

# LEGISLATIVE COUNCIL

Wednesday 13 November 2002

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

**The President** offered the Prayers.

## WATER MANAGEMENT AMENDMENT BILL

## PAWNBROKERS AND SECOND-HAND DEALERS AMENDMENT BILL

## BUSINESS NAMES BILL

## STRATA SCHEMES MANAGEMENT AMENDMENT BILL

## ELECTION FUNDING AMENDMENT BILL

## CRIMES AMENDMENT (SCHOOL PROTECTION) 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 readings of the bills be set down as orders of the day for a later hour of the sitting.

**Bills read a first time.**

## BILLS UNPROCLAIMED

**The Hon. Michael Costa**, pursuant to sessional orders, tabled a list of all legislation not proclaimed 90 calendar days after assent as at 12 November 2002.

## TABLING OF PAPERS

**The Hon. Michael Costa** tabled the following papers:

- (1) Annual Reports (Departments) Act 1985—Attorney General's Department report for year ended 30 June 2002
- (2) Annual Reports (Statutory Bodies) Act 1984—
  - (a) Reports for year ended 30 June 2002:
    - Resource NSW
    - Public Trustee
    - Jenolan Caves Reserve Trust
- (3) Legal Profession Act 1987—
  - (a) Reports for year ended 30 June 2002:
    - Bar Association
    - Law Society of New South Wales
    - Professional Standards Department of the Law Society of New South Wales
    - Report of Committees of the Law Society of New South Wales
- (4) Listening Devices Act 1984—Report of Attorney General under section 23 of the Act for year ended 31 December 2001
- (5) Professional Standards Act 1994—Report of Professional Standards Council for year ended 30 June 2002

**Ordered to be printed.**

## STANDING COMMITTEE ON LAW AND JUSTICE

### Report: Child Sexual Assault Prosecutions

The Hon. Ron Dyer, as Chairman, tabled report No. 22 of the committee, entitled "Report on Child Sexual Assault Prosecutions", dated November 2002.

**Ordered to be printed.**

**The Hon. RON DYER** [11.08 a.m.]: I move:

That the House take note of the report.

**Debate adjourned on motion by the Hon. Ron Dyer.**

## PETITIONS

### Genetic Engineering Freeze

Petition praying that the Government will legislate for a five-year freeze on the release into the environment of genetically engineered organisms and imports of genetically engineered foods, received from **Ms Lee Rhiannon**.

## WORKERS COMPENSATION LEGISLATION COMPLIANCE FUNDING

**The PRESIDENT:** I report the receipt of the following message from the Legislative Assembly:

MADAM PRESIDENT

The Legislative Assembly desires to inform the Legislative Council that it has this day agreed to the following resolution:

That in accordance with section 42B (4) of the Workplace Injury Management and Workers Compensation Act 1988, this House approves funds being provided for an additional period of 2 years to fund the provision of claims assistance by organisations representing employers or employees to help them assist their members understand and comply with the new workers compensation and occupational health and safety legislation.

Legislative Assembly  
13 November 2002

JOHN MURRAY  
Speaker

## FOOD ACT 1989: DISALLOWANCE OF FOOD AMENDMENT (MSG) REGULATION 2002

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

**The House divided.**

### Ayes, 21

Mr Breen	Mr R. S. L. Jones	Mr Samios
Dr Chesterfield-Evans	Mr Lynn	Mrs Sham-Ho
Mr Cohen	Reverend Nile	Dr Wong
Mr Corbett	Mrs Pavey	
Mrs Forsythe	Mr Pearce	
Miss Gardiner	Dr Pezzutti	<i>Tellers,</i>
Mr Gay	Ms Rhiannon	Mr Colless
Mr M. I. Jones	Mr Ryan	Mr Jobling

### Noes, 15

Ms Burnswoods	Mr Kelly	Mr West
Mr Costa	Mr Obeid	
Mr Della Bosca	Mr Oldfield	
Mr Dyer	Ms Tebbutt	<i>Tellers,</i>
Mr Egan	Mr Tingle	Ms Fazio
Mr Hatzistergos	Mr Tsang	Mr Primrose

**Pairs**

Mr Gallacher  
Mr Harwin

Mr Macdonald  
Ms Saffin

**Question resolved in the affirmative.****Precedence agreed to.**

**The Hon. Dr PETER WONG** [11.25 a.m.]: I move:

That under section 41 (1) of the Interpretation Act 1987, this House disallows the Food Amendment (MSG) Regulation 2002 published in *Government Gazette* No. 201, dated 1 November 2002, page 9312, and tabled in this House on 12 November 2002.

