

# LEGISLATIVE COUNCIL

Wednesday 19 September 2001

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

**The President** offered the Prayers.

## **LIQUOR (RUGBY LEAGUE GRAND FINAL SPECIAL PROVISIONS) BILL**

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

**Motion by the Hon. John Della Bosca agreed to:**

That standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.

## **OFFICE OF THE PRIVACY COMMISSIONER**

### **Report**

**The President** tabled, pursuant to the Privacy and Personal Information Protection Act 1998, Special Report No. 1 entitled "Complaint by Ms Carol Atkins against Queanbeyan City Council", dated September 2001.

**Ordered to be printed.**

## **HOUSE COMMITTEE**

## **LIBRARY COMMITTEE**

## **STANDING COMMITTEE ON STATE DEVELOPMENT**

### **Membership**

**Motion by the Hon. John Della Bosca agreed to:**

That the Hon. Michael Costa be appointed as a member of the following committees in place of the Hon. John Johnson, resigned:

- (a) House Committee,
- (b) Library Committee, and
- (c) Standing Committee on State Development.

## **PETITIONS**

### **Woy Woy Policing**

Petition expressing concern about the proposed loss of general duties police officers from Woy Woy Police Station and praying that the House seeks the assistance of the Minister for Police to reinstate those police officers, received from **the Hon. Michael Gallacher**.

### **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**.

**Circus Animals**

Petition praying for opposition to the suffering of wild animals and their use in circuses, received from **the Hon. Richard Jones**.

**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**.

**BUSINESS OF THE HOUSE****Withdrawal of Business**

**Private Members' Business item No. 75 outside the Order of Precedence withdrawn by the Hon. Malcolm Jones.**

**JUSTICES ACT: DISALLOWANCE OF MARITIME (SHORT DESCRIPTION OF OFFENCES)  
AMENDMENT (PERSONAL WATERCRAFT) REGULATION**

**MARITIME SERVICES ACT: DISALLOWANCE OF WATER TRAFFIC AMENDMENT  
(PERSONAL WATERCRAFT) REGULATION**

**The PRESIDENT:** Pursuant to sessional orders the question is: That the motion proceed forthwith.

**Precedence agreed to.**

**The Hon. JENNIFER GARDINER** [11.15 a.m.]: I move:

That under section 41 (1) of the Interpretation Act 1987 this House disallows:

- (a) Maritime (Short Description of Offences) Amendment (Personal Watercraft) Regulation 2001, published in Government Gazette No. 138, dated 14 September 2001, pages 7720-7723, and
- (b) Water Traffic Amendment (Personal Watercraft) Regulation 2001, published in Government Gazette No. 138, dated 14 September 2001, pages 7727-7735.

As we sit here, marine businesses are going broke because of a mid-winter rush of blood to Premier Carr's head. On 28 June Mr Carr announced a ban on jet skis in Sydney Harbour. As bewildered businesses go broke, the State's boating fraternity has united in opposition to Mr Carr's preposterous regulations banning jet skis from Sydney Harbour and its tributaries. A \$100 million industry has been built around jet skis in New South Wales, employing more than 400 people. There are 45 authorised dealerships, and some of them are in country New South Wales. I know that Country Labor had a low profile at this year's Ag-Quip at Gunnedah; if Country Labor members had visited the jet ski exhibitors they would not have received a warm welcome.

**The Hon. Duncan Gay:** They weren't even there.

**The Hon. JENNIFER GARDINER:** As the Deputy Leader of the Opposition says, they were not even there. This issue spreads way beyond coastal New South Wales. It is not just a Sydney Harbour issue. The distributors employ some 250 people, and the Premier's edict has had a ripple effect on all these businesses. Mr Carr talks about a working harbour. What does that mean for a lot of people in marine businesses? Many of them beyond the jet ski fraternity say that the harbour may be working but they will not be. This week one retailer informed me that in September last year he sold 30 jet skis; in the same month this year he sold only one. He has built up a multimillion dollar business that is going bust because of one media release by the Premier. Another retailer told me that he had to halve his showroom space and downsize the business.

Then there are job losses downstream. For example, there is a trailer manufacturer who specialises in building trailers for jet skis. His orders have been slashed because of Mr Carr's media release. Other trailer

suppliers are suffering as well. When a person invests in a jet ski—they cost up to \$20,000 each—they also invest in basic gear like a personal flotation device, a wetsuit, shoes, gloves and safety equipment. Retailers and suppliers of such gear are also affected, as are parts of the insurance and finance sectors, and repair workshops. There are more than 30,000 licensed jet skiers in this State. Most of them are ordinary family people; they are not hooligans. Most of them are well and truly into adulthood. All of them are struggling to figure out why their high-tech environmentally superior vessels should be targeted for an outright ban from Sydney harbour and its bays and rivers, where such a huge variety of watercraft are allowed to be used for enjoyment on our waterways.

On behalf of the Liberal and National parties, and on behalf of the New South Wales boating fraternity, I am moving to disallow the Water Traffic Amendment (Personal Watercraft) Regulation 2001. To ban jet skis from Sydney harbour and the Parramatta and Lane Cove rivers is a ludicrous overreaction to a handful of troublemakers by a Premier and a government that have lost the plot. If there is a problem with a small group of jet skiers, there are sensible ways to eradicate the problem. Responsible jet skiers are happy to help the authorities to do that; they have offered their own time and resources to do that. Distributors and retailers of jet skis want their product to have an excellent image. They have a terrific product. One way to eradicate any problem is to support the Opposition's idea of empowering the police to confiscate the jet skis of those who use them in a dangerous way by using the provisions in the Marine Safety Legislation Amendment (Detention, Impounding and Forfeiture of Personal Watercraft) Bill 2001, of which I gave notice yesterday.

The Coalition proposed such a law when, in Campbell Parade in Bondi for example, street racing and speed trial problems emerged. It was the Liberal Party and the National Party that offered the solution—confiscation of the offender's vehicle by police. The Coalition introduced a bill but the Carr Government said it would not work. Shortly afterwards, though, the Carr Government came to its senses, changed three words in the bill and adopted it, and subsequently it was passed through both Houses of this Parliament. That legislation is the model for the private member's bill I have proposed. It is supported by jet ski distributors and retailers and others. So, sensible tripartite solutions can be found to deal with troublemakers on our roads or our waterways.

A similar approach has been adopted in Sutherland shire whereby the use of jet skis—instead of being excluded by way of prohibiting signage in parts of the shire's waterways as originally proposed—is now to be the subject of community consultation leading to a plan of management that will include the sensible use of jet skis. In Victoria there is a Courtesy Rider Program to improve personal watercraft [PWC] awareness and safe riding on Victorian waters. Courtesy Rider teams are made up of officers from the Marine Board, the water police, Parks Victoria, ports authorities and the Boating Industry Association. On weekends and on public holidays, two teams are deployed to visit popular jet-skiing areas to talk to jet-ski riders and observe behaviour. The water police team conducts preliminary breath tests. Operators are briefed on the rules. Infringement notices are issued for offences. The teams have been so useful that consideration is being given to extending them to other waterways users. That is the way that sensible communities and parliaments can work these things out. Indeed, that is what happened with the last lot of jet ski regulations that were tabled in this House.

The Carr Government substantially tightened jet ski rules—as recently as 1 January 2000. Members of the boating community had some input into defining a new jet ski specific offence—irregular driving—and felt that those regulations would be workable. They accepted those regulations and have entered into an agreement to ensure that licensees understood their obligations and respected a tight regime. What is more, business plans have been developed on the basis of that understanding. At that time, the Carr Government doubled the registration and licence fees applicable to jet skiers. One of the reasons why the outdoor recreation sector is so angry now is that they were given to understand two things by the Government at that time. First, they were told that the additional tax grab imposed on them would be directed into education and enforcement of the new rules. Second, they were told that there would be no further mucking around with the regulations without consultation. The boating community believes it has been duded on both counts. The Carr Government has emptied the word "consultation" of any meaning. The Premier's out-of-the-blue edict is just another example of that.

To add insult to injury, the regulations we are now discussing contain provisions in addition to those spelled out in Premier Carr's 28 June media release. The peak boating organisations did not know of those provisions until I faxed them copies of the regulations after they were gazetted last Friday. There was no consultation leading up to the 28 June Carr edict and there was no consultation about the final wording of those regulations. If that is not an arrogant way to behave, I do not know what is. But, then again, there are many who believe that the Premier did not even bother to consult with his Transport Minister over this issue. It must be rather galling to work in Transport Minister Scully's office and to have to deal with the pile of letters of protest on this issue which have been redirected to the Transport Minister's office from the Premier's office, the Premier not being prepared to take the flak that resulted from his edict.

The Government has a waterways policy advisory group. Its membership covers the whole gamut of waterways users including sailing clubs, canoeists, rowers and marina operators. I emphasise that it is the Government's own advisory body. The Government has not put problems with jet skiers on the agenda of any of its own advisory group's meetings in recent times. It was a non-issue. Indeed I happened to be speaking to some water police officers just before the Premier made his edict. We spoke about some problematic jet skiers, but the area of concern mentioned by the police was not Sydney Harbour. In fact, Sydney Harbour was not even mentioned, which is probably why the Premier's office has failed to produce any credible data that points to an actual problem in Sydney Harbour.

Waterways users are fed up with a diminution in the amount of information that is available to them about the processes to which the revenue, which has been raked out of their pockets by the last lot of fee increases, is being put. They believe that the Waterways Authority is fudging the figures. In recent weeks the Carr Government, in a different regulation, yet again doubled the licence and registration fees for jet skiers. It appears that the Waterways Authority's commitment to the PWC RideSmart seminars was very limited during the first boating season after the new regulations came into operation. The safety video that was promised free to new PWC registration and licence holders was withdrawn. People now have to go to a Waterways Authority office and pay \$11 for it. In contrast to the Government, jet ski distributors make the video available to encourage a safety-first mentality in their clientele.

I will not be surprised if the Australian Labor Party's [ALP] response to my speech is to announce that new jet skis are being purchased by the Government and that additional boating safety officers will be appointed. The Labor Party will resurrect the RideSmart program and re-badge it. We saw that sort of spin with the provision of six additional police officers during the Auburn by-election, but nobody in Auburn was fooled by that public relations stunt. On 28 June the Premier claimed that jet skis are dangerous. But what are the most dangerous vessels on Sydney Harbour? I will tell honourable members what they are. The most dangerous vessels are Transport Minister Scully's own SuperCat ferries. They crash into jetties and give way under waves. Journeys on them are perilous and thousands of Sydney commuters can attest to the danger.

The Premier also said that jet skis are noisy. This week I took a jet ski down the Parramatta River and stopped at Hen and Chicken Bay, where it was quite peaceful, except for one thing. There was a lawn-mower being used on the banks of the river. It is reasonable to say that the lawn-mower was making more noise in that neighbourhood than would a jet ski going flat out. For the benefit of any honourable member who is not up to date with the current models of jet skis, what I have just said might sound unlikely. But I can assure members that the situation I have described is actually the case. Next year's models are available now in the United States of America and will be available in Australia next year, and they are even quieter than the current model. In any case, all of them meet or exceed the United States Environmental Protection Agency's residential noise standard, and the same applies with respect to emissions targets.

It is fair to say that jet skis had a poor image when they first appeared 30 years ago. These days, however, jet skiers are older and their jet skis are much friendlier to the environment than is the case with many other watercraft. Jet skiers create a very small wake. It is possible to ride a jet ski at 85 kilometres an hour, as I did earlier this week, without getting wet at all. Jet skis have no propeller and expel exhaust at the waterline, unlike outboard motors. They are jet propelled of course, which results in a reduced impact on sediment or aquatic life compared with other technology. Emissions are reduced by way of fuel injection.

The boating community is very wary about the way in which the regulations are worded. By making Sydney Harbour and its bays and rivers an exclusion zone, the way is cunningly left open to the Government, by future regulations, to just add further exclusion zones. Some boat owners do not particularly like jet skis, but they support a sensible sharing of our waterways and they fear that the targeting of one classification of waterways users is the thin end of the wedge. If the Premier should wake up one morning and issue an edict against jet skiers on Sydney Harbour, who is to say that he will not wake up tomorrow morning and issue an edict on some other form of watercraft to which he has taken a personal dislike? On some whim, as "Emperor" Carr takes his morning constitutional along the cliff walk, what will he think up next? The idea of banning a particular category of vessel out of the blue is bizarre. Will Premier Carr ban bicycles because some couriers cause alarm when they dart in and out of the traffic? Motorised scooters are increasingly common on our roadways. Is the Premier going to ban them too?

Where is Premier Carr's intervention on issues that really matter? Where is Premier Carr when the emergency departments of our hospitals crash? Why was he so slow in responding to the Cabramatta policing crisis? What does he have to say about community protests at the selling-off of schools? What is it about jet skis

that demands Premier Carr's personal, unilateral and obsessive intervention? Premier Carr has overreacted. There are more sensible ways than those he has adopted of dealing with any jet ski problem on Sydney Harbour or anywhere else. Premier Carr has not produced any credible data indicating that there is a problem on Sydney Harbour. It is only in this House and by a vote in favour of this motion that a high-tech industry and jobs can be saved, and that will earn the thanks of the entire boating community and outdoor recreation sector of this State. I urge all sensible honourable members to vote to disallow this regulation.

**Ms LEE RHIANNON** [11.28 a.m.]: The Greens will not support the motion for disallowance of the regulations. We certainly welcome the ban on the use of jet skis in Sydney Harbour. In fact, the Greens worked very hard to have the ban imposed. The Greens have been involved in an extensive campaign.

**The Hon. Duncan Gay**: You would like to ban anything that is happening.

**Ms LEE RHIANNON**: I acknowledge the interjection. The usual disinformation is coming forward. National Party members who are hard up for an interjection always fall back on the usual ones. The Greens welcomed the ban on jet skis in Sydney Harbour. Clearly the speech made during this debate by the Hon. Jennifer Gardiner provides this House with an indication of just how greedy the jet ski industry and its supporters are. Let us remember that we are simply talking about a ban on jet skis in Sydney Harbour. Jet ski users have many other waterways—and the rest of the ocean, all the way to New Zealand—where they can hoon around to their heart's delight. The jet ski industry's extraordinary argument shows a degree of selfishness that is totally unacceptable.

As I said, the Greens have been involved in this campaign for a long time. We brought forward a jet ski management plan, and we tabled a motion in this House outlining a range of plans on how jet skis could be better managed. However, I wish to place on record at the outset that we are not against a total ban on jet skis. We have always argued that we should not have a default that allows jet skis to be used simply anywhere. People need to have their peace and quiet, and if people want to use jet skis they should negotiate with the community and the local council. Many other organisations have worked hard to make our waterways safe. One of those organisations is Jet Ski Free Australia, an organisation that has been very successful in using the model of negotiating with people who use jet skis.

Why do we have concerns about jet skis? Twelve months ago coastal councils were given the power to impose 300-metre exclusion zones for jet skis on most Sydney beaches. At the time jet skier misbehaviour had attracted more than 280 fines since the previous summer. Unfortunately, jet ski riders apparently learned little in the intervening months and, by year's end, 551 had been fined. Behind every one of those fines is very dangerous behaviour that is, in many cases, life threatening; indeed, lives have been lost. Last year there were 17 jet ski accidents, including one death. Although accounting for only 8 per cent of all boating licences issued in New South Wales last year, jet skis generated nearly one-third of complaints to the Waterways Authority and 28 per cent of infringements.

Our colleagues on the Coalition benches always like to tell us how supportive they are of New South Wales police. I urge them to speak to the police who look after our waterways. The police will tell them how much time they spend—and, many of them believe, waste—policing people who misuse jet skis. I simply ask that people be a little rational here. We are not talking about a total ban on jet skis but about a very necessary ban on their use in Sydney Harbour. If this beautiful harbour that we all boast about, and that is used time and again to promote this city, is to continue to fulfil its role as a working harbour and tourist destination, clearly it should not be despoiled, disrupted and degraded by jet skis.

As I said, the Greens have been involved extensively in a jet ski management plan and campaign throughout New South Wales to make our waterways safe. The management plan we have put forward has six key points to it, and we will continue to work on developing the plan. While we welcome what the Premier has done, we acknowledge that the ban could put more pressure on other waterways. I know that the people of Port Hacking are concerned that their area could end up having more jet ski activity. The Greens believe that, given the area's shallow waterways, a ban on jet skis is also warranted in that area. We acknowledge that the Government has gone some of the distance on this aspect and we congratulate it.

There are six aspects to the jet ski management plan that the Greens put forward. First, we have suggested that a 300-metre surf path be created along the New South Wales coast. The surf path would not be continuous. As I said, jet ski users who want to access the surf area would be able to negotiate with local councils and local communities. The Greens also propose that Sydney Harbour and associated waterways should

be declared no-go zones. On that aspect we have had a win. We also advocate that all motorised personal watercraft, as jet skis are known, are required to carry two registration numbers at minimum height of 200 millimetres on a contrasting background, so the jet skis can be easily identified. That is a real problem. All too often when an accident occurs people cannot identify the craft involved. The Greens also advocate that these craft not be used between sunset and sunrise. We strongly urge that all drivers of jet skis be licensed, that the minimum age of drivers be 16 years, and that all drivers and passengers wear lifejackets and have a zero blood alcohol level.

In putting forward the jet ski management plan the Greens received extensive support from a large number of organisations, particularly many local councils. The Mayor of North Sydney Council, Genia McCaffery, the Mayor of Leichhardt Council, Marie Sheehan, the Mayor of Warringah Council, Peter Moxham, the Mayor of Hornsby Shire Council, Robert Browne, and many other deputy mayors and councillors from councils throughout Sydney have signed the jet ski management plan. Certain aspects of the management plan have been adopted by the Government, but we will continue to lobby for support of it.

I acknowledge the work of the Sydney Coastal Councils Group, which since 1998 has been working very hard to clean up our waterways so that their beauty and our enjoyment of them are not compromised because of jet ski use. That group has also worked hard to get this message across to the Government. The group has said that it is concerned about the obtrusive nature and potential hazardous nature of jet skis, including the possibility of injury and death. In a letter written to me earlier this year the group cited the example of a female swimmer at Balmoral Beach who was run down by a jet ski when it was launching from the beach. The swimmer was subsequently abused by the rider, who failed to give identification and left the scene.

**The Hon. Malcolm Jones:** It sounds like a surfer.

**Ms LEE RHIANNON:** The Hon. Malcolm Jones is mumbling over there. He seems to be suggesting that there is some problem about such accidents. I assure him that such accidents are a real concern to people. Another aspect of the Greens campaign is that during the summer period we realised that many people were very unsure of their rights in relation to handling problems associated with jet skis. The Greens were receiving phone calls from people asking about their rights and so on, because it became known that that we were active on the issue. The Greens decided that we needed to set up a jet ski hotline to which people could phone in or email examples of problems. I recall once receiving a phone call from a person who was standing in the water at Jervis Bay, asking what they could do because there was uncertainty. That is why we have urged the Government to carry out education campaigns to inform people about their rights and the rules that jet ski users must abide by. The Greens therefore congratulate the Government on its jet ski ban in Sydney Harbour. We will not support the disallowance, and will continue to work to bring sanity and safety to New South Wales waterways with regard to jet skis.

**The Hon. MALCOLM JONES** [11.38 a.m.]: I commence my contribution by referring to recent speeches on the banning of jet skis. On 5 April 2000 in this House Ms Lee Rhiannon gave notice of a motion concerning the issue. In August last year Councillor Benson of Hornsby Shire Council made a speech on the banning of jet skis in Sydney Harbour—indeed, I think the speech related to the banning of jet skis across the board. On 28 June 2001 the Premier issued a press release on the issue, stating that jet skis would be banned on Sydney Harbour from 1 October 2001. On 30 October 2000 Ross Gordon McPherson, manager of the water catchment department of Hornsby Shire Council, gave evidence at a Regulation Review Committee hearing. The evidence was:

**The Hon. MALCOLM JONES:** Mr McPherson, regulations came into effect on 1 January this year relating to personal watercraft. Is your council satisfied that those regulations are adequate?

**Mr McPHERSON:** I will have to give you a little history, Hornsby council is a member of the Sydney Coastal Councils Groups. That group moved recently not to support the current regulations for personal watercraft.

They would not give it a go even before the new regulations came into effect. He continued:

Hornsby council, as a member of that group, supported that move. Subsequently, the Waterways Authority came to Hornsby council and wanted to discuss the issue. It asked how Hornsby council felt about the jurisdiction of the Waterways Authority. In order to pursue that issue we went to our two estuary management committees. We have an estuary management committee for Berowra Creek and for Brooklyn. We asked that committee what its feelings were in relation to getting advice for council on the whole issue of personal watercraft on the Hawkesbury River in our area. It had no issue with it. While we supported in principle the move of the Sydney Coastal Councils Group ...

Hornsby Council supported the Sydney Council Group, but they had no issue with it. He continued:

... to make more stringent the regulations around personal watercraft, Hornsby council is taking no action in its area at this time. Does that make sense?

**The Hon. MALCOLM JONES:** No.

Following the announcement of the Premier, Councillor Jamie Parker from the Greens in Leichhardt council went on television decrying jet skis. Why! Leichhardt council is responsible for only a few hundred metres of harbour foreshore around Callan Park and along to the stormwater drain.

**The Hon. John Della Bosca:** Blackwattle Bay?

**The Hon. MALCOLM JONES:** The only area where Leichhardt touches the harbour is at Iron Cove bay. Jet skis do not go into that area due to speed restrictions. I walk around the bay every day and I know when I am in the Leichhardt council area because of the graffiti. On 1 January 2000 new regulations came into effect regarding personal watercraft. As with all new regulations, especially recreational regulations, it takes time for educational information to filter through the system and be adopted appropriately by the public. The educational process is different in commercial areas because very often jobs depend upon it. The summer season, say, from 1 January to the end of April, is a relatively short period, and it is not surprising that a few non-compliance incidents occurred. When the Premier's adviser came to brief me on the ban, he constantly harped on the statistics of infringements between 1998 and 2000, but that was before the new regulations even came into effect.

The personal watercraft people meet with the Waterways Authority regularly, and that authority is pleased with the progressive compliance. I am sure that will have changed since the Premier's Department moved in. However, the water police are evidently the ones who recommended the ban. Actually, I think it was Ms Lee Rhiannon, but the Premier's Department is in denial of that. This is not about water police recommendations. I do not believe that the New South Wales water police, even with their present morale problems, cannot handle a few naughty jet skiers who still have to learn the rules. An extract of the Premier's press release states:

Water police report skis gather in hot spots on Sydney Harbour.

So what? Surely the water police are not daunted by recreational boaters? Have some been staying out late watching Marlon Brando movies? Jet ski owners are not Banditos or Comanchero—who, by the way, have not been banned—but are ordinary people enjoying life. I know because I have a boat licence, and I know the harbour. This is either a joke or indicative of a totally ineffective police chain of command. Furthermore, the police have the equipment to police the behaviour of jet skiers. If it is true that the water police cannot control this issue, what are we doing paying a police force that cannot police a few recreational jet skiers? No wonder criminals are doing so well at Cabramatta!

The new regulations will be strict and good measures if they are allowed to be effective. The Waterways Authority should be able to regulate in accordance with its own experience without the meddling of the Premier, who does not like jet skis. That is the crux of the matter. The Premier does not like people enjoying things he does not enjoy. He does not understand and is intolerant of those activities, in the same way that he is opposed to the use of four-wheel drives, horses and motorcycles on public land. Alternatively, he has a deal with Ms Lee Rhiannon and the Greens. Let us have a look at the recreational pursuits they would prefer the population to enjoy. Ms Lee Rhiannon has proposed marijuana cafes, and the Greens have supported legal heroin trials—dreadful stuff!

**The Hon. Ian Cohen:** Point of order: The honourable member is straying far from the debate by talking about marijuana cafes and safe-injecting rooms. He has really lost his sense of navigation in the Chamber, and I suggest you bring him back to order.

**The Hon. Jennifer Gardiner:** To the point of order: The Hon. Malcolm Jones is speaking to the disallowance motion because he is talking about allocation of police resources. He is talking about the failure of the police, in this case the water police, with the resources that are given to them, to be able to do their job. Of course he is still on the topic.

**The Hon. MALCOLM JONES:** To the point of order: I am talking about recreation. I have never heard the Greens encourage people to do things in recreational pursuits. The types of things that the Greens have backed in this Chamber are marijuana cafes and legalised heroin trials.

**Ms Lee Rhiannon:** To the point of order: He is speaking to the point of order and repeating the points.

**The PRESIDENT:** Order! The member is reminded that when speaking to a point of order he must keep his remarks to the point of order. I uphold the point of order. The question relates to the disallowance of a regulation concerning jet skis. I remind members that Standing Order 81 provides that members not digress from the subject matter of any question under discussion. I have allowed some latitude in that it has been argued that perhaps policing was an issue. However, I ask the member to return to the subject under debate.

**The Hon. MALCOLM JONES:** Jet skis are much cleaner than ever before. There is a general move to use four-stroke motors. It is simply not true to say that a jet ski is eight times more polluting than a standard motor boat. Yachts that sit idle on moorings 24 hours a day, 365 days a year, are leaching anti-foul into the water and are far worse. Jet skis are no more dangerous to flora and fauna than other vessels. In fact, they do not have a propeller. I do not think the Premier understands such things. A conventional boat or yacht is likely to pose a greater danger to marine life. Noise and behavioural problems can be easily contained if the authorities encourage jet skiers to be willing to contain them, in much the same way that motorcycle noise and rider behaviour, once real problems, are no longer. [*Time expired.*]

**The Hon. IAN COHEN** [11.48 a.m.]: I speak as the second Green speaker on behalf of our organisation, which has been conducting a strong campaign against the reckless and irresponsible behaviour of jet skiers on our waterways. As became quite clear from what was said by the Hon. Malcolm Jones, some fibs are being told in this Parliament. I challenge anyone in this Parliament to say that Greens are not into a healthy lifestyle. I swim and spend more time in the ocean and on our waterways than probably any member of this House. I have a boat licence and have been engaged in boating on our waterways for many years. I am an avid surfer.

It denigrates those who support the Green movement to suggest that somehow we do not participate in waterways recreations that are very much in keeping with a healthy lifestyle and ethos. In fact, I challenge anyone involved with motorised water vessels to take part in those recreational pursuits. Would the Hon. Malcolm Jones like to take me on in a swimming race, anywhere, any time? The Hon. Malcolm Jones was quite wrong in what he said about the Leichhardt council issue. All of the Balmain peninsula is within the Leichhardt council area, as is all of White Bay and Blackwattle Bay. The honourable member said that local government was not interested in a number of matters. Many in local government have made representations to both the Greens and the Government about the need to control jet skis.

[*Interruption*]

Any time, any place—across the harbour tomorrow, if you like. Jet skis represent 8 per cent of boating licences, but last year they accounted for 29 per cent of all complaints to the Waterways Authority and 28 per cent of all infringements. Some 743 of the 8,300 registered jet skis in New South Wales are registered in harbour suburbs. The requests for control of jet skis came from councils, environment groups, police and citizens groups. Last year, 17 accidents involving jet skis were reported to the Waterways Authority. All but one were the fault of the jet ski operators, seven resulted in minor injuries, four resulted in serious injuries, and one resulted in a fatality. Last year a jet ski passenger was killed on the Georges River after being thrown onto rocks when a jet ski turned too quickly. That was a self-inflicted injury, I might add. In another incident, police issued an infringement to a jet ski rider who was doing more than 25 knots in a 8-knot zone.

Jet skiers often work in packs or gangs, with water police reporting up to 50 jet skis gathering in hot spots like Hen and Chicken Bay in the Parramatta River and Balmoral and Clontarf in Middle Harbour. The very nature of these craft poses a threat and causes annoyance. The jet ski fraternity is in total denial of the problems that jet skis cause. That has been demonstrated by the remarks emanating from the other side of the House this morning. There is a real need for jet skiers to exercise self-control. Between here and New Zealand, out to sea, these crafts are acceptable, but not within enclosed waters and not amongst other, more passive waterways users. Jet skis have a 10 to 14-hour cruising range. Imagine them travelling in packs. They carry tow ropes, as required by law. Send them out to sea!

Humans on waves and on shore pursuing other, more passive recreational pursuits are seriously affected by jet skiers. The current 200-metre limit is constantly ignored by jet skiers. I have seen this myself when swimming in my area of the North Coast. Jet skiers pass within about 10 metres of swimmers though they cannot see the swimmers. You can hide in the comparatively flat waters of Sydney Harbour as one would in a forest. I have done this on a surfboard at times. Jet skiers cannot see swimmers, and at the speed that they travel they are on top of you in no time.



**The Hon. Jennifer Gardiner:** A bit like surfboarders.

**The Hon. IAN COHEN:** Jet skis are killer machines.

**The Hon. Duncan Gay:** You cannot surfboard on the harbour.

**The Hon. IAN COHEN:** On occasions I paddle my surfboard on the harbour.

**The Hon. Duncan Gay:** In front of warships.

**The Hon. IAN COHEN:** Indeed. I suggest such protests were much safer at that time because of the absence of jet skis.

**The Hon. Michael Gallacher:** You have not ridden your surfboard within the flags, have you, Ian?

**The Hon. IAN COHEN:** No. I keenly avoid doing that.

**The Hon. Michael Gallacher:** Are you going to ban that as well?

**The Hon. IAN COHEN:** It is basically the same as using four-wheel-drive vehicles in wilderness areas. Surfboarders who surf between the flags get dragged out of those areas pretty quickly by the club fraternity. I am not defending irresponsible behaviour by surfers. However, the irresponsible behaviour of people in powered boats—

**The Hon. Michael Gallacher:** Not all surfers are bad, are they?

**The Hon. IAN COHEN:** I have a boating licence and I have driven motor boats. I have been on the harbour a lot. There is a big difference between a family who uses a tinny to go fishing or as transport to visit a recreational spot and the jet skier using a jet ski as a recreational device.

**The Hon. Michael Gallacher:** Not all jet skiers are bad people.

**The Hon. IAN COHEN:** The vast majority of jet skiers would be law-abiding, but a significant minority are not.

**The Hon. Michael Gallacher:** It is an enforcement issue.

**The Hon. IAN COHEN:** This from a former police officer! Can he imagine himself out there with a police force sufficient to effectively police all the waterways of Sydney Harbour and our coastline? He has got to be kidding!

