by Collex Waste Management to develop a putrescible waste landfill facility at Woodlawn, 270 kilometres south-west of Sydney. The Woodlawn site consists of a mine void in which landfilling is to take place to a depth of about 200 metres and a volume of approximately 25 million cubic metres. The void is to accept containerised waste from Sydney, to be transported by rail to an intermodal transfer facility approximately six kilometres from the site, from where trucks will transport the waste to the

landfill. The landfill will operate as a bioreactor landfill, which involves the recirculation of landfill leachate and, given waste inputs of 400,000 to 500,000 tonnes per annum, its projected life is 40 to 50 years. Today I talked to a person who has connections with Collex Waste Management. Amazingly, that company is looking at worm farm technology. It is considering the introduction of a pilot plant, apparently at Woodlawn. It will put putrescible waste through a worm farm and sell the resultant worm fertiliser to the farming industry.

The Hon. Doug Moppett: Wormcasts.

The Hon. RICHARD JONES: That is actually happening. Until now I thought that worm farms were the sorts of things that one had on the back verandah, as I do. Apparently, Collex is getting into large-scale industrial plants in which millions of worms will turn food waste and other putrescible waste into wormcasts, which are valuable to agriculture. I congratulate that company on its initiatives. Waste facilities pay contributions on all the wastes they receive via the waste levy. At present, only waste facilities that are used solely for the purpose of reusing, recycling or reprocessing waste are excluded from paying the levy. The EPA collects the waste levy and contributions are paid into the Consolidated Fund. However, since 1 July 2000, 55 per cent of the waste levy contributions have been hypothecated to the Waste Planning and Management Fund.

The Waste Fund supports Waste Board programs, community waste grants, kerbside collection and other initiatives. Kerbside recycling has been a key contributing factor in municipal waste reduction over the decade. Approximately 0.450 million tonnes is recycled annually.

Kerbside waste collections currently recover about 20 per cent of domestic waste generated in the Sydney metropolitan area, compared with 8 per cent in 1990. In 1999-2000, on average every person in Sydney set aside about 68 kilograms of waste for recycling, compared with 30 kilograms per year in 1990. The situation is improving dramatically—a 100 per cent increase in 11 years. We are on the way. However, plenty more can be done and needs to be done. The Alternative Waste Management and Practices Inquiry, for example, has identified good scope for further recycling in the construction and demolition sector and immediate opportunities for further waste minimisation in the commercial and industrial sector without major overall financial cost impost.

The inquiry also noted that an ample array of technologies exists to enable management of waste in New South Wales as a potential resource. While no one technology is suitable for all waste streams, four classes of technology and 14 generic types of technologies could be used. The four classes are: mechanical separation technologies, incorporating material sorting and waste separation; biological technologies, incorporating land application, open windrow composting, vermicomposting, enclosed composting, anaerobic digestion and fermentation; thermal technologies, incorporating incineration, pyrolysis-gasification and waste melting; and landfill technologies, incorporating conventional wet landfill, conventional dry landfill and bioreactor landfill.

Interestingly, all of the mechanical and biological technologies score better than landfill in environmental characteristics, social acceptability and economic viability. Yet we find ourselves lumbered with another major landfill site at Woodlawn with a lifespan of 40 to 50 years. I believe that Collex is going to change the method of coping with waste there and turn some of it back into a resource. Not only will these technologies make a valuable contribution to increasing resource conservation, the cost of utilising them is not out of the question. Carrying on much as now will cost in the order of \$571 million. Improving current initiatives by increased recycling and streaming of various wastes, on the other hand, is estimated to cost only \$600 million. An even more aggressive approach incorporating a variety of initiatives to capture and beneficially use waste streams is likely to cost only \$649 million. There is no reason why we could not progressively accomplish either of these improved initiatives or aggressive initiative scenarios.

While this bill lays the foundations for being able to do that, it unfortunately lacks some important provisions to give confidence to the community that environmentally sustainable waste management objectives can be achieved. Therefore, I will move amendments in Committee that will give Resource New South Wales an additional specific function of developing and implementing event and public space waste management codes; ensure that Resource New South Wales has, as a function, the power to advise the Minister to ban certain materials from landfill or other treatment processes; ensure that Resource New South Wales must, in exercising its functions, "act in accordance with" and not just "have regard to" the principles of ecologically sustainable development [ESD]; provide for one member of the Resource New South Wales board to be appointed by the Nature Conservation Council; ensure that the contract of employment of the Chief Executive of Resource New South Wales requires real and measurable improvement in resources efficiency, waste reduction and waste management; and ensure that a State waste strategy, and appropriate regional subsets, is required biannually.

The strategy must be based on continuous improvement and benchmarked against best international practice, and it must include targets for diversion from landfill and avoidance practices developed by an expert reference group appointed by the board of Resource New South Wales. According to the strategy, Resource New South Wales will be required to use life cycle analysis as a key tool in assessing the objectives of the waste strategy and support for waste management technologies. The strategy will be subject to public consultation via an advertisement in a newspaper circulating throughout the State and exhibition at regional New South Wales offices and on the Internet. Any public comments must be considered before the strategy is adopted. Further, Resource New South Wales may request reasons from local councils for their non-compliance with the waste strategy. The amendments I will move in Committee will require a biannual report to be produced on the volumes of waste produced, recycled or reused and how those volumes compare with waste targets, specific programs and their results. Further, the amendments will require the report to be tabled in Parliament.

Further, the amendments will allow for the amendment of other Acts and Regulations; ensure that licences cannot be issued contrary to the provisions of any waste strategy under this bill; omit the provisions stipulating that the Environment Protection Authority may waive payment of contributions in relation to waste received at a facility; and ensure that annual reports contain a detailed statement on the implementation of the Government's waste reduction and purchasing policy. I urge honourable members to support the amendments. Fortunately, there has been significant improvement in this area over the past 10 years. However, we need to move ahead now that we are in a new century and not regard waste as waste but as a resource to be reused, recycled and put back where it came from, hopefully to help the people on the land to manufacture better produce at a cheaper price.

The Hon. DOUG MOPPETT [8.16 p.m.]: This is significant legislation and I am motivated to speak to it by the remarks of the Hon. Richard Jones, who preceded me in this debate. He spoke of the incredible predominance of metropolitan areas in the production of waste which has to be disposed of. I noted with interest that four-fifths of all waste produced in New South Wales is produced by less than two-thirds of the population of New South Wales. That statistic reflects two things. Firstly, people in country areas living on properties away from urban areas probably dispose of much of their own waste themselves. Secondly, given the predominance of populations in large towns, such as Young where the Hon. Ian Macdonald comes from, the statistic is remarkable in that the metropolitan areas of Sydney, Newcastle and Wollongong are perpetuating this enormous problem through excessive production of waste material.

From overseas experience, we know that unless this problem is addressed it will become almost intractable. I had the pleasure and privilege of travelling with former President Max Willis on a sister province tour to metropolitan Tokyo, in Japan. Although it was not the highlight of our trip, we inspected the waste disposal facilities in Tokyo. A problem in Tokyo is that ready landfills are not available. The extent to which land has been reclaimed in Tokyo Bay is wonderful to behold. I always remember the anecdote that was relayed to us when we were shown an island that had emerged in Tokyo Bay. The island was being developed as a golf course, and underneath the surface was an immense amount of material that was still putrefying and producing methane gas. They warned us that if a golfer hit a ball into a bunker on that course, there was a special meaning to the phrase "explosion shot". Gas was coming out of the ground everywhere. If you struck a match you were likely to be taken away.

We hope we will not get into that position. The Woodlawn proposal that the Hon. Richard Jones had some anxiety and regrets about is interesting. We need to remember that Woodlawn was a mine void. It is not as if natural landscape is being despoiled. Nevertheless, the warning the Hon. Richard Jones gave us is a real one. It is all very well to say that a measure may cope with waste disposal for 40 or 50 years, but that time goes by in a flash. It is intolerable to think about the use of materials such as plastics, and so on. One thing on the mainland waste disposal area in Tokyo that was so impressive was this constant snowstorm of plastic bags, the little shopping bags that are so difficult to do anything with. The Japanese had a high-temperature incinerator, but that must have cost a fortune to run.

At this stage it is not a problem for the country areas so much but members of the National Party are very concerned about waste. Waste is an emerging problem in some country towns. Apart from that, as citizens of New South Wales we are particularly concerned about this assault on the environmental standards that we apply in the management of land and other processes in our society. I just wanted to register the concerns of country people. I know there will be more informed and erudite speeches on this topic tonight but I would have hated to see the opportunity go by and not express the views of country people. I know they will be expressed by the Hon. Ian Macdonald, who comes from the Young district. He would be aware that in a town like that waste disposal has become a major issue. No doubt other honourable members will be supporting me in this debate in commending to the consideration of the Legislative Council this very important legislation.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [8.22 p.m.]: This bill promises a lot more than it delivers. It is big on rhetoric but slightly deficient in substance. The Wright inquiry report does not appear to be fully implemented. I would like to be told I am wrong about that. In his second reading speech in the other place the Minister claimed:

... we were disposing of about 25 per cent less waste for every dollar's worth of economic activity in this State.

It is an interesting index against which to measure waste. One would have thought tonnes or tonnes per person would have been the way to go. When figures like that come up I become suspicious that more waste is going to landfill than previously, which suggests that our waste policy is not a good one. The essence of waste control is not to produce it, with initiatives like packaging minimisation, the supply of more innovative containers, the supply of substances in bulk, people taking their own containers, container deposit legislation, returns to the point of sale and minimisation of waste at production. That throws the onus back on those who sell it. Recycling is something of a con. Recycling means the person who has bought a product has the problem of disposing of waste. The person who produces the goods does not have to consider the long-term management of it. The initiatives I mentioned are much more important.

The Opposition was critical of the bill. The speech by the honourable member for the Southern Highlands was a marked contrast to the Minister's speech. She looked more at what could have been done. I endorse that. There are many amendments, many of which I support and which will make the processing and non-production of waste a part of waste management so that rhetoric is turned into reality. I do not want to talk at length about the deficiencies of the bill as members who know the subject better than I do have done so. The basic principle of the bill does not look strongly enough at corporate waste production policies, and solutions for bulk waste production are not being adequately addressed. I hope the amendments will fix these deficits, and I will support them.

The Hon. IAN MACDONALD (Parliamentary Secretary) [8.26 p.m.], in reply: I thank all honourable members for their contributions to the debate on this very important bill. I have a very lengthy reply speech but at this hour I seek leave to incorporate it in *Hansard*.

Leave granted.

I welcome the opportunity to record the Government's achievements in encouraging waste reduction and to comment on specific features of the Bill.

The Coalition has suggested on a number of occasions this week that the Government wasted public money on establishing Waste Boards. The inference being, of course, that they did not support this model for waste management. This is a considerable misrepresentation of the Coalition's true position.

Coalition Policy

I remind the Honourable Members of Coalition policy on this matter.

Let me quote from the Opposition's most recent policy statement on waste.

On page 6 of *No Time to Waste*, it states:

"Local councils will group into Regional Waste Authorities and produce Regional Waste Management Plans for all normal domestic, commercial and industrial wastes generated in their regions."

On page 18, we are told that:

"The regional waste planning scheme will be immediately established under the county council provisions of the (then) new Local Government Act".

This position on regional waste management was released in mid-1993, less than two years before the Labor Government actually introduced a system for regional waste management through the Waste Minimisation and Management Act. I might add that the Coalition did not oppose the Bill that set up this system.

It is quite clear that the general thinking of the time on both sides of politics supported some such system of regional approaches to waste management. The key difference between the Opposition and the Government is that we actually implemented a scheme and have now had the opportunity to closely examine its strengths and weaknesses in practice.

The reforms we have introduced through the Waste Avoidance and Resource Recovery Bill represent the sensible next step in a comprehensive reform agenda that is dedicated to dealing effectively with the waste issue in all its many facets.

It is worth reminding the House of our record. Our achievements include:

- ◆ tough legislation - the Waste Minimisation and Management Act;
- ◆ a 26 per cent reduction in waste to end disposal compared to 1990 (about 40 per cent in the municipal sector);
- ◆ a diversion rate for recyclables 34% higher than the national average;
- ◆ a green-waste diversion rate double the national average;
- ◆ unprecedented levels of funding support for waste programs;

The Waste Boards played an important role in getting to this position. The Minister has indicated in the Legislative Assembly that he hopes that many Waste Board staff will transfer their employment and expertise into Resource NSW.

In the new agency, they will work to secure the Government's objective of seeing a continuous decline in waste generation. We want the recovery of resources from waste to be optimised. We want to manage, in the most environmentally responsible manner, the ever-shrinking waste left after recovering those resources.

Resource NSW will be focused on a strategy for waste reduction and the delivery of programs to implement it. The EPA will continue its role in policy and regulation on waste.

Functions of Resource NSW

Resource NSW will have carriage of the State's waste avoidance and resource recovery agenda. It will develop, co-ordinate and implement waste and resource management strategies and programs throughout the State and give effect to the recommendations of last year's Alternative Waste Inquiry. In short, it will be the waste industry's version of SEDA.

Waste Boards a Sound Investment

The Government will recoup its investment in the waste boards by transferring their detailed regional waste management plans, together with numerous successful programs to Resource NSW.

One of the notable successes of the Boards has been the Regional Illegal Dumping Squad.

The RID Squad, as it is known, was established by the Western Sydney Waste Board in collaboration with its member councils. This squad is staffed by specially trained officers whose sole task is to catch illegal dumpers and develop better strategies to detect and prevent such activities. Quite often, sophisticated surveillance techniques—including high-tech video surveillance—are employed by the squad.

Outcomes of the squad's twelve-month trial in just four council areas include:

163 fines issued, valued at \$102,900 269 cases investigated;

Eleven prosecution briefs prepared for court, with one case heard to date which resulted in a guilty verdict and \$2000 fine.

This, combined with the work of the EPA in tackling large cases of illegal dumping, represents a comprehensive program that is having a very real impact. This is in stark contrast with the Coalition's record of apathy and inaction in relation to this very real environmental threat.

Resource NSW will be required, as a priority, to extend the RID Squad initiative to the rest of Sydney, the Central Coast, the Hunter and the Illawarra. This will be done in conjunction with relevant councils.

Retention of Waste Board Programs

The Government will recoup its investment in the waste boards by transferring important and successful programs to Resource NSW. A streamlined, co-ordinated approach from Resource NSW will enable results from successful board programs to be applied more widely across the state. The investment in developing critical databases, directories and publications will not be lost to the new organisation.

To be more specific, the following programs have already made a valuable contribution to waste reduction in NSW. Most, subject to auditing, will continue and will also have the potential for results to be expanded to other areas. They include:

- *the Waste Not Development control program*
- *Re-use & recycling databases and directories, including the Buy Recycled Guide*
- *Healthy Gardens Program, and the Eco Gardens program*
- *Local Government Waste Reduction & Purchasing policy*
- *Public place Recycling - Waste Wise Public Place & Special Events Program*
- *Waste Makes No Cents program waste minimisation programs for industry*
- *Foodwaste recycling trial*
- *Trials of collection of paper from small & medium businesses*
- *Wood waste collection trial*

These are strong programs.

NON WASTE BOARD WASTE FUND EXPENDITURE 1995-2001

The Opposition has been prone to assert that every cent of the money spent on waste reform since the Carr Government came to office has been "wasted" on the Waste Boards.

Firstly, the figure of \$87 million that has been bandied about is quite wrong. I am advised that since their establishment, Boards have received about 65% of the total monies allocated to the Waste Fund—in the order of \$69 million. These resources have been spent on many of the successful initiatives outlined a moment ago.

A significant amount of the Waste Fund has been allocated to non-Board programs. These include:

The three-year, \$8.5 million ChemCollect program—assisting our rural communities to safely dispose of unwanted farm chemicals;

Over \$7 million to community grants;

\$4.5 million to support the Government's litter reforms;

and a further \$550,000 to fund pilot waste reduction programs in rural New South Wales.

Better Accountability in New System

Notwithstanding the successes of the Boards in some areas, it is clear that there is room for significant improvement.

The shift from the Board model to the new agency proposed in the Waste Avoidance and Resource Recovery Bill—Resource NSW—promote effective and efficient design and delivery of statewide, regional and local programs by removing duplication and having a single source of accountability.

STAFF RIGHTS

I now turn to the question of Waste Board general staff entitlements.

The Coalition has advanced some peculiar industrial relations views concerning the rights of Waste Board staff. In the Minister's communique to staff of June 20, he stated:

"Importantly, the legislation sets out arrangements for the transfer of Waste Board staff who may join the new agency, which will have a head office in Sydney, and regional offices in Newcastle and Wollongong. While I have made separate arrangements for staff to be informed of their rights and entitlements, staff are obviously welcome to seek advice from their trade union or other source."

He continued:

"I am confident that Resource NSW will have the structure, powers and resources to do just that. / am also confident that many Waste Board staff will find new challenges in making Resource NSW an important institution."

"In making the transition to the new agency, I want to minimise disruption to staff and programs ... I have asked (the EPA) to set up a series of briefings for Waste Board staff over the next fortnight to explain the reforms in detail and to answer your questions."

The Waste Planning and Management Boards (State) Award 2001 sets out the conditions of employment for Board staff.

The briefings of staff have begun and processes are being established to ensure a high level of staff input into the transitional arrangements.

The Minister also required each of the Boards to provide him with detailed information on all staffing related matters by close of business yesterday.

The intention is to facilitate the transfer of most Board staff to the new agency. Inevitably, with only one Sydney office, in Western Sydney, there are likely to be some significant issues for some staff about location. These will be considered on a case-by-case basis through the establishment of a process to consider hardship.

The Government's Policy on Displaced Employees applies to Waste Board staff.

For those staff who do transfer their employment into the new agency, the Minister has foreshadowed the Government's support for those staff to move to the Crown Employees Award, which I understand provides employees with superior benefits and protection than the present arrangements. This move, of course, will be subject to discussions with the relevant unions.