About two weeks ago this House debated the Food Bill 2002. Honourable members also debated an amendment to clause 141, which, interestingly, gives the Premier and the Minister for Health the power to modify the food code. Half the time during that debate members—including the Parliamentary Secretary, the Hon. Ian Macdonald, who is not in the Chamber—spoke about MSG. I believe that the Premier has an incurable obsession with MSG, even after being presented with unanimous scientific facts. Scientists are funny people—no doubt the Hon. Dr Arthur Chesterfield-Evans and the Hon. Dr Brian Pezzutti would agree with me on this point—in the sense that they often try to prove each other wrong, and they often succeed. But not on the issue of MSG. Scientists think MSG is safe and need not be regulated. At most, MSG causes minor flushing in some people, and even then the symptoms are subjective and may not be true. Double-blind studies conducted throughout the world reaffirm that MSG does not cause any severe reactions—contrary to what was claimed in the Government's media release. During debate in this place Reverend the Hon. Fred Nile referred to the amendment that I had foreshadowed to clause 141, and said:

In principle, we support the amendment foreshadowed by the Hon. Dr Peter Wong. The amendment will put the onus on the Commonwealth food authority to make a decision about MSG or any similar ingredient ... Surely MSG should not be banned in New South Wales and restaurant owners in this State should not face heavy fines for using it without notification, when similar restrictive policies do not apply in Victoria or Queensland. Uniform policies are needed. If the Commonwealth food authority or Food Standards Australia New Zealand, the official body, decided MSG should be restricted, that decision would become a uniform policy and we would have to accept it. But I do not believe it would be helpful to have a policy for New South Wales alone that contradicts the position in the other States.

I thank Reverend the Hon. Fred Nile for those comments. The Government even threatened that night that if honourable members passed my amendment small charities would have to pay to run little food stalls. On this point, the Deputy Leader of the Opposition said:

The scare campaign from the Government is just unbelievable. If these amendments are passed and this Government does not regulate to forgo the \$55 from those charity groups, it is because it is being bloody-minded and spiteful: there would be no other reason. They would be paying back because the Premier did not get his way.

How right he was. The Premier did not get his way that night: a division was called and the Government lost by 22 votes to 15. This House has spoken: upper House members support good laws and we will not tolerate bad laws. That is our duty, and to do anything else would mean that we are just as intolerant and irrational as Bob Carr. Within days the Government gazetted the Food Amendment (MSG) Regulation 2002 under the Food Act 1989. I draw the attention of honourable members to that point. Why? Will someone tell me the answers? The Government issued a media release against scaremongering, which stated:

A minority of people can react severely to the cumulative effect of MSG in their food.

That is totally untrue. It does not cause a severe reaction, as mentioned by Food Standards Australia and New Zealand [FSANZ]. MSG does not have a cumulative effect. Furthermore, the media release stated:

The Government is committed to working with the restaurant industry and other industry groups, including the Chinese Cooking Fraternity Association and Chinatown Chamber of Commerce, to ensure this new requirement is implemented smoothly.

Subsequently, the Chinese Australian Forum, the president of the Chinatown Chamber of Commerce and the president of the Chinese Cooking Fraternity Association organised a seminar at Parramatta Tingha Restaurant. The Premier's Department and the office of Craig Knowles were contacted but they would not attend. That is the degree of consultation with the Chinese community and Chinese restaurant owners. Furthermore, Mr Ricky Char, a prominent Chinese restaurateur, was invited to Parliament House on the pretext of a luncheon with the Minister. He did not know why he was invited. He was upset that he had been ambushed. Mr Ricky Char agreed on a statement as follows:

I support them to seek advice and to take actions to redress a discrimination and bias against us in the regulation of MSG by the NSW Government.

I assert to the following points:

- The Food Standards Australia and New Zealand has rejected the NSW Government's submission to regulate MSG.
- Scientific advice is clear that MSG is safe and does not need to be regulated.
- The NSW Government has blatantly breached an inter-government agreement, which Bob Carr has signed on our behalf.
- International experts have confirmed MSG does not cause severe reactions.
- Labels such as "MSG May Have Been Added" does not exclude any other MSG in food served by restaurants and therefore both deceiving and meaningless.
- "No Added MSG" labels can be misleading and subject restaurant owners to legal action by customers.
- The Regulation is unscientific, illogical, irrational and discriminatory.