**The Hon. Michael Gallacher:** They should be out there enforcing our laws. It is an enforcement issue.

**The Hon. IAN COHEN:** For every accident that is reported, there are 10 accidents, near accidents and incidents of aggressive behaviour that go unreported. Instances of intimidation by jet skiers towards people enjoying other, more passive recreational pursuits do not show up in statistics. They intimidate families going out in boats or paddling around. Even the noise of jet skis sends those boaters off to other areas. According to the *Sydney Morning Herald* of 18 August, 29 per cent of complaints relate to about 6 to 8 per cent of jet skiers. In the United States of America, recreationists whose activities impact on other park users and the environment are being kicked out of those parks. Jet ski use on Port Hacking is growing at a rate exceeding 50 per cent per annum. This is prior to the banning of jet skis on Sydney Harbour and on the Parramatta River, and this must significantly increase the growth pressure on Port Hacking. Even the proponents of jet skis acknowledge that the Waterways Authority has been ineffective in its own policing. We are faced with an avalanche of jet skis, with no effective mechanisms for their management.

Private watercraft [PWC] advocates put forward a case that jet skis do not create an untoward noise problem. The method that they use to create this case is to provide on-paper comparisons of a single PWC operating in accordance with best-use practice—that is, the vessel running in a straight line, not wave-jumping, with a stable throttle pressure. They do not deal with the actual situation of multiple jet skis, wave-jumping and racing, and operating in otherwise peaceful conditions where other users have sought out a quiet area, which is

being denied them by these unacceptable activities. The approach used is designed to mask the compounding noise nuisance effects of a number of important matters. They include the offensiveness of noise, which is a function of not only its level but also its context and the state of mind or expectations of the listener.

The qualitative impact of machine noise is radically different from that of a natural setting to which one has travelled to obtain relief from the pressures of an industrial setting, compared to the same noise experienced in a factory or main road setting. Another of the important matters is that the sensitivities of listeners vary, both absolutely and in relation to context. Listeners who have expended substantial effort to escape from industrial settings are being confronted by jet skis. When a jet ski hits the wake of a boat or another jet ski, or is doing a figure of eight, there is a loud thump or whump. A jet ski that jumps up out of the water loses the muffling effect of the water. We hear this increase in the level of noise in motor boats that become airborne, quite apart from the heightened pitch of the noise. It has quite an adverse effect.

There are huge ecological impacts from jet skis. Jet skis directly disturb seabirds and other marine creatures, and cause direct physical harm to others. Jet skis discharge significant petroleum contaminants into the waterways. Jet ski proponents are keen to cite studies which test large water volumes because they appear to reduce the effect, or they cite studies that compare per-hour emissions. But those studies are selective in what they choose to measure. It takes only small volumes of oil and contaminants to adversely impact on marine ecosystems or the experiences of those who do not use these machines. One has only to swim in an area where a PWC has been to taste the slick. The selective studies require that we ignore the evidence of our senses. Studies that compare per-hour emissions ignore the behaviour of the users, who operate their vessels for many hours in a session. Whilst a standard two-stroke boat may emit the same level contaminants, typically it will be used to go to a spot to fish, et cetera. The jet ski will be used for hour after hour. The Greens give their substantial support to the Government's move on this issue. Our waterways are under serious threat by the continuing use of jet ski operators. [*Time expired.*]

**The Hon. JOHN TINGLE** [11.58 p.m.]: All I can say is, "Well I never!" Until today I knew that jet skis were a bit noisy, that they moved fairly fast and that there are a lot of them, but I did not realise until I heard this debate that they are a threat to the entire future of western civilisation. Apparently they are a threat to the environment, the economy, air pollution, water pollution, marine animals and everything else.

**Pursuant to sessional orders business interrupted.**

## QUESTIONS WITHOUT NOTICE

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### POWERCOAL MINES CAPITAL UPGRADE

**The Hon. MICHAEL GALLACHER:** My question without notice is to the Treasurer and Vice-President of the Executive Council. Did the honourable member for Lake Macquarie, Jeff Hunter, tell a meeting of Powercoal workers in his electorate last week that the Government has ample funds available through GST revenue from the Commonwealth to adequately fund the capital upgrade of Powercoal mines? Has the Minister held discussions with the honourable member for Lake Macquarie about his public statements to that effect? If so, what were the outcomes of those discussions?

**The Hon. MICHAEL EGAN:** I was not privy to any conversation that a backbench colleague of mine might have had with somebody else. If anybody believes that the States are receiving a windfall from the GST, I simply reiterate what I have told this House on many occasions in the past. On the Commonwealth Government's own estimations, the New South Wales budget will not be better off as a result of the GST until 2007. It is not the New South Wales Treasury, but the Commonwealth Treasury and the Commonwealth Treasurer, Mr Peter Costello, telling us that. I simply explain to the House again what the new tax arrangements with the Commonwealth Government involve. They involve the GST revenue going to the States, although I might point out that we do not get our fair share of that in New South Wales. We will be receiving about 30 per cent of it, despite the fact that New South Wales will contribute some 36 per cent of the GST revenue. But that issue apart, the total revenue that the States will get under the new taxation arrangements from the GST will not be sufficient to offset what the States are foregoing, both by virtue of taxes abolished or reduced and revenues given up.

In other words, the main revenue given up is the Commonwealth taxation reimbursement grants. In the meantime, between now and 2007, the Commonwealth Government will be topping this up to ensure that the

States are no worse off. So it is true that the States will not be any worse off because of the new taxation arrangements, but we will also be no better off, in our case, until 2007. I think that is also the case for most of the other States, except Queensland, which will be a beneficiary much earlier. So nobody should believe that there is some windfall to the States as a result of the GST. It is not just Peter Costello and the Commonwealth Treasury who have pointed that out. A week or two ago even the Prime Minister of Australia pointed out in Parliament that the first State to benefit within a year or two would be Queensland. Even the Prime Minister, Mr Howard, concedes that the GST will not be a windfall to the States until at least 2007, and then we will only improve incrementally over time. I might also point out that—

**The Hon. Duncan Gay:** You were the first to sign.

**The PRESIDENT:** Order!

**The Hon. MICHAEL EGAN:** Because of the circumstances that Australia and probably the rest of the world currently face I think it is time for some rational reassessment by all politicians in Australia. I think it is time for the needless point scoring that seems to be part and parcel particularly of the operations of this Opposition to be replaced by some sensible thought about the problems and issues that Australia will confront. Let me refer honourable members to the front page of the *Sydney Morning Herald* this morning. I refer Opposition members to the comments of Mr Peter Costello. The events of the last week, both internationally and domestically, will not make scarce public resources more available. If anything, they will make them more limited. [*Time expired.*]

#### DRUGS AND COMMUNITY ACTION WEB SITE

**The Hon. JANELLE SAFFIN:** My question without notice is to the Special Minister of State. Will the Minister inform the House what steps have been taken to ensure that information about illicit drugs and drug initiatives is available online?

**The Hon. JOHN DELLA BOSCA:** Providing accurate information on drugs or links to where accurate information can be found plays a key role in the overall area of prevention and education in drug use and drug abuse. I am pleased to report that the Government is ensuring that a significant amount of information on drug-related issues is made available via the Internet. The Drugs and Community Action web site, which is part of a larger government web site—*communitybuilders.nsw*—is updated on a regular basis and provides the latest information on community action around the State. It provides online access to all the resources published by the Government in relation to drugs and the community action program. To increase the opportunities for communities from non-English speaking backgrounds to access drug related information, the site includes resources in various community languages.

The site also provides online access to up-to-date information about the activities of community drug action teams around the State, such as a drug awareness expo, which is being held in Fairfield this week. The resources currently available on Drugs and Community Action include: each of the three quarterly drug action newsletters published to date; the Drugs and Community Action strategy information sheet; the local community drug action team information sheet; the Cabramatta anti-drug strategy information sheet, which is available in English, Khmer, Spanish, Chinese Lao and Vietnamese; the New South Wales "After the Drug Summit" information brochure; "Framework for Action", the New South Wales Drugs and Community Action strategy; some of the local drug action plans; and the "Drugs, Young People and the Law" manual, which is written in English, Arabic and Chinese.

I am particularly pleased to report that the Drugs and Community Action web site has been the most popular site on *communitybuilders.nsw* since statistics were collected in March. The *communitybuilders.nsw* web site, as a whole, had over 464,000 hits during August, which is an increase of more than 91,000 hits since July. The 1999 New South Wales Drug Summit highlighted the importance of providing information and public education on drugs so that people can learn about the harm and problems caused by drugs and be able to prevent or reduce these problems.

*Druginfo* is the New South Wales drug information web site. It is a portal site that provides information on drug issues. The web site provides easy access to information about drugs, programs and measures being taken by the New South Wales Government to address drug problems, national and international approaches and so on. To date there have been over 1.3 million hits to this site. The August number of hits was 144,672. These web site addresses are promoted wherever possible. The Office of Drug Policy has produced a small flyer for the *druginfo* site. I am happy to send copies of that flyer to any honourable member.

## REGIONAL AIR SERVICES

**The Hon. DUNCAN GAY:** My question without notice is to the Treasurer. Did the Treasurer state last week that the State Government was considering underwriting part of the Ansett group to ensure that air services would be maintained for regional areas? Did he also state in this House yesterday that he had sought advice from the Federal Government about what role the State Government could play in restoring air services? How then do these statements contrast with the Premier's firm statements yesterday that aviation is a Federal responsibility? Has the Minister been giving false hope to Ansett staff and rural communities by making these statements in light of the fact that the Premier has given up hope?

**The Hon. MICHAEL EGAN:** The Deputy Leader of the Opposition asked me two substantive questions. In relation to his first question, no, I did not. In relation to his second question, yes, I did. There is no contradiction between the two.

## NEW SOUTH WALES ECONOMY

**The Hon. RICHARD JONES:** I ask the Treasurer: What assessment has Treasury made of the impact of the American tragedy and the Ansett collapse on the New South Wales tourism industry and the State economy in general? What impact will that have on the New South Wales budget? Is it likely to plunge New South Wales into recession?

**The Hon. MICHAEL EGAN:** It is far too early for any of us to know what impact the events of last week in the United States are likely to have on the Australian economy. But, as the Federal Treasurer is reported as pointing out in today's *Sydney Morning Herald*, one thing is certain—Australia will not be immune from what happened in the past week or so. Until the events of the past week we could confidently have expected that the gross domestic product [GDP] in Australia would return to levels of about 4 per cent, particularly in the calendar year 2002. Many indicators suggest that the New South Wales and Australian economies are picking up quite strongly, but at this stage it is far too early to tell how the events of last week will impact on us. I can say to the House that New South Wales is fortunate. I do not think there is a member of this House old enough not to be able to boast that for all of his or her lifetime New South Wales, regardless of whether it has been governed by a Labor or non-Labor government, has been well served financially by the government of the day. We are in a very strong financial position as a result of sensible financial management over a long time.

In the past six years we have very successfully reduced the burden of our debt and liabilities. For example, looking just at the general government, general government net debt has fallen from 7.3 per cent of GDP in June 1995. It is expected to be only 2.4 per cent of GDP in June 2002. Likewise, our net financial liabilities in the general government sector have fallen in that period from 19.7 per cent to an expected 8.7 per cent in June next year. We see a similar improvement in the total State sector. Net debt is expected to fall from 11.7 per cent to about 7.3 per cent of GDP by June 2002. Net financial liabilities are expected to be down from 26.4 per cent to 14.8 per cent in June 2002. That simply means we are in a very strong position to weather whatever economic or financial storm comes our way. Not that I am expecting it to happen, but New South Wales would be in a position to run a budget deficit of \$1 billion for 20 years with zero economic growth during that time, and the ratio of total net financial liabilities to GDP would be no higher than it was in June 1995. That puts us in a very strong position. I am pleased to say that during good times we have prepared for potential bad times. I hope economically those times are not on our doorstep but if for any reason they are, we are in a position, although we may have to hold the line, not to have to slash and burn.

**The Hon. Duncan Gay:** Jeff Hunter was right, you have plenty of money.

**The Hon. MICHAEL EGAN:** No, we do not have plenty of money. We are in a very strong financial position. They are somewhat different things. [*Time expired.*]

## FORKLIFT SAFETY

**The Hon. TONY KELLY:** My question without notice is to the Special Minister of State, and Minister for Industrial Relations. Will the Minister inform the House how the Government is working with industry to improve safety of forklift operations in New South Wales?

**The Hon. JOHN DELLA BOSCA:** In 1999 the Government established 13 industry reference groups to work with industry to reduce the incidence and severity of injuries and to improve return to work rates for

injured workers. In New South Wales industry in 1998-99, the total cost of workers compensation claims for injuries and deaths arising from forklifts was more than \$20.5 million. The wholesale industry reference group has established a project to reduce the frequency and cost of injuries related to the use of forklifts in the wholesale industry. Employers, employees and forklift manufacturers have jointly developed a checklist for supervisors and managers of warehouse operations to raise their awareness of inefficient and unsafe use of forklifts. The 10-minute checklist called "Does your forklift work for you?" is targeted at small employers.

A checklist can be completed in a short time and is designed to alert managers and supervisors to inefficient and unsafe forklift practices in their businesses. The aim of the checklist is to activate employers to review their practices and rectify the problems the checklist highlights. The checklist includes a list of resources and organisations that can provide advice to employers on forklift safety, risk management and operator training. After piloting the checklist with industry, it will be revised and disseminated to industry. This project, developed and conducted by the wholesale industry reference group, is an example of how this Government is working with industry to solve its workplace safety problems.

### TERRORIST NETWORK

**Reverend the Hon. FRED NILE:** I wish to ask the Treasurer, representing the Minister for Police, a question without notice. Is it a fact, as reported on page 16 of the *Australian* newspaper of 15-16 September, that telephones linked to extremist fanatical terrorists who bombed the World Trade Center in 1993 have been linked to Sydney suburbs such as Yagoona, et cetera? Is it a fact that following the bombing last Tuesday of the World Trade Center a Federal Government directive has been issued asking all police commissioners to dispatch officers to all flight schools and airfields in each State to compile a list of every person who has undergone pilot training in Australia? Without giving security details, but to reassure the citizens in New South Wales, what investigation and/or action is the New South Wales Police Service taking to identify and take action against possible terrorist cells and/or safe houses in New South Wales that have links with the bin Laden worldwide terrorist network so as to protect the citizens of New South Wales?

**The Hon. MICHAEL EGAN:** I shall refer the honourable member's question to my colleague the Minister for Police and obtain advice.

### FEMALE JUVENILE DETAINEES

**The Hon. PATRICIA FORSYTHE:** My question without notice is to the Minister for Juvenile Justice. Did an increase in the number of female juvenile detainees result in the need to locate a number of female detainees over recent months at the Keelong detention centre? As the centre is a male detention centre, what arrangements were put in place to provide for the appropriate care and attention of both male and female detainees?

**The Hon. CARMEL TEBBUTT:** It is true that from time to time it has been necessary to detain young women at the Keelong Juvenile Justice Centre. The Yasmar Juvenile Justice Centre, the facility for young women located in Haberfield, has a maximum capacity of 35, but from time to time that maximum capacity has been somewhat reduced by cyclic maintenance work that obviously needs to occur. Therefore, it is necessary when the numbers of young women are high, to locate young women at the Keelong Juvenile Justice Centre. From time to time young women are detained in other juvenile justice centres, although that is usually just overnight, because it may well be that they are remanded into custody in a regional area or they have court appearances that require them to be detained in other areas.

The department put in place specific processes to address the detaining of young women in Keelong, including at one stage keeping the young women and young men separated at meal times, although I understand that was later modified because it was found to be not the most appropriate way to manage the issue. I have reiterated to the department on many occasions that when young women are being detained at Keelong it is most important that every care is taken and that staff are aware of the special needs of young women, and that they must be accommodated in programs and services appropriate to young women. It goes without saying that the department aims to keep young women at Keelong for as minimum a time as possible, moving them back to Yasmar as quickly as they can when places become available.

I also inform the House that in the most recent budget a significant enhancement to the department's capital works allocation was provided. This will allow the rebuilding of the young women's facility on the Minda-Minali site. Through that process the issue of reaching maximum capacity will hopefully be avoided in

the future. The centre will have an increased capacity, particularly to deal with issues that have been identified in the past with regard to young women. This will include an ability to detain young women who have significant behavioural issues, which Yasmar is currently unable to deal with satisfactorily, and an ability to address the needs of young women who have children. Both issues will be picked up in the process of planning and developing the new young women's centre which, as I said, will be built on the Minda-Minali site.

### **NURSES MANUAL HANDLING TRAINING**

**The Hon. AMANDA FAZIO:** My question without notice is directed to the Special Minister of State, and Minister for Industrial Relations. Will the Minister inform the House what is being done to reduce the number of manual handling injuries among the State's nurses?

**The Hon. JOHN DELLA BOSCA:** In 1999 the Government established 13 industry reference groups to work with industry to reduce the incidence and severity of injuries and to improve return-to-work rates for injured workers. In the health and community services industry in 1998-99, manual handling injuries accounted for almost 50 per cent of all workplace injuries. More recent provisional data would suggest that the trend is continuing. In 1999-2000 the Health and Community Services Industry Reference Group conducted an industry survey to establish the level of use of two publications developed by the New South Wales Nurses Association. These publications are "Manual Handling Competencies for Nurses" and "Manual Handling Guide for Nurses", which were developed using funding from the WorkCover New South Wales Injury Prevention, Education and Research Grants scheme.

The industry survey showed a strong demand for training resources to be developed that would assist with the implementation of manual handling competencies at the workplace. Based on this industry feedback, the Health and Community Services Industry Reference Group is managing the development of training materials and a short course in manual handling for nurses. The aim of the project is to improve the standard and consistency of manual handling training for nurses in New South Wales. The project includes a review and update of the "Manual Handling Guide for Nurses", as well as seeking accreditation of the short course and investigating national endorsement of the competencies. The target group for the short course is registered nurses, enrolled nurses and assistants in nursing. These projects, which were developed and conducted jointly by the WorkCover Health and Community Services Team and the industry reference group, are examples of how this Government is working with industry to solve its workplace safety problems.

### **TOMALPIN INDUSTRIAL ESTATE**

**Ms LEE RHIANNON:** I direct my question to the Special Minister of State, representing the Minister for Urban Affairs and Planning. At what stage in the planning process are plans for a bypass road to be constructed around the towns of Pelaw Main and Kurri Kurri to provide for heavy traffic associated with the proposed Tomalpin industrial estate? Have any studies been conducted to establish if funding this proposed road from section 94 contributions, as has been mooted, is in fact viable? What would be the impact on local roads of proceeding with the Tomalpin industrial estate without this bypass road?

**The Hon. JOHN DELLA BOSCA:** In the past Ms Lee Rhiannon has expressed an interest in government policy in relation to the Tomalpin industrial estate. I have taken the opportunity to ask my colleague the Hon. Andrew Refshauge about this matter but only recently. He advised me that the matter is complex. For that reason, and given that the honourable member's question is even more specific than the one I anticipated, I ask Ms Lee Rhiannon to put her question on notice, and I will undertake to get an answer from the Deputy Premier as soon as possible.

### **LAKE MACQUARIE AND BOTANY BAY FISHERIES CLOSURES**

**The Hon. JENNIFER GARDINER:** My question is to the Minister for Fisheries. With regard to the Government's decision to close commercial fishing businesses in Lake Macquarie and Botany Bay, does the Government acknowledge that those affected may need counselling as they try to come to terms with their future prospects? Has the Government offered counselling arrangements to these families? If not, will the Minister consider doing so?

**The Hon. EDDIE OBEID:** I thank the Hon. Jennifer Gardiner for a very important question. The answer is that I have not been approached by anyone from the commercial sector who requires counselling. If I were approached I would certainly consider how these people could be assisted. The Government has been very

generous in ensuring that commercial fishers in Lake Macquarie and Botany Bay are compensated adequately. The Government made it clear up front that it has allocated approximately \$10 million for those two areas, the bay and the lake. That means that commercial fishers will receive a payout that is two times their gross catch value over the best three years from 1986 to 1999—that is very generous—plus up to \$10,000 for depreciation of their equipment and up to \$10,000 for relocation and retraining. However, if any fisher suggested to me that a member of that commercial sector required assistance or guidance, I have an open-door policy. Every member of that constituency, in fisheries or in mining, has had free access to me. Unfortunately, I have not been approached by anyone asking for specific help with the particular requirement mentioned by the Hon. Jennifer Gardiner. However, if I were approached I would certainly consider the matter.

### **SOLICITORS ADVERTISING RESTRICTIONS**

**The Hon. RON DYER:** I direct a question without notice to the Special Minister of State, and Minister for Industrial Relations. Will the Minister inform the House of the impact of the regulation restricting the advertising of workers compensation services by solicitors?

**The Hon. JOHN DELLA BOSCA:** I thank the Hon. Ron Dyer for his question and his ongoing interest in the role of the legal profession in the workers compensation system. The new Workers Compensation (General) Amendment (Advertising) Regulation 2001 places significant restrictions on legal firms in relation to the advertising of workers compensation services. Penalties for non-compliance include a penalty notice of \$750 and prosecution with a maximum fine of \$22,000. The introduction of the regulation followed concerns that inappropriate advertising was having an adverse impact on the workers compensation scheme. Advertisements by unscrupulous lawyers were building false expectations and clients were led to believe that they would receive a large compensation award, encouraging them to head into lengthy, costly and sometimes, regrettably, fruitless court cases.

The regulation was gazetted on 27 April 2001 with a one-month delayed commencement date. It is now an offence for a lawyer or agent to publish or cause to be published the advertising of workers compensation services except as allowed under the regulation. The regulation permits the name, contact details and area of specialty or practice to be published in print media and in very limited Internet situations. Advertising is banned on radio and television, and on most Internet sites. Outdoor advertising is also prohibited. Prior to the commencement of the regulation, WorkCover placed an advertisement in the Law Society Journal and undertook a mail-out of more than 300 letters to major law firms in New South Wales to advise them of the new regulation. WorkCover also provided a copy of the new regulation to assist these firms to comply.

WorkCover has developed a compliance policy in respect of breaches of the regulation. The policy incorporates media monitoring and enforcement action in relation to identified breaches. The key objective of the policy is to seek voluntary compliance. However, the policy provides for an escalation of enforcement action from an initial warning letter through to prosecution. Since early May 2001 WorkCover has been monitoring print and electronic media to identify any advertising that does not comply with the regulation. Since that time WorkCover has sent warning letters to 49 legal firms advising them that their advertisements do not comply with the regulation. The majority of those legal firms have amended their advertisements, or have abandoned them altogether, in their efforts to comply with the regulation.

**The Hon. Duncan Gay:** You don't like legal firms, do you?

**The Hon. JOHN DELLA BOSCA:** That is not true. That is very wrong. Investigations are currently under way in relation to three legal firms that have continued to breach the regulation. WorkCover will also issue a \$750 penalty notice for any second breach of the regulation and will consider prosecution action for subsequent breaches.

### **HOLSWORTHY RIFLE RANGE**

**The Hon. JOHN TINGLE:** My question without notice is addressed to the Minister for Mineral Resources, representing the Minister for Public Works and Services. Is the Minister aware that the Commonwealth Government has promised \$9 million to build a new rifle range on land at the Holsworthy Defence Establishment to replace the historic Anzac range at Malabar? Is it a fact that the New South Wales Department of Public Works and Services is to be the construction authority for this project? If so, when will work start?

**The Hon. EDDIE OBEID:** I have been advised by the Minister for Public Works and Services that the Department of Public Works and Services has not been approached in regard to this development.

### FERAL ANIMAL CONTROL

**The Hon. RICK COLLESS:** My question without notice is directed to the Minister Assisting the Minister for the Environment. Is she aware that feral dogs are present in such numbers in north-eastern national parks that they have exhausted food sources within the parks, are now living on neighbouring farmland and are causing an increasing number of stock deaths? What action has the Government taken to compensate land-holders for the monetary value of their lost livestock and to prevent further stock losses? This is something that the Minister should be able to speak about without having to look up her book.

**The Hon. CARMEL TEBBUTT:** The honourable member has asked a good question in the sense that this is an important and significant issue in parts of rural and regional New South Wales. I would have to say, however, that the additional comments of the honourable member perhaps do not reflect well on the Coalition's record in government because when members opposite were in government, one could be forgiven for thinking that feral animals did not exist.

**The Hon. Duncan Gay:** You were not even in Parliament when we were in government.

**The Hon. CARMEL TEBBUTT:** That does not matter, and that fact does not improve the Coalition's record in any sense in this Parliament. For the benefit of members opposite I point out that the National Parks and Wildlife Service spends more than \$15 million annually on the management and control of feral animals and weeds. That is a record sum—\$15 million.

**The Hon. Rick Colless:** But you've got a record number of national parks.

**The Hon. CARMEL TEBBUTT:** We certainly do, and that is a record of which this Government is proud. The National Parks and Wildlife Service directs a large proportion of its pests budget toward targeting foxes and wild dogs. During 2000-01 more than half of the operational pests budget was spent on controlling those pests. The amount allocated for both pests will increase substantially in 2001-02. Expenditure on foxes will increase by \$520,000, which is an increase of 133 per cent.

**The Hon. Duncan Gay:** Isn't that pitiful?

**The Hon. CARMEL TEBBUTT:** It is better than anything the Coalition was ever able to manage. Expenditure on the control of wild dogs will increase by \$345,000, which represents an increase of 77 per cent. In the history of the National Parks and Wildlife Service these figures represent very significant annual increases in funding for the control of any pest species. When one examines the Coalition's record, one sees that members opposite allocated a mere \$4.2 million for pest management from 1991 to 1995. The Government is taking this issue seriously and it is a matter to which the Government has contributed significant funds. Coalition members should look at its own record in this regard before they start accusing members of this Labor Government of not following this issue through.

**The Hon. RICK COLLESS:** I address a supplementary question to the Minister Assisting the Minister for the Environment. Will she inform the House of compensation that may be payable to land-holders for loss caused by dogs that live in national parks? It is her responsibility when those dogs roam outside national parks, just as any other land-holder has responsibility for the control of pests.

**The Hon. Amanda Fazio:** Point of order: Madam President, first I ask you to rule that the question asked was in fact a new question and not a supplementary question. Second, I draw to your attention to the fact that the Minister's time for answering the question has expired.

**The PRESIDENT:** Order! I do not uphold the second point raised. When a supplementary question is asked the Minister's time for speaking is restarted. However, with regard to the first matter raised, I rule that the question was in fact a new question and is therefore out of order.

### YOUNG PEOPLE MOBILE PHONE USE

**The Hon. JAN BURNSWOODS:** My question is directed to the Minister for Juvenile Justice, and Minister Assisting the Premier on Youth. Will she provide information on mobile phone use by young people?

**The Hon. CARMEL TEBBUTT:** This is an important issue. Perhaps I should be responding to the issue of mobile phone use by members of Parliament rather than by young people. There are specific issues



associated with the use of mobile phones by young people and those issues require attention. There is no doubt that mobile phone technology has been embraced by Australian consumers, and that is particularly the case with young people. The latest figures from the Australian Bureau of Statistics indicate that today 61 per cent of households have a mobile phone compared with 45 per cent of households just two years ago. Recent studies have highlighted that mobile phones are an important way of young people keeping in touch with friends and family—

[*Interruption*]

**The PRESIDENT:** Order! The Leader of the Opposition!

**The Hon. Michael Gallacher:** I was just trying to help the Minister.

**The Hon. CARMEL TEBBUTT:** I do not need the help or assistance of the Leader of the Opposition. He might care to help his Federal colleague address this issue—that would be a far more useful role for the Leader of the Opposition to play.

**The Hon. Duncan Gay:** Point of order: As far as I know, we are in a State House of Parliament. The Minister just indicated that she is answering a question relating to a Federal area of responsibility.

**The PRESIDENT:** Order! The Minister is answering the question she was asked. The Minister may proceed.

**The Hon. CARMEL TEBBUTT:** As I said, recent studies have highlighted that mobile phones are an important way for young people to keep in touch with friends and family, and young people are a growing part of the mobile phone market. As a result, young people are being barraged with deals, offers and schemes. To many young people at first glance the deals appear to be cheap and represent good value, but recent research suggests that many young people are not looking at the fine print. Figures provided by the Department of Fair Trading indicate that the department received more than 2,366 inquiries and 335 formal complaints in the past financial year in respect of mobile phone contracts.

It is evident from that level of complaint that many consumers are not clear about what they are signing up for. Of more concern is the fact that, in 1999, the Communications Law Centre released a report entitled "Mobile matters—young people and mobile phones". The results of this report are a cause for concern. The report highlighted that 18 per cent of young people aged between 14 and 17 years and 36 per cent of people aged between 16 and 24 years either own, or have sole use of, a mobile phone. Moreover, 18 per cent of young mobile phone users find paying the bill "a bit difficult".

**The Hon. John Ryan:** Who doesn't? We all do.

**The Hon. CARMEL TEBBUTT:** As well, 7 per cent are "struggling with the bills", and 17 per cent reported some anxiety or depression associated with bill-payment difficulties. Honourable members opposite have said, "Who doesn't?" It is true that we all do, but the reality is that young people are often less able to deal with issues associated with phone bill payment, and the difficulty often rebounds on their parents, who have to pick up the tab. That can be extremely problematic for families. I think that it is a matter of concern that 17 per cent of young people report some anxiety or depression associated with bill-payment difficulties because teenage years should be a time when young people are enjoying their lives, looking forward and feeling quite happy about their place in the world. I think that that statistic is a matter of concern.

Although the study does not identify a causal link between mobile phone debt and bankruptcy, 30 per cent of 42 bankruptcy applications made by people under 25 years of age contained outstanding mobile phone bills. The report was published two years ago. Research conducted this year by Streetwize Communications has shown that the average mobile phone bill among young people aged between 12 and 21 years is more than \$500. Streetwize Communications has done something about this. [*Time expired.*]

#### **PUBLIC SECTOR BOARDS WOMEN'S REPRESENTATION**

**The Hon. HELEN SHAM-HO:** My question without notice is directed to the Minister for Juvenile Justice, representing the Minister for Women. Is it a fact that women hold only 33 per cent of positions on public sector boards and committees in New South Wales and just 3.4 per cent of board positions on publicly listed companies? If so, will the Minister advise what action has been taken to increase the representation of women on both public and private sector boards and committees?

**The Hon. CARMEL TEBBUTT:** I thank the Hon. Helen Sham-Ho for her important question. This Government has taken very seriously its responsibility to encourage the increased representation of women on public sector boards and committees and also to encourage the private sector to follow suit, as has the Federal Minister, Joe Hockey, who has made a number of important and positive comments encouraging the private sector to ensure that women are adequately represented on private sector boards as well as in senior executive positions. I regret that I do not have detailed information in relation to the honourable member's question. I will refer the question to the Minister in the other place and undertake to provide a more detailed response.

### BEVERLY HILLS SEXUAL ASSAULT OFFENDERS

**The Hon. CHARLIE LYNN:** My question is addressed to the Minister for Juvenile Justice. Is the Minister aware of reports that the youths convicted of the gang-rapes of two teenage girls were reportedly given a hero's welcome when they arrived at the Kariong Juvenile Justice Centre after being sentenced? Is this a one-off incident, or is it symbolic of a wider culture in juvenile justice centres across the State?