General Managers Entitlements

The Government seeks an independent appraisal of the contracts and separation entitlements of the Waste Board senior executives.

I am advised that one of the contracts provides for the pay-out of a three year contract that was negotiated a matter of months ago.

I am told that this amounts to about \$320,000. This is for a person who can seek employment in the new organisation, Resource NSW.

The Government needs to submit such arrangements to independent scrutiny, which is what has been offered to each of the senior managers concerned.

The provision in question acts on precedent and provides a recognisable framework within which the independent Statutory and Other Offices Remuneration Tribunal (or SORT) can determine a reasonable and appropriate level of compensation.

The Government has chosen this course of action in order to strike a balance between both the just entitlements of the person and the need for the Government to have proper regard for the expenditure of public money.

The provision in the Bill follows the provisions of the Public Sector Management Act, which **would apply to each and every public sector executive** who is in a similar position. The amount of compensation determined is at the discretion of the Tribunal but is subject to a maximum amount of compensation payable equal to 38 weeks remuneration. This is a generous maximum amount.

In determining the amount of compensation payable in each case, the Tribunal may inform itself in any way it sees fit. In practice this includes having regard to the terms of the officer's contract, and receiving submissions from the officer.

To ensure a very comprehensive approach to informing the Tribunal, the Minister has indicated a willingness to establish an independent panel to prepare a submission to the Tribunal regarding the officer's contract. This panel would comprise: a senior state public servant; a nominee of the Board General Managers; and a suitably qualified independent person with expertise in industrial relations. A submission would be developed for the Tribunal once contracts of employment had been properly audited.

This provision in the Bill is a balanced and responsible approach by the Government to two equally important obligations. First, to insuring that an individual is justly compensated for the termination of their contract. Second that an appropriate maximum amount of compensation is in place which recognises that the compensation is paid by public money. Ultimately, the Government must have regard to its accountability to the people of this State for the expenditure of public money in this type of situation.

The words "whichever is the lesser" is not a punitive measure, and does not have a punitive effect. The inclusion of the words "whichever is the lesser" simply means that if the compensation provisions of an individual officer's contract are greater than the standard provided for in the Public Sector Management Act, then that standard maximum of 38 weeks remuneration will prevail. In a contract worth, say, \$150,000, that is not a small amount of money.

EXTENDED PRODUCER RESPONSIBILITY

Extended Producer Responsibility simply means that companies have some level of responsibility for the waste they produce after they sell their products

I said "some" level. How much will be the subject of inquiry and analysis that interested parties will be extensively consulted upon. What the Government is removing is the threat of capricious or perhaps unjustified action against industry.

Extended producer responsibility can apply to a type of material (eg aluminium); a product (eg computers) or classes of products (eg all packaging wastes).

International examples are:

- companies having requirements to recover batteries (hazardous wastes) they produce, import or sell
- chemical and paint companies being required to recover unused household chemicals and paints and their containers, which are a recognised domestic health hazard
- computer industries being required to take responsibility for recycling of used computers, particularly home computers

The best Australian example is the voluntary newsprint recycling program through which over 70% of all newsprint is now collected and recycled. The Government wouldn't dream of imposing a standard on this group.

There is now an obvious trend to move towards extended producer responsibility in most jurisdictions.

Leading international jurisdictions for extended producer responsibility are the United States (in particular, California and Washington State), Canada, Japan, Scandinavia and Northern Europe.

Proposed NSW approach

The proposed NSW approach is based on commonsense and sound international practice. It allows those industries that are dealing effectively with their wastes not to be subject to government control.

To this end, the NSW Government will only consider requiring extended producer responsibility schemes if:

- a waste has a high volume or a level of toxicity requiring action
- there is no effective national scheme already doing the job
- the industry has no adequate voluntary schemes
- the (compulsory) economic analysis support the proposed scheme
- does not face constitutional or legal impediments.

To assist in developing proposals on industry waste reduction, the Minister sought independent comment on extended producer responsibility, including the OECD and other approaches, from the Institute for Sustainable Futures, University of Technology, Sydney.

The Institute commented that extended producer responsibility provides for an economic incentive to producers to prevent waste generation, to reduce the use of toxic materials, to increase recycling and to enhance markets for secondary material.

The Institute concluded that legislation encapsulating extended producer responsibility does not represent an extra burden to industry. Numerous examples have shown that a pro-active and preventative approach to product improvements offer companies substantial cost savings. These savings (and consequent profit gains) result from such sources as reduced resource use, reduced energy consumption, lower pollution control costs, lower cost of raw materials; less waste production and better product design.

The Institute also observed that criteria are needed for determining when an extended producer responsibility scheme is appropriate. Such criteria include: ease of implementation; volume, quantity or mass of the product; potential environmental benefits; residual value of the product after its use; and the local political acceptability of the scheme.

The scheme proposed by the government details the criteria that will be used to determine the need for mandatory approaches in New South Wales. If a material, product or industry meets these criteria, a regulation will require the appropriate party to act.

In summary, the system encourages those companies doing the right thing and only regulates where the market fails.

Current Industry Waste Reduction Plans require the Government to intervene on "voluntary" industry plans to reduce their wastes and punish industries (through regulation) if they fail.

The Opposition sought to amend the provisions of Part 3 of the Bill in respect of Industry Waste Reduction in the Legislative Assembly. These amendments were not about improving the scheme and the completely ignored the very comprehensive set of checks and balance that the scheme already features.

The Bill, as it stands, provides for:

- All interested parties, including industry, to make submissions that must be taken into account by the EPA in developing a priority statement on industry waste reduction;
- The Minister to establish mandatory approaches only where certain criteria are met; and
- Where these criteria are met, to introduce mandatory approaches via regulation, thus ensuring that a full impact statement is prepared.

As is customary, the EPA would consult widely in both preparing any regulatory impact statement and in seeking responses on the draft regulation. Ultimately, the Parliament may review any Regulation that is made under the scheme.

This scheme is fair. It is transparent. It ensures that objectivity and rigorous analysis inform any decision about mandatory approaches.

INCREASES TO THE WASTE LEVY

Justification for the increase

The proposed increase takes effect from 1 July 2002. It is a modest increase aimed at giving the community and industry certainty about future price movements; it is also directed at encouraging diversion of waste or resources from landfill. In this latter respect, it is consistent with recognised international practice.

I said the increase was modest, and it is. For instance, in Australian dollars, the rates for several other countries per tonne of waste are as follows:

Austria	\$47 to \$141
Denmark	\$73
Norway	\$62
Pennsylvania	\$83
California	\$73 to \$207

It will take 13 or so years for the levy to reach \$25 in the non-Sydney Metropolitan Area from its current rate; and it will take about 9 years for the levy to reach that ceiling in the general Sydney area from the current rate of \$17 per tonne. For those who assert that the impact of the levy increase will be heavy and the general community will be hit hard, I ask that they take note of the following information.

Impact On Sydney Households

The average Sydney household is expected to pay an extra 85 cents a year, or 1.63 cents per week as a result of this increase. In the Extended Regulated Area, each household will pay about \$1.18 extra per household per year, or 2.7 cents per week more than they presently do.

It is very important to note that the amount of municipal waste going to landfill is falling each year. The above figures represent the likely maximum impact on households. Municipal waste to landfill has fallen substantially since 1990. The Government's continuing efforts in waste avoidance will see this decline continue and, hence, households are expected to dispose of even less

waste With more funds going to councils for contract and system reform, we expect far greater efficiency in the provision of waste services. And as more and better technologies are employed to divert waste from landfills, it is possible (if not probable) that the levy's movement will be neutralised.

Implementing the program of Increases

The rate of levy contributions is set in Clause 18 of the Protection of the Environment Operations (Waste) Regulation 1996. To ensure that the program of annual increases rolls out as per the Government's decision, the Environment Protection Authority will bring forward an amending Regulation by the end of this calendar year. This will provide for the \$1 per tonne increase for the Sydney Metropolitan Area, \$1.50 per tonne for the Extended Regulated Area and for the gazettal of CPI adjustments annually.

CONTAINER DEPOSIT LEGISLATION (CDL)

I understand that the Minister will be meeting representatives from the Beverage Industry Environment Council on 3 July to discuss some of their proposed initiatives and to discuss some of the matters that potentially affect their constituents, including Container Deposit Legislation (CDL).

The fact of this matter is that the report of the Inquiry into Container Deposit Legislation, is still being finalised. The report has taken longer for the Inquiry team to complete than was originally envisaged.

Coalition Criticisms

The Opposition has never understood the purpose or reasons for this Inquiry. As a consequence, it continues to provide misleading commentary on the matter.

Waste Act Provisions

One salient and vital fact not mentioned by the Member is that under the provisions of the 1995 Waste Act, CDL could be introduced via regulation if industry fails to reach certain targets to reduce container or packaging waste. That is in section 42 of the Act.

Based on current performance in meeting commitments under the relevant plans, it is difficult to be confident that industry will deliver against all of its targets. In these circumstances, the Government was in fact bound to have a considered and fresh look at CDL.

Broader Goals of Inquiry

The Government has also taken the opportunity of having the CDL Inquiry team look at issues broader than recovering just bottles and cans; in other words, the Government has sought a detailed analysis of Extended Producer Responsibility (EPR).

The Government sought advice on international trends in EPR, especially in regard to developments in the European Union. We have also sought critical commentary on the OECD's recent overview of the issue. The Government has been provided with advice on a range of possible methods that can be employed to recover everything from hazardous materials, to old tyres, to electronic goods and other machinery.

Dr White's work for the Government has been about canvassing issues well beyond that of bottles and cans.

Northern Sydney Waste Board Contract

The Government will be auditing all the Boards' programs and contracts over next few weeks, including the Northern Sydney Board's contract for the disposal of waste.

I am advised that the NSWB contract was agreed to and signed in late 1998. I am aware that it has generated some comment from supporters and detractors, which is not unexpected given the firmly held views of many in this industry.

I should say that the Government is mindful that the contract is for "residual" waste, i.e. that which cannot be diverted from landfill. Given the new structure to be established (Resource NSW) and the programs it is likely to run, it is the intention that "residual" waste finding its way into a landfill will be progressively reduced and the cost impact on residents correspondingly reduced.

COMMUNITY INVOLVEMENT IN WASTE POLICY

I have been somewhat puzzled by the Opposition's statements on community involvement in determining waste policy. It has seemingly ignored that under the *Waste Minimisation and Management Act*, Local Government — not the Minister and not the community—had virtual carte blanche in the selection of council and community representatives. This system also comprised (or severely restricted) community involvement in small to medium sized boards, given the Act's requirement that council representatives hold the majority of positions.

The Bill presently before the House ensures community representation at the Board level in Resource New South Wales. It also provides for the Board to establish committees to assist it in the exercise of its functions. Such committees need not be comprised of Board members, allowing for broader community or expert representation depending on the issue.

CONCLUSION

The Government's second-wave waste reforms will continue to deliver strong results. Local Government will receive more direct funding; industry and other commercial enterprises will receive unprecedented funding and support; secondary markets will be boosted; and new technologies to reduce waste and recover materials will be established.

The Coalition will be left even further in our wake. I commend the bill to the House.

Motion agreed to.**Bill read a second time.****In Committee****Parts 1 to 3**

The Hon. IAN COHEN [8.28 p.m.]: I move Greens amendment No. 1:

No. 1 Page 2, clause 3, lines 13 to 18. Omit all words on those lines. Insert instead:

- (b) to bring about reduced consumption of resources through a hierarchy of measures in the following order:
 - (i) avoidance,
 - (ii) re-use,
 - (iii) other methods of resource recovery (including recycling, reprocessing and energy recovery from biodegradation),
 - (iv) responsible methods of disposal,

This amendment deals with the new waste hierarchy. It is condensed into three levels: avoidance, resource recovery and disposal. The changed hierarchy is in line with the emphasis in the bill on resource recovery rather than on avoidance. The Greens have received advice that this change is likely to encourage incineration, at least when it is part of an energy-recovery process. I have been concerned about incineration and the waste hierarchy. We have seen many instances of incineration not achieving what is considered to be a complete breakdown of material. In some places it is not even a waste process. The recently developed Port Kembla copper smelter has produced problems for local people, despite assurances that it is a state-of-the-art facility. At start-up and other times, less than optimal levels of incineration occur, and that can impact significantly on the local community.

I have always been, and will continue to be, very concerned about incineration as a way of dealing with waste. The amendment will restore the waste hierarchy in the 1985 Act. The hierarchy is avoidance, reuse, recycling, reprocessing and disposal. The amendment recognises the importance of resource recovery. We are debating the Waste Avoidance and Resource Recovery Bill, and I will say more about incorporating avoidance into the bill, as its name suggests. I suggest that honourable members seriously consider that concept in the bill. I commend the amendment to the Committee.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [8.31 p.m.]: The Government does not support the amendment. The hierarchy as expressed in the bill properly gives effect to the principle of ecologically sustainable development, and recognises that environmental and economic benefits, and the costs of all resource recovery options need to be assessed. Avoidance of unnecessary consumption remains at the top of the hierarchy, and disposal remains the last option. The proposed amendment would confuse the issue by arbitrarily differentiating between different recovery options.

The reality is that the decision about which recovery option is best will vary from material to material. It is a matter for expert, independent examination, not random speculation. The amendment would make the principles of ecologically sustainable development apply preferentially to a particular energy-recovery process. This fails to allow for future technology developments that might be more sustainable. The waste regulatory and licensing framework exists to ensure that, if there is no sustainable recovery option, waste disposal is carried out responsibly. The addition of the word "responsible" to the hierarchy adds no value whatsoever to the concept.

The Hon. JOHN RYAN [8.32 p.m.]: For the purpose of the record and so the honourable member knows what the numbers are, the Opposition is not in a position to support this amendment. My reasons are so

similar to those outlined so eloquently by the Minister that I do not feel the need to restate them. Although the Opposition supports the waste avoidance hierarchy, we accept that there are certain circumstances in which it is scientifically justifiable to opt out of the hierarchy and do other things. The Government has explained those reasons quite adequately, so the Opposition does not support the amendment.

Amendment negatived.

The Hon. IAN COHEN [8.33 p.m.]: I move Greens amendment No. 2:

No. 2 Page 2, clause 3, lines 19 to 22. Omit all words on those lines. Insert instead:

- (c) to provide for the avoidance of waste, reduced consumption of resources and continual reduction in waste generation,

The purpose of this amendment is to place a much greater emphasis on avoidance and make reduced consumption an object of the bill. One of the main weaknesses of the 1995 Act was the vagueness of its objects. That weakness has been reinforced in this bill, which fails to make any link between reducing consumption and reducing waste. Unless consumption is reduced, the production of waste is inevitable.

As we move to higher technical levels of dealing with waste I am concerned that we continue to look at a regime that will encourage waste. Although it will be a better way to resolve waste and provide a greater incentive for industry to deal with it, the bill still gets away from the basic concept that we need to inculcate in society, across the board in industry and in the general public: the need to look toward the reduction of consumption and therefore the reduction of waste.

Although waste can be used in a positive way in certain circumstances, if we lose sight of that basic direction we are selling out on the ideas and ideals espoused by this Government when it first came into power. Instead of looking towards waste minimisation we now refer to it as waste avoidance, as the title of the bill states. I am disappointed to note that although the Government expresses these ideals in a superficial manner, when it gets down to the nitty-gritty it avoids them. It is the waste we want to avoid, not the politics.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [8.35 p.m.]: The Government does not support the amendment. In some ways we are not quite sure what it achieves. The bill clearly sets out the concept of reducing waste generated, minimising the consumption of natural resources and minimising waste disposal by encouraging avoiding, reducing and recycling waste. The bill is as clear as it can be. To change it would not make it any clearer.

The Hon. JOHN RYAN [8.35 p.m.]: The Opposition does not support the amendment, although I have some sympathy with what the honourable member is trying to achieve. One of the wittiest and most memorable speeches I have ever heard on waste avoidance was given by an expert from Great Britain who said, "You know what the meaning of life is? To consume as much of this earth's resources as you can before you die." There is some truth in that. I understand that the honourable member is attempting to put responsibility on people.

Western societies consume more of this world's resources than we can sustainably produce. The truth is that society would not necessarily support a waste avoidance and resource recovery Act that ultimately placed responsibility on individuals to reduce their consumption of resources. As commendable as that might be, society has not been given the opportunity to discuss the principle or endorse it. For that reason the Opposition is not in a position to support the amendment. Even if we were to support the amendment and it were passed, it would probably not make a great deal of difference to the implementation of the Act.

Amendment negatived.

The Hon. IAN COHEN [8.37 p.m.], by leave: I move Greens amendments 3, 4, 7 and 8 in globo:

No. 3 Page 2, clause 3, lines 23 and 24. Omit all words on those lines. Insert instead:

- (e) to ensure that industry takes full life-cycle responsibility, in accordance with the principle of extended producer responsibility, for the products and packaging it creates,

No. 4 Page 3, clause 4. Insert after line 14:

- (2) In this Act, a reference to the *principle of extended producer responsibility* is a reference to the principle that the producer of a product (including any packaging) is physically and financially responsible for the entire life-cycle of the product or packaging and, in particular, for take-back and recycling systems.
 - (3) In subsection (2), *producer* and *product* have the same meanings as in Part 3.
- No. 7 Page 7, clause 12, lines 5 to 8. Omit "an environmental policy in which the producer's responsibility for a product (including physical or financial responsibility) is extended to the post-consumer stage of the product's life-cycle". Insert instead "the principle of extended producer responsibility".
- No. 8 Page 7, clause 12, line 10. Omit "shared".

These amendments place the principle of extended producer responsibility [EPR] at the forefront of the bill, which creates a system of EPR schemes. However, these schemes rely on shared responsibility, which is the same discredited approach that led to the failure of the National Packaging Covenant. Unless schemes are enforced and industries are required to participate and meet targets, the schemes will not proceed. When it comes to the crunch of meeting targets on these types of waste issues the Government has been found to be wanting. These amendments would resolve that situation. I simply put that on the record.