As a good citizen, I am obliged to obey the laws of this State. However, I believe this is a bad law targeted mostly on Asian restaurants, because many sauces and food enhancing agents, such as tomato sauce, cheese products, pre-mixed flavoured powders, which contained high amount of MSG, but were added at manufacturing, need not be declared.

I believe Australians are fair and just and I seek your support to fight against discriminatory regulation.

Hundreds of people have signed this petition, which confirms my point. Ricky Cha says that he was conned by this Government—how low can the Government go? I have received other letters that confirm what I have said. A letter from Dr Leonard Tarasoff is headed, "Discriminatory Effects of MSG Legislation". He said that many foods contain MSG and that many restaurants use MSG. However, what the Government did is discriminatory. I also received a letter from Restaurant and Catering New South Wales which stated:

The MSG Regulations are outside the agreement for uniform standards throughout Australia and New Zealand and are not based in science as assessed by Food Standards Australia New Zealand.

The Restaurant and Catering Association also wrote to the Chinese Australian Forum and stated that the assessment process undertaken by FSANZ is an important part of the food regulatory environment. The association said that the process is enshrined in the Food Regulatory Agreement which was agreed to by all stakeholders, including Restaurant and Catering Australia, as providing a fair and democratic framework in which to regulate our industry. The Restaurant and Catering Association was also conned. It had a meeting with the Minister and was given less than four hours notice to support him. Club New South Wales says that it was concerned about the compliance regulation. Club New South Wales agreed with the recommendation of Food Standards Australia New Zealand that the most proven method of addressing the medical symptoms associated with MSG will be through a public education campaign to advise the potential effects of MSG and to encourage members of the public who believe they have sensitivity to a substance to ask whether the food outlet has added MSG in the preparation of their meal.

This debate stems from an announcement by Craig Knowles. Since then it has got bigger and bigger. The Premier will not back down. Further, to add insult to injury, the grammar on one sample label is incorrect. Maybe it is intended to appease our Asian community's preference for Chinglish, as it calls it. I take this opportunity to show how ridiculous it is. This is the first time in the history of this Parliament I have launched a new product. It is called "Premier Taste Enhancer". It says, "Take it with a grain of salt." The ingredients are 99 per cent MSG and 1 per cent salt. The logo says, "Two million ethnics can't be wrong." It says, "The Premier Taste Enhancer contains a very high level of MSG but it can be safely used by all ethnic restaurants without a Health Department label. "MSG may be heavily added." The product instruction is clearly written in Chinglish to fulfil the NSW Health English standard. As a pre-mix preparation it is not added MSG and a big serve can be given to Bob Carr with a warning, "This product may give the Labor Party headaches or produce an epileptic shock for some of the members of the lower House." Interestingly, that is totally legal. That is how ridiculous and crazy Bob Carr is if he persists with this line.

Rather than embrace a statewide community and the finding of FSANZ, the Government went against it. Everybody asks me why, including many members of the Australian Labor Party. I have no idea. I remind honourable members that we are already a signatory to the Food Standards Australia New Zealand and as such promise to obey the law. We do not need a single food regulator, totally unscientific, in the name of Bob Carr. It is illogical, unethical and underhanded to discard respected recommendations when they do not suit the agenda

at hand. Our Premier does exactly that by ignoring the opinion of FSANZ that there is no proven danger in consuming MSG. He is ignoring the finding of prominent local scientists and medical practitioners who have found no danger with MSG. He is disregarding the opinion of well-known international organisations such as the World Health Organisation, the European Common Market, and the United Nations Food and Agriculture Organisation. He is doing that to avoid a failure in his personal obsession. The Hon. Ian Macdonald has said to me, "What is your problem? What is the problem with Chinese restaurant owners about a tiny little label? It is so tiny one can hardly see it."

**The Hon. Dr Brian Pezzutti:** It has to be prominently displayed, according to the regulations.

**The Hon. Dr PETER WONG:** I shall deal with the reference by the Hon. Ian Macdonald to this tiny label. I would like to relate to honourable members a story about upholding the principles of justice and fairness. Many years ago when foreigners were in China—the Gwailo—in a little garden beside the Wangpo River in Shanghai was a sign that read, "Chinamen and dogs cannot come in." It was a very small sign in a little garden. But did it mean nothing? We know that most Australians are fair and would not let this type of discrimination go unchecked. I am amazed that this regulation has been introduced. I hope that it will be defeated. The Premier may intend to reintroduce it, but he should think again about this issue. Is he really that intolerant? Some people asked me: Isn't this discrimination? The answer, obviously, is yes. Can the Premier be taken to court on this issue? Not under New South Wales law. Can the Premier be taken to court under Federal law? It is possible. A barrister has told me that the Premier has infringed Federal antidiscrimination legislation. I rest my case.