**The Hon. CARMEL TEBBUTT:** I thank the Hon. Charlie Lynn for his question, because it gives me the opportunity to place on record my concerns about these issues and the way in which some of them were debated in the media following the decision of the sentencing judge. With regard to what the honourable member has referred to as a hero's welcome, obviously I raised this issue with the department. The department advised me that the reports in the media were exaggerated. Not surprisingly, the reports raised enormous concern in the community. The thought of the two convicted offenders receiving such a welcome certainly horrified me, and I believe it would also horrify all members of this House and members of the community.

However, as I have said, the department advised that the reports were exaggerated, that there was no hero's welcome for the detainees. Advice from the department indicates that four other detainees from one accommodation unit who observed the two offenders returning from court shouted out to ask about the court's sentences. I have reiterated to the department the need to maintain good order in juvenile justice centres at all times. I do not believe that the incident referred to by the Hon. Charlie Lynn in anyway reflects upon the standards that are enforced in juvenile justice centres across New South Wales.

### HOME BUSH BAY SOLAR ENERGY FACILITY

**The Hon. IAN WEST:** My question is addressed to the Treasurer, and Minister for State Development. Will the Minister advise the House of the latest developments in solar energy in New South Wales?

**The Hon. MICHAEL EGAN:** I am pleased to advise the House that BP Solar officially opened the largest solar manufacturing plant in the Southern Hemisphere at Homebush Bay a short while ago. BP's newest solar energy plant will, I am told, treble the country's production capacity of clean energy technology. The new plant will manufacture BP's high-efficiency solar panels, bringing valuable export dollars to the country with more than 60 per cent of the panels to be exported around the world. BP invested more than \$20 million to build the plant, which is providing more than 200 high-tech jobs. The new facility houses all BP Solar's Australian manufacturing, design and market support facilities. The manufacturing facility not only makes solar panels to provide environmentally friendly energy but also embodies a growing trend of environmentally friendly building practices in its construction. The plant itself mitigates carbon dioxide emissions through the use of solar cells capturing energy from its car park, roof and north-facing windows.

Additionally, the new facility at Homebush Bay incorporates lower power, high-efficiency lighting, an on-site waste water and emission treatment plant, zero ozone depletion airconditioning and extensive recycling. As global demand for solar power grows, BP continues to be a leader in manufacturing solar technology. This is the latest in BP's long relationship with Australia, having operated solar manufacturing facilities in the country for more than two decades. BP Solar provided the solar panels that powered the homes in the Olympic Village—the largest solar suburb in the world, as members would be aware—and the lighting towers lining Olympic Boulevard. It is pleasing that companies are now taking advantage of the commercial opportunities offered at Homebush Bay, and I congratulate BP on its latest important venture.

### LABOUR HIRE FIRMS

**Ms LEE RHIANNON:** I direct my question to the Minister for Industrial Relations. Does the State Government use labour hire firms for any of its undertakings, government functions or government

instrumentalities? If so, can the Minister assure the House that all relevant occupational health and safety statutory requirements are fulfilled? In particular, can the Minister categorically state that no worker employed by or on behalf of the State Government has been forced to pay for his or her own induction training?

**The Hon. JOHN DELLA BOSCA:** I thank Ms Lee Rhiannon for once again raising the important issue of workers being obliged, as part of their employment, to pay for safety training and other induction training. As the honourable member knows, my office and the various relevant authorities are currently inquiring into the matter. I am not presently in a position to answer the specific question about State Government use of labour hire companies. However, it is an important question and I will provide a response to the honourable member as soon as practicable.

#### COMMISSION OF INQUIRY INTO WORKERS COMPENSATION COMMON LAW MATTERS

**The Hon. GREG PEARCE:** My question is directed to the Minister for Industrial Relations. Did the Minister inform the House during question time yesterday that the workers compensation scheme's actuaries have been consulted about the findings in Justice Sheahan's report of the workers compensation common law matters? Who are those actuaries? Have the actuaries prepared any written advice in relation to the Sheahan inquiry? If not, when will the actuaries provide their advice and in what form will it be provided?

**The Hon. JOHN DELLA BOSCA:** I answered that question substantially yesterday. I have made it clear that before any legislation is brought to this Parliament about a Government response to the Sheahan inquiry appropriate actuarial information will be made available to the House. As all honourable members know, Reverend the Hon. Fred Nile will chair a committee that will inquire into general matters in relation to the workers compensation scheme and the specific matters that have been brought to the attention of this House and raised in the public arena relating to the workers compensation scheme, its operations and the actuarial integrity of the scheme. It is absolutely critical that the Government makes this information available. I have not resiled whatsoever from the fact that that information will be made available to the House prior to—

**The Hon. Michael Gallacher:** So you haven't received it?

**The Hon. JOHN DELLA BOSCA:** I have not said that I have received anything.

**The Hon. Michael Gallacher:** You said that you were consulted, so they have given you something?

**The Hon. JOHN DELLA BOSCA:** As the Leader of the Opposition knows, the scheme has a standing actuary, who is obviously consulted from time to time by the management of WorkCover and me. At this stage, since the Government does not propose any specific legislation and has not prepared a response to the Sheahan inquiry, the actuary has prepared information and is in the process of preparing further information. At the appropriate time that information will be made available as part of the debate.

#### ALBURY PAPER MILL

**The Hon. PETER PRIMROSE:** My question without notice is to the Treasurer, and Minister for State Development. Will the Minister inform the House about the recent twentieth anniversary celebrations of the Albury Paper Mill?

**The Hon. MICHAEL EGAN:** On 31 August I joined the Premier in formally congratulating the Norske Skog Paper Mill, formerly known as Australian Newsprint Mill, on its twentieth year in regional New South Wales. As I am sure members would be aware, the mill is an industry leader that injects \$164 billion a year into the national and regional economy. Two decades ago former New South Wales Premier Neville Wran proudly opened the mill, and it now ranks among the best newsprint production facilities in the world.

I congratulate the employees and management on 20 years of hard work, commitment and excellent environmental citizenship. For 20 years the mill has benefited hundreds of businesses across the Albury-Wodonga district. It has created 270 direct jobs plus hundreds more through forest harvesting, transport and related services. Since 1982 it has put \$2 million back into the community through donations and sponsorship programs. The mill has become a world leader in recycling newsprint. The mill recycles approximately 160,000 tonnes of old newspapers and magazines each year in Australia's first large scale newsprint de-inking plant. It is a testament to the mill's environmental credentials that it has helped Australia become a world leader in newsprint recovery.

In 1990, Australians recovered only 28 per cent of newsprint. We now recover more than 70 per cent. That is good news for the environment and the printing industry. The Albury mill produces approximately 225,000 tonnes of newsprint a year—about 30 per cent of Australia's newsprint. Metropolitan daily, provincial and suburban newspapers all over Australia are printed on newsprint from the Norske Skog Albury mill. Company initiatives between 1990 and 2000 have resulted in a 36 per cent reduction in net greenhouse emissions. I congratulate the management and employees at the Norske Skog Albury Paper Mill on 20 years of hard work, and wish them all the best for another 20 successful years in an important region of New South Wales and Australia.

### EATING DISORDERS

**The Hon. HELEN SHAM-HO:** My question without notice is to the Leader of the House, representing the Minister for Health. Do 5 per cent of teenage girls in Australia suffer from eating disorders? If so, will the Minister advise what action is being taken in New South Wales in order to reduce the prevalence of anorexia and bulimia among young women? Given that Westmead Hospital is the only public hospital in this State with a ward in which older teenagers with eating disorders are treated, and receives approximately 800 patients a year, will the Minister further advise how much of the \$2 billion in additional funds for health systems allocated this year will be put towards establishing public wards in which people can be treated for eating disorders?

**The Hon. MICHAEL EGAN:** I thank the Hon. Helen Sham-Ho for her question, which I will refer to the Minister for Health for his response.

### COAL PRICES

**The Hon. JOHN JOBLING:** My question without notice is directed to the Treasurer, and Vice-President of the Executive Council. Is he aware of the comments made by Bernie Riordan of the Electrical Trades Union, who stated on 30 August that there will be no guarantee that the electricity generators owned by the Government will be able to buy sufficient coal at the appropriate price to generate electricity at its current cheap price? In view of that statement, can the Government guarantee that the State-owned electricity generators will have access to a secure and competitively priced coal supply once it proceeds with its plans to privatise the Powercoal mines?

**The Hon. MICHAEL EGAN:** Bernie Riordan is well-known to me and, I might say, is a good friend. He is such a good friend that he once broke my ribs playing rugby at a time when I was too old and not sensible enough to know that I should not be playing! I tried to tackle him and, of course, as I was a little fellow and he was a giant of a man even then, his knee connected with my ribs and I was in a bad way for a couple of weeks. Notwithstanding his friendship, I do not think there is much that Bernie and I agree on. In fact, I cannot remember the last time Bernie and I agreed on anything. So I am not surprised that Bernie has made some comments somewhere with which I disagree. The current situation is that the New South Wales State-owned generating companies source about 30 per cent of the coal from Powercoal mines. The other 70 per cent is leased from private enterprise coal mines in New South Wales. As part of the proposed sale of Powercoal mines in New South Wales obviously the Government will put in place long-term contracts between Powercoal and the generators.

I should point out, as I pointed out yesterday however, that the coal mines that are currently in operation all have a limited life. They run out of coal, and when they run out of coal the generators have to seek other sources of supply for their coal. That is what they have been doing and that is what they will continue to do. We have a very efficient and competitive coal industry in New South Wales. I do not think there is any prospect that we will be running out of coal for the generation of electricity although the day will come—and I do not want to predict when it is; but we will certainly not be building new coal-fired power stations—when we will be relying not only on gas but also on environmentally friendly renewable sources of energy. Certainly in our lifetime we will need coal. I am pleased to say that the coal in New South Wales is a lot cleaner than the dirty brown coal those Victorians are belching in their power stations.

### AUSTRALIAN TECHNOLOGY SHOWCASE TRADE MISSION

**The Hon. HENRY TSANG:** My question without notice is to the Treasurer, and Minister for State Development. How have member companies of the Australian Technology Showcase benefited from the participation of the New South Wales trade mission to Great Britain in July?

**The Hon. Duncan Gay:** Back to the showcase whenever he is in trouble!

**The Hon. MICHAEL EGAN:** Are you denigrating the Australian Technology Showcase?

**The Hon. Duncan Gay:** No, I am not. It is a marvellous group but you know you can save yourself every time you are in trouble by referring to it.

**The Hon. MICHAEL EGAN:** What on earth am I saving myself from? The Hon. Henry Tsang has asked what I think is a very intelligent question. I do not feel under threat in any way at all. I am not quite sure what the Opposition is on about.

**The Hon. Jan Burnswoods:** Neither are they!

**The Hon. MICHAEL EGAN:** That is correct. Indeed, one of them is asleep! The Hon. Tutti-Frutti Pezzutti is asleep. No, I have just woken him up. I am glad he is listening because he is a very strong supporter of the Australian Technology Showcase [ATS]. Executives from eight Australian Technology Showcase companies travelled to Britain as part of the investment mission that I led to the United Kingdom and Europe in June and July. As honourable members are aware, the Australian Technology Showcase is a post-Olympics initiative and part of the Government's Building on Success strategy.

**The Hon. Dr Brian Pezzutti:** And didn't you get great support from our lady in London?

**The Hon. MICHAEL EGAN:** I did.

**The Hon. Dr Brian Pezzutti:** She is fantastic!

**The Hon. MICHAEL EGAN:** She is indeed. The mission supported meetings and major investment promotions designed to attract investment to New South Wales. ATS companies that travelled to the United Kingdom as part of the mission were Cards etc, Creative Logistics, CS Technologies, Infostream, Niche Corporation, Plantmaster, Sustainable Technology International and WebMCQ. Key objectives of the mission were to promote specific international business opportunities through ATS companies and enhance the reputation of New South Wales as an innovator in technology development. All of the eight ATS mission members were pleased with opportunities in the United Kingdom market, as some business was written on-the-spot during the visit. I have been informed that several leads are currently being followed up on sales worth more than \$3 million during the next six to 12 months. Examples of the successes include: CS Technologies reports that it has set up a distributor in Great Britain, a British distributor of Info Stream products accepted orders at the ATS exhibition, and Fairlight ESP and Stuart Piano both say the demonstrations they organised in London were very well received. By the way, I want to make sure that we get a Stuart concert grand piano in the conservatorium.

**The Hon. Brian Pezzutti:** Not more money for that place down there.

**The Hon. MICHAEL EGAN:** I have assured the principal of the conservatorium that we will assist in getting a Stuart concert grand piano.

**The Hon. Dr Brian Pezzutti:** You have spent enough money on the conservatorium already.

**The Hon. MICHAEL EGAN:** It is an absolutely magnificent asset.

**The Hon. Eddie Obeid:** A showpiece.

**The Hon. MICHAEL EGAN:** Yes. Has the Hon. Dr Brian Pezzutti had a look at it?

**The Hon. Dr Brian Pezzutti:** You could better spend the money.

**The Hon. MICHAEL EGAN:** You are a disgrace. This is the best music school to be found not just in Australia but in the world.

**The PRESIDENT:** Order! I remind the Minister that interjections are always disorderly.

**The Hon. MICHAEL EGAN:** They are.

**The PRESIDENT:** The Minister should continue with his answer.

**The Hon. MICHAEL EGAN:** I have a policy of answering each and every interjection that I can hear. That has always been my policy, and it will continue to be my policy, notwithstanding the fact that most interjections from honourable members opposite are inane. As the ATS became a national program—*[Time expired.]*

I understand that today is the twentieth anniversary of the election of Reverend the Hon. Fred Nile to this place. I am sure all honourable members would join me in congratulating the honourable member on achieving that milestone.

**The PRESIDENT:** Hear! Hear!

**The Hon. MICHAEL EGAN:** As it is 1 o'clock, if members have any further questions they might like to place them on the notice paper or ask them on another day.

### **MENINDEE LAKES FIN FISH POPULATION**

**The Hon. EDDIE OBEID:** On 11 September the Hon. David Oldfield asked me a question and a supplementary question about the Menindee Lakes fin fish population. I now provide the following response:

In 1997 the New South Wales Rivers Survey found that native fish were in serious decline throughout the State. It was found that commercial fishers were targeting remnant populations of native fin fish. As a result of concerns over native fin fish such as the Murray cod, the Commonwealth Government has also announced recently that it will be conducting a study on this native species.

To protect native fin fish populations across inland New South Wales, the commercial native fin fish was declared a sunset fishery in 1983 and closed on 31 August 2001, with fishing effort now directed towards the under-utilised yabby and carp fishery. The area available for commercial carp fishing and the types of gear available for use have been extended. However, fishing gear for carp remains carefully monitored to ensure no methods are used that result in unnecessary by-catch of native fin fish.

This restructure has been undertaken with ongoing industry involvement, and structural adjustment packages of ex-gratia payments were offered to commercial fishers for the surrender of their licences. Remaining fishers are able to harvest carp and yabbies. I have not received credible material suggesting the native fin fish stocks in the Menindee Lakes system is not under pressure. The new carp and yabby fishery has been in place since 1 September 2001 and my department, New South Wales Fisheries, will continue to consult with industry, through the Inland Management Advisory Committee, to further develop the inland commercial fishery. I am advised that a letter from Mr Peter Black MP concerning Menindee Lakes was recently received.

### **FISHING BY-CATCH REDUCTION DEVICES**

**The Hon. EDDIE OBEID:** On 11 September the Hon. Richard Jones asked me a question about the use of by-catch reduction devices in the New South Wales estuary general fishery. I provide the following response:

By-catch reduction is being progressively researched and introduced by the Government across the State's commercial fisheries. The Government is working with the estuary general fishers to develop effective by-catch reduction technologies. The Government convened the juvenile prawn summit last year to discuss ways to minimise the wastage of small prawns. The outcomes of the summit are being progressed in consultation with commercial fishers.

The use of by-catch reduction devices became mandatory in the Clarence, Hunter and Hawkesbury rivers last year. There are also some regulatory requirements related to net use, which aim to reduce by-catch. For example, the operation of drawing nets ashore must be carried out in a manner that does not prevent prohibited size fish from escaping. The Government is currently preparing the draft Estuary General Fishery Management Strategy, which incorporates strategies for by-catch reduction and performance indicators to achieve these targets. The strategy will be subject to an environmental impact statement and publicly exhibited for public comment.

**Questions without notice concluded.**

*[The President left the chair at 1.01 p.m. The House resumed at 2.30 p.m.]*

### **STANDING COMMITTEE ON SOCIAL ISSUES**

**Report: A Matter of Priority—Report on Disability Services: Second Report**

**Debate resumed from 30 May.**

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS** [2.33 p.m.]: This second report of the Standing Committee on Social Issues, which examined the question of disability services, is entitled "A Matter of

Priority". Three aspects arose while the committee was examining issues relating to disability services. When preparing the first report, members of the committee looked at group homes and at the tendering process and they discovered the slightly embarrassing reason for the problems in the disability services area. An amount of \$14,000 could have been saved if the Victorian model of private accommodation was adopted, presumably because of competition policy but possibly also because the service access system award was lower than the public service award. In other words, the wages paid to people working in private sector group homes were lower than the wages paid to people working in public sector group homes. So, in a sense, it appeared to be a cost-saving measure.

This discovery led to an outpouring of anger by the disability sector and to a reorganisation that was commendable—a reorganisation that led to an increase in funding in the budget and to a tendering process for disability advocacy groups that has caused some angst. Was that funding chopped off because that tendering process was unsuccessful? I make these remarks not because these comments are not contained in the report but because I am setting the scene for the struggle in the disability sector. There is a huge unmet need in the disability sector. As the committee's inquiry progressed we heard heart-rending stories of the tragedies experienced by people who were unfortunate enough to have a disabled child. We heard of their courage and their fortitude, which is in marked contrast to some of the things that we see daily in politics—the venality, self-interest and so on.

The three aspects to which I referred earlier are the need for permanent accommodation, the need to look more closely at respite care and the devolution of large institutions. The committee received 309 submissions and it was involved in some passionate community consultations—events that will remain in my memory for some time. The key thing that we established was that there was a need for funding. The one thing that no-one ever stated was that disabled people are the responsibility of their families, that they are not our responsibility. Effectively, that means that people who are born healthy do not have to worry about those who are not born healthy, unless they happen to be their relatives. In that case they would have to devote their lives to the needs of those disabled people and perhaps even to sacrifice their lives, in terms of personal achievement, to achieve that end.

So the State, in a sense, has to decide—we have to decide and we have to tell the State; let us not simply have the State portrayed as some impersonal body—whether we are all collectively responsible for these people in our society. If we are responsible we have to start funding those who are disadvantaged and we have to help them. I do not believe that that issue has sunk in. Effectively, not funding the disabled is akin to having no insurance. It is like saying, "If people are injured at work they will not get any money. They might get a subsistence allowance if they are lucky. If that is not enough they had better find some help for themselves, as there will not be any other form of assistance." We have to grasp the nettle. Disabled people have to be funded. When we say that there are not enough jobs, that is not actually true. The problem is that there is not enough money. There are plenty of jobs that could be done. I am sure many honourable members in this Chamber could think of hundreds of suitable jobs.

The question is whether we are willing to fund these people. The disability sector has a crisis management approach. It had an institutional model with not enough institutions. Years ago many disabled people died but, because of recent improvements in the field of medicine, many now continue to survive. That is putting an immense strain on resources—an issue that has not been systematically addressed. I am not quite sure why the disability sector has a crisis management model. Perhaps it is a hangover from the medical model that assumes that everyone who goes into hospital will go in for only a short time. When I asked why the medical model was like that I was told that it probably stemmed from pneumococcal pneumonia. People became sick for a few days, went through a crisis period and either went home or went to the cemetery.

Perhaps it is an acute surgical model. Someone might have an injury or an operation. That person might get better and leave the hospital. However, if that person dies it would not result in an end to the acute surgical model. More recently television reinforced the model of crisis management. A crisis is revealed, people are shown to be suffering and then action is demanded. Any long-term problem that is less worthy of television coverage, tends to get less publicity and less action from the political and economic systems. One of the major and extraordinary things that we discovered about supported accommodation was that some of the parents who came to speak to us for a couple of hours made an incredible effort to make arrangements for the temporary care of their disabled family member.

There are, of course, a number of unsustainable situations. Some disabled people who were born in the 1950s now have elderly parents in their seventies and eighties. There were many tragic stories about parents

who were seriously considering the option of a murder suicide. They were prepared to take care of their children while they were able to do so, but once they became frail they were prepared to kill their children because they could not continue to look after them. They saw that as an appalling option. They did not want to leave their children with no visible means of support once they became too frail to look after them. They thought that it was better to end their lives while they had a reasonable quality of life.

Many of these people live at home with other children in very difficult circumstances. Marriages are under great stress from the demands of severely disabled persons, and in their frustration some disabled people develop challenging behaviour or have some degree of psychological injury as well as physical injury. As degeneration continues, needs change and it is not good enough to set up a system and not change the funding level as they change. Much more flexibility is needed in the way things are looked at. There was poor information on unmet need. One could not help thinking this was deliberate: if the Government did not know how many were on the waiting list, it did not have to do much about it. Each application was considered on its merits. People who applied assumed they were on a waiting list, but they would find out a decade later that their case may have been assessed a decade before but there was no record of it. They lived in a fool's paradise and the demands of their loved ones were unable to be met. A service access system [SAS] has been set up to trace this. The worry is that it will become a gatekeeper of limited resources. The committee is not keen to see that happen. It wants a database of what is needed so that there is planning at population level.

Despite the fact that medicine appears to have saved many lives, there are not many studies on the survival of premature babies in intensive care units, the demands they will have and their likely outcomes. That seems silly to me. The demand for supported accommodation is greater than the supply. Disabled kids should be able to reasonably expect to leave home and make their lives at the highest level possible. Some home support mechanisms were very interesting and need to be mentioned. One model provides that if disabled people did not have to do complicated things like negotiate rents, pay bills or do the shopping, they could live more or less independently. Paying the rent and bills and doing the shopping takes some hours for a carer but that is immensely cheaper than institutional care; and it is much more satisfying for disabled people and gives them a better quality of life. Yet, the amount of effort that has been put into this is extraordinarily small. That shows that much of the resource allocation has reflected a dumb use of resources. This could be improved immensely by better planning from the top.

The committee recommended that at least 200 extra places in supported accommodation are needed in each of the next five years. That is 1,000 more places. As part of the planning process we should target the number of places needed per head of population. Other health services are expressed by the number of certain operations per head of population per year or per head of population in whatever age group is likely to use those services. In other words, there is population-based planning for the likely needs of disabled people and for the degree of need in the population. This would give the disabled the same services that are available in the health system, where it is assumed that so many gallbladders will be removed and so many hips will be replaced, and so on.

Many of the respite services are blocked beds. That means the relatives or carers have recognised that only those in desperate crisis get any service. They are in a long-term unsustainable position, so in desperation they put their supported person or child in a blocked bed and leave them. That is a very traumatic decision but it is indicative of their situation. A large percentage of respite beds in New South Wales were blocked. What is needed is planned support, not just crisis support, and that is an issue of resources. The committee recommended that there should be 1,200 flexible respite packages and that the Ageing and Disability Department [ADD] should implement all the recommendations of the respite working group that reported in February 2000. I will come back to that later if I have time. The Government should also, within six months, table what it has done about the report of the respite working group.

It should be remembered that 2,400 people are living in large institutions. Often their funding is at historical levels, so it is very poor when considered on the basis of current values. Often the people are institutionalised, and it would take some effort and organisation to deinstitutionalise them. Because of the crisis in accommodation there is always pressure to backfill. When someone is deinstitutionalised, someone else is in a desperate situation and there is pressure to take up that place. In 1998 a 12-year timeframe was worked out for closure, but that is now well behind schedule. The committee says the 12-year timeframe is too long, but in view of the slow progress it has probably now become realistic. The recommendation is that all institutions should change to models that comply with the Disability Services Act by the end of 2010, and that 80 per cent of residents should be devolved by the end of 2005. At the present rate of progress, that appears difficult to achieve. Planning needs to start now. Although the department has reorganised and reorganised, it does not seem to be doing the real planning that is needed.



Another of the committee's recommendations is vital to the carers of disabled people: that disabled people who transfer out of residential accommodation need to have a lifetime guarantee that the State will take responsibility to provide a realistic package of care for their entire lives. When people were deinstitutionalised some years ago, parents were given that guarantee. That is why they were so horrified with the tendering out of group homes, which suggested that disabled people would lose the interpersonal relationships they had enjoyed with fellow residents and carers in group homes. One has to look at the people and their needs rather than simply at the dollars. The Government has to be far more realistic and clever than it has been in the past.

I referred the Minister for Disability Services to the ADD report entitled "Reshaping the New South Wales respite system for people for people with disabilities and their carers". It was prepared by the respite working group in February 2000. I will quickly run through the sensible recommendations that this report tries to reinforce and amplify. They are that the Government should set up a respite unit to manage this area, including non-accommodation respite. It should free up respite places. It should separate them from supported accommodation and separate them from institutions. The set-up and use of the respite units should be planned. The quality of respite places should be monitored and controlled. The Government should keep track of these places and their uses. It should liaise with Carer Respite Services, which is a support group for carers, to ensure that the day-to-day care is well-organised and seamless. The respite places should have a range of appropriate services and they should be adequately funded.

The respite working group also said that there is a need to reshape disability policy with an overall plan. Again, this is a similar finding to that of the current working party. It has asked for co-ordination with population-based funding. It talks about the need to co-operate with Home and Community Care [HACC], the need to work with other agencies better than has happened in the past, the need to improve networks between disability service providers and the need for specialist services for challenging behaviours. Some respite centres for people with challenging behaviours regard it as normal that after some people come in for respite services they have to change the plaster because these people have put their fist through the walls or smashed the windows as a matter of routine.

Another example was the people who were brought in by three or four escorts because they were so violent. Once they were in a less confronting environment with people who gave them less flak and a little more respect and freedom, and when certain of their needs were met, they were no longer challenging. That demonstrated the importance of the respite working group's recommendation.

The respite working group also said that it is necessary to co-ordinate particularly complex cases—dual diagnoses and so on—to establish the priority of access criteria for all services and to manage regional or area vacancies so that planning for supported accommodation and other needs is not all done from a distance. The committee found that there was still a great deal of work to be done. It found also that the department was not planning in the way it reasonably should have been, that it was still somewhat disordered. There is still a long way to go in this area, and we must maintain the pressure to improve planning processes.

I trust that the groups advocating for disabled people will survive. I trust that the tender process will not be used simply to defund advocacy groups and that these groups will continue their advocacy work, because they still have a long way to go. I will certainly do what I can to support those groups in this endeavour. I thank the committee staff, particularly Tony Davies, Bev Duffy, Julie Langsworth, Heather Crichton and the intern student Thea Bray, who exceeded the call of duty in helping to write this report and organise consultative processes, drafts, meetings and trips to meet people and see for ourselves the difficulties that they are having within the disabled sector. I commend this report to the House. Do not let it sit on the shelf—it is a matter of priority.

**The Hon. AMANDA FAZIO** [2.52 p.m.]: I was a member of the Standing Committee on Social Issues for only two months before the report, which I support, was handed down. However, in that time I came to recognise the degree of dedication of the committee members and staff in preparing it. During that time I was reminded of the need in both the Federal and the State spheres to ensure that governments are responsive to the needs of people with disabilities. The committee's terms of reference for this inquiry were wide ranging and in-depth. This is the committee's second report on this inquiry, and it is only an interim report. The exercise undertaken by the committee in preparing this report was valuable. It involved extensive consultation with disability service providers in both the community sector and the public sector. It also involved consultation and discussion with advocacy groups and with people with disabilities themselves and their families and carers.

One strength we now have in the provision of disability services is that we recognise that services cannot be designed and planned in isolation from people with disabilities. There must be consultation, and

services need to be tailored to meet the individual needs of people with disabilities. The report focuses on three main priority areas: permanent supported accommodation, where we recognised a critical need to increase the number of supported accommodation places for people with disabilities; respite services, where urgent action is required to facilitate the development of an effective and accessible system of respite care based on the needs of people with disabilities and their carers; and the devolution of medium and large residential centres. There is a clear imperative to finalise the transition from outmoded, congregated forms of accommodation to community living arrangements for people with intellectual disability.

I do not want to focus on any one of those three areas. I believe that one of the strongest things to come out of this report is that there has been a genuine attempt to identify unmet need. It is very difficult to plan disability services. In demographic terms, one can plan services for aged people and for children. But because there are few accurate and clear definitions of what constitutes a "person with a disability" and how their level of support needs is gauged—whether it is medium, high, low, intensive or whatever—it is very difficult for planners to work out an individual's needs. Also, the indications of need that the Government get are usually only indications of need from people who need immediate assistance with providing services for a family member with disabilities. A large number of families manage their own affairs. They are capable of accessing services for the person with a disability; and until a crisis occurs they do not need to ask for extra or urgent assistance, and that makes planning very difficult.

The Hon. Dr Arthur Chesterfield-Evans spoke about ageing families that have cared for a person with disabilities. That creates another planning dilemma because often it is difficult to determine just what is the best way to approach the problem, and then to work through it with the family. For a long time families with a disabled person tended to cosset that person. The family never allowed the disabled person to challenge the limitations placed on him, so when the time came for the person to live more independently and with community support, rather than with the family's support, the family was very wary. Families are wary of setting up the person with disabilities for failure. We need to confront that dilemma because there is no way a family would not allow a non-disabled member to test their limitations or to challenge their personal development at any time. Often we find—and I found this when I worked in the Commonwealth disability area—that people who are capable of living in a group home or community home, cooking and shopping for themselves, and getting themselves to and from activities and part-time work, are not allowed to exercise those responsibilities until their family circumstances change.

So a delicate balance must be struck. One good thing about being appointed to the social issues committee and being involved in this and the current inquiry was having the chance to meet again the many committed and good people who work in the disability field. I have been out of the disability area for a number of years, but I worked in it in the mid-1980s, when the Commonwealth was changing the way it funded services for people with disabilities and the way those services had to deliver outcomes for individual clients, rather than simply provide a nice community activity for those who ran the services. It is good to see that those people are still working in the disability area, although their remuneration in the community sector and the rewards they might get are definitely much lower than what they would have received if they had opted to work in the bureaucracy. They are still advocating for individuals, for client groups and for families.

When a committee conducts such an inquiry it is notable that its members meet selfless people who devote themselves to working for people with disabilities. Often they do not expect much reward for themselves. In the disabilities sector it was not very long ago that there was no such thing as community workers being entitled to long service leave, even though they might have been working in community organisations for a long time. No awards covered those workers and there was nothing but a long tunnel ahead with very little light at the end of it. Those people had to battle their way through an enormous amount of red tape, inflexible and inappropriate service types, a resistance to change, and a whole range of issues.