The Hon. RICHARD JONES [8.38 p.m.]: I fully support these amendments. Some years ago when Pam Allan was in Opposition we conducted a waste inquiry. We asked key people from a number of producers, such as Burwood Scott and Coca-Cola Amatil, whether they would take cradle-to-grave responsibility for their packaging. Each one of them said, "No."

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [8.39 p.m.]: The Government does not support these amendments. They seem to suggest that raw material suppliers, transporters, retailers, others in the product-supply chain, and consumers have no responsibility and no role to play in the efficient use of resources and the avoidance of waste. That is a concept with which the Government has some problem. We suggest that the community would also have some difficulty with it. Ordinary citizens accept that they have a responsibility with regard to waste, as evidenced by actions associated with kerbside recycling. The bill adopts the internationally accepted principles of extended producer responsibility and product stewardship. The Government's proposals acknowledge that industry must play a recognised role in waste reduction. The Government provides for industry to do this voluntarily or, when necessary, through a mandatory process.

The Hon. JOHN RYAN [8.39 p.m.]: The Opposition does not support the amendments. I dispute the honourable member's contention that having industry co-operate as opposed to having industry dictated to is a discredited position. Enormous achievements have occurred in New South Wales, if nowhere else, by having industry on side. Of course, industry has a responsibility to reduce waste, but, as the Minister has just said, the consumer also has a responsibility. I think it is becoming increasingly the case that if industry creates products that generate an excessive amount of waste, consumers make that fact known by leaving the waste behind.

On many occasions I have bought things and, oddly enough, the retailer has offered me the opportunity to leave the packaging behind and just have the product delivered. That is becoming increasingly the case: industry is asking consumers, "Do you want this packaging?" Packaging is becoming optional. That is already happening. I think it is important that the Legislature does not get ahead of the community. It is quite possible to achieve improvements by co-operation

The Hon. Dr Arthur Chesterfield-Evans: We should lead the community!

The Hon. JOHN RYAN: There are occasions when it is important for the Legislature to lead but my view is that so much progress has been made by the community on its own that in most cases a government simply needs to encourage an attitude, rather than dictate a policy. The result has been that by encouraging the development of an attitude, the community has increasingly come to the conclusion that consumers do not want the responsibility of disposing of waste that industry creates with its packaging. Frequently people return packaging to industry of their own volition, and industry is increasingly hearing the message and is producing less packaging. The trouble is that governments are not great at suggesting how industry should reduce waste.

The truth is that if we suggest to industry a particular policy, industry gradually gets the message and finds efficient ways of achieving the policy goal while at the same time doing what parliamentarians also want industry to do, namely, create jobs. Both the environmental and economic objectives are wanted by the community at once. Members of the community do not want one objective achieved by sacrificing the other. All of us want our children to have jobs and we also want industry to be environmentally responsible.

In recent times so much progress has been made by industry that there is no need for governments to dictate in a command and control manner. It is necessary for industry to work with the community. Industry is not aside from the community; it actually understands the aspirations of the community. Sometimes industry understands better than the community does. If industry does not deliver what the community wants, the community does not buy industry's products.

Much has been said about the ubiquitous McDonald's Family Restaurants but I know of few organisations that have their staff pick up rubbish outside their premises. McDonald's frequently does that in response to the fact that the community expects McDonald's to behave in a certain way. Ten years ago that was not conceivable. At that time McDonald's took no responsibility. If we were discussing a matter of law and order, the crossbenchers would be just as keen as I am on adopting a co-operative approach and getting people on side with industry waste management.

The Hon. Dr Arthur Chesterfield-Evans: You don't want co-operation there.

The Hon. JOHN RYAN: I do.

The Hon. Dr Arthur Chesterfield-Evans: You lock them up.

The Hon. JOHN RYAN: The honourable member knows for a fact that I do not, and that I have made myself sufficiently unpopular in this place by advocating the adoption of a different perspective. I will continue to do so. Naturally I carry across that value and apply it to regulating industry as well. I intended to be brief, but my view is that we are making progress. The approach taken by the Government in this bill is appropriate. Given that that is the case and that progress is being made, I believe it is appropriate to couch this policy in the terms provided in the bill. I entirely accept the contention of the crossbenchers that there are individuals in industry that are not particularly bright. I recall during discussions on the waste committee to which the Hon. Richard Jones referred that I felt extreme frustration with, I think, the supermarket association.

The Hon. Richard Jones: Yes.

The Hon. JOHN RYAN: The committee was trying to convince the association that the community does not want plastic bags at supermarkets, but the association certainly did not accept that proposition. I think the community increasingly is looking for an alternative to plastic bags. I have noticed that industry is beginning to provide facilities to enable plastic bags to be recycled. I accept that that will not be enough, but I think the community will give that message to the supermarket industry soon enough, and before long industry will find better alternatives. Notwithstanding that some individuals in industry are difficult, my view is that, taken as a whole, industry is a great deal more co-operative than is suggested by the crossbenchers' amendment. I think that the manner in which the Government has couched the terms of this bill is an adequate statement of what the community wants parliamentarians to do.

The Hon. RICHARD JONES [8.45 p.m.]: We are not just talking about packaging; we are talking about products as well. The computer industry has some good news. Recently I spoke to an executive who told me of a decision to recycle computers. The only snag that has been encountered so far is the plastics industry, which will not participate at this stage. We would like the plastics industry to co-operate with the computer industry and take back the plastic. The plastics industry is the only sector that is holding up the whole process.

The Hon. Doug Moppett: What else is there in a computer?

The Hon. RICHARD JONES: Plenty of things. There are a great many things in a computer. The plastics industry is the only sector that is holding up this recycling concept that has been developed by a major computer corporation in this State. I do not think that McDonald's was necessarily a very good example, because I am plagued by McDonald's waste whenever I walk about the streets. I see McDonald's packaging everywhere I look. The golden arches are always on the ground somewhere, so that was not a good example.

The Hon. IAN COHEN [8.45 p.m.]: I concur with the Hon. Richard Jones: McDonald's is not a good example. What we are really dealing with is a recidivistic littering industry.

The Hon. Doug Moppett: But you have eaten there.

The Hon. IAN COHEN: I have never eaten in a McDonald's restaurant in my entire life. I would not eat at McDonald's, because of the food content and the style of the business and because there are no facilities for people who wish to eat from recyclable containers. I am disappointed that the Hon. John Ryan has put so

much faith in industry, because industry has a strong profit motivation that holds it back from adopting reforms. What better forum is there than Parliament in which to set an example? Perhaps I am not avid enough as a consumer, because no-one has ever offered to take back my packaging when I have bought a product. In fact, I am constantly being offered plastic bags, from my corner shop and from supermarkets, even though they are not needed. I have never had a store offer to take back the packaging. As I said last night when I cited the German example that provides for producer and retail responsibility, that moved things along.

I believe just as fervently in this instance as I did during last night's debate that waste minimisation is susceptible to direction from government. Legislation would be extremely effective because industry will not take a direction that may cost it more, and it will not change its style without direction from government. I still believe that my amendments are appropriate.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [8.48 p.m.]: The Government really does have to be active in this matter. Industry representatives who are involved in a waste minimisation program tell me they are frustrated by the Environment Protection Authority [EPA] continually moving the goalposts. They expressed their fear of criticism and their timidity about the difficulty of their position. If they say to a person who has accumulated some waste, "You may do nothing with that," they feel that at least they are keeping the situation under control. If they say, "You may process that waste," they take the risk that a waste byproduct or pollution will be produced.

Industry tends to be timid about taking action. When industry agrees to adopt a waste minimisation strategy, the EPA then says, "Oh, you had better do something else as well." The industry is frustrated by trying to deal with environmental protection agencies. This is a problem that has been brought to my attention by organisations that treat bulk waste. The great optimism shown by the Hon. John Ryan for the packaging industry is not borne out by the facts. Coca-Cola has placed dispensers on every corner and takes the attitude that when a consumer buys a product, it is the consumer's problem to dispose of the waste. Water that used to come out of bubblers is now bottled, and the number of bottles being produced is extraordinary.

McDonald's responded to public criticism of its styrofoam canisters because they were being discarded in such horrendously large numbers and they were immediately identified as having come from McDonald's. An ideologically sound friend of mine ate at McDonald's. When he came out of the restaurant he immediately threw the styrofoam packaging on the ground. When I asked him why he did it he said, "I'm going to draw attention to this. It will stop because people will be really angry." Sure enough, within a few months it did. McDonald's moved to paper waste rather than styrofoam waste, which was some degree of progress. However, it is still producing huge amounts of waste.

When you buy a shirt it makes the shop assistant very unhappy if you take out the thousands of pins, the plastic, the plastic bag and put them on the counter. Of course, they simply dump it in the bin, but it does have good feedback. Even fruit is packaged in small lots for no apparent reason, and now bananas are being dipped in wax, which, of course, means you cannot put them on the compost heap. The amount of packaging is ridiculous and the retail industry does not appear to want to take the material back. They say they would have to redesign the supermarkets. People are driving to the supermarkets in cars and could return the packaging. If the retailers had to be responsible for what they were selling, I am sure the amount of packaging would decrease dramatically and the amount of bulk sales would increase.

The Hon. Doug Moppett: You would finish up taking the banana skins back!

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Well, it might stop them from dipping the bananas in wax. I had a friend who used to buy batteries that were labelled, "Please dispose of thoughtfully." He telephoned the battery company and said, "Okay, I'm thinking. What should I do next?" After being shuffled around half a dozen departments, in the end he said, "Well, should I just be thoughtful as I throw the batteries away, since you don't actually have any policy or arrangements at all to take back this battery?" That was in fact the answer, and I believe it still is. I often argue as I buy a film canister that if one were to take them back they could be recycled. Again, there will be no progress without some pressure. I think that is why the Government ought to take a lead on issues such as this. Doing nothing is quite profitable and the recycling problem is transferred—in other words, "You bought it. It's your problem. You now deal with it." That is the attitude that has been taken, particularly by the disposable packaging industry. Until the Government is courageous enough to break this nexus, I believe it will continue.

Amendments negatived.

The Hon. RICHARD JONES [8.52 p.m.]: I move my amendment No. 1:

No. 1 Page 4, clause 6. Insert after line 22:

(b) to develop, co-ordinate and monitor the implementation of event and public space waste management codes,

This amendment gives Resource New South Wales an additional specific function of developing and implementing event and public space waste management codes. The success of the Olympic Games waste management system needs to be replicated as soon as possible to avoid proliferation of different standards and bin systems.

The Hon. IAN COHEN [8.53 p.m.]: I move:

That the amendment moved by the Hon. Richard Jones be amended by deleting the word "management" and inserting instead the word "avoidance".

This keeps to the regime, as I spoke to it in my contribution to the second reading debate. This is the Waste Avoidance and Resource Recovery Bill. The bill clearly states that we are talking about avoidance. I believe the amendment was moved with good intent, nevertheless I have received representations from the Waste Crisis Network and the Local Government and Shires Associations who feel strongly that the word "avoidance" should be incorporated within the bill as well as in the title. If it is not, we will end up with legislation that has the right title but not the substance to back it up. I believe that inclusion of the word "avoidance" would be appropriate at this point.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [8.55 p.m.]: The Government supports the amendment moved by the Hon. Richard Jones, but it does not support the subsequent amendment moved by the Hon. Ian Cohen. The Government has had an ongoing commitment to improving public place waste management. This amendment clarifies that Resource New South Wales will take the lead on this issue. There are significant improvements to be gained in the way we tackle public event waste management and the Government made huge strides in this area during the 2000 Olympic Games. Resource New South Wales will be well funded to push this issue forward. With regard to the amendment moved by the Hon. Ian Cohen, which seeks to insert the word "avoidance" in place of the word "management", it is my understanding that the honourable member will seek to move this amendment on a number of occasions. In the interests of a speedy conclusion of the debate I will make my comments now and not repeat them.

The Government believes the Greens suggestion that the bill does not adequately deal with the issue of waste avoidance is inaccurate. So too is the suggestion that the Government has abandoned the waste hierarchy. Waste avoidance is specifically referred to in the objects of the bill, and is intrinsic to a number of the other concepts that are referred to, including: waste reduction, reduction of the consumption of natural resources and resource efficiency. To be specific, waste avoidance is referred to in paragraphs (b) and (d) of the objects of the bill. It is also implicit in paragraphs (a) and (c). Waste reduction and resource efficiency, two concepts that embody waste avoidance, are also referred to in several of the proposed functions for Resource New South Wales. I also indicate that the Government intends to agree, or has agreed, to two amendments that would see Resource New South Wales regularly report on volumes of waste avoided and provide for government agencies to report on actions taken to reduce the generation of waste. The Government does not believe the amendment moved by the Hon. Ian Cohen is one that it can support.

The Hon. RICHARD JONES: I sympathise 100 per cent with what the Greens—particularly the Hon. Ian Cohen—hope to achieve but, as the Minister said, the issue of avoidance is encompassed in the bill. It is in fact mentioned in the title of the bill. The objects of the bill place avoidance at the top of the hierarchy and the functions of the Act clearly create instruments to achieve avoidance. However, waste reduction obviously encompasses avoidance as well as the range of other activities to divert waste from landfill. The fact is that, while avoidance is an alternate objective, we need to be able to lead the attack on the waste problems confronting us right now. Inevitably there will be a transition through a variety of waste management approaches, including recycling and reuse.

It is also important that the bill has provision for extended producer responsibility schemes that will inevitably attack the issue of waste avoidance because the cost of waste will become much more visible to the producers of waste. Clause 16 (4) of the bill specifically states that the waste fund may be applied to waste avoidance, resource recovery and other waste management activities. All of these areas will have to be addressed vigorously if we are to bring the State's waste crisis under control. I would simply say to the Hon. Ian Cohen that one or two groups may support his amendment, but I am afraid that a number of groups do not support it.

The Hon. JOHN RYAN [8.58 p.m.]: The Opposition supports the amendment moved by the Hon. Richard Jones. Until the amendment of the amendment was moved by the Hon. Ian Cohen we did not know that there was a suggestion that the word "avoidance" be substituted for the word "management". I think the honourable member made a neat point with regard to the title of the bill. I have no doubt about that. However, I believe it is more appropriate that the bill should contain the words "waste management" rather than "waste avoidance". It may well be that in a number of years time when this bill is reviewed—as society begins to confront the issue of waste—we will increasingly describe it as waste avoidance as opposed to waste management, but I think waste management is the appropriate way to describe it now. The Opposition did not have an opportunity to discuss this aspect, but it will not make a great deal of difference to the implementation of the legislation in the immediate future.

There is no doubt that increasingly we will have to address the issue of waste avoidance. I do not want to sound as though I am running away from the issue—indeed, personally I am relaxed with the concept of waste avoidance—but I think the community would find it to be a little inflexible at the moment. Nevertheless, increasingly, government policy, industry policy and individual policy will have to address waste avoidance. I do not take the view that industries are the producers of waste; I think individuals have some responsibility for what they purchase. If I keep demanding waste, I am responsible. I am as much a producer of waste as is the industry I purchase it from. I do not take away my own responsibility or the responsibility of the rest of the community for a lack of waste avoidance.

I sympathise with the honourable member's sentiment. However, I believe that waste management adequately expresses the present position of the New South Wales community. In any event, the Opposition takes the view that before we would agree to substitute such an amendment on the run, we would need some time to consult. Therefore, on this occasion the Opposition is not in a position to support the Greens amendment. However, the Government supports the amendment moved by the Hon. Richard Jones.

The Hon. IAN COHEN [9.01 p.m.]: I wish to indicate my support for the amendment moved by the Hon. Richard Jones. Nevertheless, I believe that avoidance is a moot but important point. In attempting to represent wholeheartedly the Greens position as, I believe, reflected in the community, it is historically timely to consider waste avoidance. Perhaps this House and many people in our society do not recognise that fact, as do those who have worked for a long time to address waste issues. Those people include many of my friends, who voluntarily—both personally and professionally—now work at a council level and take a keen interest in the problems of waste in both urban and country areas. Major public events result in the creation of large amounts of waste. The amendment recognises the importance of such events, but it is not focused on achieving waste avoidance or reduction at those events. Mega tips and landfill are part of waste management, but this is not the same as waste avoidance and reduction. The Greens hope that the Government will take the opportunity to at least think about that, as it would appropriately strengthen the bill.

Amendment of amendment negated.

Amendment agreed to.

The Hon. RICHARD JONES [9.04 p.m.]: I move my amendment No. 2:

No. 2 Page 4, clause 6. Insert after line 35:

- (g) to advise the Minister as to the kinds of articles, materials and substances that should be prohibited from being used for landfill or from being used in connection with other treatment processes, and the resource recovery options for those articles, materials and substances,

The amendment ensures that Resource New South Wales has, as a function, the power to advise the Minister to ban certain materials from landfill or other treatment processes.

The Hon. IAN COHEN [9.04 p.m.]: I move the following amendment to the amendment of the Hon. Richard Jones:

That the amendment be amended by inserting in clause 6 (1) (g) before the word "resource" the words "avoidance and".

For similar reasons to those I expressed earlier, I support the amendment moved by the Hon. Richard Jones. However, by inserting the words "avoidance and" before the word "resource" my amendment recognises that certain substances should be prohibited from landfill. The Greens suggest that the best solution is to avoid the production of such substances.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [9.05 p.m.]: The Government accepts the amendment moved by the Hon. Richard Jones but it does not support the amendment moved by the Hon. Ian Cohen, for the reasons I outlined earlier. With regard to the amendment moved by the Hon. Richard Jones, in recent years the Government has invested significant resources in developing public space and waste management standards, and we look forward to Resource New South Wales implementing those standards and progressively changing the way in which large-scale public events are conducted with respect to waste management. The Government intended to move a similar amendment, but I foreshadow that we will withdraw that amendment at the appropriate time.