**The Hon. AMANDA FAZIO** [11.40 a.m.]: At the outset, I must say that once more on a Government business day this House is dealing with a matter that has been brought on simply to take up the time available for Government business. This House has a range of important Government business to deal with. Second, I am disappointed that the House is again debating this issue. On 29 October this House dealt with nothing but this issue from 2.45 p.m. to 9.50 p.m. Nothing has changed since then, except that the Hon. Dr Peter Wong has continued to claim that this is some sort of racist attack on the Asian community. It simply is not.

**The Hon. Dr Brian Pezzutti:** It is.

**The Hon. Dr Peter Wong:** Point of order: Not once did I describe this as a racist attack. The Hon. Dr Brian Pezzutti made that suggestion by way of interjection. In accordance with Standing Order 81, I demand that the Hon. Amanda Fazio withdraw her remark.

**The Hon. AMANDA FAZIO:** If the Hon. Dr Peter Wong did not use the word "racist" in this debate, I certainly withdraw my statement.

**The Hon. Dr Brian Pezzutti:** I did.

**The Hon. AMANDA FAZIO:** I note that the Hon. Dr Brian Pezzutti claims that he used the word "racist". That is an interesting admission from that honourable member because the Hon. Dr Peter Wong showed us during his contribution to this debate a flyer for a new product launch that he had distributed to make a point. The Hon. Dr Brian Pezzutti passed on to all honourable members in the Chamber a flyer that says, "Two million ethnics can't be wrong" and goes on to refer to "product instructions clearly written in Chinglish to fulfil New South Wales Health English standards".

**The Hon. Dr Brian Pezzutti:** That is a health department brochure.

**The Hon. AMANDA FAZIO:** The use by the Hon. Dr Brian Pezzutti of that terminology, no matter what its source, only reaffirms my view that the term applies to him. I turn to the substantive issue in this debate. This is not an attempt to ban MSG. It is not a slur against any variety of restaurants, foodstuffs or anything else. It is a simple matter of consumer choice and consumer protection. This debate has been hijacked by all sorts of bizarre comments. On the last occasion that this issue was debated in this House the Hon. Dr Peter Wong said that Bob Carr is totally un-Australian. What has that got to do with consumer choice? This is about letting people who may have a reaction to MSG, whether by allergy or intolerance, know when they go to any variety of restaurant that MSG has been added to the food. The New South Wales Government, in bringing forward these regulations, was responding to a legitimate public concern about the addition of MSG to food during its preparation in restaurants and other food outlets, although the scientific community has mixed views on this subject.

The Government is not banning MSG. It is letting people know so that they have a choice. People who feel they will have a reaction from eating food that contains MSG have the right to know that fact before

purchasing a meal in a restaurant. In the same way, people who have a peanut allergy have the right to inquire and be told whether there are peanuts in prepared foods, candy bars, biscuits or whatever. People recognise that right and label containers with the message, "This product may contain peanut byproducts", or may have been cooked in peanut oil or whatever. People who have an intolerance or allergic reaction to MSG have the same right to know, particularly when buying in restaurants food that may cause a reaction. In December 2000 the Minister for Health made an application to the Australian New Zealand Food Authority for a variation to the Food Standards Code to require restaurants and other food outlets to notify customers if MSG is added to food during preparation.

NSW Health already has indicated that the New South Wales Government would work with the New South Wales Restaurant and Catering Association to ensure smooth implementation of the regulation. Restaurants and all food outlets will be required to display a sticker either on their menu at the front door or on the counter. It is simply a matter of trying to help people who suffer from an intolerance to MSG to make a choice. If MSG does not bother an individual, it will not be an issue to that individual. The customer will decide whether to have a meal at a restaurant based on the foods it has on offer. NSW Health is preparing an information campaign for both retailers and consumers along the lines suggested by Food Standards Australia New Zealand to accompany the regulation. As I have said, this issue is about choice. It is about people knowing what is in the food that they are buying.

To further clarify the situation, the New South Wales Government will assist the allergy unit at Royal Prince Alfred Hospital and paediatric allergy unit at Westmead Hospital to encourage further research and public education about allergic reactions and food intolerances. Also, \$10,000 has been allocated to the Australian paediatric surveillance unit, based at the Sydney Children's Hospital, for surveillance of severe food allergy in children. NSW Health is awaiting a research proposal from Royal Prince Alfred Hospital's allergy unit for a serious food allergy and intolerance register. As I have said, nobody is talking about banning MSG. Nobody is homing in on any particular section of the food industry. This is simply about letting people who have reactions to MSG know about its presence in food. A minority of people can react severely to the cumulative effect on MSG in their food. Those reactions can include severe headache, migraine and nausea; numbness in the neck, arms and back; irritable bowel syndrome; itchy rashes such as hives; asthma-like symptoms; mood changes; heart palpitations; and disturbed sleep and dreams.