Some of the recommendations made in the committee's report will help community workers in their struggle to ensure that people who have disabilities are given equal rights, life opportunities that other people take for granted, some choice in the way in which their lives are lived, where they live and with whom they live, where they work, if they are capable of working in open employment, and are able to engage in any other activities that they may wish to undertake. I believe that the work of the committee in this regard has been a very valuable experience, but what I would like to emphasise—and what comes through when the range of evidence provided to the committee and the recommendations made by the committee are examined—is that a flexible and innovative approach needs to be adopted to the way in which services are delivered in future in the formulation of policy by the Government and implementation by administrators and bureaucracies.

Rather than thinking that things have been done in a certain way for the past 10 years and that change is imperative—for example, changing from large residential institutions to group homes—thought should really be

given to changing from large residential institutions to community living options. It should not be the case necessarily that all residential services should be viewed as group homes. There might be other ways of doing things and I think we, as parliamentarians, must ensure that one mind-set is not replaced by a new, limited and boxed-in mind-set. We need to ensure that we are as flexible as possible and we need to develop constructive ways of working forward. I find it very pleasing that the committee's report notes that the Government has allocated a great deal of increased funding for disability services. The Government's response to the committee's report was tabled in this House on 20 June this year, and states:

The Government is pleased to advise that, in response to the ... Report ... [the] Department of Ageing, Disability and Home Care has considered the recommendations of the Committee in developing a strategic plan for disability services.

The Government welcomes the Committee's finding that the Government has progressively increased funding for disability services.

It was noted by the Hon. Dr Arthur Chesterfield-Evans that the way in which the State Government delivers services for people who have a disability has been reorganised. I can say only that I hope that the new administration by the Department of Ageing, Disability and Home Care is able to overcome some of the difficulties identified by the report, such as the respective roles of the former Department of Community Services and the Aged and Disability Department. We now have a new department with a new charter which creates the ability and the opportunity to begin to make significant changes and build on the work that has previously been done. This presents an opportunity to examine ways of implementing the recommendations of the committee and to be open to positive suggestions. I emphasise that, rather than seeing issues as being able to be dealt with in certain ways only, we ought to be responsive and receptive to ideas that come from the community as well as ideas that emanate from overseas.

I note particularly that for a long time the Americans have been quite innovative in the way in which they have provided services for people who have disabilities. Although some of the American service models do not translate to the Australian scene, others are very interesting and are worth pursuing. I point out that the report notes a lack of proper accommodation for people who have a disability and that lack of resources creates lasting and immense human costs. The longer that people who have a capacity to live individually with some assistance in the community are confined within large residential services, the more certain it is that their ability to develop as human beings and to maximise their potential will be severely limited. The support given by the Government to moving people out of large residential facilities is very worthwhile and should be commended.

Care must be taken to ensure that genuine attention is given to overcoming some of the stereotypes encountered in the past. When I first became involved in the disabilities field, I encountered a great deal of jargon, and the legislation I dealt with was the Handicapped Persons Assistance Act. That legislation was found to be inadequate and was replaced by the Commonwealth's Disability Services Act. Over a period of years, the terminology that has been used to describe individual people who constitute the targets of disability services legislation has changed. My concern is that although people pick up changes in terminology, I do not know whether they actually change their attitudes or whether they embrace some of the opportunities presented by change. For that reason I urge honourable members to take a very comprehensive look at this report, if they have not already done so. The report contains a large number of recommendations—33 in all—and those recommendations have been very well thought out. As usual, this report was a unanimous report of the Standing Committee on Social Issues—notably, in the absence of a dissenting report—which recognises the importance of the issues examined by the committee and the existence of a great deal of common ground when people are looking for ways of improving the life options of people who have disabilities.

In conclusion, I make the point that if support—such as good respite services—is provided for people who have disabilities and their carers in their own homes, the crises that often eventuate can be staved off. If people's needs are examined on an ongoing and long-term basis rather than when a response is made to a crisis, the anxiety and stress suffered by so many people who care for a person with a disability can be minimised. I believe that honourable members are justified in being very positive about this report. A great deal of funding has been contributed to the resolution of the issues mentioned in it, and a great deal of research is being undertaken. There is also a great deal of goodwill within the community sector and in the Government for improving the lot of people who have disabilities. I urge honourable members not to think that we are helping people who have disabilities when we support this report but, rather, to adopt a philosophy of allowing people who have disabilities to maximise their potential to make choices, to take chances and to have a much better quality of life. I commend the report to the House.

**The Hon. IAN WEST** [3.07 p.m.]: I also support the motion moved by the Hon. Jan Burnswoods that the House take note of the Standing Committee on Social Issues report entitled "A Matter of Priority—Report

on Disability Services: Second Report". Like the Hon. Amanda Fazio, I became a member of the Standing Committee on Social Issues in November last year and caught the tail end of deliberations on the important subject matter of the committee's inquiry. At the outset of my comments on this important social issue, I acknowledge the excellent work performed by the staff of the committee, Tony Davies, Beverly Duffy, Julie Langsworth and Heather Crichton.

The report of the committee details first the urgent and immediate need for permanent supported residential services in the community for people who have disabilities, especially unmet need for accommodation services and crisis management; second, the provision of respite care; and, third, the involvement of large residential centres. The first area requiring ongoing commitment from government is the need for permanent supported accommodation. It is hoped that by addressing this area of need, other areas of unmet need can be more properly and effectively addressed. The undersupply of permanent accommodation places extreme pressure on families, carers, providers and agencies who are forced into a position of calling on services and resources—such as respite care, which is meant for a wider range of people—to supplement the inadequacy of resources confronting them. The combined factors of unmet need for permanent accommodation and the dispersal of respite care and crisis management mean a reduced ability to develop a properly planned, effective and equitable support system for people who have disabilities.

The committee found that a small but significant number of people with a disability live in inappropriate and inadequate temporary accommodation due to a lack of permanent accommodation. This lack of proper accommodation extracts a tragic human toll on families and carers in the form of relationship and family breakdown, physical injury and disability of care-givers, social isolation, inability to participate in the work force, depression, mental illness and the all-pervasive poverty. The lack of permanent supported accommodation means that families endure a state of permanent crisis in unsatisfactory arrangements whilst those in lesser need have their resources and services diverted away from them. The state of crisis leads to systemic problems. The challenge to address this unacceptable state of affairs will become greater and more urgent as carers age, people with disabilities live longer, and the number of people with disabilities continues to increase.

Accordingly, I welcome and support the committee's recommendation that the Department of Ageing and Disability adopt a growth target of 200 additional supported accommodation places per year for the next five years. The second important area that needs to be addressed is respite care. Respite services provide opportunities for carers and those who are cared for. As others and I have outlined on other occasions, access to respite services is thwarted by people needing permanent supported accommodation and crisis support. The committee identified a need to clearly delineate and resource respite care as planned support for the carer relationship, not crisis support. I believe that this is a crucial aspect, and I look forward to the Government's continued response to, and implementation of, the recommendations of the Government-convened respite working group.

The third matter dealt with in the inquiry was the continued devolvement of large residential institutions. Obviously, part of the effect of devolvement has been an increase in the overall level of health and welfare of people with disabilities, which is borne out by the number of people with disabilities who are living longer. This is another area that will need to be properly addressed. As people with disabilities age, they undergo different experiences, and, as other speakers have pointed out, varied and innovative approaches to their ongoing care are required.

The committee concluded that there are approximately 2,400 people with disabilities living in medium and large residential institutions. They form a major part of the supported accommodation system. In order to support the move towards devolution, obviously the provision of respite and permanent accommodation needs to be urgently addressed. People with disabilities, their families and their carers have expressed fear and cynicism about devolution, and rightly so. As other speakers have pointed out, they must be included in the transition process. Obviously, that process ought to involve meaningful consultation, accessible information and properly resourced advocacy. The people who have to live in these situations would be heartened by the committee's recommendations that "all medium and large residential centres should be funded to complete transition to models that comply with the Disability Services Act 1993 before 31 December 2010".

A further recommendation of the committee is that "the Government should provide all residents who transfer from large government and non-government residential services to community-based accommodation with an unconditional lifetime guarantee of service". The committee has also called for appropriate and guaranteed medical, nursing and therapy services. I am pleased about the committee's position on providing

training to staff to gain additional skills, as well as receiving reassurance about continuity of employment. Continuity of employment and the provision of adequate training for staff in these areas will be vital to the ongoing proper care of people with disabilities.

The staff of these centres will provide valuable support in preparation and implementation in the move from institutions into supported permanent accommodation in the community. I believe that reports such as this help to inform governments, agencies and the public about the realities that people face in the disability and community service area. Constant finetuning of the policies and actions of governments in the move towards devolution of disability care must take place. Devolution must be measurable, and we must ensure that we are able to minimise, if not eradicate, the cases of people falling through the cracks. We must be able to keep tabs on the quality of care and be able to identify, measure and police appropriate standards of infrastructure and services.

Devolution should not be about the devolution of social, public or governmental responsibility or accountability. Service providers must continue to be adequately and increasingly better funded and monitored, to ensure that we achieve the real goal of improving these people's quality of, and opportunities in, life. I hope that reports such as this will help bring about a more inclusive and understanding approach to this important issue, and in so doing will help create a richer and more humane society. Our actions, or lack thereof, will leave us judged or wanting in the future. More importantly, they will leave many deserving citizens worse off. I commend the report to the House.

**The Hon. JAN BURNSWOODS** [3.17 p.m.], in reply: As the chair of the Standing Committee on Social Issues it is my pleasure to speak in reply to the take-note debate on the committee's report on its inquiry into disability services entitled "A Matter of Priority—Report on Disability Services: Second Report", which was tabled in December last year. I thank the three members of the committee who have spoken eloquently today about the importance of the inquiry, namely the Hon. Dr Arthur Chesterfield-Evans, the Hon. Amanda Fazio and the Hon. Ian West. I also thank the deputy chair of the committee, the Hon. Doug Moppett, who spoke briefly in June before the parliamentary recess but, unfortunately, because he is unable to be here today, is not able to conclude his remarks. The five members of the committee have made the point, which I again stress, that in dealing with this inquiry the committee has been able to produce unanimous reports and recommendations about what we feel the Government should do in the future.

I wish to briefly comment on the progress of the inquiry and where the second report fits in. Members will recall that the committee began its detailed and comprehensive inquiry into disability services in New South Wales in 1999. Its first task was to prepare a brief report into the Government's proposal in relation to group homes run by the Department of Community Services for people with intellectual disability, and that report was produced in 1999. The subject matter of the inquiry was a matter of considerable controversy in the community, amongst the work force and the unions, and indeed in the Parliament. Once the committee completed that report it looked at residential and support services for all people with disability. In that area the committee found an enormous amount of agreement about the principles that should be followed and basically the unmet needs.

I do not think there is anyone in government or outside government who would argue that our current services for people with disability services are adequate. That has been the case for a long time. Many people in the community, advocacy groups, Opposition members, crossbenchers and I have welcomed the considerable increase in commitment by the Carr Government in the past two budgets to disability services. But we are all aware, not least the Government and the Ministers involved, of how far we still have to go. It was because of that awareness that the committee focused in this report on three interrelated areas that were of the greatest priority. The report has in its title the phrase "A Matter of Priority". Those interrelated areas that need attention, as other honourable members have mentioned, are the devolution of the old large residential institutions, the provision of respite services and the provision of accommodation, particularly for people with disability living with their families and, in particular, with ageing families. A moment's thought indicates why those areas are interrelated. More respite enables more families to live with their family member who has a disability in a relatively comfortable manner if they choose to do so.

I think everyone would agree that that is the best possible care that can be provided. More respite helps those people to continue, and also removes pressure on supported accommodation from what are often called blocked beds, when families in desperate need of respite in effect have their family member occupying a place which would otherwise be used by someone who really has no choice but to occupy supported accommodation. Those two issues fit into one another. We have argued that the provision of some funds in one area does not only provide good services there but in turn has a flow-on effect by freeing up resources in other areas. Since

this report was tabled the committee has continued to talk to disability advocacy groups, families and people with disability. We have continued to talk to the departments about how far the money is made available, the service access system, other initiatives that are proceeding and how successfully they are proceeding.

We are also following the issue in particular of the devolution of all children from large institutions. In addition, we are just beginning the process of finalising our report by talking to those other departments, such as Health, Housing and Transport, that have a major role. The services provided by those departments, although perhaps not so overwhelmingly important to people with serious disability as accommodation and close support services, nevertheless are important in providing mobility and ability to lead a pleasant and normal life for people with disability. If good transport, housing or health services are not available, the lives of people with disability are going to be diminished. We hope that within a relatively short time we will be able to produce our third and final report. I look forward to that report and to the wonderful co-operation of committee members and committee staff, led by Tony Davies, but I also look forward to further positive response from government to the work of the committee.

**Report noted.**

## **STANDING COMMITTEE ON STATE DEVELOPMENT**

### **Report: Merger of Country Energy Distributors**

**Debate resumed from 31 May 2001.**

**The Hon. TONY KELLY** [3.25 p.m.]: I have already spoken about a number of issues including employment levels, access and the need for the company that has now been formed. Country Energy has a regular turnover of \$1 billion, employs almost 2,500 staff, serves the energy needs of some 700,000 people, and covers all of country New South Wales, with the exception of the Broken Hill area.

**The Hon. Michael Egan:** A good organisation.

**The Hon. TONY KELLY:** It is a good organisation. The Standing Committee on State Development held an inquiry into the merger of the former three distributors. I will refer to service levels and jobs under Country Energy. One of the concerns expressed to the committee during its hearings was the ability of Country Energy to remain local and to maintain adequate levels of service and maintenance. As the Energy and Water Ombudsman said:

Most people don't want to think about electricity, they just want it to be there. It is when they do not have it that it becomes a problem.

A major point made to the committee was that questions of service and maintenance levels are tied up with business viability. The more optimal the business, the better the level of service. In addition, it was a commonly held view that for Country Energy to survive, given its large geographical area, a decentralised management and workforce was essential. That has been actively and successfully pursued by one of its former member distributors, Advance Energy. In recent years Advance Energy has opened up lines rather than close them down. In doing so they have bucked the trend of recent times of centralising jobs and service centres. Centralisation does not make sense to Craig Murray. His comments include the points that businesses end up with increased travel costs in relation to country areas, the old depots cannot be sold or given away, in some cases, because they have no other use, two or three families are pulled out of town, and consequently the best salesmen are lost at the pub on a Friday night. The modus operandi of Advance Energy—

**The Hon. Michael Egan:** What do you mean by them being lost at the pub?

**The Hon. TONY KELLY:** In most country towns members working for the various distributors were very loyal and great salesmen of the products of their local electricity distributor. Every Friday night or whenever they went to the pub, or at the soccer on a Sunday, or at any other social gathering, they were there selling their local distributor—Advance Energy, Great Southern or whoever it happened to be.

**The Hon. Michael Egan:** That is drawing a bit of a longbow.

**The Hon. TONY KELLY:** This is the evidence before the committee.

**The Hon. John Jobling:** It certainly works in country towns.

**The Hon. TONY KELLY:** Whether it be at Trundle or any other small country town, there were always about three depot linesmen or other workers who were loyal and active salesmen for the distributor. They were also probably easy to locate when there were problems. That is why not a lot of complaints were made about country electricity areas compared with the level of complaint in some metropolitan areas. Relocation of those people to a centralised position meant that they would lose their individuality and just become a number—

**The Hon. John Jobling:** They would also lose their local knowledge.

**The Hon. TONY KELLY:** Certainly their local knowledge. The evidence the committee heard was that those electricity companies would lose great salesmen. This particular *modus operandi* that Mr Murray and a number of other witnesses mentioned is the *modus operandi* that Mr Murray is continuing, and hopes to continue, to use in Country Energy. It underlines the philosophy of providing jobs to local people who know the network—as was mentioned by the Hon. John Jobling—and the consumers, and to respond to customers' needs quickly, without the need to travel huge distances. That is, local customers served by people who live and work in their communities and understand the local issues. I and the committee believe that this outlook, above and beyond a government assurance, is the key to ensuring that Country Energy maintains and improves service and employment levels. All of this is underpinned by the substantial economies of scale that the creation of Country Energy hopes to achieve. As I said earlier, it is apparent that small energy businesses would struggle to survive in the new realities of the national electricity market. The merger of these three regional distributors to form Country Energy will create a powerful new business in the market.

**The Hon. Michael Egan:** It is already going very well, I understand.

**The Hon. TONY KELLY:** Exceedingly well. It was probably one of the better country ones to start with. Perhaps it gives the Minister less headaches than some of the others. The merger of these three distributors will create a powerful new business in the market—one that can use its size to improve service, promote job growth within the business and increase financial returns to the government. No doubt the latter would be of great interest to the Treasurer. The merger will generate higher revenues whilst at the same time remove unnecessary duplication of costs, particularly, dare I say, in information technology [IT] and in retail infrastructure. The merger will boost revenues and returns by creating a financially viable business entity in the new market by providing access to a larger financial base with which to invest in growth projects to ensure its longer term viability.

It will also increase the ability of the new business to explore new products and services, at the same time creating a more effective business development function, developing a strong presence in both gas and electricity, to compete effectively in the new market as a dual fuel provider. One of those three distributors, Great Southern, was already a gas distributor. In fact, recently I had the pleasure of assisting in the turning on of the gas to Cooma. Now that expertise has been transmitted to the whole of the Country Energy area. So the whole of the Country Energy distribution area will have the ability to use that one service provider for both gas and electricity.

Substantial cost savings can also be achieved through reduced network asset management costs, through greater buying power, reduced overheads, improved inventory turnover, reduced energy purchase costs, and reduced operational costs from rationalisation of their corporate management and IT services. I cite as an example the duplication of boards. The three boards will now be only one. My understanding is that the cost to each business of implementation of IT in the new market was about \$5 million and that there would be a saving of about \$12 million in that respect.

*[Time for debate expired.]*

## **PUBLIC FINANCE AND AUDIT AMENDMENT (AUDITOR-GENERAL) BILL**

### **POLICE LEGISLATION AMENDMENT (SPECIAL CONSTABLES) BILL**

**Bills received.**

**Leave granted for procedural matters to be dealt with on one motion without formality.**

**Motion by the Hon. Michael Egan agreed to:**

That these bills be read a first time and printed, standing orders be suspended on contingent notice for remaining stages and the second reading of the bills stand as orders of the day for a later hour of the sitting.

**Bills read a first time.**

**JUSTICES ACT: DISALLOWANCE OF MARITIME (SHORT DESCRIPTION OF OFFENCES)  
AMENDMENT (PERSONAL WATERCRAFT) REGULATION**

**MARITIME SERVICES ACT: DISALLOWANCE OF WATER TRAFFIC AMENDMENT  
(PERSONAL WATERCRAFT) REGULATION**

**Debate resumed from an earlier hour.**

**The Hon. JOHN TINGLE** [3.35 p.m.]: When debate on this business was interrupted for question time I was remarking on the quite extraordinary level and style of the debate so far on this disallowance motion. I commented that it seemed to me that jet skis—personal watercraft, if you like—were being presented virtually as a threat to western civilisation if something was not done about them. I reiterate that it seems to me that jet skis have been painted in the debate so far as the source of all evil. It seems that they are a threat to marine animals, people, surfers, water quality, air quality and probably to people's ear drums, apart from anything else. Those are just some of the things that we have been told are threatened.

I have to wonder, having listened to the sorts of attacks made on jet skis, particularly from the Greens, is there nothing at all good about jet skis? Is there nothing at all to be said in favour of jet skis? Is there no value or virtue in them? Are they that bad that we must attack them in this way? I have to say that if we were to believe some who have spoken in this debate so far, jet skis are the invention of the devil and should never have been introduced. I have not seen such a vehement, even vitriolic attack on one small identifiable group of people since 1996. Whatever we think about the regulations, whatever we think about what the Government might or might not be doing, the very fervour of that attack, the determination to totally derogate the whole business of jet skis should be ringing alarm bells in our heads, because I do not believe there is any justification or any need for the attack to be as violent as it has been.

Let us look at the details. I am told that the Government introduced this regulation on the recommendation of the police, largely because police said it was impossible for them to control jet skis, to police laws relating to the use of jet skis, and all the rest of it. There is no doubt that jet skis do worry some people. They are noisy, fast and prevalent—they are all over the place. Something certainly needed to be done. What I am concerned about is whether the response of an outright banning of them on Sydney Harbour is the right response. It has all sorts of unforeseen consequences, as was mentioned by the Hon. Jennifer Gardiner. The ban has an effect on the boating industry and on the industry that produces and sells these machines, quite apart from its effect on the right of people who bought them legally to be able to use them for legitimate recreation—something which I am sure honourable members would understand I can empathise with very easily.

I wonder whether we should have taken a little time and trouble to quantify the real extent and nature of the problem. Certainly, the numbers and percentages quoted by those who support the ban, to me, sound pretty slim. It sounds to me like a fairly small problem in the overall context of the traffic on the harbour and in the overall context of the numbers of these machines compared to other harbour traffic. Would it have been possible to deal with the problem, as it was seen, by some type of limitation—a limitation on the areas of the harbour in which jet skis could operate, a limitation on the hours in which they could operate, or a limitation on their speed—anything that would regulate and control what they were doing, without going to the level of a total ban? I have to say that I have a philosophical objection to outright bans on legitimate outdoor sports, for reasons which I am sure honourable members would understand.

The Hon. Lee Rhiannon asked honourable members to be rational about this issue. I did not think she was being particularly rational herself, because I do not think it is particularly rational to simply want to ban everything. What have the Greens got against jet skis in particular? We heard a lot of emotional rhetoric about jet skis, but we did not hear much substance about what is wrong with them as a group. I have to ask whether this is a genuine effort to deal properly with a real problem, or are jet skiers just a soft target for a bunch of ideological control freaks? Is this an attempt to control jet skis, or is it an attempt to control jet skiers? The two issues are different. Do we control personal watercraft or do we control the people who ride on them and drive them? I know what it looks like to me. I look forward with a great deal of interest to the division that I am sure will occur in relation to this motion. I wait to see how the self-proclaimed civil libertarians on the crossbenches vote on this issue of personal freedom—the right to pursue legitimate recreational activities. I want to see how they go.

I trust that they will be true to their so often stated end, or will we see an act of hypocrisy in trying to ban a small group of people from a legitimate activity? We have witnessed on other occasions the majority



being punished for the acts of a small minority, and a legitimate recreation has been crushed. Shooters know that only too well and see it as a sociopolitical exercise in controlling people. For all those reasons, for all the unanswered questions and for all the injustice of blaming the majority for the minority, I support the disallowance motion.

**The Hon. DAVID OLDFIELD** [3.41 p.m.]: I support the disallowance motion. It is an appalling state of affairs that a blanket ban such as this could be considered. This is not just an issue of the rights of jet skiers; it is a matter of the rights of law-abiding individuals to pursue and enjoy their chosen recreation. It matters not whether a person wants to jet ski, paraglide, shoot, hunt, fish, dive, surf, ride a motorcycle or anything else. If people are not breaking the law and if they are not acting foolishly and in a dangerous manner, they should not be held accountable for a few of the same interest who are reckless and do break the law.

I note that there is evidence that this proposal originated with the Greens. I note also that the Hon. Ian Cohen is a keen surfer. Because board riders are occasionally caught between flags, does that mean that the Hon. Ian Cohen would support a blanket ban on surfboard riding? I think not, and nor would I. If the Greens get more of their way, we will not be able to do anything outside our own backyards. We will not be able to ride a horse or a bicycle or even walk through a national park. The Greens in power, or anyone influenced too much by their policies, would have us believe that they would have us all living in harmony with the environment, when these people are little more than fun sheriffs with no appreciation of the rights of others to choose a form of recreation inconsistent with their desires.

In short, there are a few in the Greens—and I say only a few because I am presuming that there must be at least some in the Greens—who have any acceptance of people enjoying something that Greens-oriented people do not. I acknowledge that I might be incorrect and that there may be no-one in the Greens who accepts the rights of others to pursue recreational activities that they would not themselves pursue. Is this an issue of noise and other forms of pollution? If so, what about other small watercraft? What about waterskiing? What threat would the proposers of this ban be able to apply equally to waterskiing?

Windsurfers and other small sail craft would generally be considered low impact and environmentally friendly, but if one is a surfacing scuba diver or snorkel diver there is nothing more silent and deadly than a windsurfer or yacht, especially one with a deep keel. Shall we now consider banning sail-driven watercraft to reduce the danger to scuba and snorkel divers, or shall we consider banning scuba and snorkel divers so that they are not in the way of windsurfers and sailboats? Clearly, intelligence dictates that such considerations would be unfair nonsense, but that does not mean that we do not consider designated areas and other ways of allowing diverse pursuits to happily and safely coexist.

Jet skiers who are too close to swimmers and who act in other ways contrary to simple rules of safety should be vigorously pursued, even to the point of facing the confiscation of their craft. But these few irresponsible people should not have their penalty flow on to all other jet skiers who are law abiding and sensible in their approach to all aspects of their chosen recreation. Jet skiing is a fast, exciting and exhilarating activity, made even more enjoyable by the magnificent waterways that our unique city offers. The majority of jet ski enthusiasts are mature, family-oriented people who love the outdoors and who have spent a great deal of money so as to be able to enjoy the recreation that they and their families have chosen.

The Premier and the Government must take a fairer approach that looks at tough penalties for jet skiers who break the law, but that excludes punishments that penalise all jet skiers because of the irresponsible actions of a few. By all means, hit dangerous jet skiers hard, but let responsible enthusiasts enjoy their chosen recreation in areas that include appropriate parts of Sydney Harbour.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS** [3.46 p.m.]: This has been a difficult issue for me. I am concerned about the civil rights of people who wish to enjoy recreation. I am concerned also about the investment by owners of jet skis. As part of this, we must balance the rights of those who acquire enjoyment against the rights of those who want active enjoyment in the same environment. We must look at the environmental effects of this issue not only on the human species but also on other species. As I said earlier, this issue has been a difficult one for me. One thing that I find disappointing is how little real evidence has been put forward by the Government. The Government said that it had an overwhelming amount of evidence, but it has not actually delivered that evidence. The Government also said that it had a report from the police. We were not able to view that report, let alone copy it. Although, after some considerable pressure I received a memorandum from Graeme O'Neill from the marine area command—a branch of the Police Service—entitled "Urgent Advice re Water Traffic Amendment (Personal Watercraft Regulation)", which reads:

I received the attached fax this morning from Fiona Manning, Ministry for Police. This document relates to the State Government's initiative to close Sydney Harbour to Personal Water craft (Jet skis).

I can indicate that as the Commander, Marine Area Command, I support the initiative by the New South Wales State Government. I have read the draft regulations. They are in accordance with information and advice provided to this Command from the New South Wales Water Ways Authority.

So I can state that the regulation came from the New South Wales Waterways Authority, presumably because it had difficulty policing the ban and this was the last resort. People like the Hon. John Tingle and the Hon. Malcolm Jones, who normally support the police as they rack up penalties, in this case are not doing so. The Government said that it had much evidence but it has not actually provided any evidence. The Government said that this was partly because the evidence does not come from one department—the evidence has to be collected and collated. I would have thought that, with a draconian proposal such as this, the Government would have provided some evidence for those who are trying to come to a decision. There has been no consultation with the jet ski industry. Generally, I am in favour of consulting with users, though I must confess that, for far too long, the Government has consulted with the tobacco industry.

However, in the interests of public health the Government should have taken no notice of that industry except perhaps to prosecute it. However, that situation does not apply in this case. There is little doubt that citizens are investing about \$16,000 in jet skis, which is probably why many of the people who are using jet skis are older drivers. It is claimed that the average age of jet ski drivers is 41. Presumably that is the age at which one is able to afford a \$16,000 weekend toy.

The point that is important is the difference between a jet ski and other watercraft. The design purpose is quite different. Although a jet ski is used for transportation it is really designed for recreation. If I drive a car to Wollongong I am using that car principally for transport. If I drive a car as fast as I can on a racetrack or in a road rally the thrill is in driving the car; the destination is not important.

**The Hon. Malcolm Jones:** It is the same with sailing boats.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Jet skis and boats are similar in that they can be used for transportation, but generally a jet ski is used for moving up and down and racing in small circles for the thrill of it. Effectively, it is an excitement device. Pollution is greater with two-stroke engines—and I realise that the same applies to outboard motors—and I understand that up to 30 per cent of oil and gas used by these engines is injected into the marine ecosystem. The Government and the Opposition talk about concerns about pollution but neither has sought to invoke Environment Protection Authority [EPA] constraints to require manufacturers to move to four-stroke engines to reduce pollution from jet skis. The Government has been very slack in introducing Euro diesel regulations here to reduce pollution from buses, although it claims to be concerned about the environment.

An EPA study for 1996 shows that marine engines cause 3 per cent of total hydrocarbon emissions; cars cause 33 per cent. Given the significant number of cars and the relatively few marine engines, it seems that marine engines are responsible for an extraordinary amount of pollution. The lack of credible data from the jet ski group was depressing. One flyer from OZ-PWC claimed, "No scientific data support any impact on the environment whatsoever". This sort of nonsense would do the tobacco industry proud and basically shifts the onus of proof onto those who want to complain. It seems they will do what they want for as long as they can whilst ignoring or dismissing intelligent discussion. A letter from Yamaha stated:

Wash from a PWC is minimal compared to non-recreational vessels, meaning less coastline disturbance, and the nonexposed propeller in a jet pump unit does not allow for damage to sea grass.

I suggest that this is absolute nonsense given that there is considerable evidence that jet skis go much closer to the shore in shallower water and can be ridden in an up-ended position whereby a direct beam is sent into the sea grass, tearing it up. It is worrying when reputable manufacturers persist in providing information at this level. The Government says the water police cannot cope and that many councils want this ban, although the evidence provided by the Government to support this stance was minimal.

The Government has not introduced visible number plates on jet skis. There is little use in complaining about a blue and white jet ski that "almost knocked my head off before it disappeared into the distance". If a simple three-letter code were introduced, there would 26<sup>3</sup> combinations of registration numbers that would permit an easy means of identifying the troublesome users of jet skis. This would help to control watercraft because complaints could be investigated and acted upon. That the Government has not at least tried such a scheme suggests a lack of imagination on its part and the part of police. The watercraft have such an identification number but it is hidden away, stamped on a tiny plaque in 12-point type.

It has been my experience that such regulations are not obeyed. Although one regulation provides that such craft should not come within 200 metres of the shore, it is obvious that jet skis are taken very close to the shore and are very noisy. Concern has been expressed also about damage to the environment from noise. This is an important issue. In his paper entitled *Marine Policy* Burger J. reported that terns were far more disturbed by jet skis than by motor boats because of the noise profile and because jet skis came closer to their habitat. An improvement was experienced with an education campaign but things did not return to the level that existed before the terns were disturbed. This watercraft has an effect on bird breeding areas, and that too is important. That does not mean that only Sydney Harbour is affected.