The Hon. JOHN RYAN [9.05 p.m.]: The Opposition supports the amendment moved by the Hon. Richard Jones. The House has already engaged in extensive debate on waste avoidance, so I will not prolong that debate further. The Government does not support the amendment moved by the Hon. Ian Cohen, regardless of how sympathetic we are to its objectives. There is an enormous tendency for all of us to become extremely excited about public events because they produce waste in a very visible way. It is probably apposite to make the point that one of the forms of waste that the State now produces far outweighs any waste that goes to landfill. I refer to fly-ash that is produced by electricity producers. I understand that this State produces more fly-ash in generating electricity—in the proportion of about 2:1—than other putrescible waste that goes to landfill. We tend to focus on waste that can be seen rather than on what is unseen but is equally important in the waste stream. Nevertheless, there is no reason why we should visibly produce waste, and in that regard the Opposition supports the amendment moved by the Hon. Richard Jones.

Amendment of amendment negatived.

Amendment agreed to.

The Hon. IAN COHEN [9.07 p.m.]: I move Greens amendment No. 5:

No. 5 Page 5, clause 6. Insert after line 2:

- (2) Resource NSW may provide advice to the Minister (whether or not it is requested) on matters relating to waste policy and expenditure from the Waste Fund established under section 16.

In its current form the bill is vague about the role of the proposed Resource New South Wales and the way in which it relates to the Environment Protection Authority, the Waste Corporation and the Minister. The amendment clarifies that Resource New South Wales can provide advice to the Minister on matters of waste policy. I commend the amendment to the House.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [9.08 p.m.]: The Government understands what the Hon. Ian Cohen is seeking to achieve by way of the amendment and does not necessarily have a problem with it, except that we are uncomfortable with the words that appear in parenthesis. We believe that the words suggest a default position of conflict rather than one of co-operation. The Government would be happy to support the amendment, as long as the words in parenthesis are deleted. I move:

That the amendment be amended by the deletion of the words "(whether or not it is requested)".

The Hon. IAN COHEN [9.09 p.m.]: I appreciate the Government's position. I do not believe that the words in parenthesis change the intent or form of the amendment, although I take on board that they are unnecessary. I therefore accept that the words in parenthesis should be removed, and I thank the Government for accepting the amendment.

The Hon. JOHN RYAN [9.10 p.m.]: In a sudden outbreak of consensus the Opposition also supports the amendment. I am not sure that we were wildly excited about whether the words in parenthesis if included would make a great deal of difference but I accept that they do look a bit unusual in a bill. Since the mover of the amendment, the Hon. Ian Cohen, has agreed to their being taken out, we have no objection to the amendment going forward without the words in parenthesis. The Opposition otherwise supports the amendment.

Amendment of amendment agreed to.

Amendment as amended agreed to.

The Hon. RICHARD JONES [9.11 p.m.]: I move my amendment No. 3:

No. 3 Page 5, clause 6, line 3. Omit "have regard to". Insert instead "act in accordance with".

This amendment ensures that Resource New South Wales must, in exercising of its functions, act in accordance with and not just have regard to the principles of ecologically sustainable development.

The Hon. IAN COHEN [9.12 p.m.]: The Greens support the amendment. It is not sufficient for decision-makers to have regard to ecologically sustainable development [ESD] principles; it is necessary for decision-makers to act in accordance with those principles.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [9.12 p.m.]: The Government does not support the amendment. It is entirely appropriate to signal the special importance of ecologically sustainable development for an organisation such as Resource New South Wales, and we believe the bill does that. It is up to the organisation, once it is properly established, to demonstrate through its plan and activities how it is giving effect to the principles of ecologically sustainable development: indeed, how it has had regard to the principle—using the words that are actually in the bill. Since ecologically sustainable development is expressed as a principle, the words "act in accordance" have no stronger effect in practice than the words currently in the bill. There are many socially important principles that public sector agencies have to take account of. Resource New South Wales will need to show how it deals with other principles as well as that of ESD. The reporting obligations placed on the organisation ensure that the public will be in a very good position to determine the extent to which the agency is having proper regard to this important principle.

The Hon. JOHN RYAN [9.13 p.m.]: The Opposition has the same view as the Government in regard to this amendment. I find it hard to believe that it will be difficult to see how the Act is implemented regardless of what the wording in the proposed Act is. There is no penalty if Resource New South Wales does one or the other. But for reasons the Government has outlined—they are reasons with which the Opposition is sympathetic—we take the same view with regard to the amendment and find that it is better that the Act remains as it is, and so we do not support the amendment.

Amendment negated.

The Hon. RICHARD JONES [9.14 p.m.]: I move my amendment No. 4:

No. 4 Page 5, clause 8. Insert after line 17:

(4) One of the appointed members is to be appointed on the nomination of the Nature Conservation Council.

This amendment provides for one member of the Resource New South Wales board to be appointed by the Nature Conservation Council.

The Hon. IAN COHEN [9.14 p.m.]: The Greens support the amendment. It is essential that environment groups are represented on the board of Resource New South Wales. The Nature Conservation Council, as the peak environmental group, is an appropriate organisation to make such a nomination.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [9.15 p.m.]: The Government accepts the amendment.

The Hon. JOHN RYAN [9.15 p.m.]: The Opposition is opposed to the amendment. We note that the bill already provides for a person representing resource conservation and environmental protection. We accept that the Nature Conservation Council is a respected organisation representing environmental groups. But it is not the only group that might adequately represent environmental groups. From time to time it might be appropriate for the Government to choose someone else. The committee is broadly representative. It has a person from local government, the waste management industry, rural affairs, regional affairs—I do not entirely understand the difference between the two in terms of how the Government might choose someone—urban affairs and infrastructure and financial and risk management. The committee as it is currently couched is adequately representative. If the Nature Conservation Council put forward the best nominee, of course, we would advise the Government to accept that nomination. In view of the numbers in the Chamber I do not think it will make any difference but the Opposition is not inclined to this amendment at this time.

Amendment agreed to.

The Hon. RICHARD JONES [9.16 p.m.]: I move my amendment No. 5:

No. 5 Page 6, clause 9. Insert after line 12:

- (3) The performance criteria dealt with in the Chief Executive's contract of employment under Part 2A of the *Public Sector Management Act 1988* are to include criteria that require real and measurable improvement (in accordance with the current waste strategy) in the areas of resource efficiency, waste reduction and waste management.

This amendment ensures that the contract of employment of the chief executive of Resource New South Wales requires real and measurable improvements in resources efficiency, waste reduction and waste management.

The Hon. IAN COHEN [9.17 p.m.]: The Greens support the amendment to specify the performance criteria for the chief executive. However, I move:

That the amendment be amended by the insertion of the words ", waste avoidance" after the words "waste reduction".

The amendment to the amendment is to confirm that waste avoidance is an important aspect of the chief executive's duties. I have probably gone through the reasons many times tonight so I will not go into detail now.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [9.17 p.m.]: The Government supports the amendment moved by the Hon. Richard Jones but does not support the amendment to the amendment moved by the Hon. Ian Cohen.

The Hon. JOHN RYAN [9.17 p.m.]: The Opposition does not support the amendment, although I understand that it is largely dragged across from the provisions of the Sydney Water Catchment Management Bill. Essentially, the Opposition is sympathetic to the amendment but the shadow Minister for the Environment wanted to see something—

The Hon. Dr Arthur Chesterfield-Evans: It is in the title of the bill. You do not want the bill consistent with the title, that is the trouble.

The Hon. JOHN RYAN: No. We are talking about the whole bill. I am not sure what the inclusion or exclusion of the words would mean. Senior Executive Service public servants seem to get their bonuses almost regardless of the performance of the department in any event. Whether the amendment would make a great deal of difference to the performance of the chief executive under his contract of employment I am not sure. The shadow Minister had some reservations about the amendment but in view of the numbers in the Chamber the Opposition will not call for a division on the amendment.

Amendment of amendment negatived.

Amendment agreed to.

The Hon. IAN COHEN [9.19 p.m.]: I move Greens amendment No. 6 :

No. 6 Page 6, clause 10, line 20. Omit "or local".

Resource New South Wales has the power to employ staff under clause 10 (2). There is no need for this clause, which appears to give Resource New South Wales the power to transfer staff from councils without any need for agreement by the council. I suggest to the Hon. John Ryan that that goes against what he has been arguing in this bill. Whilst I have some reticence about the interests of the industrial sector of private enterprise, it is important to be more inclusive of councils in a voluntary perspective. This amendment gives support for that concept. I commend Greens amendment No. 6 to the Committee.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [9.20 p.m.]: I am having some difficulty understanding exactly what the honourable member is trying to achieve with this amendment. The Government does not support it. It is a standard provision to allow government bodies to enter co-operative arrangements, including the temporary transfer or secondment of staff. There is no coercive connotation. If the word "local" were deleted, we would not have that arrangement with local government, and that would limit the way Resource New South Wales could co-operate with councils.

The Hon. JOHN RYAN [9.20 p.m.]: The Opposition does not support this amendment. I understand that the Hon. Ian Cohen has said that to some extent this amendment is supposed to be local government-friendly. However, the Opposition has not received any information from the Local Government and Shires Associations, the Local Government Association or other organisations to suggest that they support the amendment. The Opposition is not in a position to check it otherwise. We would not want to go ahead if the Government is not supporting this amendment. We are not in a position to support the amendment.

Amendment negatived.

The Hon. RICHARD JONES [9.22 p.m.]: I move my amendment No. 6:

No. 6 Page 7. Insert before line 1:

Part 3 Waste strategies

12 Development of waste strategies

- (1) Resource NSW is to develop a waste strategy for the State.
- (2) A waste strategy:
 - (a) is to be based on continuous improvement and benchmarked against international best practice, and
 - (b) is to include targets for waste reduction, resource recovery and the diversion of waste from landfill disposal, developed by an expert reference group appointed by Resource NSW.
- (3) A waste strategy does not take effect until it is adopted by Resource NSW.
- (4) The first waste strategy is to be adopted within 12 months after the establishment of Resource NSW.
- (5) Subsequent waste strategies, to replace existing waste strategies, are to be developed at intervals of not more than 2 years.
- (6) For the purpose of developing any waste strategy, the adequacy of the waste strategy is, if appropriate, to be assessed by means including the technique known as life cycle analysis.
- (7) Before adopting a waste strategy, Resource NSW:
 - (a) must cause notice of the proposed strategy to be published in a daily newspaper circulating throughout the State, and
 - (b) must cause copies of the proposed strategy to be made available for public inspection on the Internet and at each of its offices, and
 - (c) must allow a period of at least 28 days for members of the public to send written comments to Resource NSW in relation to the proposed strategy, and
 - (d) must take any such comments into consideration.

13 Resource NSW and EPA to co-ordinate activities to give effect to waste strategy

The EPA and Resource NSW are required to co-ordinate their activities so as to implement the current waste strategy.

This amendment ensures that a State, and appropriate regional subsets, waste strategy is required biannually. The strategy must be based on continuous improvement and benchmarked against best international practice. The strategy must include targets for diversion from landfill and avoidance practices developed by an expert reference group appointed by the board of Resource New South Wales. Resource New South Wales is required to use life-cycle analysis as a key tool in assessing the objectives of the waste strategy and support for waste management technologies. The strategy is subject to public consultation via an advertisement in a newspaper circulated throughout the State, and exhibition at regional New South Wales offices and on the Internet. Any public comments must be considered before the strategy is adopted.

The amendment also ensures that the Environment Protection Authority and Resource New South Wales must co-ordinate their activities to implement the waste strategy. Public authorities and State-owned corporations are required to report on their recycling activities, use of recycled materials and waste avoidance measures in their annual reports. A biannually produced State waste strategy will be an important document in guiding local government, industry and the community. Benchmarking that strategy will provide a key target

and improve accountability. As the bill currently stands, Resource New South Wales does not have an actual power to ensure the implementation of waste strategy or various programs, despite the fact that regional waste boards that it replaces have the power to direct councils to take action.

Resource New South Wales should therefore at least be given the power to require reasons for councils failure to comply with the strategy. Public authorities and State-owned corporations are big waste producers, and an important market for recycling. Various State policies are intended to increase their recycling activities at office and construction-demolition levels, and the procurement of recycled materials.

The Hon. IAN COHEN [9.25 p.m.]: The Greens support this amendment, which I am pleased the Government also supports. It should be noted, however, that waste strategies are not legally binding documents. The Greens are concerned that they are likely to be disregarded by industry for the reasons outlined in my contribution to the second reading debate.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [9.26 p.m.]: The provisions of this amendment were implicit in the bill as it stands, but the Government is happy to support the amendment. Resource New South Wales will be the leader on waste strategy development in the State. The amendment addresses a critical concern by stakeholders in consultation on the Waste Act review, namely, the lack of an overarching strategy to provide guidance to the work of many and varied organisations with something to offer in addressing our waste problems. The Government believes that the amendment will strengthen the bill.

The Hon. JOHN RYAN [9.26 p.m.]: The Opposition has no particular view with regard to opposing or supporting this amendment. That might seem unusual but I simply draw to the attention of the Committee that the amendment has changed significantly from its form when circulated originally. For example, initially the amendment provided that the waste strategy must be based on continuous improvement, and must include targets for waste avoidance. It included that the strategy developed by Resource New South Wales had to not only have separate targets for waste—production, marketing, use and disposal—but also included that it had to use life cycle analysis, as subsection (6) stated:

For the purpose of developing any waste strategy, after the first adequacy of the existing waste strategy is to be assessed by the means including the technique known as life-cycle analysis.

It defined the term "life cycle analysis". The amendment in its present form substitutes the words "is to" for the word "must" in proposed subsection (2) (a), and in proposed subsection (6) inserts such terms as "if appropriate" and "by means including the technique known as life cycle analysis", which is not defined. One might say that the amendment is now more moderate, and is probably closer to the view of the Opposition than it was in its original form. I understand that industry and local government were concerned about this particular amendment as it was originally couched. The Opposition has not been in a position to consult with all the groups at quite the speed with which this amendment has moved to get the final tick off. The Opposition cautiously takes the view that it does not oppose the amendment as it currently stands. I simply say that the Opposition opposed it in the way it was first couched. The Opposition notes that the amendment has been significantly reworked, even as recently as today, and accepts that it is a more moderate statement. It notes that the Committee is likely to accept it.

Amendment agreed to.

The Hon. RICHARD JONES [9.28 p.m.]: I move my amendment No. 7 as circulated:

No. 7 Page 7. Insert before line 1 (at the end of the matter relating to waste strategies inserted in committee):

14 Power to request councils to report on waste strategy compliance

- (1) Resource NSW may request a local council to provide the reasons for any specified non-compliance by the local council with the objectives of the current waste strategy.
- (2) Such a request must be in writing and must specify the date by which the local council is requested to provide the reasons to Resource NSW.

Resource New South Wales may request reasons from local councils explaining their failure to comply with the waste strategy.

The Hon. IAN COHEN [9.28 p.m.]: The Greens support the amendment. The co-operation of local councils with the waste strategy is essential as local government is directly involved in the administration and implementation of waste policy.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [9.29 p.m.]: The Government supports this amendment.

The Hon. JOHN RYAN [9.29 p.m.]: This amendment is in much the same position as the previous amendment was. In fact, it could be said that it has now been amended to the point that it is somewhat meaningless. Initially the amendment was quite directive on local government, and there was no doubt that local government had made representations to the Opposition not to support it. I note now that there have been as many qualifications made to this amendment as one might imagine to be possible. I note one qualification includes that it is now couched in terms of requests. Included is the opportunity for local government to completely ignore those requests without having to make any written response.

In that respect the amendment has been somewhat reduced and become meaningless. Given that it is meaningless, it is hard to say whether we agree or disagree with it, simply because it does not mean very much as it is currently being added to the bill. If a direction is made to local government, local government may ignore it altogether and not make a written response. It is hard to understand what the inclusion of those additional words adds to the bill. In that regard, the Opposition notes that the amendment has been changed and that the Committee will probably accept the amendment.

Amendment agreed to.

The Hon. IAN COHEN [9.30 p.m.]: I move Greens amendment No. 9:

No. 9 Page 7, clause 12, line 13. After "disposal", insert "and post-disposal consequences".

This important amendment recognises that waste does not simply disappear at the time of disposal; there is an ongoing responsibility for managing waste after its disposal. The inclusion of the words "and post-disposal consequences" will ensure that the issues are addressed in the context of extended producer responsibility [EPR] schemes. I commend the amendment to the Committee.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [9.31 p.m.]: The Government supports the amendment, which makes explicit what is already implicit in the provision. The Government is happy to accept the amendment.

The Hon. JOHN RYAN [9.32 p.m.]: The statement by the Minister is fair. The amendment makes something that is already implicit in the bill a little more explicit. It appears to be a reasonably innocuous amendment and the Opposition supports it.

Amendment agreed to.

The Hon. IAN COHEN [9.32 p.m.], by leave: I move Greens amendments Nos 10 and 11 in globo:

No. 10 Page 7, clause 14, line 25. Omit "not".

No. 11 Page 7, clause 14, line 27. After "it is", insert "not".

These amendments make a significant change to require the Minister to make EPR schemes. As presently drafted, the bill states that the Minister is not to make such a scheme unless the Minister is satisfied in relation to a number of matters. One of the main problems with the 1995 Act is the lack of enforcement by the Minister. This amendment aims to bring about improved enforcement so that the Minister is not able to avoid his or her responsibility to implement the EPR. I commend the amendments to the Committee.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [9.32 p.m.]: The Government does not support Greens amendments Nos 10 and 11. As the Minister pointed out, industries with good environmental performance, local government, environmental groups and sections of the broader community all want a system that ensures appropriate industry responsibility for its waste. The Government is committed to delivering such a system and developed the following principles to underpin its approach to extended producer responsibility.