I draw an analogy with surfboards. When surfboards first came on the scene other users of the surf complained and the two groups were segregated by regulation. This is where we are going with this regulation. The regulation will be challenged; I have a letter from a solicitor representing the jet skiers predicting that will happen. Separate areas will have to be allocated. In 21 of the United States of America jet skis have been banned because of their increased number. There will be such regulation here. The question is what form these regulations should take. [*Time expired.*]

**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) [3.55 p.m.]: Over recent years the Government has taken a number of measures to better manage the use of personal watercraft—commonly known as jet skis—in New South Wales. As the number of people using these craft on New South Wales waterways has grown, so have the number of complaints. However, the Government is not proposing, and has never proposed, to ban jet skis. This regulation will merely stop their use on Sydney Harbour.

Why Sydney Harbour? Because the harbour has unique characteristics. Primarily, it is a working port. Secondly, it has high and varied maritime use: ferries, cruise ships, the navy, large freighters and small watercraft use the harbour every day. It has very high recreation use, both on the water and the foreshore, and many thousands of people live by the harbour and the Parramatta and Lane Cove rivers. The Waterways Authority has received hundreds of complaints over the past three years about jet ski use. The Premier has received frequent correspondence on the matter. Local councils, environmental groups, police and citizens groups have all approached the Government about unacceptable jet ski behaviour. The Government had to act to address this growing concern. In the September 2001 issue of *Afloat* Ian Buddery from Sydney wrote:

Out for a cruise on Sydney Harbour on Sunday August 12 I counted nine PWCs, four of which were being ridden responsibly. The rest were doing the usual hot dog jumps and turns, using other boats' wash and whatever chop they could find on a calm day. The fact is, these things are purposely designed for stunt riding, they are boring, wet and uncomfortable to ride at a sensible speed in a straight line.

Every harbour trip I made last summer, I witnessed repeated dangerous riding by PWC pilots, at times with my heart in my mouth as morons rode onto beaches at high speed where my children were swimming. I have been harassed by PWCs riding at my boat in order to jump on my wash and have suffered their wash in most of the sheltered anchorages of the harbour.

I applaud the ban, it will save lives, forget the tosh about individual rights and a fair go, think about the safety and amenity of the overwhelming majority of safe and considerate harbour users.

Notwithstanding the obvious partisanship of Mr Buddery's remarks, they are an eloquent example of the sorts of representations frequently received. The management and regulation of jet skis is a serious problem. It is not confined to New South Wales or even to Australia. Honourable members may recall the front page of one North Shore newspaper recently that bore the headline "Jet ski hit and run". The report tells of how a woman swimmer at Balmoral Beach "narrowly escaped injury or death" after being run over by a jet ski whose driver roared off while she struggled shocked in the water.

This April the Water Police Marine Area Command clearly advised the Minister for Police that the best way to police the problems associated with jet skis on Sydney Harbour was through a ban. This was because of an increase in the number and nature of user offences on Sydney Harbour. Incidents included jet skis travelling at extremely high speed within 30 metres of passenger ferries and jumping the ferry wash, leading to a dangerous situation for both the PWC user and the passengers on the ferry. The Marine Area Command advised that dealing with these and other complaints concerning noise and speeding offences takes up a considerable amount of police time. Incidents such as these are above and beyond the increase in infringements formally reported on Sydney Harbour.

There has been a steady increase in the number of incidents involving jet skis. In 1999, 349 infringements were issued to jet ski riders across the State. In 2000, 551 infringements were issued to jet ski

riders—an increase of 58 per cent. The increase on the harbour has been considerably greater. Between 1999 and 2000 there was an 88 per cent increase in infringements issued to jet ski riders on Sydney Harbour, with the total number of infringements increasing from 43 to 81. Already, more than 300 PWC users have been prohibited from holding a licence in New South Wales due to their behaviour. The strong enforcement of jet ski regulations demonstrates the extent of the problem and reinforces the need for a ban on Sydney Harbour.

Complaints received by the Marine Area Command relate to the intimidation by some groups of PWC riders towards others using beaches, and flagrant disregard of waterways regulations. The command has tried to deal with the problem with targeted operations that have attained good results, but it has failed to curb the more dangerous acts. Incidents are not occurring in isolated areas within Sydney Harbour but over the whole harbour. The Marine Area Command specifically advises that the New South Wales Government recently implemented changes to regulations to assist in the management of personal watercraft use. This has not gone far enough.

The Waterways Authority is already well resourced to enforce the law: more than 50 boating service officers have 80 vehicles at their disposal to patrol the waterways. This problem is only likely to get worse. More water police and waterways officers racing after irresponsible jet ski riders will further disrupt the harbour. Noise remains a major complaint. Anyone who has spent time around a group of jet skis will understand that the noise from a jet ski is a good deal more offensive than noise from other recreational watercraft. Speed boats and water skiers tend to come nearer other people and then move away. A group of jet ski riders can be in a single area for a prolonged period, jumping in and out of the water, accelerating and decelerating their engines.

Jet skis are also able to operate in confined areas. In such situations the combination of noise, the frequency of the noise and the length of time people are exposed to it make jet ski noise more of a nuisance than that of other motorised watercraft. Some of those arguing against a ban have claimed that new jet skis are much quieter than earlier models, and soon an almost silent machine will be available. Firstly, the Government is dealing with the current problem of jet ski noise causing offence on Sydney Harbour. These jet skis are likely to be used for many years to come. If it ever does become available, a silent jet ski will only present a whole series of other dangers, not least to swimmers like the poor woman at Balmoral to whom I referred.

There has also been some suggestion by those arguing against the Government that there is no evidence that jet skis cause environmental damage. Because of the way jet skis are designed, they do not have propellers. The Premier is well aware of that fact, despite the comments of one speaker. That is why they are called jet skis. Jet skis are motored by a jet pump that allows them to get into waterways where conventional watercraft cannot. Many of the shallow waters in and leading to Sydney Harbour represent sensitive bird nesting areas and feeding grounds, for example, Homebush Bay and Hen and Chicken Bay. Jet skis are able to enter sensitive habitats not normally accessible to other motorised watercraft.

The two-stroke engines on most jet skis are heavy polluters, dumping up to a third of their fuel into the air and water. According to American environmental officials, one day of jet ski operation emits as much pollution as a car driven 1,000 miles. Indeed, America banned these craft in 66 of the 87 national parks, recreational areas and seashores where motorised boats are allowed. This reflects an international trend towards a precautionary approach to environmental damage caused by jet skis—an approach that we should adopt here. Ian Kiernan gave the Premier strong support when the Premier announced the Government's intention last June. As a sailor and an environmentalist, Ian Kiernan knows what he is talking about.

The Opposition also claims that jet skis are safe. Unfortunately, the facts show otherwise. Although jet skis do not have a propeller or a rudder, they still represent a significant danger. The combination of manoeuvrability, speed and the manner in which they are driven has the potential to create enormous traffic and safety problems. This is particularly true in a busy international port where shipping is often on a large scale, such as Sydney Harbour. Last year 17 accidents involving jet skis were reported to the Waterways Authority. All but one of them was the fault of the jet ski operator. Seven of these accidents resulted in minor injuries, four in serious injuries and, regrettably, one in a fatality.

Last December a jet ski passenger was tragically killed at Alford's Point on the Georges River in the Sutherland shire after being thrown onto rocks when the craft was turned too quickly. In another incident police issued an infringement to a jet ski rider who was travelling in excess of 25 knots in an eight-knot zone. That is the equivalent of a car driving over 110 kilometres an hour in a 50 kilometre an hour area. Highly dangerous! The Opposition is attempting to thwart an otherwise sensible restriction. The Government is acting on the advice of the Water Police Marine Area Command after representations from many people who find these craft noisy

and incompatible with the wonderful Sydney Harbour. Several speakers suggested that the ban somehow inhibits the civil liberties of jet ski enthusiasts. Jet skis will still be able to be used in Botany Bay, Port Hacking, Pittwater, Broken Bay, and, if the definition of "metropolitan Sydney" were extended, extending to the Brisbane Waters, the Central Coast lakes and the Hawkesbury River. Those areas are nearly 3½ times the area of Sydney Harbour.

Several speakers referred to the impact that the ban on jet skis on Sydney Harbour will have on businesses that sell jet skis. It is claimed that many of these businesses will go into receivership or close. The Government has not seen firm evidence from the industry to support the notion that people purchase jet skis solely to ride them on Sydney Harbour. Over recent years jet ski sales have been growing in New South Wales. Irrespective of the situation, it is likely that jet ski enthusiasts will continue to ride jet skis on Sydney Harbour. However, the Government will be monitoring the effect of the ban on all businesses, including jet ski retailers and other operators, as would any responsible government.

Some speakers referred to civil liberties. We are not talking about something that is normally regarded as a fundamental liberty. As I said, jet skiing is a conditional liberty, depending on the safety and amenity of other people. The best analogy is that of trail bike riding. I might have a slight difference of opinion with my friend the Hon. Malcolm Jones. Recently he managed to convert me, to a certain extent, to some of the attractions of four-wheel driving as a recreational activity. However, I do not think I will be taking up the challenge of jet skiing, although I might think about swimming with the Hon. Ian Cohen.

No-one would seriously advocate that trail bike riding should be allowed on freeways, highways or any place where it would interfere with the normal community, and no-one is suggesting that trail bike riding should be banned. If people take appropriate action to protect themselves and other people from risk, in certain situations trail bike riding is an acceptable recreational activity. Because of extra risks, and because of the importance of the amenity of Sydney Harbour, a ban on jet skis for specific purposes on Sydney Harbour is consistent with a reasonable balance between civil liberties and recreational use.

**The Hon. RICHARD JONES** [4.08 p.m.]: The Opposition has argued that the ban on jet skis on Sydney Harbour and its rivers is an overreaction to the bad behaviour of a few individuals, is unnecessary, and will have a devastating effect on marine business. The trouble is that jet skiers are their own worst enemy. In order to determine whether this is in fact the case, we must look not only at how jet skis are used and the adequacy of existing regulations but also at their impact on other waterway users and on our natural environment, flora and fauna, and the cost that those impacts impose upon our communities.

Personal watercraft or jet skis are fundamentally different from other motorised boats in their design, operation and use. Their shallow-draft design allows them to be operated at high speeds in shallow areas close to shore, unlike other motorised boats. Jet skis are marketed as thrill vehicles. They are highly manoeuvrable and are capable of speeds exceeding 65 miles per hour. Jet skis are also multiple-impact machines that have unprecedented effects in terms of noise pollution, marine pollution, wildlife harassment and safety on waterways.

It must be acknowledged that on-paper noise comparisons that are relied upon by the jet ski lobby refer to the use of a single jet ski that is operating according to best-use practice, that is, running in a straight line, not wave jumping and with stable throttle pressure. The jet ski lobby does not deal with the actual situation, that is, multiple jet skis, wave jumping and racing. The reality is that a large number of jet skis can usually be found at any location at any point in time. The jet skiing fraternity often rotates and involves activities that often include racing, weaving, jumping and yelling, as well as machine noise. These activities accentuate the noise that jet skis create. When jet skis jump out of the water, they lose the muffling effect of the water. The motor races and the noise increases.

The increased variability of pitch and volume makes the noise more offensive and apparent—so much so that this fact alone adds 18 decibels to the noise effect of a single jet ski. In any case, jet skis produce noise levels in the range of 85 decibels to 102 decibels per unit—and the American Hospital Association recommends that hearing protection be worn where noise exceeds 85 decibels. It is no wonder that marine users, shoreline hikers and wildlife enthusiasts often complain that the high-pitched, chainsaw-like whine of jet skis ruins their outdoor experiences. The use of high-speed vessels such as jet skis close to foreshores can cause distress to not just one person but a large number of people, including those who are seeking to enjoy peace and quiet, unspoiled natural conditions and those who are concerned for their own safety as well as the safety of their children in the water.

The rights of one user are of course equal to the rights of any other, but when the pleasure of one user causes a loss of pleasure to the other, or to some or many others, there is an obvious unfairness that needs to be corrected. The safety of our waterways users, jet skiers and non-jet skiers alike, is also a very real issue. Accident rates for jet skiers are often disproportionate compared with their numbers. For example, an article in the *Journal of the American Medical Association* stated that while the number of personal watercraft tripled during the first half of the 1990s, injury rates involving the use of jet skis quadrupled. Personal watercraft injury rates were also found to be 8.5 times higher than injury rates for motor boats. Many individuals and families also feel seriously threatened by the presence of jet skis and remove their children from the water as a result.

Jet skis do not, however, merely pose a threat to the human users of our waterways. They also directly disturb and harm our marine life. United States studies have also shown that the forms of ecological impact of personal watercraft are multiple in that jet skis directly disturb sea birds and other marine creatures as well as cause direct physical harm to others. Equivalent Australian studies have shown that jet skis are as disruptive to nesting seabirds as dogs! The high-pitch sound of jet skis does not signal to surfacing birds or mammals the approaching danger until the jet ski is almost on top of them. The high-pitch sounds produced in the air and water also startle birds and other wildlife. The tendency of jet skiers is to circle continuously in one direction for extended periods, and that also exacerbates their disturbance factor because it reduces the opportunities for displaced birds to return to feeding or nesting areas.

It is not just birds that are adversely affected by the activities of jet skiers. In California, marine mammal experts have also voiced concern about personal watercraft technology near seals, sea lions and elephant seals. Such activity disturbs normal rest and social interaction. It causes stampede to the water that can separate seal pups from their mothers. Jet skis also disturb seagrasses. Jet skiers have been witnessed by the eye and on film ploughing channels across the seagrasses at Bonnie Vale. The quantity of seagrass that is removed with each incident of that type is very substantial and does irreversible harm to the residue of seagrasses.

Port Hacking seagrasses are a case in point because since 1930 they have declined generally by approximately 50 per cent, and by approximately 75 per cent in the main channels. Jet ski use in Port Hacking is growing at a rate exceeding 50 per cent per annum. Water quality has also been severely compromised over that time, with shellfish failing health test guidelines 50 percent of the time in the upper reaches.

There has been a marked loss of vegetation from foreshore areas and sediment contamination, including the presence of heavy metals in surprising concentrations. And this is no wonder, considering that jet skis are not only a significant petroleum contaminator of waterways but are also far more polluting than other conventional two-stroke powerboats. According to the United States Environmental Protection Agency and several other government agencies, personal watercraft with two-stroke engines dump between 25 per cent and 35 per cent of their gas and oil unburned. That means that an average two-hour thrill ride on a jet ski can dump between three and four gallons of gas and oil into the water! Jet skis also have twice the hourly rate of use compared with other water vessels, double the load factor and significantly more horsepower than a typical two-stroke outboard, and they emit twice as much pollution as an equivalent outboard motorboat.

Because it takes only small volumes of oil and contaminants to adversely impact on marine ecosystems, the high level of oil and fuel released from the two-stroke emissions of jet skis is posing a serious threat to aquatic ecosystems, fish populations, municipal water supplies, and water quality. Petrochemicals released from jet skis float on the surface microlayer and settle within estuarine and shallow ecosystems of bays, lakes, rivers and seas where marine life is youngest and most vulnerable. Marine life such as fish eggs, larvae, algae, crab, shrimp and zooplankton are also adversely affected. The major discharges of petrochemicals also take place in the warmer months when reproduction and early development takes place within aquatic nurseries. This causes chromosomal damage, reduced growth and high mortality rates in fish.

All of these impacts impose costs on our communities. Studies conducted in the United States clearly show, for example, that there is a real and measurable cost to non-jet ski users created by the users of jet skis and that that cost is measured at approximately US\$700 per jet ski per annum, or A\$1,400 currently. A recent report by the Noise Pollution Clearinghouse has also found that jet skis wreaked an estimated US\$900 million in noise annoyance costs borne by beach-goers this year, as well as hundreds of millions of dollars in additional costs borne by water recreationists and shoreline property owners.

The costs that are incurred are not just related to the direct loss of amenity, however. Other economic impacts include loss of tourism through intimidation and the loss of amenity and appeal of an area as well as liability for injuries and damages. As court cases in United States attest, when there is a foreseeable safety risk

created by the use of jet skis, the authorities are clearly negligent and liable for injuries if they do not remove the risk by excluding them from waterways. Local governments in New South Wales are therefore liable as a result of the risk posed to the safety of individual swimmers, et cetera. They have a positive duty to act. The possibility of direct economic costs being imposed on local governments is strong if they are fully aware of the risk but do nothing about it. They can end up in court. It is clear from even the few studies, articles and court cases to which I have referred that local government in New South Wales should by now be fully aware of the risk.

While it has been suggested that strict enforcement of existing laws may be sufficient to prevent much of the problems for which jet ski users are held responsible, virtually every study into the failure to control jet skis cite the disproportionate safety impacts and disproportionate rate of illegality associated with their use. In New South Wales the existing regulations have also been found to have been breached more often than they have been observed. Offensive noise and illegal jet ski races, manoeuvring and wave jumping are, for example, reported to be everyday exceptions to the official rule of boating regulations in areas such as Port Hacking. It is clear that the Waterways Authority does not have the capacity to enforce compliance with existing waterway regulations on the use of jet skis. Even the proponents of jet skis acknowledge that the Waterways Authority has been ineffective in its own policing.

In any case, no amount of enforcement will completely eliminate the safety problems, noise, air and water pollution, as well as the wildlife harassment that comes from high-performance, high-impact, personal watercraft operation. These are the inevitable effects of jet ski activity. Adequate regulation also does not obscure the fact that jet ski use is not compatible with the basic values of certain waters, such as those surrounding national parks. I would be remiss in my duty to the people of New South Wales if I supported this motion for disallowance.

**Reverend the Hon. FRED NILE** [4.17 p.m.]: In the few minutes that remain to debate this motion I point out that the cause of the reaction by the jet ski community was a lack of consultation with them about the formulation and implementation of the regulations. The jet ski fraternity assisted the Government to draft the regulations that were implemented in 2000. They were given to understand that no further changes would be made without consultation. Business plans were made on the basis of that undertaking. The Government's commitment has been completely broken. I have a copy of a memorandum to the Commissioner of Police from the Marine Area Command which states:

I can indicate, that as the Commander, Marine Area Command, I support the initiative of the New South Wales State Government. I have read the draft regulations.

The "draft regulations" are those currently the subject of this motion. The memorandum goes on to state:

They are in accordance with information and advice provided to this Command from the New South Wales Water Ways Authority.

That memorandum places honourable members in a dilemma in relation to this disallowance motion because I believe there should be some restrictions placed upon the use of jet skis. Currently at Gerroa, where I live, there is a campaign against people who use jet skis to race back and forth close to the shoreline, endangering the lives of swimmers. The council has taken steps to restrict the use of jet skis to certain areas and has segregated swimmers to other areas. That seems to be working at the present time. I am aware of the problems caused by people who get carried away with their jet skis, race them, and spin them around as if they were riding a motorbike. They seem to forget that they are on the water and that other people are also using the waterways.

In spite of the adverse reaction to jet skis, they can be used in many waterways, including Botany Bay, Port Hacking, Pittwater, Broken Bay, Gosford Lakes, the Nepean River and the Hawkesbury River. In the Sydney area alone, there are many other waterways where people can operate jet skis. I believe that the main problem here is the lack of consultation. It would help if the Government could give an assurance that, if the regulation is to stand, it will be reviewed and the Government will consult with members of the community who use jet skis and the jet ski industry, which apparently believes it will be seriously affected when the regulation comes into force. It may be necessary for a further regulation or an amended regulation to come before the House. This House does not have the ability to amend the present regulation; members must simply vote either for or against it, which places us in a difficult position. However, the Government must immediately initiate consultation with the stakeholders in the matter.

**The Hon. JENNIFER GARDINER** [4.20 p.m.], in reply: I thank honourable members for their contributions to the debate and I wish to respond to a number of matters raised. The jet ski community will

always remember that the Greens Ms Lee Rhiannon described them as greedy and selfish. She basically told them that they can pursue their chosen recreation mid-ocean; otherwise they are not wanted. Ms Lee Rhiannon told the House she is not against a total ban on jet skis. Of course, the cunning way in which this regulation is worded allows for such a total ban in the future. The Minister for Transport could, without placing before the Parliament a fresh regulation, create exclusion zones beyond the one created in the regulation we are now debating, which puts Sydney Harbour and its rivers in such a zone. That is about as sneaky as a government can get. It is legislation by stealth.

Until this week, Ms Lee Rhiannon of the Greens had a notice of motion on the notice paper of this House. Obviously, she withdrew the notice of motion in anticipation of the gazettal of the regulations. Presumably a deal has been entered into between the Greens and the Carr Labor Government. It is interesting to recall that when at one stage it looked as though Ms Lee Rhiannon's motion was to be called on for debate, Minister Scully was most anxious that the Opposition not support the motion—not that we were going to do that. Minister Scully stated last year that jet skis were "an exhilarating way to view our beautiful beaches and waterways". It is therefore interesting, in the context of Premier Carr's unilateral declaration of war on Sydney Harbour jet skiers, that Minister Scully has again been sidelined on this issue. When the regulation saw the light of day last Friday, it contained further provisions about which there has been no consultation with waterways user groups, particularly in relation to a ban on using jet skis at night. As we heard during the debate, that was also on the Greens agenda.

The Hon. John Tingle placed the debate in its proper context with his opposition to an outright ban on outdoor recreation and his reference to control freaks. The Hon. David Oldfield asked who is next—windsurfers, paragliders, scuba divers? The Government spokesman, the Special Minister of State, drew an analogy with trail bikes. His comments were quite irrelevant in the context of the Opposition's private member's bill that would give police the power to confiscate jet skis used in the wrong place, at the wrong time, or for the wrong purpose. Much of the Hon. Ian Cohen's speech was a voice-over of Premier Carr's infamous 28 June media release. The Hon. Ian Cohen also referred to reckless and irresponsible jet ski users. The Opposition, with its private member's bill providing for the impounding of jet skis if certain offences are committed, is on a more sensible track. Effective policing is what is needed, rather than outright bans. The Opposition believes that this regulation is extremist behaviour on the part of the Carr Government and its supporters on this issue.

The Hon. Ian Cohen made the outrageous claim that jet skiers are in "total denial" about there being a problem. That is simply untrue. Jet skiers have said they support the tough extra powers we are prepared to bestow upon New South Wales police. Jet skiers have previously offered to help the authorities eradicate troublemakers. Those people, acting sincerely, deserve to be given credit for their efforts and their offers. The Hon. Ian Cohen does not seem to want to acknowledge that the regulations were tightened substantially just last year. It is the Hon. Ian Cohen who is in denial, not jet skiers. Reference has been made to the statistics relating to jet ski incidents over the last year. The number of incidents can be compared to 550 deaths on the roads and 26,000 road injuries. Using the logic of the Special Minister of State, an increase in the number of motor vehicles on our roads means that cars should be banned. Of course, that is an absurd proposition. Many constituents are concerned that a ban on jet skis in Sydney Harbour may redirect any problem riders to other waterways, such as Pittwater, Port Hacking, the Nepean River and Botany Bay. Perhaps another part of Premier Carr's cunning agenda is to redirect jet skis to those waterways and then to exclude all those areas as well.

The loss of jobs—which is already occurring in the industry; the information provided to the Special Minister of State is now out of date—and the damage to the New South Wales marine industry need to be emphasised. The Premier's edict was made in the middle of winter, which is when the distributors take orders for the next boating season. The distributors operate stands at the Sydney International Boat Show, which is conducted in August, precisely so that prospective buyers can check out the variety of craft on the market and place their orders for the summer. As members can imagine, there were a lot of angry boaties at this year's Sydney International Boat Show—which, incidentally, the Hon. Sandra Nori, the Minister for Tourism, did not attend; members can guess the reason why. The booth set up at the ticketing area to protest against the ban was one of the busiest booths at the boat show. The Sydney International Boat Show is second only to the Sydney Motor Show in the size of annual exhibitions in this city.

It is quite an achievement for a government to get so many leisure-loving people offside in dealing with such a small supposed problem. That is perhaps one of the many signs that the Carr Government, mid-term, is out of touch with what makes people tick. It has become extremely arrogant and has its priorities out of kilter. I remind the House that some jet ski restrictions are already tougher than restrictions on other vessels. Many penalties for jet ski offences are tougher than penalties for offences involving other vessels. The schedule to the



new regulation toughens the penalties for jet ski offences and loss of licence offences. I have been reading a favourite book of the Premier, *The Meditations of Marcus Aurelius*, to see if I could find an answer to the question that many electors have asked me. They have asked, "Why is Mr Carr doing this?" Unfortunately, I have not gained any insight into the Premier's strange behaviour in this instance from that wise man's writings. It all remains a mystery—other than that it seems to be a personal obsession of the Premier and/or he has done a deal with the Greens.

The Premier's move to ban jet skis on Sydney Harbour and the Parramatta and Lane Cove rivers has been interpreted by New South Wales boaties in general as an attack on all of them, regardless of the type and size of vessel they have chosen to use for their recreation. The Carr Government, in making outlaws of the vast majority of jet ski users, has hit out at a class of waterways users who are mainly, and plainly, law-abiding citizens. Many of these waterways users are perfectly happy to co-operate with and, indeed, support efforts by authorities, especially the police, to weed out a minority of jet ski users who cause alarm or danger to others.

Premier Carr has developed a reputation for being anti-recreation. He wanted to charge residents to go to their local beach if it was adjacent to a national park. He has slapped a tax on all anglers. He now wants to wipe out jet skis. The Hon. Ian Cohen, in responding to a comment by the Leader of the Opposition, the Hon. Michael Gallacher, said that Mr Gallacher must be joking if he thinks police can get out there and take on jet ski users. In September 1999 the Minister for Police, Mr Whelan, told the Parliament of a security first for the New South Wales Police Service—a first that will provide the best available security and safety for the showcase of the 2000 Olympics.

The Minister was referring to Sydney Harbour and a first that will provide the New South Wales Police Service with the best available equipment it needs to protect our waterways. The Minister said that on Sydney Harbour our water police began testing state-of-the-art law-enforcement equipment developed for use at the Olympics and paramount to the security arrangements for the biggest on-water events program hosted by our Olympic city. The Minister spoke of 40 new marine security vessels, including the first-ever fleet of eight police jet skis, rigid-hull, inflatable boats and other items, including water-resistant police radios.

He said that these were designed to be used by water police for competitor safety and harbour traffic management. He said they would be a lasting legacy for Sydney water police to protect the State's waterways and respond quickly to crime and rescue at sea. He said it was cutting edge technology. He said that they were equipped with new radios, helmets and so on. He said that the water police have also been working closely with defence personnel trained in the use of larger rigid-hull inflatable boats for counter-terrorism. What has happened since the Olympics two years ago? Members of the Government say that the police cannot pursue successful prosecutions with a few jet skiers. If that is so, how can the Government explain how it coped with the Sydney Olympics and is coping with the current environment of terrorism? After all that—and the actual experience of the Olympics a year ago—the Government is trying to tell us that the police cannot control a few jet skiers. The Opposition does not believe that our Police Service is as hopeless as that. The Government is hopeless, not the water police. There are job and business implications to consider in this debate. As one of my correspondents has stated on behalf of jet skiers:

These regulations will destroy businesses ...

In fact, they already are destroying them—

... and destroy the value of items of major expenditure incurred by thousands of New South Wales families in the belief that their jet skis could be used in accordance with last year's revised regulations.

They and most reasonable people believe that the reaction of the Premier is vastly disproportionate to the mischief with which he seeks to deal. That is the nub of the matter. These regulations should be disallowed. More sane and sensible solutions should be sought. I urge honourable members to disallow these bizarre regulations.

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

**The House divided.**

**Ayes, 16**

Mr Colless	Mr M. I. Jones	Mr Ryan
Mrs Forsythe	Mr Lynn	Mr Tingle
Mr Gallacher	Mrs Nile	
Miss Gardiner	Reverend Nile	<i>Tellers,</i>
Mr Gay	Mr Oldfield	Mr Jobling
Mr Harwin	Dr Pezzutti	Mr Pearce

**Noes, 20**

Mr Breen	Ms Fazio	Mrs Sham-Ho
Ms Burnswoods	Mr Hatzistergos	Ms Tebbutt
Dr Chesterfield-Evans	Mr R. S. L. Jones	Mr Tsang
Mr Cohen	Mr Kelly	Dr Wong
Mr Costa	Mr Obeid	<i>Tellers,</i>
Mr Della Bosca	Ms Rhiannon	Mr Primrose
Mr Dyer	Ms Saffin	Mr West

**Pairs**

Mr Moppett	Mr Egan
Mr Samios	Mr Macdonald

**Question resolved in the negative.**

**Motion negatived.**

**EMPLOYEES (PRIORITY OF DEBTS AND WAGE PROTECTION INSURANCE) BILL****Second Reading**

**Debate resumed from 7 June.**

**Reverend the Hon. FRED NILE** [4.40 p.m.], in reply: It is so long since this bill, my private member's bill, was last debated that some honourable members may have forgotten what it is all about. As the House will vote whether to pass or defeat the bill, it is important that honourable members focus their minds on workers rights and entitlements. This bill is aimed at giving priority, where companies are insolvent, to the payment of employee entitlements over other company debts, to provide for the establishment and administration of an insurance scheme to guarantee the payment of wages and certain other company liabilities owed to employees in the event of employer insolvency.

As honourable members know, the issue of workers entitlements has become the main issue on the industrial front here in Australia. The importance of it has been highlighted by the collapse of Ansett airlines, and 16,000 employees suddenly finding that the company had been put into the hands of an administrator. It was believed that the company had a \$1 billion debt and could not continue to operate, and therefore it stopped operating forthwith. It was a severe blow to all employees of Ansett suddenly to find that Ansett aircraft were no longer flying, that they were just lined up at Ansett terminals across Australia. In addition to those 16,000 employees not knowing whether their entitlements will come from Ansett or Air New Zealand is the flow-on result to the many companies whose businesses are directly related to Ansett, whether they supply catering services or operate tourist offices. I understand that all offices of Traveland, a subsidiary of Ansett, have been shut. Hundreds of that company's employees are out of work.

It has now been found that the Ansett debt is more than \$2 billion, and may even be as high as \$3 billion. Also, there is doubt that Air New Zealand will pick up the tab. One reason I doubt that it will is that Air New Zealand also is teetering on the edge of bankruptcy. I heard one of its executives say that the company is working very hard to keep its aircraft in the air. That indicates some financial problems in Air New Zealand, perhaps flowing from the collapse of Ansett airlines. Someone suggested that the next in line would be Qantas itself. I hope there is no truth to that suggestion. The terrorist attacks on the towers of the World Trade Center in New York and the Pentagon in Washington have had a dramatic impact on stock markets, but particularly on the

number of people travelling by aircraft. There has been a large increase in the use of bus and rail transport in the United States of America. It is believed that a number of United States airlines could go bankrupt. I think Continental is close to bankruptcy, if it has not already gone bankrupt.

It is a strange phenomenon that as companies get close to bankruptcy the bonuses paid to their directors actually increase. On the one hand, profits go down but the bonuses go up, despite the bonuses being called performance bonuses. Maybe the executives are working hard to stop their companies going bankrupt. I do not know the basis on which those bonuses are paid, but I believe the directors should not have received the bonuses. They did not deserve them. If anything, directors who allow an efficient company to go bankrupt should perhaps suffer a deduction from their salaries, not receive performance bonuses.

This bill followed the collapse of HIH Insurance. Again, in that instance, many employees were uncertain about what would happen with their entitlements. The same happened with One.Tel. Maybe there will be a run of what we thought were large and reliable companies going bankrupt, and using every dollar that they had, leaving no money to meet commitments for employees entitlements to holiday pay, long service leave, redundancy and so on. I personally believe that in some ways such money should have been set aside in a trust fund and not used in the everyday activities of those companies. That money should not be used as company capital to be spent on the day-to-day running of those businesses, perhaps even in an attempt to bolster the company for a few weeks or months.

I know that there is debate going on about this bill and the whole principle of workers entitlements. I have had discussions with various unions that support my action of bringing this bill before the House. The Labor Council has now advised me that it would prefer to move away from this insurance approach to a system based on a trust fund to which all companies would contribute a percentage, with those funds being used to meet workers entitlements. I understand that at this stage the employers are not very happy with that proposal and are resisting it. I think their main objection to the approach is the establishment of the percentage. If the percentage is too high, that affects the profitability of the companies. Bear in mind that they are already paying into superannuation funds and so on. If unions and employers could discuss a realistic percentage, it may be possible to have unions and employers agree on a percentage. But it cannot be a figure that is plucked from the air, of 6 per cent or something like that.

I know that large successful companies like BHP strongly oppose such contributions to a trust fund, posing the question, "Why should efficient and profitable companies pay moneys into a trust fund to be used to compensate for the inefficient and bad companies?" In other words, why should good companies pay to support inefficient companies that go bankrupt? That is a good argument, and it is a question that will have to be resolved. The main problem seems to be that workers entitlements have become a political football. The Labor Party, State and Federal, says that something should be done. Labor says that the Federal Government should do something. The Federal Government has introduced some policies envisaging a 50:50 commitment by the State and Federal governments. At this stage, as far as I am aware, all State governments—particularly Labor governments—will not support such a scheme. So workers are getting only 50 per cent of what they could get if State and Federal governments worked together. I repeat that this has become a political football for the Labor Party and the Coalition. It is time that the issues ceased to be a political football, as has happened with other issues, and that we found a solution to the problem.

We cannot go on year after year allowing more employees to find that their employers have gone bankrupt, with the workers being out of pocket for money that they are owed. This is not money that they ask be handed to them; it is actually their money, money that they are owed. They have a right to this money. Often, this is money that they need to pay mortgages, or money that they planned to use to finalise outstanding commitments, perhaps to discharge a mortgage. In other cases it is money that people need for weekly repayments under mortgages. Some of the older employees who have spent many years working for companies hope that, when they complete their working terms, whatever payout they get will clear up debts they still have, enabling them to enjoy their retirement.

What is the purpose of this bill? Really, it is to push the Labor Government of New South Wales to do something, to take action. If the Government does not like this bill, it should put up its own bill. But let us not keep delaying and delaying, doing nothing while the workers suffer. Something must be done. I understand from earlier discussions that I have had with Government members that they might not vote for the bill. I hope that they vote for the bill as that will send a clear message to the community that this House cares about workers entitlements. The passage of the bill through this Chamber will not result in it becoming law; it will have to be debated in the other place where the Government has the numbers. The Government might consider the bill in

the lower House, amend it, or even substitute it with other legislation. But the Government should do something. We want some action by the Labor Government of New South Wales that will guarantee workers entitlements. This issue should no longer be a political football.

I hope that this bill will achieve some solutions to these problems. If the bill is defeated I urge the Government to introduce its own legislation. It should not wait for the Federal Government to do something; it should take action in this regard. Earlier this week I was speaking about the problems besetting Ansett. I have since heard that the Hon. Tony Abbott has announced that the Federal Government will be allocating an amount of \$400 million to ensure that Ansett employees receive their entitlements. I congratulate the Federal Government on its decision to allocate that generous amount. Some might say that that happened only because we are on the eve of a Federal election. However, I hope that it reflects the genuine concern of the Prime Minister and members of the Federal Coalition Government for Ansett employees.

The Federal Leader of the Opposition, Mr Beazley, said that the Federal Government should bail out Ansett and that hundreds of millions of dollars should be spent to ensure that Ansett keeps flying. Ansett has a debt of \$2 billion. The other day I heard something that is strange but true. There was an attempt to sell Ansett for \$1. Anyone could have bought Ansett Australia for \$1 and taken over the \$2 billion debt. There was no buyer, which is no surprise. No-one wants to take over a company that has a \$2 billion debt and is losing \$1 million every day that it operates. I believe that in 1999 Ansett airlines made a profit of \$120 million. So how could that company, in less than two years, have a debt of \$2 billion?

It appears to me that there has not just been poor management; there has also been irresponsible management by Ansett's directors and others in higher echelons. I believe that many people who were brought across from New Zealand Airlines did not have the necessary experience or knowledge to operate such a large airline. Ansett's board of directors should have been aware of that growing debt and they should have taken action to prevent the collapse of Ansett. I trust that all honourable members will give this bill their sympathetic support.

**Question—That this bill be now read a second time—put.**

**The House divided.**

**Ayes, 11**

Mr Breen  
Mr M. I. Jones  
Mr R. S. L. Jones  
Mrs Nile

Mr Oldfield  
Ms Rhiannon  
Mrs Sham-Ho  
Mr Tingle

Dr Wong  
*Tellers,*  
Mr Cohen  
Reverend Nile

**Noes, 23**

Ms Burnswoods  
Dr Chesterfield-Evans  
Mr Colless  
Mr Costa  
Mr Della Bosca  
Mr Dyer  
Ms Fazio  
Mrs Forsythe

Mr Gallacher  
Miss Gardiner  
Mr Gay  
Mr Harwin  
Mr Hatzistergos  
Mr Lynn  
Mr Obeid  
Mr Pearce

Dr Pezzutti  
Mr Ryan  
Ms Saffin  
Mr Tsang  
Mr West  
*Tellers,*  
Mr Jobling  
Mr Primrose

**Question resolved in the negative.**

**Motion negatived.**

**Pursuant to resolution business interrupted.**

**LIQUOR (RUGBY LEAGUE GRAND FINAL SPECIAL PROVISIONS) BILL****Second Reading**

**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) [5.00 p.m.]: I move:

That this bill be now read a second time.

As the speech is lengthy and has already been delivered in the other place, I seek leave to incorporate it in *Hansard*.

**Leave granted.**

The bill now before the House is an important one for many rugby league fans in New South Wales.

Honourable members will appreciate that the 2001 NRL Rugby League Grand Final match will be held at Stadium Australia on Sunday 30 September.

In the past, Rugby League Grand Finals have been held during the afternoon. However, the 2001 Grand Final match will be held in the evening—commencing at 8.00pm and ending sometime around 9.30 or 10.00pm. In the event of a draw at full time, the game will continue until one team scores. That could mean a finish well after 10pm.

The Government expects that many rugby league fans throughout New South Wales will want to watch the match on television at their local hotel. Hotels are popular venues for viewing sport, as many of them have access to specialised satellite television, large screen display systems, and are a traditional Australian social environment for sporting fans.

However, the current standard Sunday hotel trading hours under the Liquor Act will cause problems for some hotels wishing to televise the Grand Final match, as they will be required to cease trading at 10.00pm.

As a result, patrons of those hotels will be required to vacate the premises almost immediately after the match is completed, or even while it is still in progress.

It is possible that hotel licensees and police may have considerable difficulties enforcing such a closing time. Further, the forced exit of thousands of hotel patrons onto the street at 10.00pm will place a significant strain on local transport and security.

The Government believes it is reasonable that rugby league fans watching the Grand Final match at their local hotel should be able to spend some time after the match celebrating or otherwise. It will also assist local authorities and transport operators if fans are able to leave at staggered times, rather than all at once.

Therefore, the bill now before the House provides a one off extension of trading until midnight on Sunday 30 September 2001 for premises licensed as a hotel under the Liquor Act.

The extension will allow hotels to sell liquor for an additional two hours on the Grand Final night for consumption on the licensed premises only. The amendments will not permit take away sales to be made.

The extension of trading in this Bill does not overrule recently imposed trading restrictions – or other conditions – that apply to an individual hotel licence, such as restrictions resulting from a complaint about undue disturbance to the neighbourhood.

I would point out that around 25% of hotels already have extended trading approved until midnight, or beyond, on Sundays in New South Wales under the existing law. Most of those hotels are in Sydney or major entertainment centres, and this bill will have no impact on the trading rights of those hotels.

The Bill will provide a benefit to those hotels which do not have extended trading on a Sunday, many of which are in regional or country New South Wales.

The extension will apply to hotels only. Most registered clubs generally have no restrictions on their trading hours, and will therefore be able to trade during and after the Rugby League Grand Final match.

The bill does not extend the trading hours for other types of licensed venues—such as licensed restaurants—as those are generally not the type of venues used by the public for viewing sporting matches.

This bill will help to facilitate better control of Rugby League fans in hotels on the Grand Final night. It is a benefit for hotels, and the Government expects that hotel licensees and staff will serve alcohol and operate their venues responsibly on the night.

I commend the bill to the House.

**The Hon. GREG PEARCE** [5.01 p.m.]: The Opposition will not oppose the bill, which provides for a one-off extension of trading by hotels until midnight on Sunday 30 September, the evening of the National Rugby League grand final. We agree with the Government that it makes a great deal of sense on this occasion to

extend until midnight the trading hours of hotels. The only caveat we would want is that, although the Brisbane team is one of the four semi-finalists, the Government should use its considerable influence to ensure that a Sydney team will be the victor on the evening. The Opposition will not oppose the bill.

**Ms LEE RHIANNON** [5.02 p.m.]: Although the Greens have some concerns with this bill, we have some sympathy for the Government having regard to the difficulty in which it has been placed. This year is the first time that the rugby league grand final will be held in the evening. Previously it has been a 3.00 p.m. kick-off—certainly for as long as I remember and possibly since the inception of what was then a Sydney-based competition in 1908. In 2001, for the first time, the grand final will kick-off at 8.00 p.m. and finish sometime around 9.30 p.m. That decision was taken by the National Rugby League [NRL] in conjunction with Channel 9 to maximise television ratings, which, as we know, means maximising profits. That is the sole reason for the switch. That has dumped the Government in it and that is why we are debating this legislation. The NRL believes an evening game will boost ratings and so boost the financial return to the game from television rights.

Ticket sales for the 2001 grand final have been strong, and it is expected that the game will sell out sometime early next week. Many people will be going to clubs and pubs to enjoy the game. This will particularly be the case if teams with strong crowd support, such as Parramatta and Newcastle, win through to the grand final. I will have a comment about Parramatta at the end of my speech. It is part and parcel of Australian culture for many people in many communities to watch the rugby league grand final from a pub or club. Faced with a capacity crowd, supporters will flock to local pubs and clubs to watch the game with friends, family and fellow supporters. This is particularly important for people in rural and regional communities in New South Wales. The Greens think that is something we have to consider carefully in determining our position on this legislation. There is a strong chance that Newcastle will play in the grand final, so for the people of the Hunter this is an important issue. Moreover, rugby league is played and supported widely throughout many country areas.

For supporters of the winning side the big night is a time for special celebration. It has been the case in the past that winning supporters celebrate for sometime after the final whistle. Given that the following day, 1 October, is a public holiday, many supporters can be expected, understandably, to want to celebrate into the wee hours. This is the problem. Many licensed premises are licensed to be open and serve alcohol only until 10.00 p.m. With the game finishing shortly after 9.30 p.m. this presents several problems. If we maintain the 10 o'clock closing and do not put this legislation in place, literally tens of thousands of people may be expelled onto the streets at once. This may present considerable noise and security problems for local residents. It may also place great strain upon public transport services and taxis, bearing in mind that many patrons will be in no fit state to drive themselves home. It may also lead to patrons heading en masse to the small number of establishments already licensed to be open until midnight or later. Excessive crowding at such establishments would only exacerbate noise and security problems at those venues.

On the negative side, there is no doubt that extending trading hours, as this bill does, will involve added impositions upon residents who live around licensed premises. Of course, that is of great concern to the Greens. However, it is unclear whether it will present a greater imposition than would be the case under the current trading hours. Extended trading hours will hopefully lead to a more gradual and orderly departure of patrons and reduce the strain on public transport and taxi services.

**The Hon. John Ryan:** You wish.

**Ms LEE RHIANNON:** I am quite serious. I think we have to balance this. It will avoid tens of thousands of rowdy, celebrating fans being pushed onto the streets at once. The Greens, as a matter of principle, favour local control over planning issues, including the trading hours of licensed premises.

**Reverend the Hon. Fred Nile:** The local option.

**Ms LEE RHIANNON:** Yes, I agree with the local option. We have an immediacy before us with this legislation but we know that in a year we will be faced with the same predicament, so we should be having discussions with communities about how to handle this matter. For the moment, let us consider this legislation. We are concerned that the bill overrides the specific concerns of local communities. We are also very concerned at the precedent the bill establishes. Although the bill is very much a one-off, the precedent will have been established of extending trading hours for big games. That is of concern to us. Of course, it happened during the Olympics but that was a unique event. I am beginning to hear more interjections from the Coalition and members on the crossbench. I remind Coalition members and crossbenchers that they were very much in support of similar legislation for the Olympics.

Although this bill applies to only one day, the rugby league grand final is an annual event. If grand finals continue to be held at this time, will we see a version of this bill every year? It is of concern that the bill does not recognise that the grand final is not a one-off. However, it seems clear that the real culprits creating these difficulties are the NRL and Channel 9. It appears that they have made a scheduling decision based solely upon the criteria of maximising ratings without taking into account the wider implications. They have made a decision that suits them and have left everyone else to tidy up the mess. The Greens recognise that the Government, faced with this situation, had little choice but to bring forward this bill.

Given the significant concerns of the Greens, however, we believe that it is now incumbent on the Government to open dialogue with the National Rugby League in order to come up with a better solution in the future, because we are likely to face the same situation next year. There is no way the House should be faced with such a bill again. The Government must take seriously the concerns and problems of residents affected by licensed premises and negotiate with the NRL for an earlier kick-off time in future. The Greens do not oppose this bill as it seems that the Government has little choice in the short term. However, it is legitimate to ask how this situation was ever allowed to arise in the first place and what the Government intends to do to prevent it from recurring. I cannot conclude without making some comments about the big match itself. With my team being out of the competition on the big day, I predict that Parramatta will win, and I wait with interest to hear what other honourable members have to say in this debate.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS** [5.10 p.m.]: I echo some of the concerns of my colleague from the Greens. I presume that the rugby league grand final has been scheduled for Sunday because there is another event on Saturday. I am not quite sure about that. Is the Australian Football League [AFL] final on Saturday? Presumably the rugby league grand final has been scheduled to maximise television coverage and thus maximise advertising revenues and the value of the television coverage being sold. While the National Rugby League [NRL] happily goes ahead and schedules its grand final to maximise its profits, it seems to have no regard to other effects of its decision.

The past record of the NRL is abysmal. It supported Winfield as long as it could, thus enabling this State and this country to have a tobacco advertising vehicle for many more years than would otherwise have been the case. That has done immense harm to public health. I am sure that many children started smoking because of that, and many of those children still have to die from that addiction. NRL's track record is not one of having regard to the effects of its decisions on society. That is disappointing. It should be put on the record by those who take an interest in public health that the NRL has not learnt much.

Hoteliers want the money from the celebrations, which means that they must sell a certain amount of alcohol. They want the Government to extend the closing time by a couple of hours, which will create more noise for local residents. I have some knowledge about such matters. My sister lived opposite a pub in Balmain that was not making much money. The pub got a new licensee who never closed on time, hired rowdy bands and generally continued his business completely unchecked. The local residents decided to take him to court, where they were told to take a jump. Indeed, people from the department's licensing division and the licensee turned up to court basically "to get rid of these little people". One interesting aspect of the case was that the residents of Balmain were fairly savvy.

**The Hon. John Della Bosca:** There are a lot of pubs in Balmain.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** I will not say which pub it was, although I could. The evidence given at that time was that a certain policeman with such and such a badge number turned up at the bottle shop and filled his car boot with grog on this date, this date and that date. As a result, the licensing officials were embarrassed and the publican withdrew from the case. However, the local residents had to take the licensee to court to get an amenity in a suburban setting where they could enjoy their evenings. Under this bill, alcohol consumption will increase in hotels that hold celebrations after the grand final. That will make it more difficult for residents to get to sleep and to get to work because people will be drinking later in the evening after the football final. If the bill is knocked back, publicans will reluctantly kick people out at about the normal closing time. If that happens, the customers and hoteliers will be unhappy, and the NRL will be pressured to schedule its coverage next year at a more reasonable time for society in general, rather than merely to maximise profits.

The Government has options. Governments must be able to say no sometimes, and in this case the Government simply should say no. If it does not want hotels to open later, it should not allow hotels to stay open later. Basically, the Government should not introduce a bill simply because of a decision made by the NRL,

which can think through these matters, and clearly it needs to be pressured to do so. So I will oppose this bill. It is a poor precedent when the Government simply rolls over when a lobby group with a vested interest comes up with something like this. In this case the hoteliers are the lobby group, and generally speaking they get what they want in terms of poker machines and so on. The NRL did not think about the matter. When the hoteliers—a powerful lobby group—asked for a later closing time the Government simply rolled over without consulting members of the public. This bill will set a poor precedent and it should be opposed. Once again the fans are being inconvenienced, and they are being used as a bargaining chip. As I said, this bill should be opposed.

**Reverend the Hon. FRED NILE** [5.15 p.m.]: I share the concerns about the bill that have been expressed by other speakers in this debate. Having given a lot of thought to the Liquor (Rugby League Grand Final Special Provisions) Bill, I have concluded that it will temporarily modify the application of the Liquor Act 1982 to enable hotel trading until midnight on the night of the 2001 National Rugby League [NRL] grand final because the grand final will not finish until 9.30 p.m. This bill will enable a great number of hotels—75 per cent—that normally close at 10.00 p.m. to remain open until midnight. Speakers have referred to the grand final as a one-off event.

I follow rugby league very closely. I warn the Government: I believe the scheduling of this grand final is an experiment. The NRL is working out how to maximise its television viewing audience, including its cable television audience. If this event is a success—and I assume it will be—we may have many major games each weekend being played at 8.00 p.m. That is the problem. I think the NRL is just experimenting. However, on this occasion the Government has come in hook, line and sinker and has set the precedent. It could be argued that in future we will have games at 8.00 p.m. That policy of the NRL is wrong. In particular, it will affect families. Many fathers who take their children to games will be thinking twice about going to a game at 8.00 p.m. having regard to the finishing time, the additional travel time and the traffic congestion after the game. Such fathers and their families will not go to a hotel after the game; they will be trying to get home on public transport. I believe there will be major problems in that regard.

I am disappointed about what has happened to our observance of Sunday. I put on the record my concern about that issue. At one time in the past hotels did not open on Sundays. Now we find ourselves extending hotel trading hours so that they can trade until midnight—a decision that has completely overlooked the impact of alcohol in our society, which is a topic we could discuss at length. I have on occasion provided to members statistical material relating to the impact of alcohol on society. Alcohol, not heroin, is our number one social problem. Once again governments—it is not only this Government but, I suggest, governments in all States—will be doing all they can to assist the hotel industry. What the hotels want, the hotels get—and they are getting it on this occasion.

I raised the revolutionary idea that hotels could stay open but not sell alcohol. If people want to watch television, let them watch television, and at a certain point, at 10 p.m., the hoteliers could stop selling alcohol and their premises would become community centres. The Government could merely allow hotels to remain open but not serve alcohol. However, because of the provisions of the bill, if I owned a hotel, I would not be permitted to remain open unless I sold and allowed the consumption of alcohol. Clause 4 (1) of the bill states:

Liquor may be sold, supplied or consumed on premises to which a hotelier's licence relates and the premises may be kept open for the sale, supply or consumption of liquor ...

(b) from 10 p.m. to midnight ... but only when the liquor is sold or supplied for consumption on the licensed premises.

It seems, from my reading of the bill, that if a hotel owner was happy to be open from 10.00 p.m. until midnight but wished not to serve alcohol, he could not do so. The Government is saying that in such a case the hotel owner would be obliged to keep the bar open. All honourable members would be aware of the serious problems caused by having poker machines in hotels. The passage of this bill will facilitate the generation of larger crowds in hotels, both in the bar and in areas providing access to poker machines. Again, hotel owners and those who have a financial interest in hotels will be very pleased with what the Government is providing by virtue of the bill. In common with other speakers, I believe that the Government should have debated this issue with the National Rugby League and contended strongly that this State will not be manipulated by television schedules. This bill may be only the beginning of a trend. Other changes may be made to accommodate schedules that will build up profits for television companies without any regard for the interests of the people and the welfare of this State. I believe that a Labor Government particularly should watch developments very closely. The Christian Democratic Party opposes the bill.

**The DEPUTY-PRESIDENT (The Hon. Janelle Saffin):** Order! I welcome to the President's Gallery Mrs Evelyn Harwin, who is the mother of the Hon. Don Harwin.



**The Hon. Dr PETER WONG** [5.21 p.m.]: The Unity party will not be a stick-in-the-mud and oppose the bill, which is simply a one-off extension of hotel trading hours by two hours from 10.00 p.m. until midnight on Sunday 30 September. As other honourable members have mentioned, the extension will apply not just to any Sunday, but to the Sunday of the National Rugby League [NRL] grand final, which will be played at night for the first time. No doubt that will make riveting viewing for a considerable number of rugby league fans. While the avid rugby league fan can already enjoy all the excitement of the grand final on television at home or at most local registered clubs, the intention of this bill is to give fans the additional choice of being able to enjoy the game at their local hotels. As I said, the Unity party will not be opposing the bill. However, I cannot help but wonder whether this is not the beginning of a trend, as mentioned by Reverend the Hon. Fred Nile, or whether it is the thin end of the wedge. Of course television ratings will soar because the grand final will be played during the prime Sunday night timeslot. I venture to forecast that this will not be the last year that the NRL grand final will be played on Sunday night.

**Reverend the Hon. Fred Nile:** Every Sunday night.

**The Hon. Dr PETER WONG:** That is right—every Sunday night. The ratings, additional advertising revenue for television stations and a higher profile for the NRL will prove to be too tempting next year based on what happens next Sunday. I understand that the day after the grand final is a public holiday. The counter argument to this proposal will be that the bill concerns an event that is just a one-off occasion, but I fear that honourable members will be here at the same time next year, not to put through another one-off bill, but to extend hotel trading times indefinitely. What we will end up with is an extension of hotel trading hours across this State. It may begin with just the Sunday night of the grand final, but I fear that it will lead the remaining 75 per cent of New South Wales hotels which currently do not have approval to trade past 10.00 p.m. to apply for trading to be extended until midnight.

The consequence of that may be a greater incidence of drink-driving on a Sunday night, not to mention an increase in problem gambling, which was mentioned by Reverend the Hon. Fred Nile. All honourable members know that the most profitable area of any hotel is its poker machine gambling area. I repeat that I will not oppose the bill, but I urge honourable members of this House to ensure that this is truly a one-off event, lest by stealth we inadvertently extend hotel trading hours forever.

**The Hon. JOHN RYAN** [5.23 p.m.]: First of all, I suppose honourable members should be grateful that the Government has at least sought to effect this change by legislation. One of the things that the Government could have done—and I suspect that it will do so one day—is make hotel trading subject to regulation by the Minister whereby it will be possible to effect this type of change by regulation, without exposing such a measure to parliamentary scrutiny.

**Reverend the Hon. Fred Nile:** Don't give them ideas!

**The Hon. JOHN RYAN:** I am sure that I am not giving the Government ideas at all. If this bill represents a trend that will become a habit or at least more than a one-off event, I have little doubt that such a change will occur at some time in the future. The second reading speech states that one of the reasons the hotel trading times are being extended is the assistance that will be afforded to local authorities and transport operators when the fans are able to leave at staggered times rather than all at once. One of the local authorities that has not been mentioned in the second reading speech but perhaps should have been is the Police Service. As I understand it, 10.00 p.m. or 11.00 p.m. is a pretty important time for the New South Wales Police Service because that is when the shifts change. I wonder about the level of expenditure that will be necessary to ensure that sufficient police are on duty at midnight in New South Wales when hotels close. Conversely, will there be insufficient numbers of police officers on duty at that time?

I would be interested to know the arrangements that have been made by the Government, the additional resources that may be required in order to police the provisions of the bill and to augment police strengths that will be depleted as a result of the implementation of the bill. I appreciate that this Government is in the habit of extending freebies to News Ltd. For example, the Government gave News Ltd access to the showgrounds without a tendering process and is now providing News Ltd with the opportunity associated with television coverage of the grand final. I have no doubt that a great deal of police resources will be extended in order to facilitate this arrangement. I believe it is important to place on the record the contribution by the people of New South Wales to the changed arrangements provided in the bill. That is a matter that should be placed on the record, and it is a matter that certainly should be considered.

In the second reading speech the Minister said, "I point out that around 25% of hotels already have extended trading until midnight or beyond." I presume that the Minister is referring to provisions that allow

hotels to trade in tourism precincts. Interestingly enough, "tourism precincts" includes places such as Camden. I do not think there are many tourists in Camden at midnight. My colleague in another place who represents Camden has pointed out that the provisions relating to tourism precincts appear to have been extended ad infinitum. Eventually it will be generally accepted that trading by hotels will occur up until midnight almost all of the time. I do not believe that 25 per cent of all hotels need to trade to facilitate tourism. Hotels cater for a demand, and that is fair enough if there is truly a demand, but we, as parliamentarians, ought to be honest and not pretend that this bill is required for a purpose other than extended trading hours. If there is a need for trading to be extended under certain conditions, consideration of the necessary provisions ought to be open, transparent and available for scrutiny. Having said that, I look forward with interest to the Minister's reply, particularly to the questions I have raised regarding resources and arrangements that have been made with the New South Wales Police Service.

**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) [5.27 p.m.], in reply: At the outset I will respond to the issues raised by the Hon. Dr Arthur Chesterfield-Evans, namely, the noise and disturbance that may occur around hotels as a result of a modest extension to trading on a particular day, and I will deal with the broader conspiracy theories at a later stage before concluding my remarks.

I have to say that there are a number of problems with the Hon. Dr Arthur Chesterfield-Evans drawing on the general problem of amenities surrounding hotels and the difficulties that nearby residents may suffer from time to time either because publicans do not observe the law or because they observe the law in a way that does not satisfy the requirements of local residents. This is really a completely different argument that is related to a completely different issue from whether the Government should allow extended trading on a particular day for a one-off event. Most of the remarks made by the Hon. Dr Arthur Chesterfield-Evans were not particularly relevant, but I think it is important to keep in mind that a significant number of hotels already have approved trading until midnight on Sunday.

I venture to suggest that there would be at least one hotel in Balmain, if not more, that would not be affected by this legislation. Moreover, some hotels may not wish to make use of extended hours or may stay open only for a short time after normal trading ends. The Government expects, and the law requires, hotels to operate responsibly to ensure that at all times there is no undue disturbance to the neighbourhood, regardless of whether a football game is being played or has just finished. This principle applies especially in the case of the rugby league grand final.

There is no evidence to support the notion that an extra two hours trading for some hotels on the evening of the grand final will destroy the amenity of the neighbourhoods around those hotels, or that it will necessarily turn a larger number of New South Wales citizens to drink or place them at greater risk from alcohol abuse than might otherwise be the case. Such a suggestion is an insult to the majority of hoteliers who do the right thing with regard to the responsible service of liquor. It also probably pays undue regard to the fact that people, for a variety of reasons at times of special events such as rugby league grand finals, occasionally imbibe alcohol and do so responsibly.

The problem is sheer volume. A large number of people will want to celebrate the game, hold a wake, or whatever people do after the match. If hotels and registered clubs are allowed to serve liquor for an extended period on the evening of the grand final it will improve the overall amenity of the State. As the Olympics proved, the New South Wales liquor industry has accepted its responsibility to serve alcohol and operate premises in a responsible way so that the potential harm caused by alcohol is minimised as much as possible.

Patrons are also displaying a much more mature attitude to the consumption of alcohol. This was very much a truism during the Olympics, and one sees no reason why it should not extend to a special event such as a grand final, especially when, as Reverend the Hon. Fred Nile pointed out, family functions are involved. It is noticeable that people are more responsible with their use of alcohol, even on special occasions. Of all the changes in Australian society that people talk about, we can probably mark that down as one of the better changes.

I do not have much to say about the Murdoch conspiracy. I am able to comment on the police attitude, because the police portfolio has been consulted at great length in relation to the one-off extension of hotel trading for the National Rugby League [NRL] grand final. I remind members that the NRL grand final is a major sporting event—an event of cultural significance, if you like—for the people of New South Wales and, because of the amalgamated competition, the people of Queensland, and, heaven forbid, even the people of Melbourne as well.

The event is observed with some gusto, as it has been for almost 100 years. Frankly, whether the game were held at 3 o'clock, 8 o'clock or 1 o'clock in the morning, extra police resources would still be required, regardless of which media organisation was responsible for broadcasting it or what structure the game was being played under, namely the NRL, the Australian Football League or any of its other guises of past years. It is an event of enduring popularity that will always require adequate police resources to maintain good order. A prudent government and Minister would always make provision for that.

**The Hon. John Ryan:** But not on overtime. On Sundays it is double time.

**The Hon. JOHN DELLA BOSCA:** I will not quibble with the honourable member. It has continually been suggested that we are dealing with a prime slot, as people have said when referring to advertising revenue. The Hon. Dr Arthur Chesterfield-Evans added almost sinister overtones to the suggestion that there is a prime slot here. But, of course, it is in a prime slot because people want to watch the grand final. It is as simple as that. We are accommodating what is a reasonable, popular sentiment, and we are doing so in a responsible way. I commend the bill to the House.

**Motion agreed to.**

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

## **HERITAGE AMENDMENT BILL**

### **Second Reading**

**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) [5.35 p.m.]: I move:

That this bill be now read a second time.

As the second reading speech is comprehensive and has already been delivered in the other place, I seek leave to have it incorporated in *Hansard*.

### **Leave granted.**

In 1998, major amendments were introduced to the Heritage Act which aimed at broadening the concept of heritage and ensuring protection is given before threats and conflicts arise. The changes make the system work better and— most importantly— encourage broader community involvement in heritage conservation.