A scheme should not attempt to regulate effective voluntary schemes by industry; should regulate only where the market has failed; needs to emphasise management of problem waste, for example large volumes of high toxicity or where there is clearly established environmental benefit from greater recovery of material in a

particular waste stream; and should include more transparent decision making. To give effect to these principles, the Government has carefully defined the circumstances in which the Minister can introduce a mandatory scheme. Those heads of consideration are supported by a transparent process that allows a wide range of interested parties to have input into the Environment Protection Authority's preparation of a priority statement for waste industry reduction. The Government does not support the amendments.

The Hon. JOHN RYAN [9.34 p.m.]: The Opposition does not support the amendments, for much the same reasons as outlined by the Government. That will make it easier for the Committee to decide where the numbers are.

Amendments negatived.

The Hon. IAN COHEN [9.34 p.m.]: I move Greens amendment No. 12 as circulated:

No. 12 Pages 7 and 8, clause 14, lines 29 on page 7 to line 4 on page 8. Omit all words on those lines. Insert instead:

- (a) the volume or toxicity of the waste generated,
- (b) the amount of litter or the degree of public nuisance involved,
- (c) the level of public cost involved (including the cost to taxpayers, government departments, councils or ratepayers),

This amendment removes references to voluntary EPR schemes. Those schemes, particularly in the national packaging covenant, have proved completely ineffective in making industry responsible for the waste it generates. The amendment emphasises environmental and social factors as the main criteria for the Minister's decision to implement a scheme. I commend this very important amendment to the Committee.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [9.35 p.m.]: The Government does not support the amendment.

The Hon. JOHN RYAN [9.35 p.m.]: The Opposition does not support the amendment.

Amendment negatived.

The Hon. IAN COHEN [9.35 p.m.]: I move Greens amendment No. 13:

No. 13 Page 8, clause 14. Insert after line 9:

- (2) The Minister is to recommend the making of a regulation by no later than 1 July 2002 to implement an extended producer responsibility scheme in respect of the following products:
 - (a) beverage packaging,
 - (b) tyres.
- (3) Subsection (1) does not apply in relation to the making of a regulation referred to in subsection (2).
- (4) Nothing in subsection (2) prevents the recommendation or making of a regulation referred to in that subsection after 1 July 2002.

This amendment recognises that the entire beverage packaging industries have had ample opportunity to reduce the amount of waste that they generate in accordance with industry waste reduction plans that have operated in New South Wales for several years. The industries have not complied with these plans and should not be let off the hook by the repealing of the former Act and the passing of this Act. The beverage packaging industries should not be given a second chance. The amendment required the Minister to make an EPR scheme for those industries by July 2002. The world would be a better place if that amendment were accepted.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [9.36 p.m.]: The Government opposes this amendment for reasons similar to those I enunciated in opposition to Greens amendments Nos 11 and 12.

The Hon. JOHN RYAN [9.36 p.m.]: The world might be a better place, but I regret to say not immediately.

The Hon. Duncan Gay: There is a reason why it may be a better place.

The Hon. JOHN RYAN: Yes, there might be a reason for which it will be a better place. And the Deputy Leader of the Opposition is enthusiastic that I put on the record that to some extent the passage of this bill might deprive Councillor Peter Woods of the job that he currently has on the State Waste Advisory Council. Notwithstanding that, I return to the leave of the amendment. Greens amendment No. 13 is somewhat more directive than the Opposition would choose it to be. Of course, progress needs to be made, especially with regard to used tyres. Neither the Government nor the Opposition has been backward in coming forward concerning planning for the reduction in the disposal of tyres and, similarly, beverage packaging. Nevertheless, the amendment is a great deal more directive than is necessary. The Opposition takes the view that industry and consumers are getting the message and progress is being made by co-operation. But we will not have that debate again.

Amendment negatived.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [9.38 p.m.]: I move Government amendment No. 2:

No. 2 Page 8, clause 15, line 13. Omit "from time to time". Insert instead "each year".

The purpose of this amendment is to commit the Environment Protection Authority to annual statements on priorities for industry waste reduction. This issue was raised by the Greens during consultation on the bill and was subject to Greens amendment No. 15. While the Government supports the intent to require the Environment Protection Authority to publish such statements annually, that is reflected in our amendment. That will ensure that there is an ongoing process of analysis and review that will provide excellent guidance for industry and government. However, the Government believes that the wording of its amendment delivers on this intent without blurring the intent of the remainder of the provision.

The Hon. IAN COHEN [9.39 p.m.]: For clarification, does that replace Greens amendment No.15?

The Hon. Carmel Tebbutt: No. The Government will not support amendment No. 15, but you may still move it.

The Hon. IAN COHEN: They are two different sections. I will still move it.

The Hon. JOHN RYAN [9.39 p.m.]: I have completely lost it with the paperwork, I must confess. There is a mess of paper here, and I cannot find the relevant notes. The explanation just given by the Government seems to satisfy the Opposition. It seems that "each year" is more transparent than "from time to time". The expression "from time to time" could mean every decade. It is probably better that there be a standard that the Government has to meet, rather than one that is unlimited. We know that you cannot trust the Carr Labor Government; it would not report in a timely manner if required to report from time to time. It would have to be forced to account year by year.

The Hon. IAN COHEN [9.40 p.m.]: The Greens feel comfortable in supporting the Government amendment. It is very much in line with the upcoming Greens amendment. Reporting every 12 months was a requirement lobbied for by the Greens, and we are pleased that the Government has taken that on board.

Amendment agreed to.

The Hon. IAN COHEN [9.41 p.m.]: I move Greens amendment No. 14:

No. 14 Page 8, clause 15, line 18. After "appropriate.", insert "The EPA is, not later than 3 months after the closing date for submissions, to publish a report on any submissions received by the EPA and to make the report available to the public."

The bill provides the Environment Protection Authority with arbitrary, unaccountable obligations to consider the need for extended producer responsibility [EPR] schemes from time to time. This amendment will require the EPA to report transparently on the views of the community, industry and other stakeholders regarding the need for EPR schemes. I commend the amendment, which I understand is supported by the Government.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [9.42 p.m.]: The Government will support the amendment.

The Hon. JOHN RYAN [9.42 p.m.]: It is amazing that, in the context of a bill regarding waste avoidance, we will require yet more paperwork. Notwithstanding that, the Opposition cannot find any difficulty with the amendment.

Amendment agreed to.

The Hon. IAN COHEN [9.42 p.m.]: I move Greens amendment No. 15:

No. 15 Page 8, clause 15. Insert after line 22:

- (4) The EPA is to provide a report, at the end of each 12-month period following the commencement of this section, to the Minister and Resource NSW on the need for extended producer responsibility schemes.

The comment made by the Hon. John Ryan reminds me that a little paper goes a long way in certain circumstances. It may be before the honourable member's time, but I recall the Peck's paste advertisement in about the 1950s. A little piece of paper can have a positive impact on waste avoidance, or waste reduction, or whatever one wants to call it. Perhaps it is a resource well spent at this time. I understood the Government to be supporting this amendment at one stage. However, it seems that it has now been overtaken.

This amendment will require the Environment Protection Authority to report on the need for EPR schemes every 12 months. The amendment is an important accountability measure. It addresses a serious problem in the administration of environmental legislation. The EPA's failure properly to administer legislation, particularly pollution legislation, is of great concern to the community. The Greens hope that this amendment will result in an improvement in accountability. I understand that the Government's amendment will bring about some improvement in accountability. Nevertheless, I press the amendment.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [9.43 p.m.]: The Government does not support the amendment. Government amendment No. 2 deals with this issue. Greens amendment No. 15 simply adds a rider regarding extended producer responsibility schemes. The Government already has indicated through its amendment that the Environment Protection Authority should report each 12 months. Therefore, the Government does not feel that this Greens amendment is necessary, and will not be supporting it.

The Hon. JOHN RYAN [9.44 p.m.]: The Opposition does not support the amendment. In reality, the particular areas in which the Environment Protection Authority would be required to make a report were somewhat consequential on other things being added to the bill which were not actually added on the way through. There is not much point in the EPA being required to report on extended producer responsibility schemes if those have not been included in the bill in the first place. The Opposition therefore regards this amendment as somewhat contingent on those other schemes. As the other amendments have not been carried, the Opposition on this occasion will be taking the same view as the Government.

Amendment negatived.

Parts 1 to 3 as amended agreed to.

Part 4

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [9.45 p.m.]: I move Government amendment No. 3:

No. 3 Page 9, clause 16, lines 4-6. Omit "However, money in the Fund can only be allocated in the manner authorised by the Minister.". Insert instead:

- (3) Money in the Fund can only be allocated in the manner authorised by the Minister. The Minister is to consult Resource NSW on the policies for allocating that money.

This Government amendment addresses the general principle raised in Greens amendment No. 16, namely, that Resource New South Wales should be consulted in determining policy on allocations from the Waste Fund. The Government is concerned that Greens amendment No. 16 might be interpreted as meaning that the Minister is required to consult on each separate allocation. Clearly, given the large number of grants and payments made from the Waste Fund each year, such a requirement would be unwieldy and massively inefficient. Therefore the Government amendment ensures that Resource New South Wales has input without creating administrative chaos.

The Hon. JOHN RYAN [9.46 p.m.]: The Opposition would not have been inclined to support the amendment. We accept that the Government would have the numbers in the Chamber to pass the amendment. It is not that it is a bad idea; it is simply that the Opposition has not been able to discuss this with the relevant stakeholders. That being so, the Opposition cannot confidently say that the relevant stakeholders support the amendment or otherwise. We note that the Government amendment is likely to have the support of the crossbench. So, for the moment, we will simply note that that will occur.

The Hon. IAN COHEN [9.46 p.m.]: I take the point, without having all the relevant facts before me at this point, that the Government amendment in some way moves towards the same function sought to be achieved by Greens amendment No. 16. I certainly would not have sought to create administrative chaos as a result of my amendment. Nevertheless, the power to manage some \$47 million every year in the Waste Fund, with very little accountability or transparency, needs to be addressed. The requirement that the Minister consult with Resource New South Wales before allocating money seems to me to be a worthy direction to take. I presume that the Government is not supporting Greens amendment No. 16 at this stage. Is that correct?

The Hon. Carmel Tebbutt: That is correct: the Government will not support that amendment.

The Hon. IAN COHEN: One can only hope in these circumstances, so late at night. Given the Government's lack of support for the Greens amendment, the Greens will support the Government's amendment.

Amendment agreed to.

The Hon. IAN COHEN [9.48 p.m.]: The Greens have little option but to not move amendment No. 16.

Part 4 as amended agreed to.

Part 5

The Hon. RICHARD JONES [9.49 p.m.], by leave: I move my amendments Nos 8, 9, 10 and 12 in globo:

No. 8 Page 11. Insert after line 5:

21 Reports by Resource NSW

- (1) Resource NSW must prepare and deliver to the Minister a report every 2 years on the following matters:
 - (a) the volumes of waste avoided, produced, recycled or reused in New South Wales during the reporting period,
 - (b) how those volumes compare with target volumes established by any current waste strategy,
 - (c) a description of the strategies and programs being implemented by Resource NSW and the degree of success achieved by them.
- (2) The Minister is to cause a copy of the report to be tabled in each House of Parliament no later than the fifth sitting day of that House in the Parliamentary session next following the end of the reporting period.

No. 9 Page 12, clause 26, line 9. Insert "and regulations" after "Acts".

No. 10 Page 19, schedule 2 [3]. Insert after line 11:

Insert instead:

- (k) in connection with a licence application, any waste strategy in force under the *Waste Avoidance and Resource Recovery Act 2001*,

No. 12 Page 22, schedule 3, line 1. Insert "**and regulations**" after "Acts".

Amendment No. 8 requires a biannual report to be produced on the volumes of waste produced, recycled or reused, how those volumes compare with waste targets, specific programs and the result. The amendment also requires that the report be tabled in Parliament. A biannual waste avoidance and resource recovery report will enhance accountability and public and industry involvement in strategy implementation. It will also help Parliament assess the value of the investment of public money. Amendments Nos 9 and 12 allow for the amendment of other Acts and regulations. Amendment No. 10 ensures that licences cannot be issued contrary to the provisions of any waste strategy in the bill.

The Hon. IAN COHEN [9.50 p.m.]: The Greens support amendment No. 8. It is an important accountability measure that will improve the operations of Resource New South Wales and ensure that there is accurate information available in relation to the Government's performance in waste policy. Amendment No. 9 is regarded by the Greens as a technical amendment and we support that. The Greens support amendment No. 10 because it is important that a waste strategy be considered in relation to pollution licence applications. The Greens also support amendment No. 12 as it is a technical amendment.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [9.51 p.m.]: The Government supports these amendments.

The Hon. JOHN RYAN [9.51 p.m.]: The Opposition supports amendment No. 8 and has no objection to a similar report including the operation of regulations, which is the intent of amendments Nos 9 and 12. The Opposition does not have sufficient information about what amendment No. 10 is seeking to achieve, so it is not in a position to support it. However, the Opposition notes the Government's support for the amendment.

Amendments agreed to.

Part 5 as amended agreed to.

Schedule 1 agreed to.

Schedule 2

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [10.52 p.m.]: I move Government amendment No. 4:

No. 4 Page 20, schedule 2 [7], lines 16-24. Omit all words on those lines.

This amendment withdraws the proposal in the bill to give the Environment Protection Authority [EPA] discretion to waive the waste levy in certain circumstances. Although the Government still intends to pursue this matter, it has been made aware that there is general concern about the level of detail on when the levy will be waived. Before further consideration is given to this matter, the EPA will consult more broadly with stakeholders as part of its ongoing review of the waste regulatory framework.

Amendment agreed to.

Schedule 2 as amended agreed to.

Schedule 3

The Hon. RICHARD JONES [9.54 p.m.]: I move my amendment No. 13:

No. 13 Page 22, schedule 3. Insert before line 3:

3.1 Annual Reports (Departments) Regulation 2000

Schedule 1 Report of operations

Insert at the end of the schedule:

Waste A statement on the implementation of the Government's Waste Reduction and Purchasing Policy, including information on measures taken and progress on the following:

- (a) reducing the generation of waste,
- (b) resource recovery,
- (c) the use of recycled material.

3.2 Annual Reports (Statutory Bodies) Regulation 2000

Schedule 1 Report of operations

Insert at the end of the schedule:

Waste A statement on the implementation of the Government's Waste Reduction and Purchasing Policy, including information on measures taken and progress on the following:

- (a) reducing the generation of waste,
- (b) resource recovery,
- (c) use of recycled material.

This amendment ensures that annual reports contain a detailed statement on the implementation of the Government's waste reduction and purchasing policy.

The Hon. IAN COHEN [9.54 p.m.]: The Greens support the amendment. However, I move:

That the amendment be amended by the insertion of the words "and avoiding" after "reducing" in paragraph (a).

The Greens support a requirement that departments report on progress in relation to waste reduction. However, there needs to be greater emphasis on avoidance in the reporting process. The Greens suggest that all organisations, including private sector organisations, be required to make public information available in relation to waste reduction and avoidance performance criteria. That was discussed in sufficient detail earlier in this debate.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [9.55 p.m.]: The Government accepts the amendment of the Hon. Richard Jones. The provision addresses the desire to have government agencies include information of their waste reduction and recycling practices in their annual reports. For the reasons outlined earlier, the Government does not support the amendment of the Hon. Ian Cohen of the amendment of the Hon. Richard Jones.

The Hon. JOHN RYAN [9.55 p.m.]: The Opposition supports the amendment of the Hon. Richard Jones. I am not being critical of the amendment. However, I make the comment that when government departments are asked to report on anything that requires the giving of information, such as statistics and numerical data, it has increasingly become their practice to present that information in annual reports in the form of a graph. The problem with graphs is that one needs to virtually measure the graphs in millimetres to work out the differences in performance between the various years. Those seeking further information who do not have immediate access to the government department often find it difficult to work out what the graph actually means.

I sincerely hope that when implementing these requirements for annual reporting the EPA does not merely provide information in the form of a graph. As useful as a graph is, those reading the report may also want to understand the statistical data behind the material in the graph. The information may not necessarily be used for the same purpose for which the graph was designed, but for some other purpose. In any event, it is difficult not to support an amendment that requires that these new provisions be included in an Act and that there be regular reporting in the annual report on the progress of waste reduction. The Opposition supports the amendment of the Hon. Richard Jones, but does not support the amendment of the Hon. Ian Cohen.

Amendment of amendment negated.

Amendment agreed to.

Schedule 3 as amended agreed to.

Schedule 4 agreed to.

Title agreed to.

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

WASTE RECYCLING AND PROCESSING CORPORATION BILL

Second Reading

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [10.01 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The Bill dissolves the Waste Recycling and Processing Service of New South Wales. It establishes the Waste Recycling and Processing Corporation as a statutory State owned corporation within the context of the *State Owned Corporations Act 1989*. The corporation will exercise certain functions relating to waste and secondary resources.

The Bill is the second element of the Government's reform package. Earlier I introduced the *Waste Avoidance and Resource Recovery Bill 2001*, which sets the future direction for managing waste and resource recovery. Corporatising the Waste Service NSW completes the picture.

Need to corporatise the Waste Service

Let me outline to Members why the Government seeks to have the Waste Service NSW structured as a statutory state owned corporation.

The Government's reform agenda seeks to ensure that we encourage the development of a waste industry that is modern and innovative. The waste management system we overhauled was a mess. Private landfills were poorly run. Country landfills were not regulated. Illegal dumping was rife. Waste transport was given scant attention. Tracking of hazardous wastes was, at best, haphazard. This has changed. The regulatory initiatives I outlined earlier are one of the success stories of the first wave of reforms.

However the waste industry, both globally and in Australia, is going through rapid change. Major trends include: industry rationalisation with large multinational firms entering the market
increasing vertical integration, that is owning firms on waste collection, transport, reuse and disposal
rapid investment in alternative technologies, for example in area of waste-to-energy facilities.