Pivotal in these initiatives was the establishment of the State Heritage Register which provided for the first time an opportunity to identify and recognise the diversity and range of heritage valued and enjoyed by the people of NSW.

As a consequence, the State Heritage Register now includes places and heritage collections of historic, Aboriginal and natural significance which better reflects our diverse multicultural environmental heritage.

This is evidenced by the listing of a number of significant heritage items such as the Yiu Ming Temple at Glebe, the Wing Hing Long Store at Tingha including its significant movable heritage collection and the Brewarrina Fishtraps, a site of great importance to Aboriginal people.

Our cultural and natural heritage enriches the lives of people in both our cities and our rural areas by making these even better places for people to live and work.

It helps keep our culture alive and maintain our traditions and practices.

It is also a catalyst for new avenues of opportunity, encouraging investment in tourism, training and jobs.

Following on from the Government's initiatives in 1998 the new amendments proposed in the Heritage Amendment Bill 2001 further refine and improve the Act.

Primarily, these proposals focus on providing a more flexible heritage approvals system.

One that is more effective in

- streamlining the approval processes
- removing red tape, and
- reducing costs and providing greater certainty for owners and developers.

The proposed amendments cover six main areas of administration under the Heritage Act.

These are:

- providing a more flexible approval process
- streamlining the management of archaeology
- recognising and protecting historic shipwrecks;
- improving the way interim heritage orders operate
- making the period in which prosecutions under the Heritage Act can be commenced consistent with the processes available under other NSW environmental legislation; and
- providing for the making of regulations to recover fees for certain services under the Heritage Act.

**Providing a more flexible approval process**

The Heritage Act requires the Heritage Council of NSW to approve works proposals to places on the State Heritage Register or subject to orders under the Act.

Under the existing provisions of the *Heritage Act 1977* there is no provision for:

- (i) modifications to existing approvals for items on the State Heritage Register or subject to an order,
- (ii) deferring commencement or permitting partial and conditional approvals,
- (iii) allowing the Heritage Council to consider applications for the demolition of certain buildings or works in places and precincts of heritage significance which are not themselves of heritage significance.

Private owners and public authorities need to prepare a whole new application and obtain an entirely new approval from the Heritage Council or local council to simply change the terms of an approval, often for the most minor revisions to details of sympathetic finishes and materials.

The lack of a power to modify approvals is administratively cumbersome for private owners, public authorities and the Heritage Council and results in the expenditure of unnecessary resources and delays once a project is underway.

The introduction of a power to modify the approval will provide a more streamlined process for private and public owners of heritage items.

It will provide the Heritage Council and local councils with an administratively convenient way of refining approvals and greatly assist councils and the general community in getting on with the job of heritage conservation without red tape and delays.

There is also a need to provide more flexibility in the type of approval issued by the Heritage Council.

Currently, the Heritage Council is severely restricted compared to other approval authorities in that it cannot consider partial or in principle approvals for developments that need to be staged nor can it provide for deferred commencement.

The current provisions of the Act do not take into account the nature of the development design process.

The provision of this flexibility is particularly important for large-scale developments and those undertaken by Crown authorities where an integrated development application is not required.

This flexibility will provide scope to work in partnership with the community and local council and work towards an "in principle" approval for all or part of the development.

It will also mean greater certainty for owners and applicants who need a clearer indication of the feasibility of a project from the Heritage Council's point of view earlier in the planning process.

This Bill introduces powers to allow the Heritage Council, where appropriate, to give partial or staged approvals and in principle approvals where certain aspects of the proposal are subject to later Heritage Council and local Council review.

This will allow more detailed designs to be produced and assessed at a later stage in the process once the proposal has been shaped.

Similar powers are already available to consent authorities under the staged and deferred commencement provisions under the *Environmental Planning and Assessment Act 1979*.

The Heritage Act provides for the recognition and protection of individual items as well as places and precincts of the State's environmental heritage.

A place or precinct on the State Heritage Register or subject to an interim heritage order may contain a number of separate structures or buildings.

Some may be of State heritage significance or contribute to the heritage significance of the place.

Other buildings or structures in the heritage place may be of little heritage value and do not contribute to the heritage significance of the place.

Some are intrusive and spoil an appreciation of the heritage values we are trying to conserve and appreciate.

For example, it may be beneficial to all concerned for an owner to remove a 1970's garage adjoining a Federation housing precinct.

In such cases, the heritage value of the place or precinct may be enhanced by allowing the demolition of the item that does not contribute to the heritage significance of the place or precinct.

However, under the current provisions of the Heritage Act, the Heritage Council of NSW has currently no option, except in the cases of public safety, but to refuse an application to demolish such a structure, even if the best heritage advice and the community recommends this course of action.

The Bill will enable approval bodies to consider applications for the demolition of individual buildings or works within a place or precinct subject to the Heritage Act provided it can be demonstrated that the removal of such structures will not diminish the overall heritage value of the place or precinct.

To that end, the Bill provides that demolition of structures that do not contribute to the heritage significance of the place or precinct, will only be permitted if there would be no material detrimental effect on the heritage significance of the place or precinct listed on the State Heritage Register or subject to the interim heritage order.

In order to ensure public scrutiny of such decisions, the opportunities for public comment that currently exist under the Act will be extended to applications where the demolition of structures that do not contribute to the heritage significance of a place or precinct are an issue.

Let me make it clear that there will be no relaxation on the restriction that prevents Heritage Council or other approval body from agreeing to the demolition of buildings, works, relics and moveable objects that are individually listed on the State Heritage Register or the subject of an Interim Heritage Order.

#### **Streamlining the management of archaeology**

One of the key initiatives of the 1999 amendments to the Heritage Act was to permit the Heritage Council to make exceptions to the need to get approval via an excavation permit for certain works, activities and locations.

The proposed amendment will provide a further opportunity to expand this initiative.

I propose to enable the Heritage Council to exempt owners from the need to have an approved excavation permit for developments and excavations where there is a relevant archaeological assessment endorsed by the Heritage Council.

Owners and developers who provide an expert archaeological assessment which has been endorsed by the Heritage Council of NSW, and which identifies that there is not any significant archaeology will not have to fill out the paperwork and seek approval for earthworks.

This will save time and money and help owners get the job started for new development or essential services like water, electricity and sewage as soon as possible.

#### **Recognising and protecting historic shipwrecks**

The existing controls under the Heritage Act do not adequately protect shipwrecks in State waters from the destructive effects of a minority of people who souvenir small parts, and in doing so, damage the shipwrecks. Using anchors in the vicinity of historic shipwrecks can also lead to shipwrecks literally being torn apart.

The cumulative impacts of such activities substantially deplete and damage the wrecks and diminish their potential for archaeological research, tourism and recreation for other divers.

Irresponsible actions can also damage shipwrecks as habitats for underwater flora and fauna, including rare and endangered species.

Reflecting on the interest of the people of NSW in historic shipwrecks, and the need to improve the way we identify, promote and conserve them underwater, the Heritage Council of NSW will maintain a comprehensive Historic Shipwrecks Register.

The Register will strengthen awareness of Historic Shipwrecks, publicise their location, promote regional history and encourage recreational diving and tourism where the shipwrecks are accessible.

To protect these wrecks for the future, now is the time to make the movement or damage to historic shipwrecks in State waters an offence.

All shipwrecks that took place more than 75 years ago will be protected in this way.

It will also be possible to extend this protection to important shipwrecks that are less than 75 years old.

Occasionally, good heritage practice means that archaeological excavation of an historic shipwreck may be desirable or necessary.

Under the new provisions, the Heritage Council will be able to authorise this within appropriate stringent conditions.

These proposals will mirror the existing provisions to protect historic shipwrecks in territorial waters under Commonwealth legislation.

The amended provisions have been carefully drafted so as not to regulate or interfere with responsible fishing recreational diving or other activities where the historic shipwreck is not moved or damaged.

#### **Modifying the provisions relating to Interim Heritage Orders**

Members of the community sometimes identify items of heritage importance that are under threat of demolition or alteration before they have been assessed and recognised for local or State heritage significance and protected on the State Heritage Register or local council heritage lists.

Under the current system, an Interim Heritage Order is issued under the Heritage Act to provide time to investigate whether an item is of local or State heritage significance and worthy of listing.

A decision to issue an Interim Heritage Order, while providing time for investigation, currently also has the dual effect of invalidating any existing notices or orders that apply to the property.

In the event that the item is found to be not of local or State significance, the private owner or public authority as the case may be, has to start the process that leads to the issue of the notice and order again.

This can frustrate essential works on the item or frustrate a development proposal which has already been approved and signed off by the relevant authorities first time around.

The Bill will introduce a more effective approach where the Interim Heritage Order will suspend the operation of the other notices and orders applying to the item only for the period the Interim Heritage Order is in force.

If on further investigation the item is found not to be of local or State significance then the existing orders and notices should prevail with no detrimental effect to the owner of the land or the public authority.

If, on the other hand, the item is found to be of local or State heritage significance the item will be appropriately protected by listing on the State Heritage Register or by provisions in a local environmental plan.

In this case the work required or authorised by the notice or order will still require an approval under the Heritage Act before it can be carried out.

It is important to note that invalidating notices and orders is not necessary to protect potential heritage items and is generally counter productive to the applicant.

This proposal will enable the conservation objectives of Interim Heritage Orders to still be achieved without the need to invalidate existing orders and notices and reduce the administrative costs of other public authorities and landowners as well.

#### **Providing an effective basis for considering prosecutions**

The Act provides that proceedings for offences against the Act must be commenced within 6 months of the commission of the offence.

This means that offences that are not discovered or are concealed by recalcitrant owners for more than six months after they occurred can never be prosecuted.

From the Heritage Council's experience, unauthorised works will often not be discovered for some months after they have occurred.

This drastically shortens the time available for the Heritage Council to meet and determine whether to prosecute and to adequately prepare and commence proceedings.

The Bill will amend the Act to permit prosecutions to commence within 12 months of the offence, or the discovery of the offence, by the Heritage Office.

This amendment will make the Heritage Act consistent with other conservation and environment protection legislation in NSW.

#### **Providing for the making of regulations to recover fees**

The Bill will also introduce a provision to allow the Heritage Council to charge fees for certain services it provides.

This includes reviews of Conservation Management Plans.

However such fees will first need to be provided for in a regulation which will be available for public scrutiny before it is made.

The provision rectifies an anomaly in the Heritage Council's power and brings its powers to charge into line with similar Government agencies.

#### **Conclusion**

The bill will provide for a more flexible and effective basis for the identification and protection of the diverse environmental heritage of NSW.

A more people friendly heritage system will recognise the "on the ground" realities of managing our heritage and community resources and remove unnecessary red tape.

I commend the Bill to the House.

**The Hon. DON HARWIN** [5.35 p.m.]: The Heritage Amendment Bill makes changes to the Heritage Act 1977 in seven key areas, and makes a number of minor administrative and consequential amendments. The seven main issues addressed in the bill are the provision of protection for historic shipwrecks located within the limits of New South Wales; the introduction of an approval mechanism under the Act that allows buildings and items with no heritage significance, but which are located within precincts that are of heritage significance, to be demolished; the introduction of a "deferred commencement" or "partial or conditional" development approval under the Act, bringing it into line with other legislation; provisions allowing modification of approvals granted under the Heritage Act that is currently not possible; exemption from the requirement for excavation permits under the Heritage Act for sites that have been archaeologically assessed and found likely not to contain relics of heritage significance; provision for an extension of the time from six months to 12 months within which action for breaches of the Heritage Act can be taken; and authorisation for the making of regulations enabling the Heritage Council to charge fees for its services.

The Opposition understands that the bill was introduced after input by the Heritage Council and that the Government brings it before the Parliament with the endorsement of that council. Furthermore, we are advised that the bill has been the subject of extensive consultation and that perhaps it might uniquely be seen to have the approval and endorsement of both the National Trust and the Property Council of New South Wales. That is a Unity ticket if ever I saw one! It is therefore a very welcome bill. The Heritage Council has suggested a number of these changes simply to ensure that heritage precincts are more properly conserved. The bill also deals with matters in which action is long overdue. Recently I had the pleasure to discuss the matter with my colleague the Hon. Patricia Forsythe, who, prior to her election to this place, was executive officer to the Hon. David Hay, who held the planning portfolio in the first term of the Greiner Government and was therefore responsible for heritage issues. The Hon. Patricia Forsythe provided me with the history relating to the length of time taken to act upon some of these reforms.

Because of the heavy parliamentary workloads under governments of various persuasions, some of these long overdue reforms have not been given the priority they deserve. For example, the provisions relating to shipwrecks was a matter that for several years the Greiner Government had on its list of issues to be addressed but did not get around to attending to, which is a great shame. Sadly, it has also taken this Government six years to finally give some of these matters the priority they deserve. In saying that, I do not in any way criticise this Government but simply indicate that some of these matters are so uncontroversial that they should not have been overlooked. Currently there is insufficient protection for shipwrecks located in New South Wales waters. Authorities are generally reliant on the goodwill of recreational divers in preventing damage to shipwrecks and loss of items from them. The New South Wales Heritage Office has to date identified 1,800 known wreck events that have occurred in the past 200-odd years, and so far approximately 260 of those wreck sites have been found by recreational and other divers.

The need to protect these shipwrecks is very clear. It is something that has also been taken up at a Federal level. As long ago as 1976 the Fraser Government passed the Historic Shipwrecks Act as the first attempt to identify and protect shipwrecks in Australian waters. As a result of that 1976 legislation, subsequently enacted by a few States and now finally by us, the discoverers of shipwrecks will have no automatic right to remove the fittings or even to pick up loose items on a wreck with the intention of removing them. That applies equally to items on known wrecks. Responsibility for most of the functions under the Historic Shipwrecks Act has been delegated to State heritage authorities by the Commonwealth Government since that legislation was passed. In fact, the 1976 Act applies to all Australian waters below the low watermark and extends outwards to the limit of the continental shelf. It is good that finally that is also being adopted in the jurisdiction of New South Wales. This Act now requires the State to maintain a register of shipwrecks that have been wrecked within State territorial waters for more than 75 years. Shipwrecks younger than 75 years can be included on the register if they are assessed as significant. In addition, shipwrecks younger than 75 years will be protected under the existing relics provision of the Act, and that is very welcome.

Shipwrecks have been quite common in the area in which I live on the South Coast of New South Wales. There is a great deal of interest in marine archaeology on the South Coast, with special reference to some of the well-known shipwrecks in the area. In my hometown of Huskisson a schooner called the *Maid of Riverton* sank at the entrance to Currumbene Creek on 24 December 1870—a tragic Christmas present for the people on board. There is virtually no trace of the *Maid of Riverton* left and that is not uncommon. There is no trace of a

large number of the many shipwrecks around that area. The *Merimbula* is an exception. The *Merimbula* sank on 27 March 1928 in four to 13 metres of water at Whale Point on the Beecroft Peninsula, not far from the town of Currarong. In fact, the bow lies on top of Whale Point and can be seen. The *Merimbula* ran aground on a voyage from Sydney to Bermagui. In fact, much of the local history of the South Coast in the colonial period observes the importance of maritime industries in the development of the South Coast. It is the case that just in the Shoalhaven city—

**The Hon. John Della Bosca:** And the Central Coast!

**The Hon. DON HARWIN:** Yes, as the Minister Assisting the Premier for the Central Coast said, that was certainly the case on the Central Coast as well. But shipping played an important role in the development of the South Coast of New South Wales. In the city of Shoalhaven area alone during the years there have been some 73 shipwrecks. The changes in this bill are very welcome. Certainly the *Merimbula* is a shipwreck that is under 75 years old and the provisions in this Act will be particularly beneficial in bringing it within the auspices of heritage legislation. I might also note that currently shipwrecks that are more than 75 years old are automatically considered of historic significance. That is not the case when they are under 75 years old.

Under this bill the Minister will be able to declare the remains of any ship situated in New South Wales waters as an historic shipwreck. In fact, theoretically under this Act the Minister would be able to declare an historic shipwreck, for example, if a SuperCat ferry sank. But let us hope that will not happen to any of our new ferries. Previously, if a vessel sank, the Minister could not have done that for 75 years. The provisions of this bill in relation to shipwrecks are certainly very welcome. The other provisions of the bill are more of a housekeeping nature and bring the Heritage Act into line with other types of planning and development legislation. Currently, if a site is listed as being of heritage significance, all items and buildings on that site are protected. The bill will allow items and buildings on heritage sites that themselves have no heritage significance to be demolished without penalty. In many cases that will improve the overall heritage value of a site.

Development approvals are able to be amended under the new bill, something that is not currently possible. If a heritage site is being developed or modified under an approval at present, and the developer wishes to make amendments to the approval, no matter how minor, the entire approval process must be started anew. Under the new provisions, amendments can be made mid-stream that will greatly simplify the approval process without diminishing the heritage value of a site. The bill also makes amendments pertaining to sites that currently, in the development stage, would require an excavation permit. A heritage site previously believed to contain relics of State or local heritage significance will now be exempt from a requirement for an excavation permit if an archaeological assessment approved by the Heritage Council shows there to be little likelihood of the discovery of significant relics in the land.

Finally, the extension of the period in which action can be taken for breach of Heritage Act provisions is a welcome change indeed. Often it will not become apparent for some months after the development of a heritage site that breaches of the Act have occurred. Once the breach has been established, it will often take some time before the Heritage Council determines whether action will be taken. Extending the time in which such action can be taken from six to 12 months will allow greater scrutiny, and better protection of heritage sites in New South Wales. Given my remarks earlier about what I understand to be the unqualified support of the National Trust, this bill is certainly a great step forward for the protection of heritage in this State. I am pleased to say that the Opposition will not oppose it.

**Ms LEE RHIANNON** [5.48 p.m.]: The Greens oppose key proposals within this bill. We cannot accept the damage that would be wrought on the heritage values of the natural built environments by provisions within this bill. That would weaken the current regime of heritage assessment. Heritage is not just about old buildings, archaeological relics and residual ecosystems. It is not about an architectural elite deciding that a building is a fine example of some period or other, or that a neighbourhood contains some unique examples of a certain historical style. It is certainly not about a panel of experts deciding that a building has no heritage value because there is another similar example somewhere else.

The sense of heritage, which is supported by the Greens, is an integral part of creating homes for communities, with generous public spaces, strong preservation of the way things were and democratic involvement in the determination of how things will be. It is about building a strong community involvement and participation in the preservation and enhancement of the local environment. Creating this kind of heritage culture is essential to evolving the sorts of towns and cities in which people want to live and develop communities.



This bill, in many of its provisions, runs exactly counter to that intent. Instead of strengthening heritage protection, instead of giving communities more control over the future of their neighbourhoods, this bill largely facilitates the destruction of what heritage we have left. It opens the floodgates to developers and it weakens the ability of communities to hold onto their environment. We regard it as a gift to the developer community. This bill would allow for approval of the demolition of buildings and works in the precincts and places of State heritage significance. This represents the atomisation of the concept of a heritage precinct or place. No longer would the heritage value of a precinct or place be sufficient to protect the structures within it. Developers would be able to apply to demolish a structure or completely alter it by arguing that the structure is not the determining factor of the heritage values of the place or precinct. This is truly a gift to the developers seeking to move in on heritage areas.

As we in this city know so well, that is how so much of our development is being carried out. Communities opposing a development within a heritage precinct or place will now need to establish the heritage values of each structure and each component of that place or precinct, instead of relying on the blanket heritage value. The bill will mean open season on heritage. It is a one-way street leading to the loss of yet more of Sydney's heritage.

Further, precincts and places would be vulnerable to piecemeal devaluation, where each structure is picked off one at that time. Instead of maintaining the integrity of the precinct or place, this proposal would carve up the heritage value into little pieces and lose the overall value of the whole area. The National Trust and the Minister have argued in favour of this proposal by suggesting that it would allow for the inclusion of more places and precincts within the State heritage register. So it is being argued that the bill is of benefit to the maintenance of the heritage values of this State. However, a close examination of this legislation clearly reveals that it will allow disintegration of many of our heritage areas.

In particular, it is argued that where a mixture of State significant and non-significant structures coexist, the current arrangements would preclude entry to the register, while the proposed changes would facilitate it. While this argument may appear at face value to be valid, it ignores the damage that the proposed change could inflict on precincts and places that are already on the heritage register. By lowering the bar to allow more in, this proposal would allow many of those that are already registered to be destroyed or devalued. Further, if there really is a problem with precincts being kept off the register because they are not intact, surely a better approach would be to create a new class of precincts and places of mixed significance, with lower heritage protection, rather than weakening the protection of the few precious places that are already registered.

We acknowledge that there are problems with heritage precincts and places where new or unsympathetic structures have been introduced at a later period or even subsequent to the identification. If the Government were serious about solving those problems, it would not open the floodgates, as this legislation proposes, by weakening the very meaning of State heritage significance of a place or precinct. That, we believe, is central to this legislation. It exposes any suggestion that this legislation will strengthen heritage values. Instead, the Government should introduce a more refined version that allowed buildings or structures to be demolished only if they were of a significantly later period and had been independently certified to be detracting from the heritage values of the place or precinct. This is not what the Government has brought forward.

The second problem with this bill is partial or conditional approvals. This proposal imports from the Environmental Planning and Assessment Act 1979 the concept of deferred commencement, where in-principle consent can be granted to a development application before the full details of the final development are available. By granting an in-principle heritage approval, the authority is allowing a change to or destruction of the heritage item without access to the full information required to make an adequate assessment. This has worked quite poorly in development consents, and it will work even more poorly in heritage assessments. Without significant reworking of the proposal, it will allow for shoddy and poorly thought out changes to heritage proposals. So, again, on this point we see the effect of this legislation. It cannot be properly argued that this bill strengthens heritage values.

These two provisions would place at risk so much of the heritage of New South Wales. They would leave the community with even less protection from the onslaught of developers, and they would leave future generations with an ever-diminishing sense of what came before them. This Government, like its predecessor, has become a captive of the development industry, as is demonstrated all too frequently. With campaign donations from big construction and real estate development corporations now running at 25 per cent of the entire income of the Labor Party, and with donations from unions becoming an ever-diminishing fraction of its war chests, the Australian Labor Party could legitimately change its name to the Australian Developers Party,

because that is how the party is seen to be operating all too often. It seems to be that the driving engine of the party is its ability to keep certain mates happy. As the Australian Labor Party goes down this path, it becomes more difficult for Labor governments to ensure that heritage is an integral part of, and is central to, building our communities. In Committee, I will move amendments on behalf of the Greens to reflect this outlook.

The Greens' version of heritage is about connecting communities with their older members, with the generations that have lived before and, through them, to their own future. It is timely during this debate to reflect on what heritage is about. It is about ensuring that the built environment is enriched by its past and that its future evolution is informed by the best of what has been and the rejection of the worst that could be. The Greens argue for a different view of the urban environment than that which will be created if this legislation is put in place. We argue for an urban environment in which the values of community, neighbourhood and heritage come ahead of the avarice of developers.

**The PRESIDENT:** As this will be the inaugural speech of the Hon. Michael Costa, I remind members that the customary courtesies are expected.

**The Hon. MICHAEL COSTA** [5.58 p.m.] (Inaugural speech): Madam President, I support the Heritage Amendment Bill. This is an important bill that will lead to the protection of significant heritage items in this State. I come to this House with a great sense of responsibility. The Legislative Council is an institution that, on balance, has served the workers of this State well. In coming here I follow a proud lineage of Labor Council officers who have represented the workers of this State in this House. Since the position became full time, I will be the second former Labor Council Secretary after Barrie Unsworth to sit in this House. I would also note that the Premier, Bob Carr, was once a Labor Council official. I say this not to raise any expectations on my own behalf, but to highlight the critical role that the Labor Council has played in the political, economic and social life of this State.

There is no doubt that the sensible and moderate approach of the Labor Council has been a critical factor in the leading role that New South Wales plays in the economic and civic life of this nation. I place on the record my thanks to John Robertson who succeeded me as secretary. For a time in June I thought that he might arrive in this place before me. John is a person of enormous capacity and I am certain that, despite the initial fireworks, John and his deputy, Mark Lennon, will continue the great tradition of sensible and pragmatic leadership. They, of course, are assisted by what must be one of the most professional and dedicated teams that any leader has been fortunate enough to work with.

I would particularly like to thank Karen Adams and Kelly Laing. The whole team operates under the guidance of the current President of the Labor Council, Sandra Moait, and the executive of the Labor Council. The presidential officers of the council, Russ Collison, John Hennessey, Pat Ryan, Michael Williamson, Michele Hryce and, until recently, Alison Peters, have worked together to make the Labor Council the pre-eminent trade union peak council in this country. I doubt whether I will ever meet a more dedicated group of people than the trade unionists who make up the executive and delegates of the Labor Council of New South Wales.

I would like to thank all the previous Labor Council secretaries who have provided guidance, advice and counsel to me, some of which I have heeded—John Ducker, John McBean, Michael Easson, Peter Sams and Barrie Unsworth. Michael Easson, one of the most decent people that I have ever known, was instrumental in my career at the Labor Council. It was on his recommendation that John McBean offered me the opportunity to stand for election as a Labor Council officer. He was also instrumental in my expulsion and subsequent readmission to the Labor Party. Michael remains a close friend and influence.

Peter Sams has always been a close mate. He balanced my more radical views of industrial relations with his more pragmatic outlook. Peter is an unashamed traditionalist who understands the importance of history and institutions and who taught me to respect tradition. I wish to say a few special words about Barrie Unsworth. Over the last decade I have worked extremely closely with Barrie and the Labor Council's financial controller, Jeff Priestly, in managing the commercial interests of the Labor Council. Because of their efforts the Labor Council is financially secure. Barrie has provided me with support, advice and encouragement. Occasionally that advice was provided in the direct manner for which he is renowned. I think his style may have rubbed off on me.

Barrie's love for the Labor Council is heartfelt. Having come to know Barrie so well, I say without equivocation that it was a great shame for the people of this State that his duration as Premier was so short. He is

a man of principle, competence and vision, who had much more to contribute to this State as Premier. However, the State's loss was the Labor Council's gain. I come to this House as a dedicated trade unionist who believes that the union movement, despite its recent difficulties, has a critical role to play in ensuring fairness in the workplace. No issue highlights the important role of unions more than the issue of workers entitlements.

Thousands of workers confront the despair of lost entitlements annually, yet we still do not have a national system that protects those entitlements. It is a national disgrace. Without unions, many workers would have lost all their precious entitlements. For those who doubt the broad support for trade unions in this country, I strongly advise that they study in depth the polling carried out on behalf of the Labor Council, which shows over a long polling period consistent and growing support for trade unions.

I come to this House as a person from a non-English speaking background. In fact, I was the first Secretary of the Labor Council from a non-English speaking background. I look forward to the day when the secretary of the Labor Council is either an Asian or a person of Middle Eastern background. My parents were Greek Cypriot post-war immigrants. Like many others, they experienced the trauma of war, the confusion of displacement and the hope of a better life in Australia. My father found work in the steelworks in Newcastle, where I was born, and subsequently in the railways, where he served for more than 40 years.

My mother, a process worker, juggled long hours with raising a family. When I went to school I could not understand English. I was an outsider who experienced racism first hand. Like many of my generation, I confronted the intolerance of racism at a time when the country was adjusting to the difficulties of the shock of post-war immigration and the cultural diversity that came with it. Today it is fashionable to make light of terms like "wog" and "dago" and I wear the wog label with pride. But in Australia in the 1950s, 1960s and 1970s it was a vicious term of racial abuse that wounded and psychologically scarred many young people. It is in this context that some of the undertones of what currently passes as an immigration debate concern me.

The notion that persons of Arabic or Middle Eastern origin are not appropriate immigrants is a subtext barely kept from the surface. Racial and religious backgrounds have no place in immigration policy. What a prospective immigrant can contribute to a country should be the only criterion. The racism that I experienced was and still is based on ignorance and insecurity. Governments have a responsibility to deal with both these causes. There is no doubt that education and the economic opportunities mitigate against racist climates.

On reflection, my early encounters with the injustice of racism was the critical factor in my development of a strong concern about fairness and justice. My background also forms the passionate view that I have about immigration. I support a substantial increase in Australia's immigration intake. Australia is a large land with abundant resources. It requires a commensurate population to ensure its economic viability. I reject those elements in the immigration debate who use legitimate community concerns about environmental matters as an argument against immigration.

Australia requires a larger population to ensure that it has the economic wealth to afford the strong environmental safeguards that developing countries cannot afford. Economic growth and environmental protection are not mutually exclusive, as some would have us believe. To the contrary, they complement each other. In this context the recent hysteria over asylum seekers is quite misguided. What this country needs is not a closed-door policy to the world based on ignorance; rather it needs an immigration policy formed by rational assessments of its costs and benefits.

Prejudice and hysteria over the plight of refugees is not the appropriate context for such a debate. In my trade union career I often stood alone against calls for interventionist industry policies. Those calls were based on economic confusion with their often well-meaning proponents failing to understand that these types of policies would, in the long run, have the diametrically opposite effect on employment to that which they sought—that is, a significant increase in joblessness.

The one industry policy that I am proud to support is an expansionist immigration policy. This is an area where governments at all levels and of all political persuasions should be able to co-operate and co-ordinate policy that balances the community's legitimate concerns for the quality of life with the economic imperative to ensure critical mass in our domestic markets. Our economic security requires nothing less.

I come to this House from a blue-collar background—as someone whose real education was completed on the job by my co-workers. As one would expect of a son of Greek migrants, I worked in numerous jobs where the main task was deep-frying fast food before getting full-time work as an ironworker-rigger at the Garden Island naval dockyard. I spent five years there learning about the real world and daily contrasting its lessons to the theoretical world provided by my university education.

I finally ended up as a locomotive engineman with the State Rail Authority and my trade union career began in earnest when I was elected President of the Australian Federated Union of Locomotive Enginemen [AFULE]. At this point I pay tribute to Noel Cox, the former Secretary of the AFULE, and to Bob Plain, the current President of the Rail, Tram and Bus Union—two great union officials who had the confidence and courage to run on a ticket with me against the incumbent leadership of that union. Workers in the rail industry have been fortunate to have superb union leaders looking after their interests—people like Jim Walsh, Harold Dywer and Nick Lewocki, to mention the most outstanding.

As the Premier noted, without the efforts of the New South Wales work force, we would not have been able to stage the best ever Olympics. The most important thing that I learned in my time on the shop floor is that Australian workers, often in spite of poor and inadequate management, have skills, commitment and real pride in their work and they unquestionably are our greatest economic asset. It is often ironic to hear business leaders preaching about unproductive workplaces. All my experience suggests that it is management that is letting the side down. I entered the labour force in a period of economic uncertainty when the great scourge was the spectre of stagflation.