It was against this shifting landscape that the Government has taken a long, hard look at the present and future roles of the Waste Service.

The Waste Recycling and Processing Service, which trades as Waste Service NSW, operates as a government trading enterprise. Its current functions are to establish and operate specified waste facilities, undertake commercial activities relating to the handling, treatment, processing, recycling or disposal of waste. Core business lines are:
Operating seven putrescible waste transfer stations, five putrescible and one non-putrescible landfills
Two material recovery facilities
Lidcombe Liquid Waste Treatment Plant.

Minor services include green waste processing and operating four landfill gas-powered electricity generators.

As noted, the competitive landscape faced by Waste Service is changing rapidly. While its core activities of solid waste operations are producing sound financial returns, unless all aspects of its operations are properly positioned within the industry, it may no longer be in a position to operate as effectively as it should.

Action is already in place to face these challenges. Over the past twelve months, Waste Service has implemented a complete organisational restructure and a comprehensive review of the operation and profitability of each business line. These measures have gone a long way towards re-positioning the organisation to operate in a commercial environment and to refocus the business in the face of increasing pressure from competitors.

The question is whether operating as a Government Trading Enterprise (GTE) remains the appropriate corporate structure for the Waste Service. Such enterprises are generally regarded as the first stage of progression from operating as a government department to operating as a commercial entity. The Government had two questions to weigh up. Should the Waste Service remain in a form that ties it more closely to non-commercial objectives? Alternatively, should the Government restructure it to allow greater commercial responsiveness *but* maintaining all the necessary checks and balances?

Given the changes we see in the industry, it proved critical that the organisation had more commercial latitude so that it could go in directions that allow it to retain a pivotal role in realising the Government's waste objectives.

Moreover, our analysis showed no material market failure in the five business lines of the Waste Service that required it to remain a government trading enterprise.

Corporatisation allows for five outcomes.

First, it allows for clear commercial objectives. This Bill is the final step in untying the Waste Service's historic mix of commercial, social, advisory and regulatory functions.

Secondly, it allows the appropriate government overview to ensure that it achieves desired environmental outcomes.

Thirdly, it creates appropriate managerial autonomy, with an independent board that blends industry and management expertise

Fourthly, it allows for effective performance monitoring

Finally, it provides for more effective rewards and sanctions, in line with usual business practice.

In summary, the corporation will have the necessary commercial freedoms but allows ministerial directions for any non-commercial activities, public policy and public interest.

The proposed Statutory SOC

The statutory State owned corporation provides the suitable structure for the Waste Service. Such a structure is in keeping with Government's approach to corporatising other utilities: maintaining public ownership and control, while allowing for an appropriate commercial focus on their operations.

Shareholders

Common to all such corporations, the Treasurer and Special Minister of State will be the shareholders. The Minister for the Environment will be the portfolio Minister.

The Bill

The Bill repeals the *Waste Recycling and Processing Service Act 1970* and establishes a statutory State owned corporation consistent with the relevant provisions of the *State Owned Corporations (SOC) Act 1989*.

Objects

The Bill replicates the common objectives set out in the SOC Act and adds several objectives:

To provide and manage efficient, safe and reliable waste facilities, secondary resource facilities and related facilities

To be an efficient and responsible provider of waste management services, secondary resource recovery services and related services

To minimise any adverse health and environmental impacts of its activities and services relating to waste management and secondary resource recovery.

Functions

The functions of the corporation reflect the range of activities undertaken by contemporary waste management companies:

operate waste and secondary resource facilities;

conduct businesses and provide services;

provide management services;

to research, develop and implement alternative technologies for managing waste—a matter that is already being vigorously pursued; and

undertake ancillary or related activities.

I would like to bring to Member's attention the emphasis given to allowing the Corporation to become fully involved in secondary resource activities and alternative waste technologies. This is in keeping with the Government's desire to foster activities in this area that I mentioned at the outset.

Board membership

The corporation's board may be between four and ten members. A panel nominated by the portfolio Minister and the Labor Council of New South Wales will appoint one. The shareholders appoint the remainder. The chief executive officer may be a director.

I am pleased to advise the House that recently appointed directors of Waste Service will become the directors of the new corporation. These are:

Mr Graham Cook (Chairperson),

Ms Africa Zanella

Mr Ralph Garland

Ms Helen Westwood

Mr Alex Sanchez

The Government has one further appointment to make before corporatisation. The Labor Council representative will be appointed afterwards.

Chief executive officer

The employment arrangements for the chief executive officer are consistent with the Statutory Corporations Act.

Staffing and industrial relations

Transfer of staff from Waste Service to the new Statutory SOC will be consistent with those for establishing other such corporations.

Waste Service NSW has completed a major corporate restructure, and the Government does not anticipate significant staffing issues with establishing the corporation.

Any industrial issues relating to corporatisation can be managed within the Waste Service's current industrial relations framework.

Transitional arrangements

The Act retains the current situation where any waste received by a waste facility of the Corporation is the property of the corporation. This recognises the waste ownership established by the *Local Government* and *Waste Recycling and Processing Services* acts.

Conclusion

Madam President, I have outlined the Government's program for rolling out reform of waste management in New South Wales. These reforms are happening against rising community expectations for less waste. Waste technologies and practices are changing. The waste industry itself is growing and becoming more competitive. The Government wants the Waste Service to remain an important player. This can only happen if it is properly positioned to respond effectively. The Bill allows for this. I commend the Bill to the House.

The Hon. JOHN RYAN [10.01 p.m.]: The shadow Minister in another place made an outstanding contribution on the Waste Recycling and Processing Corporation Bill, and I feel no need to repeat in the House of review the Opposition's position. I am sure honourable members are perfectly capable of reading *Hansard*. I simply report to the House that the Opposition supports the bill.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [10.02 p.m.]: The object of the Waste Recycling and Processing Corporation Bill is to repeal the Waste Recycling and Processing Services Act 1970 and to establish the Waste Recycling and Processing Corporation as a State-owned statutory corporation. Waste Service staff, assets, rights and liabilities will be transferred to the new corporation. The legislation proposes various new objectives. A board of directors comprising between four to 10 members will be established to manage the new body. The Treasurer, the Special Minister of State, the portfolio Minister—currently the Minister for the Environment—and the Labor Council will be involved in the selection process of appointing the board of directors, which is consistent with schedule 8 of the State Owned Corporations Act 1989. Waste Service New South Wales manages a network of waste management centres, including seven solid waste transfer stations; five engineered landfills, one of which also operates as a transfer station; a treatment plant for industry liquid and sludge waste; and two materials recycling facilities. The bill follows at least two recommendations from the Public Accounts Committee review of the service by realigning:

... government-sponsored waste activities to better achieve waste minimisation activities and to clarify Waste Service's objectives especially in relation to the balance between commercial and social obligations.

Volume 5 of the "Auditor-General's Annual Report to Parliament 1999" identified the lack of an overarching strategy in relation to the minimisation and management of waste in New South Wales. Records from the Waste Recycling and Processing Service indicated that between June 1999 and June 2000 more waste than ever before was deposited into landfill in and around Sydney. The State Government has clearly failed to achieve the intended objectives of the Waste Minimisation and Management Act 1995. Volume 6 of the "Auditor-General's Annual Report to Parliament 2000" noted:

Waste Services NSW operates in a commercial environment and as such this includes the requirement for security and maintenance of the landfill business. In recent times, the industry has moved to disposal into landfill via resource recovery of recyclable material where practical. This in itself will not lead to the industry as a whole achieving the government's legislative target of a 60 per cent reduction in the amount of waste to landfill by the end of 2000.

Corporatisation of the service is intended to facilitate the more efficient management of the processing of waste in New South Wales. However, it means that the Waste Service will be in increasingly direct competition with regional waste boards and other waste recycling organisations, and it is essential that the transition to a statutory corporation does not affect the commercial value of the entity. The Audit Office reported in 2000:

Materials Recycling Facility and Liquid Waste Plant business lines operated by Waste Services had not performed to forecasts and were incurring losses ... Materials recycling losses totalled \$6.5 million in 1999-2000 after a \$6.6 million loss in 1998-99. Liquid waste losses totalled \$2.3 million for the year compared to \$3.2 million in the previous year.

It is hoped that the corporatisation will encourage greater innovation and incentives in developing and utilising state-of-the-art technologies in recycling waste. The Australian Democrats support the bill but we are certainly not happy with it, and the Minister's second reading speech contains hope rather than any real progress. The speech by the honourable member for Southern Highlands in the other place highlighted the problems with this bill very well. We think the bill is a step in the right direction, but we are concerned about the corporation and its potential activities.

The Hon. IAN COHEN [10.05 p.m.]: The Greens oppose the Waste Recycling and Processing Corporation Bill, the only purpose of which is to change the Waste Service into the Waste Corporation. There is no good reason for the bill other than to create an entity that can be privatised. The Greens believe there are good reasons for retaining the Waste Service as a government agency, with responsibilities for achieving waste avoidance and reduced consumption of resources. The Government claims that this is the focus of its waste policy, yet nothing in this bill refers to waste avoidance. I will move an amendment in Committee that incorporates waste avoidance—at least I am consistent—as an objective of the corporation. Even though I understand that the Government intends to support my amendment, this is a token gesture and will not change the focus of the bill.

The bill will create an entity that is in the business of selling waste and secondary resources. It follows that government policy that aims to reduce the volume of waste generated in society would be contrary to the business interests of that corporation. The clear effect of this bill is that the more waste generated and made available for sale, the better the business performance of the corporation. The Waste Service of New South Wales should be an organisation that exists for the purpose suggested by its name: to serve the people of New South Wales for the purpose of finding solutions to the waste crisis.

There is another reason why the Greens oppose the bill. Corporatisation of government agencies is the first step in the privatisation process. This was illustrated by the recent FreightCorp privatisation bill. In 1996 the Government broke up and corporatised the New South Wales rail system, and FreightCorp was one of the corporations it created. We know what has happened since to FreightCorp: it has seen massive losses and a rundown in maintenance standards. What was once a proud part of the New South Wales railways has now suffered the final indignity: privatisation will see FreightCorp sold off to one of the Government's big business mates.

The same fate awaits the Waste Service of New South Wales. Waste management is now a huge global business. There is big money to be made from the mountains of garbage generated by the consumer society. The Greens oppose the bill and we oppose privatisation. The Greens support a waste agency that facilitates extended producer responsibility and is responsive to community needs. I suppose I should not complain too much about this bill. I have a young Green compatriot who serves on the Mexico City Council and who enthusiastically pursued waste minimisation strategies. As a result, he was confronted and threatened with death by the mafia that controls garbage and waste services in that city. So I suppose Greens in New South Wales get off very lightly.

The Hon. HENRY TSANG [10.08 p.m.]: I support the Waste Recycling and Processing Corporation Bill. This is an important bill which, with the Waste Avoidance and Resource Recovery Bill, forms part of the Government's review of the Waste Minimisation and Management Act 1995. This bill encapsulates the Government's aims and objectives on waste management in that it seeks to achieve minimisation in the first instance and to optimise the recovery of resources from waste.

The Minister in the other place said in his second reading speech that the Government wants to manage in the most environmentally responsible manner the ever shrinking waste that is left after recovering those resources. Those are initiatives that I wholeheartedly supported in the four years that I served as representative for the city of Sydney on the inner Sydney Waste Board. While I am sure that local government understands the New South Wales Government's drive to reduce waste, that is now best tackled with a single State agency. In relation to the co-ordination of resources and initiatives, it has become difficult for nine boards, with limited resources, to agree and act on a common strategy. When those boards were established it was seen as a great starting point to achieve a change in attitude in the community and a change of policy at local government level.

I believe that the Government was successful in doing that. In particular, it brought hundreds of local government bodies within the nine original boards and, in that time, it almost achieved a 60 per cent reduction in waste. Waste boards dealt well with residential and domestic waste but they were not successful in the management of commercial and industrial waste. The time has now come to move on and to consolidate the waste minimisation and management process. That is why regional waste boards are to be replaced by one agency—Resource New South Wales—which will provide and support waste programs at a local, regional and statewide level. That welcome move will result in the better co-ordination and implementation of statewide strategies. Resource New South Wales will be responsible for all aspects of waste minimisation, including community education and training on waste minimisation and recycling.

Resource New South Wales will also be responsible for the development of strategies to assist municipal, commercial and industrial organisations, and bodies in waste reduction and management in identified regions and industrial sectors. The new board will be more inclusive and include industry representatives. One of the major problems identified in relation to the existing board structure was that its directorship was limited to local government nominees, in spite of the fact that it was a State government entity. Moreover, it did not result in the representation required for an efficient approach to waste management with the inclusion of industry and community interests. The bill will provide the framework for the second stage of the Government's agenda to change community and industry attitudes to treat waste as a valuable resource.

The changing of waste to a resource is important. It will change the way in which we regard waste and it will change the way in which we deal with it. By treating waste as a recoverable resource we will be employing new and emerging technologies in its recovery and reuse before resorting to its disposal. It is a matter of addressing the right priority in a given circumstance. This bill will focus available resources on waste management and ensure a whole-of-government approach towards resolving this important environmental problem. I commend the bill to the House.

The Hon. RICHARD JONES [10.13 p.m.]: This bill will dissolve the Waste Recycling and Processing Service of New South Wales and replace it with the Waste Recycling and Processing Corporation,

which will exercise certain functions relating to waste and secondary resources. Those functions include: operating waste and secondary resource facilities; conducting businesses and providing services; providing management services; researching, developing and implementing alternative technologies for managing waste; and undertaking ancillary or related activities. This bill, which will corporatise the New South Wales State Waste Service, is the second element of the Government's reform package. As the Minister admitted during his second reading speech in the lower House, when this Government came into power, the waste management system was a mess, private landfills were poorly run, country landfills were not regulated, illegal dumping was rife, waste transport was given scant attention and the tracking of hazardous wastes was, at best, haphazard. Some honourable members might ask: What has changed?

The Government argues that the New South Wales Waste Service must be corporatised because the competitive landscape faced by the service is changing rapidly. While its core activities of solid waste operations are producing sound financial returns, unless all aspects of its operations are properly positioned within industry, it may no longer be in a position to operate as effectively as it should. Corporatisation is said to allow for clear commercial objectives, appropriate government overview to achieve desired environmental outcomes, appropriate managerial autonomy, effective performance monitoring, and more effective rewards and sanctions. Corporatisation will also apparently allow the service to have more commercial freedom so that it can go in directions that allow it to retain a pivotal role in realising the Government's waste objectives.

There is no doubt that waste technologies and practices are changing and the waste industry is growing and becoming competitive. Waste management is in a period of transition. Many people already regard waste as a potential resource, and others are finally moving towards that view. Innovative technologies and practices are emerging and markets are being further developed for the new products that can be created. Community expectations for waste to be reduced are also rising exponentially. While some may question whether or not operating as a corporation is the appropriate corporate structure for Waste Service, it is broadly accepted that it is important that the service remain an important player in the industry. While this bill corporatises the service it also provides for ministerial directions for any non-commercial activities, public policy and public interest purposes. In essence, the changes contained in this bill maintain public ownership and control while allowing for a more commercial focus on operations.

The changes will also ensure that the new corporation has the following objectives: to provide and manage efficient, safe and reliable waste facilities, secondary resource facilities and related facilities; to be an efficient and responsible provider of waste management services, secondary resource recovery services and related services; and to minimise any adverse health and environmental impacts of its activities and services relating to waste management and secondary resource recovery, in addition to the commonsense objectives set out in the State Owned Corporations Act. While I and the peak environment groups of New South Wales broadly support this bill, it needs more substance if it is to be able to effectively work towards environmentally sustainable waste management. I will, therefore, be moving amendments in Committee to which I will refer later. These amendments will strengthen the bill and ensure better waste recycling and processing in New South Wales in the future.

Annual environmental reporting is becoming the practice for modern corporations seeking environmental sustainability. For example, Sydney Water, a New South Wales State-owned corporation, has developed extensive reporting mechanisms. The bill should therefore require an annual environmental report; public release of a discussion paper about the proposed reporting framework; call for public comments, and a sign-off of the final framework by the Minister. As with Sydney Water, the corporatised Waste Service should also report against environmentally sustainable development indicators. These are more than just the impact on the environment; they include matters such as benchmarking best practice, training of staff, handling of customer service and complaints, and environmental management systems. A draft set of indicators should therefore be required to be issued for public comment and the final set gazetted by the Minister. I ask all honourable members to support the amendments that I propose to move in Committee.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [10.17 p.m.], in reply: I thank all honourable members who contributed to debate on this bill. I know that some honourable members will continue some of the themes that they raised in Committee but, without corporatisation, the Government believes that this entity will continue to be impeded from competing on an equal footing with its competitors. Should that situation be allowed to prevail it is likely that the Government's interest in waste management will be diminished. That is a most undesirable situation. The Government is confident that corporatisation will allow Waste Service to enter into joint ventures with companies in the waste and recycling business areas. Waste Service's present government trading enterprise structure does not enable those relationship to be formed as readily as they should be.

Corporatisation, accompanied by the new management team and board that are now in place, will also enable Waste Service to better focus on customer relations and enter into new business areas. I raise an issue that was not raised in debate as such; nonetheless, it was reflected in some honourable members' contributions. The Government received advice just a short time ago that the Public Service Association was concerned that employees of the new corporation may not be entitled to maintain their ability to move on to certain other public sector bodies or agencies and have their service or other entitlements recognised. That is not the intention of the Government. I place on the record the Government's willingness to work closely with Waste Service employees and their representatives to facilitate the ongoing recognition of concerned employees' rights, should they be in question, which is not presently clear.

In conclusion, the retention of major business lines under government ownership will ensure that the Government maintains the ability to influence the direction of waste policy at the commercial level. This bill does not privatise Waste Service. Honourable members might have thought that it did if they had listened to the contribution of the Hon. Ian Cohen. It simply places it on a commercial footing. I commend the bill to the House.