My generation was the first of the post-war period to experience mass unemployment. An appreciation of unemployment and its demoralising and dehumanising impact on people and families has remained a major influence on my political outlook. The attempt by some politicians to cast the unemployed as willing architects of their own fate only trivialises what is a major economic problem. It is my strong belief that governments have a core responsibility to provide the circumstances that maximise job opportunities. It was my disillusionment with the lack of economic opportunities associated with stagflation that politicised me.

I come to this House as a political being, who started off by accident on the far left and in more recent times has been regarded by my political opponents as being on the far right. I reject, particularly in the post Cold War period, attempts to characterise people's politics as either left or right. I believe a much better framework to understand the political differences that exist is provided by political theorist Thomas Sowell. Sowell argues that underlying political conflicts is a fundamental conflict of two irreconcilable visions which he terms the constrained and unconstrained visions. Underpinning the unconstrained vision "is the conviction that foolish or immoral choices explain the evils of the world—and wiser or more moral and humane social policies are the solution". In contrast, "the constrained vision sees the evils of the world as arriving from the limited and unhappy choices available, given the inherent moral and intellectual limitations of human beings". I place myself in the tradition of the constrained vision.

My real political education began when, by accident, with a group of high school mates I attended a Marxist education camp. The experience was critical in my political development. It introduced me to serious debate about economic and political issues. While I came to reject Marxism as dogma, it left a legacy in my interests in economics and politics. In retrospect, the problem with Marxism as a political philosophy was not Marx's original ideas, which bear the limitations of his era; it was the Marxists, his self-styled followers, who turned a political theory that needed testing and refinement in the face of new realities into destructive dogma.

Marx, though wrong on many issues, was in the tradition of the great classical economists and prided himself on dealing with facts in a scientific way and not dogma. I have no doubt that if Marx were alive today he would, given his understanding and interest in economic systems and technological development, support economic policies that promote prosperity and, indeed, would be a vocal advocate for globalisation. In all probability he would be a member of the Centre Unity faction of the Labor Party of New South Wales.

I take this opportunity to acknowledge my fellow officers of the New South Wales branch of the ALP: Eric Roozendaal, Mark Arbib, Steve Hutchins, Ursula Stephens, Darryl Melham and Damian O'Connor. Eric Roozendaal and Mark Arbib are, in my view, the most professional officers the Labor Party has ever had. They have dramatically transformed the operations of the New South Wales branch, and I thank them for their support and friendship.

During my trade union career I was often the only voice arguing for free trade, which, given the history of the labour movement, always puzzled me. I have constantly had to remind my colleagues that the first Labor members elected to this Parliament had amongst their number a majority of free traders. Free trade has always been critical to the economic prosperity of this country. Today nearly two million Australian workers depend on exports for their jobs. It is pleasing that at its last national conference the ALP returned to its free trade roots and reaffirmed its commitment to an open economy.

In recent times we have seen an almost hysterical reaction from some in response to what they perceive to be the evils of globalisation. The bulk of these concerns are no doubt genuinely felt, though, as always occurs

in these situations, professional political agitators have sought to exploit ignorance and uncertainty for their own political advantage. History clearly shows that we should not fear the success of globalisation, rather its failure. Globalisation is not new. Today we are witnessing the renewal of an economic process that began in the early nineteenth century and brought with it tremendous increases in living standards. The process was interrupted by the extraordinary brutality associated with much of the twentieth century's history. Economic stagnation associated with protectionism, destructive nationalism, xenophobia and wars is the consequence of globalisation's initial failure. If globalisation fails this time, we face a return to these destructive forces.

The key to its success is to ensure the benefits are spread widely. Contrary to the views of some, governments have not been relegated to a secondary status in the global world. They have a critical role in ensuring the success or failure of the historically important process of globalisation. Good government is more important than it has ever been. Much of the failure of globalisation in the developing world, as Hernando de Soto persuasively argues in *The Mystery of Capital*, is the result of government and not market failure. Many governments in developing countries, either through corruption or incompetence, have failed to maintain the rule of law and a system of property rights underpinned by a strong safety net. Without these, development is impossible. In our system State governments have a critical role in all these areas.

I have been described at various times by my political opponents as an economic rationalist. It is not a label I seek. Nevertheless, if by that label they seek to imply that I believe it appropriate that governments use the latest economic tools to inform policy positions, I am happy to accept the categorisation. While it is true that I respect the power of the market mechanism, I reject market fundamentalism, which places all market outcomes above social concerns. Market fundamentalism is as much a dogma—an intellectual straitjacket—as its antithesis, command economics. Market fundamentalists fail to recognise that markets are social constructs: in other words, products of human activity. Markets are tools for allocating scarce resources, not the end goal of an economic process. Societies structured on markets that do not deliver social outcomes supported by the majority of the community are doomed to failure.

My ideas on political economy had been refined by numerous discussions with my close friend and intellectual soulmate Mark Duffy. Mark is one of the most talented people I have ever met and has a passion which I share for good public policy. My political journey has taught me that outcomes are the most important thing and that values are more important than ideology. I come to this House as someone who believes that the political process does improve the lot of its citizenry. I am committed to playing a constructive role in this process.

I have a particular interest in issues related to mental illness, which my family and I have had to confront first hand. I draw honourable member's attention to the recent report released by St Vincent de Paul titled "A Long Road to Recovery". This report dramatically details the clear connection between mental illness and homelessness. According to the report, amongst the inner city's homeless, 75 per cent have at least one mental disorder compared to 20 per cent in the general population. Amongst the homeless, 23 per cent of men and 46 per cent of women have schizophrenia compared to a prevalence in the general population of between 0.5 per cent and 1 per cent, 33 per cent have depression compared to 6 per cent of the Australian community, and 93 per cent report at least one experience of extreme trauma in their lives.

These statistics are disgraceful. It is time we recognised that we have not handled the problem of mental illness properly. This has its genesis in the anti-psychiatry movement of the 1960s and 1970s which had the laudable aim of humanising appalling mental institutions but resulted in the wholesale abandonment of people in need. This area requires immediate government attention. The silent victims of mental illness are the carers of the mentally ill. They receive inadequate support and are expected to perform caring functions which, in many cases, are beyond human endurance. Support for carers should be a government priority.

Enormous advances are being made by medical science in understanding mental illnesses such as schizophrenia. I congratulate the Government for supporting the Neurological Institute of Schizophrenia and Allied Disorders by a very generous grant earlier this year. For honourable members interested in this, I highly recommend a recent publication by David Horrobin entitled "The Madness of Adam and Eve—how Schizophrenia shaped humanity". This book advances the novel, seminal thesis that mental illnesses such as schizophrenia are what separates us from our nearest primate relatives. Issues such as mental illness highlight the need to think more broadly about the role of government in dealing with social issues. I am not one who believes the State should run everything but I believe the State has responsibilities. That is why I have supported a social audit of government activities.

My friend the Treasurer has pointed to the difficulty of conducting such an audit at a State level, given the complexity of Commonwealth-State financial arrangements. I accept his wise counsel on this matter, and I

am now convinced that the only sensible way to conduct such an audit is at the national level. A national social audit is critical to public confidence in the Government's service priorities. It is pleasing to note that Federal Labor has agreed in principle to a national social audit. It is a welcome development.

I look forward to working with and occasionally working against, to discussing and sometimes arguing matters of import with honourable members on both sides of the House and those who sit on the crossbenches. I am fortunate that I come to this House to join a number of existing members whom I regard as friends, not just colleagues, some of whom have guided me to this point. In this context I specifically mention the Hon. Michael Egan, the Hon. John Della Bosca, the Hon. Eddie Obeid and the Hon. Ian West.

I also pay special tribute to the Hon. Johnno Johnson. Johnno is, and always has been, first and foremost a committed trade unionist who, over his political career, made numerous important and historic sacrifices to ensure the stability and survival of the institutions and structures in which he believes. It is not true that he has left me his raffle books, and I thank Sam Moreton for his herculean efforts in restoring Johnno's office to its former glory.

Friends and family are critical to the vocation of politics. I should like to thank a special group of people for their support: my two wonderful children, Matthew and Ellana, and their mother, Helen; my brother, George, and my sister, Mary; and my special friends John Whelan, Deborah Robinson, Joe Tripodi, Peter Lewis, Conrad Staff, Joe Di Leo, Colin Cranson, John Signorle, Jennie George, Bernie Riordan, Chris Christodoulou, Naomi Steer and Michael Gadiel.

Finally, I dedicate this speech to the memory of my two closest teenage friends, Spiro Kikilas and Ralph Pisacane, who both died in separate tragic circumstances in early adulthood. Barrie Unsworth advised me that this inaugural speech was an important speech because it provides a public benchmark to judge one's contribution to public life. I hope that at the end of my time in this House I will be judged as having contributed to prosperity, opportunity and fairness. I thank the House for its indulgence.

**Debate adjourned on motion by the Hon. Peter Primrose.**

## **ADJOURNMENT**

**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) [6.24 p.m.]: I move:

That this House do now adjourn.

## **SCHOOLS INTERNET ACCESS**

**The Hon. PATRICIA FORSYTHE** [6.24 p.m.]: I draw the attention of honourable members to problems with the school Internet system. Last week a parent contacted me to say that his daughter's school had virtually abandoned using the Internet system for any form of education, because it was unreliable, slow and ineffective. Since then I have made some inquiries. I believe the Government is missing real opportunities for young people in New South Wales because of poor decisions about cabling for schools, which underpins the computers the Government has been so proud to say it has provided to schools.

I shall contrast some of the problems drawn to my attention with some of the developments now occurring in other States. I understand that the Department of Education and Training has spent thousands of dollars on each school to provide an ISDN line to enable schools to connect to the Internet. I am advised that schools have problems connecting to the Internet because they must first go through the department's site. Teachers tell me that the bottom line is that the Internet system is slow, does not operate effectively, is unreliable and is pretty much useless. Indeed, one teacher said Internet use at that teacher's school had ceased basically since the first term this year. That reinforces the message drawn to my attention by the parent who contacted me. The problem is that schools have been connected on a 64K ISDN line which runs, at best, three to four computers online at reasonable speed, although schools of say 200 students have been cabled to provide for up to 20 or 30 outlets, which is, according to one teacher, plainly stupid. The teacher said:

The worst of it though is even if your 3-4 computers get online—they still have to get through the department's Intranet—this can be overloaded ...

In fact, between the hours of 8.30 a.m. and 3.30 p.m., and sometimes as early as 7.30 a.m., it is virtually impossible for schools to access the Internet. The 64K line with which schools connect to the Internet is

regarded as inadequate. Latest figures show that schools have an average of one computer to seven students. That means that in a small school with, say, 200 pupils there may be up to 30 computers. However, as one teacher said, if there is only one 64K line—two 64K lines if a school is lucky—it is simply impossible to serve more than about three computers at any one time. This provides the Government with a challenge.

The Government has placed great store in the provision of computers as a basis on which schools move into the future. Indeed, the Premier has even talked about providing each student with an email account. However, as is clear, if students cannot access the Internet they cannot access many of the opportunities that should be available to them. Indeed, in terms of the new Higher School Certificate, the Minister and the head of the Board of Studies have said repeatedly that students need to now look beyond textbooks and see what is available on the Internet. That is fine if students can access the Internet, and it is fine for those students who can access the Internet from their homes. The reality is that the provision of Internet services for students relying on school support is inadequate. As I said, the 64 K line with, at best, one or two lines into a school is inadequate.

Last year I took the opportunity to visit Bendigo College, which is a government senior college in Victoria. Apparently, in addition to the provision of 250 computers for 1,700 students, 1,100 student homes and 900 community members can connect to the Internet through 240 56K digital modem lines. That is very different to what is being provided to New South Wales schools. The challenge we face is providing high-speed secure and reliable Internet services. If the best the Government can do is provide schools with one or two 64K lines for larger schools, obviously the computer services provided to New South Wales schools fall well short of the Government's rhetoric. It is no good providing the hardware, and it is no good saying that computers are being provided if the basis for moving forward, that is, access to knowledge and learning through the Internet, is simply inaccessible because of an unreliable, inadequate and, as one teacher said, absolutely useless system.

### CIVIL TRIAL JURIES

**The Hon. JOHN HATZISTERGOS** [6.29 p.m.]: Seventeen years ago Dr Paul Hogan was strapped eight times across his hand while a student at St Johns College in Lakemba. Earlier this year in the New South Wales Supreme Court he sued his former school, the Catholic Church and his former discipline master over a lasting hand injury sustained from this incident. On 14 February, a civil jury found that the defendants had breached their duty of care and Dr Hogan was awarded more than \$2.5 million in damages. The outcome of this case raises concerns about juries in civil proceedings.

The amount awarded to Dr Hogan seems, in the view of some people, to be out of step with the damages which can be recovered by people who have suffered injuries that are far more serious. In the light, but perhaps not necessarily as a consequence, of this outcome, it may be time to reconsider whether the use of civil juries ought to be reduced drastically, particularly in civil cases. At the moment, there are two modes of civil trial, jury and non-jury. The general rule is that civil proceedings shall be tried without a jury, unless the court orders otherwise. However, there are numerous exceptions to this rule, and there are exceptions to the exceptions. Consequently, the current legislative arrangements are quite complex and technical.

The civil justice system should have as its central objective the settlement of disputes peacefully and fairly by the consistent application of legal principles. At present, however, having two modes of trial coexisting in the same jurisdiction generates inconsistencies resulting in unfairness. The curtailment of civil juries will bring New South Wales into line with other Australian States and with the common law of England as it now stands. For example, South Australian legislation provides that no civil inquest shall be tried by a jury. Other States give discretion to the court to order or to dispense with a jury. New South Wales is the only jurisdiction in Australia that still widely uses civil juries.

Recognition of the need for urgent reform dates back at least to 1987. In that year the Labor Government proposed a limited scheme for the abolition of civil juries through the Supreme Court (Amendment) Bill and the District Court (Amendment) Bill. In introducing this legislation, the then Attorney General, Terry Sheahan, spoke of abuses of the existing civil system. In particular the Attorney highlighted the use of a jury as a means of delaying cases—some cases involving dying plaintiffs—so that the cases would not be brought to trial before the death of the plaintiff. An inherent flaw in the current system of civil trials is the opportunity for abuse of the system by one party to proceedings who is seeking to take strategic advantage over the other party. This is most likely in personal injury cases although it can also occur in debt recovery cases, placing pressure upon parties who are awaiting the outcome of that litigation in order to settle disputes.

Particularly when a plaintiff is dying or is very ill, it is appropriate to order the urgent hearing for trial by a judge sitting alone, given the greater flexibility of this mode of trial and the judge's ability to adjourn the

case from time to time. The choice of jury trial by one party has an impact on litigation costs because jury trials are substantially longer and are more costly to the parties—and, indeed, to the public—than are non-jury trials. Arguably, civil juries also compound further the problems associated with delays in our legal system. Another relevant consideration is that jurors in civil trials suffer monetary loss and inconvenience when compelled to adjudicate disputes between private parties. In effect, litigants are imposing upon individual members of the public to resolve private controversies. They are permitted to do that without having to demonstrate that the jury trial will bring public benefit in terms of enhanced administration and delivery of justice.

In assessing damages, juries cannot refer to awards in similar cases. By contrast, a judge has the benefit of his or her experience. The jury deliberation process is secret, and appellate courts are reluctant to interfere with jury verdicts and awards of damages unless perversity can be established. A judge sitting alone must disclose the reasoning process behind his or her decision on questions of liability and quantum of damages. This provides greater scope for openness and transparency. One argument against the present dual system is that the available extent of judicial review is in part determined by the mode of trial. There are overwhelming advantages—both for litigants and for the justice system generally—in bringing civil proceedings before a judge sitting alone.

Civil juries, however, may still have a role in quasi-criminal matters, such as civil fraud, defamation, false imprisonment and malicious prosecution or perhaps even professional negligence. It is appropriate to retain an element of public participation in rare instances that involve basic civil liberties and where an adverse finding may cause one party to become morally tainted. For the most part, however, civil juries are an anachronism and, in my view, it is time to review their use.

### AGE OF CONSENT

**The Hon. DON HARWIN** [6.33 p.m.]: Since the Parliament rose in July the Western Australian Government announced that it will overhaul legislation and replace discriminatory provisions relating to homosexual sexual acts with a new provision that is non-discriminatory. The provision will provide for an age of consent of 16 years, regardless of gender and sexual orientation. If that legislation is passed—and that is viewed as likely—New South Wales will be the only Australian State that has a discriminatory age of consent. Western Australia will join Queensland, Victoria and Tasmania, which all have non-discriminatory ages of consent of 16 years. South Australia and Victoria also have uniform non-discriminatory ages of consent at the higher age of 17 years.

It is a matter of record that the final report of the Wood royal commission, which extensively reviewed paedophile activity in New South Wales, concluded that there was no reason to "perpetuate the distinction between consensual heterosexual and homosexual activity". An article in the *Sydney Star Observer* during August contained a report of a meeting between the New South Wales Attorney General and the Gay and Lesbian Rights Lobby co-conveners, Alex Sosnov and Anthony Schembri. The article reports that the issue of age of consent laws was raised but that the Attorney "made it clear that changing age of consent laws would not be supported nor, indeed, be on the agenda at this time". Later in the article Sosnov observed that the fact that New South Wales is into "the second half of a political cycle" means that the Government will not progress reform. In fact, no government of either persuasion has ever proposed legislation on this matter, including the present Government.

It is now almost two years since the House considered the private member's legislation of the Hon. Jan Burnswoods that had the purpose of equalising the age of consent and removing discriminatory provisions. Honourable members will recall that on the previous occasion, the House narrowly voted against going into Committee to consider the bill in detail, including considering amendments that might have enabled the bill to be passed. As I said then, having a discriminatory law that states that young gay men are to be treated differently from everyone else has the effect of legitimising the actions of those who stigmatise young gay men and, sadly, those who use violence against them. It complicates the efforts of those who try to work against discrimination and homophobic violence, and against discrimination concerning health problems that particularly affect young gay men.

During debate in 1999 I referred to American research on some of the problems faced by young gay men. Since then, a Latrobe University study has added to what we know by producing a survey that shows that because of social isolation faced by young gay men, they are twice as likely to engage in binge drinking and are four times more likely than other people to experiment with drugs. It ought to be fairly obvious that there is no physiological link between sexual orientation and drug or alcohol abuse. My point is that social isolation—the



real problem for young gay men—is reinforced and in some eyes legitimised by ongoing legislative discrimination evidenced by the lack of a uniform age of consent in this nation. Having the law state that a person is different from everyone else psychologically scars young gay men in New South Wales.

There is no good reason for New South Wales to lag behind other States in reform of the age of consent. It disappoints me that the report in the *Sydney Star Observer* reveals no greater interest in this issue on the part of the current Attorney General than was shown by his predecessor. During the current term of the Parliament, legislation relating to de facto relationships and superannuation that has discriminated against gays and lesbians has been addressed. Legislation concerning each matter was passed by a substantial margin. I call on all sitting members to look at ways in which reform with regard to the age of consent can be addressed. I believe that a Government bill would pass. It would have my support.

The issue of the age of consent is complex and the need to ensure appropriate child protection measures is vital. Debate on the bill introduced by the Hon. Jan Burnswoods demonstrated diverse views on a more appropriate age of consent, so perhaps a parliamentary committee could receive a reference from the Government as a way forward. Regardless, it is simply not good enough to put this issue in the too-hard basket for the balance of the political cycle. This is an area in which real damage has been caused to young Australians by virtue of parliamentary inaction. I urge all honourable members to reflect upon this problem and work towards its resolution.

### AUSTRALIA-ISLAM RELATIONS

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS** [6.38 p.m.]: I wish to discuss the horror of what happened to the international community last week. Not only were innocent American citizens the victims of a cowardly and senseless attack, thousands of people from other nations also were victims—not only Australians, but people from Pakistan and Bangladesh. My sympathies extend to the families of all the victims. However, last week's terrorist attacks on the United States must not be an excuse for racism in Australia. All Australians should be horrified that threats are being made against local Muslims and mosques.

The tragic consequences of terrorism in the USA must not be an excuse for racist attacks and threats in Australia. I call on all fair-minded Australians to speak out against the small number of bigots in our midst. People can be judged on their actions toward a minority. While the attacks in the United States were cowardly deeds perpetrated by extremists, it is beyond comprehension that Australian citizens who are followers of Islam should be made to share the blame. Australia is a multicultural society and has been the envy of the world. We must maintain that status and reputation. The grief that we share must not ruin reason. Any military response must be proportional and well targeted against the actual organisations that support international terrorists. Random attacks on Afghanistan would be tantamount to terrorism itself.

Australian military assistance under the ANZUS Treaty does not mean an open-ended commitment of troops outside United Nations mandated action. As we are neighbours with the world's largest Islamic nation, we must also factor in our regional security interests. It is easy for the United States to make demands of us as an ally in the Asia-Pacific. However, we live here, and any regional fallout would be on our backdoor. We have a tradition of hurrying off to fight other people's wars. After the boycott of Iran, the United States announced the end of the boycott on food by announcing the approval of wheat sales in our markets.

It is time for us to reflect on how we engage with Islam. It is truly a clash of civilisations. Christianity and Islam fought a series of crusades, which were wars, 1,000 years ago. Richard the Lionheart comes to mind. Now the United States is again talking about a "crusade" against terrorism. I wonder if the United States understands the significance of the word. Is this to be a major clash of religions as it was 1,000 years ago, or is it merely a word that the United States is using to try to rid the world of terrorist activities? Some of us support the separation of church and State. The French Revolution was fought over this. The United Kingdom, the United States and Australia are less thorough than the French. We say the Lord's Prayer, but in theory we still have separation of church and State. The Muslim world does not; it has Islam as part of the State. A book written by Bernard Lewis entitled *The Middle East—A Brief History of the Last 2,000 Years* contains the following excerpt:

Another positive obligation prescribed by the jurists and theologians is that of *jihad*. This is an obligation of the community as a whole in offence, of every individual Muslim in defence. The term '*jihad*', conventionally translated 'holy war', has the literal meaning of striving, more specifically, in the Qur'anic phrase 'striving in the path of God' (*fi sabil Allah*). Some Muslim theologians, particularly in more modern times, have interpreted the duty of 'striving in the path of God' in a spiritual and moral sense. The overwhelming majority of early authorities, however, citing relevant passages in the Qur'an and in the tradition, discuss *jihad* in military terms. Virtually every manual of *shari'a* law has a chapter on *jihad*, which regulates in minute detail

such matters as the opening, conduct, interruption and cessation of hostilities, and the allocation and division of booty. Fighters in the holy war are enjoined not to kill women and children unless they attack first, not to torture or mutilate prisoners, to give fair warning of a resumption of hostilities, and to honour agreements. The Holy Laws required good treatment of non-combatants, but also accorded the victors extensive rights over the property and also the persons and families of the vanquished. These could be reduced to slavery and, for females, concubinage.

The question must be asked: What does "crusade" mean and what does a "holy war" mean? We certainly do not want to trigger either of them. Australia is in a Muslim area. Indonesia spread into the void left with the collapse of the Dutch empire, and it has problems when it has gone into Melanesian areas, ex Portuguese territories and other areas where there is no historic and ethnic kinship. The Philippines has the southern island of Mindanao, which remains very much Muslim and is not well integrated with the remainder of the Philippines, which is Christian. Australia is a successful multicultural society. We have succeeded, and we need to continue with this endeavour. We must not go back to the 1950s Anglo dominance and superiority. Unfortunately, in the last few days, by following an American example we are showing worrying tendencies.

### EMPLOYEE ENTITLEMENTS

**The Hon. PETER PRIMROSE** [6.43 p.m.]: In the light of the recent collapse of Ansett, HIH, One.Tel and others, it is very clear that size does not matter. Any company can collapse and in its wake leave economic ruin and personal tragedy for its employees when they are robbed of their accrued entitlements. Even the Federal Government now acknowledges that its Employee Entitlement Support Scheme does not work and needs to be overhauled. But what do workers do in the meantime? They have given up waiting for the Federal Government. The Manufacturing Workers Union has taken the initiative to establish an industry trust fund—Manusafe—which will allow workers entitlements to be deposited as they accrue, so that they are safe for workers, rather than being just an interest-free loan for failing companies. Even this basic right to their entitlements does not come easily to workers. Like everything else that workers have gained, protection of their entitlements only comes after struggle. Workers at Maintrain and Tri-Star are testimony to the value that workers place on protection of their entitlements.

There is now another example of workers struggling, prepared to give up their income and stay on the picket line 24 hours a day, seven days a week, for the sake of security for their families. More than 100 workers, members of the Australian Manufacturing Workers Union [AMWU] and the Liquor, Hospitality and Miscellaneous Workers Union [LHMU] who work for the multinational Taubmans Paints at Villawood are now entering their seventh week on a picket. Their cause is the protection of their entitlements, casualisation of their industry and equal wages with other workers in the industry. Management at Taubmans has gone to extraordinary lengths to force these workers into submission. They have tried every means to intimidate the workers. They have brought in trucks and scabs wearing balaclavas, in the middle of the night. They have resorted to a gang of dictaphone-wielding lawyers planted around the picket line in an attempt to record some form of seditious comment, and they have, of course, resorted to the use of our courts.

There have even been bomb threats at the site, although the source of these is still under investigation by police. In one episode, resembling a scene from *Blackadder*, the company's own solicitors accidentally made an application with the Australian Securities and Investments Commission [ASIC] to wind up their own company. The one thing that the management of Taubmans has not done is to negotiate with its employees in good faith. Management has refused to even acknowledge the workers' very just concerns about their entitlements. None of these puerile attempts at intimidation has affected the commitment or resolve of the workers, who have remained at the picket line and continued to behave with dignity and discipline.

Protection of workers entitlements is far too serious to leave to the managers of Taubmans, Ansett, HIH or One.Tel. Protection of workers entitlements is a matter of Federal legislation so that unscrupulous and shonky company directors can be held to account. These people must face serious and personal legal sanction if they fail to honour their responsibilities to their employees. Today, the establishment of industry trust funds is the only secure means to secure 100 per cent of workers entitlements and guarantee portability. Tragically for the workers at Ansett, it is too late. The workers at Taubmans, Maintrain and Tri-Star are part of an historic struggle by unions for the right to financial security for workers and their families. They deserve the support and respect of every member of this House.

### DEATH OF Mr EDISON BERRIO

**Ms LEE RHIANNON** [6.47 p.m.]: I draw the attention of members to a vigil held last week in memory of Mr Edison Berrio, a popular member of the inner-city community of Woolloomooloo who was slain

just over a year ago by an assailant armed with a self-loading pistol. Edison was only 22 years old when, returning home from a counter meal at the Kauri Hotel, the car he was driving was surrounded by six armed attackers at the corner of King Street and Castlereagh Street. The killer left his vehicle, drew a pistol, ran to the driver's side window, and aimed and fired, fatally shooting Edison Berrio as he sat in the driver's seat.

On 24 August this year a Sydney magistrate found that Edison's death had been an accident and dropped all charges against the gunman. Initially the person was charged with murder. Friends and family were understandably outraged. Amid scenes reminiscent of New York's Amadou Diallo murder trial, two young men were arrested outside the court for affray and offensive language. Edison Berrio was killed with a Glock pistol and his killer was a New South Wales police constable. If Edison's death was indeed an accident, he joins Constable Matthew Potter of Eagle Vale as the second person in less than a year to be killed by a Glock pistol accidentally fired by a New South Wales police officer. If Edison's death was other than an accident, he joins Jim Hallinan of Tumut and Rayden Stephens of Bondi as the third person in less than a year to die from irresponsible and excessive use of New South Wales police firepower. No-one has ever been convicted for any of these killings.

New South Wales police have fed untrue stories to the press that Mr Berrio stole cars to support a heroin habit. They also issued a media release falsely claiming that shortly before Mr Berrio was killed police radio operators had incorrectly warned that he was armed and dangerous. The needless death of this young man and the trauma suffered by his companion were bad enough. However, according to information received by the Greens, police have engaged in behaviour which adds insult to the injuries they have dealt the Woolloomooloo community. I have received a number of reports that police have threatened other young people in Woolloomooloo with the same fate as Edison. Not satisfied with taking Edison Berrio's life, New South Wales police have now set out to destroy his reputation and terrorise his community into silence.

Last week at the vigil a local doctor spoke of her concern about what is happening to young people, in particular, in her community. Reports have also reached the Greens that the young constable who killed Edison Berrio had been put under unreasonable pressure in the days before the shooting. Although insisting that he was too sick to work, he said a very senior officer had pressured him into returning to active duty, with fatal consequences for Mr Berrio. Considering the law and order obsession of the Government, it may surprise some honourable members that there are victims like Mr Berrio of various serious crime in New South Wales who do not receive the attention and sympathy of the media and Government. When offenders walk free in these cases no-one attacks judicial independence or holds private meetings with the Chief Justice demanding guideline judgments and stiffer penalties. On behalf of the Greens I extend sympathy and support to the family and friends of Mr Edison Berrio, many of whom gathered last week to commemorate his death. I have a particular sadness about this case because although I had never met him, Mr Berrio had very similar interests to those of my eldest son, who is the same age and shares similar music interests, activities and friends as Mr Berrio.

### **MARTIN PLACE PEACE GATHERING**

**The Hon. IAN COHEN** [6.52 p.m.]: In the few minutes remaining I wish to comment on a gathering I attended in the past hour in Martin Place. A group of people, mainly from the Nature Conservation Council, put out the word asking those who felt that the world was moving toward a precipice and that some attitudes that are being expressed are in the opposite direction from that which the majority of the community feel strongly about should gather at the amphitheatre in Martin Place. No speeches were made at the gathering. Those who attended were of no specific denomination; it was a gathering by candlelight. Flowers were handed out. It was a very quiet and peaceful gathering. There were churchmen and a number of politicians present. A significant number of people, many of them my friends, gathered together in a very tranquil setting.

The world is moving toward war. Much emphasis is being placed on acts of revenge and the crusade referred to by the President of the United States of America. There have been comments such as "Wanted Dead or Alive". It is unnerving that a politician's popularity can increase so greatly over a short period under the threat of war and the in the light of understandable security concerns that many people in this society feel. Nevertheless there is an alternative, and tonight's gathering expressed that alternative in a quiet eloquence that I hope in some way permeates the ideas and ideals of the greater society. People believe there is an alternative to war, that peace can prevail. If but a fraction of the funds that will be poured into the war effort in the near future were to be spent on restructuring the lives and lifting the spirits and the wellbeing of people in many of these countries that are hotbeds of fanaticism, we really could find a better way.

We have not learnt from our mistakes in the twentieth century. The following words of Bertrand Russell have been ringing in my ears in recent times: From history man has learnt that man has not learnt from history. I hope that in the twenty-first century we can sidestep that conundrum and assess what is best for the people of the world so that we can cut the cycle of violence, terror, counter terror and state violence as a reaction to the atrocities that we have witnessed in recent times.

*[Time for debate expired.]*

**Motion agreed to.**

**House adjourned at 6.54 p.m.**

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