Motion agreed to.

Bill read a second time.

In Committee

Part 1

The Hon. RICHARD JONES [10.21 p.m.]: I move my amendment No. 1:

No. 1 Page 2, clause 3. Insert after line 26:

principles of ecologically sustainable development means the principles of ecologically sustainable development contained in section 6 (2) of the *Protection of the Environment Administration Act 1991*.

This amendment ensures that the definition of "ecologically sustainable development" used in this bill is the same as that used in the Protection of the Environment Administration Act.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [10.21 p.m.]: The Government supports this amendment, which inserts the principle of ecologically sustainable development in the definition sections of the bill.

The Hon. JOHN RYAN [10.21 p.m.]: I am advised by the shadow Minister that we would not ordinarily support this amendment. The shadow Minister explained that she has not had time to consult with industry and other interested groups about the implications of this amendment on their activities. The Opposition would appreciate the chance to talk through many of the repeated standard amendments that are made on nearly every piece of environment legislation by conservation groups. We agree that many Government bills could be improved in various ways. If we could arrive at a template range of issues—such as appropriate definitions of "ecologically sustainable development", the appropriate process for selecting board directors and the configuration of the board, which are recurring themes in bills of this type—the Opposition would then be in a position to consult with interested groups and we may be able to reach agreement on a standard set of improvements to each bill. We are reluctant to do so on an ad hoc basis. Whilst the Opposition may be sympathetic to this amendment, we are not in a position to agree to it at this time.

Amendment agreed to.

Part 1 as amended agreed to.

Part 2

The Hon. IAN COHEN [10.23 p.m.]: I move Greens amendment No. 1:

No. 1 Page 4, clause 5. Insert after line 33:

- (g) to achieve reduced consumption of resources and avoidance of the production of waste,
- (h) to facilitate the adoption of clean production and other mechanisms for avoiding the production of waste.

I do not have my notes. I was told by the Minister that we would not be moving amendments on this bill tonight. This amendment recognises the importance of waste avoidance and reduction as the driving force for waste policy and administration.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [10.24 p.m.]: The Government does not support this amendment. We believe that it stems from an essential confusion of the two waste bills before the Parliament and certainly a confusion of the role that will be performed by the waste service under any commercial structure. The waste service's role is that of an operator that receives residual waste from the community and industry and develops innovative solutions by which the waste can be recovered and reused. It is fundamental to the role of the proposed authority, Resource New South Wales, to achieve the objectives of the Greens first amendment. The role of Resource New South Wales will be to pursue waste avoidance and reduction initiatives. Further, Resource New South Wales will assist in the implementation of cleaner production initiatives. The waste service cannot be expected to perform the measures contemplated in this amendment. It would, in effect, result in a gross duplication of roles with another government authority.

The Hon. IAN COHEN [10.25 p.m.]: I have had a waste paper crisis. In the six years I have spent in this House I have developed a serious paper allergy. As to Greens amendment No. 1, the functions of the corporation make it clear that the corporation is in the business of trading in waste and secondary resources. Waste is nothing more than a product for the corporation. It is an elementary business principle that profits are maximised through increased turnover. An increased volume of waste would result in an increased turnover and, therefore, increased profit for the corporation. This amendment changes the principal objectives of the corporation to recognise the role of the corporation in achieving reduced consumption of resources, avoidance of waste and clean production. Without this amendment, the bill could mean that the corporation is bound to work for increased waste generation, which is something the Greens feel very strongly about. I commend Greens amendment No. 1.

The Hon. JOHN RYAN [10.26 p.m.]: The Opposition takes the same view to this amendment as the Government did. We understand the concerns expressed by the Hon. Ian Cohen, but taxpayers expect us to run the waste corporation in an efficient manner. To some extent, it is downstream of the waste stream. It will not be in a position to influence waste avoidance. The issue is determined by the time it gets the waste. It is really the job of the Environment Protection Authority and other agencies. We take the view that the way in which the bill is currently couched is appropriate.

Amendment negatived.

The Hon. IAN COHEN [10.27 p.m.]: I move Greens amendment No. 2:

No. 2 Page 5, clause 6, line 15. Omit "waste and".

One of the principal functions of the corporation is to "trade in waste and secondary resources". An assumption that underpins the bill is that giving waste a value provides an incentive for alternatives to waste disposal. The Greens agree with the idea of recognising the value of the materials that comprises waste, as distinct from regarding waste as something of no value and to be gotten rid of. However, the Greens do not agree that the purpose of giving waste a value is to create business opportunities for the Greens. The purpose of valuing waste is to recognise the resources that have been consumed in the production process. Encouraging trade in waste is not likely to encourage avoidance or reduce consumption of resources, which are the key elements of the Greens waste policy. A trade in waste as a commodity might be good for business, but it will not lead to any social or economic improvements. This amendment limits the function of the corporation to trade in secondary resources that are capable of being reused. It recognises the value of waste without encouraging a dirty and counterproductive trade. I commend Greens amendment No. 2.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [10.28 p.m.]: The Government opposes this amendment. This amendment will prevent the waste service from trading in waste. That proposition is unacceptable to the Government. "Waste" has a conventional and legislative meaning that is incorporated in many instruments and documents. The Government is sympathetic to reorienting the community's perception of waste in causing people to think of waste as resources, but we are some way from achieving this. In the meantime, the Government needs to recognise that not everyone looks at resources as waste or at waste as resources. This amendment would also make it more difficult for waste services to trade in waste, which is fundamental to enabling the organisation to meet its principal objectives. The Government is also concerned that

the organisation's ability to maximise the recovery of reusable materials from the residual waste stream would be significantly diminished in comparison to its competitors, who would have the advantage of being able to trade in waste.

Amendment negatived.

The Hon. RICHARD JONES [10.30 p.m.]: by leave, I move my amendments Nos 2 and 2A in globo:

No. 2 Page 5, clause 6. Insert after line 25:

- (4) In exercising its functions, the Corporation must strive to achieve international best practice in waste management.

No. 2A Page 5, clause 6. Insert before line 26:

- (4) In exercising its functions, the Corporation must act in accordance with the principles of ecologically sustainable development.

Amendment No. 2 will ensure that the Waste Recycling and Processing Corporation must, in the exercise of its functions, strive to achieve international best practice in waste management. Amendment No. 2A provides that in exercising its functions, the corporation must act in accordance with the principles of ecologically sustainable development.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [10.30 p.m.]: The Government supports both of these amendments.

The Hon. JOHN RYAN [10.30 p.m.]: These amendments appear to provide commendable objectives. Again, the Opposition makes the point that we have not been in a position to consult widely. The amendments appear to be innocuous enough, and given that the Government supports them the Opposition will not oppose them.

The Hon. IAN COHEN [10.30 p.m.]: While the Greens support these amendments, we truly feel that the Opposition has hit the nail on the head by saying that they appear to be innocuous enough.

The Hon. John Jobling: You are agreeing too.

The Hon. IAN COHEN: I would not say no to these amendments. They are fine ideals and are pointed in the right direction, but the comment about their being innocuous is also appropriate in that they can mean little or nothing at all.

Amendments agreed to.

The Hon. RICHARD JONES [10.31 p.m.]: I move my amendment No. 3:

No. 3 Page 6, clause 7, line 7. Omit "Minister". Insert instead:

Minister, and

- (c) one director appointed on the nomination of the Nature Conservation Council.

This amendment provides that one member of the Resource New South Wales board be appointed by the Nature Conservation Council.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [10.32 p.m.]: The Government opposes this amendment. The Waste Service Corporation board has a relatively small number of members. The board's focus in the foreseeable future will be in improving the corporation's standing within the waste sector and elements of its commercial performance. The corporation will be subject to several layers of environmental scrutiny, and the environment movement will have input into certain activities of the organisation via its presence on the board of the Environment Protection Authority and Resource New South Wales.

The Hon. JOHN RYAN [10.32 p.m.]: The Opposition opposes the amendment. We explained before that as appropriate as it is to have representatives of the environmental movement represented on organisations

such as this, the principal purpose of the corporation is a commercial one. In those circumstances it is even more important that the Minister be able to select a board member who is best able to achieve that objective. With the collapse of insurance companies in recent times we have learnt how important it is to select the right directors.

We would not want any government to be in a position to be able to blame an amendment for making it less responsible for the commercial success or otherwise of this organisation, by directing the Minister whom he might appoint. It is important that the Minister appoint the board. The Minister then takes complete responsibility for who is on the board and the decisions it makes. If Parliament is in a position, particularly with a commercially responsible board, to direct who is appointed, the Minister would say there is at least one member of the board for whom he is not responsible. That is not desirable. On this occasion the Opposition does not support the amendment.

The Hon. IAN COHEN [10.33 p.m.]: I wonder what conservationists were on the HHH board, and I wonder how many other boards contain upstanding and fine business representatives. If I correctly heard the Minister's reply, she was concerned about the corporation's standing in the corporate sector. Perhaps I lost something in the speed of the delivery, but it does get away from what we are looking at. Peak organisations such as the Nature Conservation Council are interested in issues like this and take an active role in them. I do not think it is appropriate that it not be given an adequate opportunity. Everything seems to be moving towards acceptability in the corporate sector, but we need to maintain our sights on the fact that the debate is about waste and about conservation issues as well, not just corporatisation and business. I support the amendment.

The Hon. JOHN RYAN [10.35 p.m.]: It would be appropriate for me to point out on behalf of the Opposition that while the Opposition and the Government have been as one in saying that the Minister should be in a position to appoint to the board people who will ensure its commercial success, we note that two of the possible 10 directors are to be nominated by the Labor Council of New South Wales. They will not be people appointed by the Minister, they will be nominated by an external body. That is not something the Opposition supports. In another place we moved an amendment to delete that.

The Hon. Richard Jones: Not here.

The Hon. JOHN RYAN: We have not moved that here, but I do not imagine we would have the support of the Committee to do so. It might be better to have someone from the Nature Conservation Council instead of two members nominated by the Labor Council. Talk about 12 faceless men—here an external organisation can nominate its members. The Minister is able to appoint the majority of these people but an organisation outside of the Minister's control, the Labor Council, is in a position to nominate and have two people appointed to this board. That is not something the Opposition supports, but the Government will have to bear the responsibility for that.

The Hon. Carmel Tebbutt: They are still appointed by the Minister.

The Hon. JOHN RYAN: That is not what the bill says. It says one director will be appointed by the voting shareholders on the recommendation of a selection committee comprising two persons nominated by the portfolio Minister and two persons nominated by the Labor Council of New South Wales. It has an opportunity to nominate these people.

The Hon. Duncan Gay: It could nominate two persons from the Nature Conservation Council.

The Hon. JOHN RYAN: It could do that; it is not impossible. The outcome the Opposition seeks to achieve is that the Minister be responsible to Parliament for the operation of this board. The Minister should not be in a position to be able to say, "Someone else appointed them to the board, it is not my responsibility." That is not a desirable outcome. We want to make sure that the Minister has the maximum level of responsibility to Parliament. We cannot hold the Minister responsible for what some other organisation like the Labor Council does but we can hold the Minister responsible for what he does. That is why we would like a greater level of ministerial responsibility, and the idea of having an outside organisation nominate people in the fashion suggested by the bill is not desirable. We attempted to do something about it in another place but we were unsuccessful. The Government will now have to wear the consequences.

Reverend the Hon. FRED NILE [10.38 p.m.]: I support what the Hon. John Ryan said. We agree in principle that it is better to have two consumer representatives nominated by the Minister who may also be members of the Labor Council, and to have a director who is a representative of the conservation movement. It

is then up to the Minister whether he selects someone from that organisation. It is not desirable to have lobbying going on within organisations about who will be the director. That is not the way it should work. The Minister should choose people with qualifications; those organisations should not nominate them.

The Hon. RICHARD JONES [10.30 p.m.]: The Hon. John Ryan said they tried this in the lower House, but they had no chance to get the amendment up there. It was a futile attempt. If they were serious about this, they should try it in this House.

Amendment negatived.

Part 2 as amended agreed to.

Part 3 agreed to.

Part 4

The Hon. RICHARD JONES [10.40 p.m.]: I move my amendment No. 4:

No. 4 Page 11. Insert after line 1:

15 Environmental reporting indicators

- (1) The Minister is from time to time to adopt environmental reporting indicators, including ecologically sustainable development indicators, for use by the Corporation.
- (2) The indicators must include a methodology for making comparisons to international best practice in waste management.
- (3) Before adopting any environmental reporting indicators, the Minister:
 - (a) must cause notice of the proposed indicators to be published in a daily newspaper circulating throughout the State, and
 - (b) must cause copies of the proposed indicators to be made available for public inspection on the Internet and at each of the offices of the Corporation, and
 - (c) must allow a period of at least 28 days for members of the public to send written comments to the Minister in relation to the proposed indicators, and
 - (d) must take any such comments into consideration.

This amendment will ensure that the Waste Recycling and Processing Corporation must report on its performance against environmental reporting indicators. Those indicators must include a methodology for making comparisons with international best practice in environmental management. The indicators are subject to public notice and comment. The Minister must take into account any public comments on the indicators and he must publish the indicators in the *Government Gazette*.

Annual environmental reporting is becoming the practice for modern corporations seeking environmental sustainability. For example, Sydney Water, the New South Wales State-owned corporation, has developed extensive reporting mechanisms. The bill should therefore require annual environmental reporting. As with Sydney Water, the corporatised Waste Service should also be required to report against environmental reporting indicators, such as international best practice, environmental training of staff, handling of customer service, and complaints and dispute resolution.

The Hon. IAN COHEN [10.41 p.m.]: The Greens support the amendment moved by the Hon. Richard Jones. These reporting mechanisms, the opportunity for the public to send written comments to the Minister and to have input for 28 days, and the Minister to take such comments into consideration make the amendment a worthwhile amendment to the bill.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [10.41 p.m.]: The Government supports the amendment.

The Hon. JOHN RYAN [10.41 p.m.]: The Opposition supports the amendment. We are sure that the Government meant to include it in the first place. It is amazing how annual reports are forgotten whenever new

arrangements are made. It is appropriate that new arrangements are commented on in the annual report to ensure that the operations are transparent.

Amendment agreed to.

Part 4 as amended agreed to.

Schedules 1 to 4 agreed to.

Title agreed to.

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

SPECIAL ADJOURNMENT

Motion by the Hon. Carmel Tebbutt agreed to:

That this House at its rising today do adjourn until Wednesday 4 July 2001 at 10.00 a.m.

ADJOURNMENT

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [10.45 p.m.]: I move:

That this House do now adjourn.

FREIGHTCORP PRIVATISATION

The Hon. JENNIFER GARDINER [10.45 p.m.]: On 21 June this House debated the Freight Rail Corporation (Sale) Bill, which provided for FreightCorp to be sold jointly with the National Rail Corporation. Unfortunately, debate occurred while I was meeting with a related transport sector, the ports and shipping fraternity of Newcastle. It is not my purpose this evening to revisit the debate on the bill, although I have read it in *Hansard* with great interest. The debate was in effect a take-note debate on the report of General Purpose Standing Committee No. 4 on the privatisation of FreightCorp. After the New South Wales Government announced its intention to sell FreightCorp, General Purpose Standing Committee No. 4, which I chair, self-referred an inquiry into the proposed sell off. The committee took evidence from 27 witnesses in several days of hearings and received 40 submissions from a cross-section of industry groups, other freight operators, government agencies, individuals and community groups. The committee produced 15 recommendations, all of which were referred to in the debate on the bill.

I thank the vice-chairman of the committee, the Hon. Ian Cohen, who was a co-author of the inquiry's terms of reference and who produced a dissenting report. I thank the other members of General Purpose Standing Committee No. 4. They were assigned to that committee on an ongoing basis. I refer in particular to two members from other general purpose standing committees who participated in the FreightCorp inquiry—namely, the Deputy Leader of the Opposition and the Hon. Tony Kelly. Thanks are due to the committee director, Mr Steven Carr, and Annie Marshall, who, with this committee as with so many others, provided essential back-up to the inquiry. Special thanks are also due to Stewart Smith, who was the senior project officer and who was seconded from the Parliamentary Library's research services. Stewart Smith's work was very efficient and he was extremely lucid in his writing, which was very much appreciated.

The inquiry was one of those fairly intensive parliamentary inquiries which served to expose key issues. Among other things, the committee's report forced the Carr Government to publish a rural and regional impact study on the possible implications of the privatisation of FreightCorp, as the committee recommended in its report to the Parliament. That was something of a breakthrough because the Carr Government likes to keep such documents secret and marked "Cabinet—confidential". Opposition members have expressed the need to keep a close watching brief on a number of very important aspects of the proposed sale and its flow-on effects, particularly in relation to jobs implications in rural and regional New South Wales. In the meantime, I again thank all those associated with the FreightCorp inquiry of General Purpose Standing Committee No. 4. I look forward to there being a vast improvement in the performance of freight rail in New South Wales. This State lags behind other parts of Australia in this important issue in terms of infrastructure and the freight of goods and products across Australia and into New South Wales.

VOLUNTARY EUTHANASIA

The Hon. IAN COHEN [10.50 p.m.]: Euthanasia has been discussed inside and outside the Parliament regularly in recent times, and it was mentioned during debate today. I am prompted to raise the issue because the new Anglican Archbishop of Sydney, Archbishop Jensen, denigrates society at large as moral pygmies. While I expected opposition from the newly appointed Anglican Archbishop on the issue of voluntary euthanasia, I am somewhat disappointed that he denigrates society in such a manner. My experience with constituents in support of such legislation is markedly different. Those who have nursed loved ones through trying circumstances reflect a very deep sense of commitment to humanity. I thought that all Christian teaching guarantees the primacy of conscience. It is fundamental to the dignity of the human person that each individual should follow his or her conscience, even in the face of contrary teachings by the churches.

Conscience is a fundamental benchmark. So if my conscience tells me that there is a right to die which is as strong as a right to live, I believe I have not only a right but a duty to promote that position. For Archbishop Jensen to deny spirituality simply because he does not recognise my belief is a very narrow interpretation of Christian teaching. The Rights of the Terminally Ill Bill, which is at odds with church teachings, in no way implies any coercion or pressure on persons of Christian beliefs to be involved in such a process. It is about offering a choice to the many people whose beliefs prioritise the alleviation of suffering. It is generally accepted that, for some 5 per cent of recipients of palliative care, pain control is not effective.

The whole process is entirely voluntary and up to the individual. I do not consider this position to philosophically be that of a moral pigmy, as Archbishop Jensen implies. Rather, I see it as a humane alternative suitable to a significant number of Australians who take a stance on human rights which in this case differs from Christian teachings. I certainly do not seek to impose on others of differing beliefs and ask only for the same degree of respect afforded to those with other perspectives in our democracy. In promoting this bill I appeal to free thinking people to give a right to others to choose, and not be restrained at such a vulnerable time by the value systems of others. Many rallies and assemblies have been held to protest about this issue. One such rally involving people I consider to be my friends, mainly people of retirement age, was held at Tweed Heads. The following report appeared in the Gold Coast *Daily News* of 28 March:

"We are here today to send a message that we do not want to wait any longer. A number of the protesters had terminal illnesses. One woman said she had two forms of cancer and was in constant pain. She said she had gone from 60kg to 35kg in the past few months after the chemotherapy was stopped. The doctor told her she was living on "quality time". "I don't see where the quality is. I am here to support voluntary euthanasia", she said.

The Gold Coast *Sun* of 21 March carried the following report:

For three years ... George Greig had wanted his wife to have the right to choose to die. Every day during that time George, 76, visited his beloved Rena in a nursing home and her steady deterioration broke his heart. "I remember Rena when she was a fine young woman," he said. "She worked hard all her life and look where she came to. It was demoralising and it broke my heart." Rena was bedridden after suffering a stroke. A series of smaller strokes then robbed her of what independence she had left. She died on Sunday.

"She was a nurse and she used to work in this big geriatrics centre," said George, who lives in Tweed Heads. "She always said that if she ever got like that, if she ever became a vegetable, she wanted me to put her away. And she meant it." George is furious that politicians are playing politics with voluntary euthanasia, a campaign for the right to choose to die, that he says is supported by more than 75 per cent of Australians.

I was interested to read a newspaper report of a commentary by Peter Sheehan, Vice-Chancellor of the Australian Catholic University. He was certainly more understanding of different perspectives than some religious members of this House when he said:

For example, professionals now receive better training in palliative medicine and in how to communicate with terminally ill patients. But the question still arises: Why haven't the professions formally endorsed euthanasia? I think the real reason is they want to avoid the legal consequences of the charge of murder ...

Maybe a higher level of awareness about what constitutes high-quality end-of-life care would reduce the underground practice of euthanasia.

The proponents of euthanasia would probably assert that such arguments are part of a misinformation campaign by the opponents of euthanasia. Fortunately, there is some common ground in that those who favour euthanasia must also embrace the idea of good hospice care and effective pain control ...

A US Supreme Court ruling in the late 1990s prohibited assisted suicide but left the door opened to a future claim of "right to aid".

TENTERFIELD

The Hon. AMANDA FAZIO [10.55 p.m.]: I have the pleasure of being the duty member of the Legislative Council for the Australian Labor Party for the seat of Northern Tablelands, which includes the township of Tenterfield. For the benefit of members who have not visited Tenterfield, which is 758 kilometres north of Sydney, it is the last major town on the New England Highway before one reaches the Queensland border. Tenterfield is 880 metres above sea level and sits astride the Great Dividing Range at the northern end of the New England Highway, 18 kilometres from the Queensland border. A town of four seasons, Tenterfield has a mild spring with a moderate alpine summer climate, followed by a glorious autumn when the many deciduous trees display their russet-gold foliage. The winters combine warm, sunny days with clear, crisp nights.

One of the most romantic and colourful of Australia's frontier towns, Tenterfield is known as "The Birthplace of Our Nation"—with Sir Henry Parkes delivering his famous Federation Speech in the Tenterfield School of Arts on 24 October 1889. That speech ultimately led to the Federation of all Australian States on 1 January 1901. Some other well-known characters who helped to shape the town were Captain Thunderbolt, alias Fred Ward, a bushranger in the area in the mid-1880s, whose lookout rock and grave can be viewed at Uralla; local solicitor Major J. F. Thomas, noted for his defence of Harry "The Breaker" Morant; A. B. "Banjo" Patterson, who married local girl Alice Walker from Tenterfield station at St Stephens Presbyterian Church in 1903; and Peter Allen, the international entertainer, who was born in Tenterfield and was the grandson of "The Tenterfield Saddler", whom he immortalised in his hauntingly beautiful song. Last but not least, Tenterfield is renowned for the breeding of the Tenterfield terrier, which is a cross of the Manchester black and tan, the whippet and the chihuahua, although breeding with chihuahuas is now forbidden. Although originally from England in the 1800s, the Tenterfield terrier is one of the few truly Australian-bred dogs that is found nowhere else in the world.

On 21 July I will have the pleasure to represent the New South Wales Government at the opening of the Sir Henry Parkes Memorial School of Arts. The theme for the opening will be "Unwrapping the Gift"—strand by strand, bow, ribbons and paper, each element bringing momentum towards the centrepiece activity. The approach is based on an uncomplicated process that symbolically unlocks all the values of this gift, which possesses emotive, practical, tangible, cultural and futuristic benefits for Tenterfield and wider Australian communities. At its core a gift is a treasure, and when all its applications are revealed, the ultimate gift, supported by the State Government, will have been given by the Federal Government to Tenterfield and the nation.

The significance of the event should not be underestimated, as the following representatives will be in attendance: the Deputy Prime Minister, the Hon. John Anderson, MP, on behalf of the major funding partner; I, on behalf of the New South Wales Ministry of the Arts; Ms Dagmar Schmidmaier, on behalf of the New South Wales State Library Council; Justice Barry O'Keefe from the National Trust, which is the owner of the Sir Henry Parkes Memorial School of Arts complex; and Councillor Lucy Sullivan, the mayor, on behalf of Tenterfield Shire Council.

Also in attendance at the event will be Professor Marie Bashir, the Governor of New South Wales; the Hon. Stuart St Clair, MP, Federal member for New England; the Hon. Richard Torbay, MP, State member for Northern Tablelands; and Mr Ken Halliday from the Friends of the School of Arts. This is a most important event in the Centenary of Federation celebrations, which can probably be determined by the status of the other guests who will be in attendance.

The ceremony will be conducted in three parts, with the library being opened first, then the theatre, and finally the opening ceremony for the complex will be held. On behalf of the State Government, I will present a memento to the mayor as a symbol of the opening of the theatre. I hope that this memento will be a sign of encouragement to other young, talented people from Tenterfield to follow their desires to be performers, singers and dancers, and to carry on the legacy of Peter Allen, who must be the most famous son of Tenterfield. We should all remember that Peter Allen left many wonderful songs to Australia, and the world, as part of his legacy—not the least of which is "I Still Call Australia Home". If members are not able to be in Tenterfield on 21 July, I hope that in the future they will enjoy finding out about the town and the surrounding areas, and will find it possible to visit the town and take advantage of all the activities that make Tenterfield a wonderful place in which to stay. It is a lovely town, and I encourage all honourable members to take the opportunity to visit Tenterfield.

NAIDOC WEEK 2001

The Hon. JAN BURNSWOODS [11.00 p.m.]: Tonight I wish to speak about NAIDOC Week 2001, which will take place from 8 to 15 July. I would like to thank Col Markham, MP, the honourable member for

Wollongong and Parliamentary Secretary for Aboriginal Affairs, for his commitment and hard work as Parliamentary Secretary for Aboriginal Affairs and for the information he frequently provides to members about forthcoming events within Aboriginal communities. NAIDOC Week is a celebration by Aboriginal people and Torres Strait Islanders of their survival, and it is also a recognition of their ongoing fight for justice and equity. It is a time to celebrate the heritage of Aboriginal and Torres Strait Islander peoples, whose cultures extend back 50,000 years and are amongst the most ancient on our planet. That these cultures continue to exist in 2001 is itself reason for us to celebrate.

NAIDOC Week is a time to celebrate the unique features that indigenous cultures contribute to our national identity. Within the general Australian community there is a growing awareness of what it means to be an Aboriginal person or a Torres Strait Islander, especially amongst young Australians, who are more interested to explore the combined history of the peoples who form our nation. However, few Australians are aware of the long struggle—as far back as the 1920s—to celebrate National Aboriginal and Islander Week and National Aborigines Day. NAIDOC Week is the outcome of a long history of Aboriginal and Torres Strait Islander efforts to bring issues of concern to the attention of governments and the general public. Of course, that long struggle is still going on.

In 1957 the National Aborigines Day Observance Committee, NADOC, was formed with the support and co-operation of Federal and State governments, the churches and major Aboriginal organisations. In 1991 NADOC became known as NAIDOC in order to include Torres Strait Islanders. Now NAIDOC celebrations continue to give Australia's indigenous people the opportunity to display the richness of their culture and heritage to the rest of the Australian community. Australia's indigenous arts, crafts and lifestyles, for which there is a growing international appreciation, are continuing to develop a distinct personality for our nation, both as a cultural producer and as a desirable destination for people from other countries. Australians in general are invited to join in the NAIDOC celebrations from 8 July until 15 July. During that week people should put aside their differences and demonstrate to the rest of the world the capacity of Australia to offer new hope, a new sense of optimism and a new identity.

A growing number of Aboriginal and Torres Strait Islander people are playing a significant role in developing Australia's future. They come from a wide diversity of fields. Their prowess is perhaps most recognised or known in the sporting arena but many Aboriginal and Torres Strait Islander people are using music, art, culture, education, employment and politics as vehicles to express their pride in their culture. All indigenous people are showcasing their strong identity and they are proud of it. It is encouraging that the wider Australian community is joining with indigenous people to celebrate NAIDOC Week.

Each year NAIDOC week has a theme. In the past the themes have represented a variety of issues important to indigenous people. This year there has been a great deal of discussion about the unfinished business in Aboriginal affairs at a national level. Those pieces of unfinished business include customary law, an apology to the stolen generations and a treaty between Aboriginal and Torres Strait Islander peoples and non-indigenous Australians. After a great deal of discussion the theme for NAIDOC 2001 is "Treaty—Let's Get It Right". Indigenous Australians believe their status as the indigenous people of Australia should be recognised in some form of agreement. This agreement should also indicate a respect for the land and indigenous cultural heritage and a commitment to justice and equity. This is a very important time for all Australians, when decisions are being made which will shape the future of our country for years to come. We must make the right decisions now. It is the time to right the wrongs of the past. NAIDOC week, by focusing all these concerns, provides a good opportunity to commit ourselves to an Australia that respects a common set of laws to which all are accountable and from which all are entitled to an equal dispensation of justice. In finishing I pay tribute to the local organisations in the area in which I live, particularly the people associated with Bennelong and Surrounds, People for Reconciliation and our local ANTAR group. [*Time expired.*]

SCHOOL CLOSURES

The Hon. PATRICIA FORSYTHE [11.05 p.m.]: Tonight I begin with this quote:

The various clauses of the amendment I have moved will ensure that any school closed in the future by any Government, irrespective of its political colour, will be closed because of educational needs, not because of its real estate value, not because the Government's budget is blowing out, and not because it is a waterfront site or is in a major commercial area ... The amendments will ensure that there is widespread community support to close the school.

This quote is not from current times or from the Coalition; it is from a debate on the Education Reform Bill 1990 in the Legislative Assembly on 9 May 1990. That extract from a speech by the then shadow Minister for Education, John Aquilina, shows that the Government's closure of schools reeks of hypocrisy. For all its words and intentions on that day the Government is doing precisely what it said it would not do.

When the Leader of the Opposition in the Legislative Assembly made her contribution to the Appropriation bills she indicated that the Coalition would establish a committee to inquire into issues involving public education. I have the privilege of chairing that committee, with Malcolm Kerr, the honourable member for Cronulla, the deputy chairman. Adrian Piccoli, the honourable member for Murrumbidgee, Peter Debnam the member for Vaucluse and the Hon. John Ryan are also members of that committee. The committee's first reference is the Government's Building the Future program. The committee has now held three meetings, the first of which, ironically, was held on the day that the Minister announced the closure of schools.

Bev Baker, President of the Parents and Citizens Association, and representatives of schools and communities in Hunters Hill and Maroubra were able to join us. A week later we met with representatives of the schools and communities of Marrickville and Dulwich Hill, and last Sunday afternoon we were pleased to be guests of South Sydney City Council at Erskineville Town Hall to meet with and hear the concerns of representatives of the four primary schools that have been announced for closure and amalgamation. A number of key issues have emerged from our consultation, all of which are familiar because in various ways they have been highlighted by many of the schools. It is worth putting some of them on the record. All schools have highlighted what they believe to have been an inadequate process of consultation by this Government.

In 1990 the Minister said he would not be able to close a school because of clause 28 of a bill which he introduced, unless there was widespread community support. Evidence given to the committee would suggest that there is no community support. That suggests that the Minister was off the mark in those days, and he is still off the mark. The Government received more than 1,500 submissions on the Building the Future program, all of which, according to evidence received by the committee, were ignored. Both Hunters Hill High School and Erskineville Primary School told the committee that they had presented marketing plans for the future of their schools, which dealt with previous enrolment problems. But that has not been acknowledged. I have been asked whether the Government will acknowledge the correspondence and the submissions that it has received.

Last week in this Chamber I asked a question about whether any information was to be provided to parents and the community, particularly in Marrickville, in community languages. I was told by the Special Minister of State that interpreters had been provided to that school. That is news to staff at Marrickville High School, who found that answer rather amusing. Significant other issues have emerged. Last weekend representatives of Erskineville Primary School told the committee that it had contacted all five child care centres in their local region. There are a total of 300 children in the centres. All of the child care centres are full and have waiting lists. That relates to the future, and to their analysis of the demographics.

While the department could say that does not prove that every one of those children would go on to public education, we could also say that not every child in that area aged 0 to 5 years is in a child care centre in that area. It is an indicator that there are children in the area. The premise upon which the Building the Future plan is based is that we are now building communities in the inner suburbs that are apparently child-free. I am surprised that this Government has even admitted it. That of itself is an extraordinary issue that needs to be dealt with in a planning context. Erskineville school conducted a survey, but that survey has been ignored. It also indicated to the committee, as the other schools have done, that it provides after-school care. It has issues relating to welfare policies and it is now questioning where it will all go. Many parents want their children to be delivered to and collected from a local school, not have them get on a bus. [*Time expired.*]

"FRAMED" PUBLICATION

Ms LEE RHIANNON [11.10 p.m.]: Tonight I want to inform honourable members of an excellent publication called "Framed", which is produced by Justice Action, a community-based organisation made up of criminal justice activists. Justice Action has just had a major breakthrough with the "Framed" magazine. It has worked hard over the years to ensure that all prisoners in Australia have access to "Framed". The printing and distribution of "Framed" is paid for in full by Justice Action, which has been working hard for 13 years to keep information flowing to prisoners. Over the years Justice Action met with some difficulties in achieving that objective. But being a most tenacious organisation, made up of many hard-working individuals, the campaign to ensure that all prisoners can view a copy of "Framed" has never lapsed.

Last year the Queensland Minister for prisons refused prisoners in Queensland gaols access to "Framed" on the basis that "the publication does little to foster crime prevention or rehabilitation skills such that prisoners' risk to the community upon release is minimised". After intervention by Ms Alice Tay of the Human Rights and Equal Opportunities Commission and the Prisoners Legal Service, Queensland's corrective services department recently agreed to allow "Framed" into their prisons. The publication will now go into all

Queensland prison libraries and to individual prisoners. Corrective services departments in Western Australia and Tasmania now accept the admission of "Framed" into prison libraries and to prison committees. Clearly this is an important victory against prison censorship. The Greens understand that the Justice Action group has written to all Ministers of corrective services around Australia asking their permission for "Framed" to go into their prisons. In New South Wales the latest edition of "Framed" has been censored before going into gaols.

The Greens urge the Minister for Corrective Services to apply the general community standards of censorship to the material made available to prisoners. The latest edition of "Framed" has many articles of relevance to the work of members of this Parliament. The current issue contains articles on the campaign to stop the women's gaol, the police killing at Tumut, Roseanne Catt, and the ongoing differences about DNA testing. I found the "Framed" article on DNA testing of prisoners most informative. It details growing opposition by prisoners to the compulsory sampling of DNA material. Last year three Victorian prisoners took legal action against the police practice of obtaining bench warrants for DNA tests. Justice Gillard found that that practice was in breach of the Magistrates Court Act, under which all proceedings are to be conducted in open court. As a result, DNA testing of Victorian prisoners was suspended.

In March this year an Australian Capital Territory prisoner, held at Junee prison in New South Wales, wrote to Federal and Australian Capital Territory politicians as well as the *Canberra Times* complaining about DNA testing of Australian Capital Territory prisoners in New South Wales gaols. Testing of Australian Capital Territory prisoners was stopped and police promised to destroy samples already taken. Also in March four Queensland prisoners who were convicted of minor offences challenged the right of Queensland police to test their DNA under the Police Powers and Responsibilities Act. Testing of prison offenders was suspended during a hard-fought legal battle carried out by the Queensland Prisoners Legal Service on their behalf. However, they lost their appeal on 17 May. Clearly, the ill-conceived DNA testing legislation is resulting in the abuse of prisoners. On behalf of the Greens I congratulate Justice Action on its production of "Framed" and all the work that it undertakes on justice-related campaigns.

Motion agreed to.

House adjourned at 11.15 p.m. until 10.00 a.m. on Wednesday 4 July 2001