It is a fact that many changes occurring in our environment can lead to people developing an intolerance to chemical substances or food additives. We have often heard the Hon. Alan Corbett address the House about multiple chemical sensitivity. Many people did not even think that could be an issue 10 or 15 years ago. The fact is that we are being introduced to more chemicals in our day-to-day lives. We are eating more processed foods that contain additives. As a result, some people are developing intolerances to things that they encounter in their everyday lives. Many people believe that after they have eaten a meal with a lot of MSG in it they may have adverse reactions. MSG is the only trigger for these reactions that they can find in their meals. If they have such strong reactions, they have the right to know, when they go into a restaurant, whether that restaurant adds MSG to its food.

The Hon. Dr Brian Pezzutti asked whether people have a similar reaction when they eat pizza. Some of them may, which is why pizza restaurants that add MSG at the point of sale will be required to put a sticker on the menu, the counter or the front window. The simple fact is that it applies across the food industry. It will apply across the entire restaurant sector. It is not specific to any cuisine. Although I acknowledge that MSG occurs naturally in some foods and that MSG by itself is not harmful, many people believe that the amount of MSG added by restaurants to food causes them to have a reaction. All they are asking is for the right to know. It is a consumer issue. All these other furrphies that have been floated around do not recognise that this is not an attempt to ban MSG, rather it is an attempt to enable people who have a reaction to MSG, who have an intolerance to MSG added to food in restaurants, to know—buyer beware. At the moment there is no requirement for people to know.

Some people who are allergic to MSG would steer clear of a whole range of types of restaurants. This is about allowing them to have a choice. People have the right to choose in so many other areas of consumer affairs in our community that I fail to see why people are so enraged that consumers purchasing food from restaurants should be able to be informed if a restaurant adds MSG to the food it sells. This is not a campaign against the Chinese food industry. Many other types of restaurants and food outlets add MSG during cooking, and they will also be required to notify customers of that practice. The New South Wales Government is committed to working with the restaurant industry and other industry groups, including the Chinese Cooking Fraternity Association and the Chinatown Chamber of Commerce, to ensure this new requirement is

implemented smoothly. In addition to the regulations, NSW Health will develop and implement an education campaign to inform restaurants and food outlets about the impact of MSG intolerance and their obligations to notify consumers about the use of MSG. The department will also supply restaurants and food outlets with pamphlets. Let us give consumers a choice.

**The Hon. Dr BRIAN PEZZUTTI** [11.50 a.m.]: The Hon. Amanda Fazio is quite right: we debated this matter at length when we dealt with the Food Bill. But I remind her that immediately after the Premier was slapped in the face on that legislation he instantly put out the new regulation. This regulation came after we had rebuffed him. There is absolutely no doubt that this is a political act. Following an international symposium on glutamate, Walker and Lupien published an article on glutamate safety and food supply in Volume 130 of the internationally published *Journal of Nutrition*, which stated:

Because human studies failed to confirm an involvement of MSG in so-called "Chinese Restaurant Syndrome" or other idiosyncratic intolerance, the JECFA [Joint European Commission on Food Additives] allocated an "acceptable daily intake [ADI] not specified" of glutamic acid and its salts. No additional risk to infants was indicated. The Scientific Committee for Food [SCF] of the European Commission reached a similar evaluation in 1991. The conclusion of a subsequent review by the Federation of American Societies for Experimental Biology and the Federal Drug Administration did not discount the existence of sensitive subpopulations but otherwise concurred with the safety evaluation of the JECFA and the SCF.

Glutamic acid is an essential amino acid that is present in 10 per cent of every protein we consume. As cheeses mature they have more and more glutamate in them. As tomatoes ripen they have more and more glutamate in them. If people eat a pizza made the proper way—with parmesan cheese, a highly mature cheese, and very ripe tomatoes—there will be more MSG in the tomatoes—

**The Hon. Amanda Fazio:** Point of order: I would have expected the Hon. Dr Brian Pezzutti to know that when you make a proper pizza you don't use parmesan cheese.

**The PRESIDENT:** Order! There is no point of order.

**The Hon. Dr BRIAN PEZZUTTI:** She is just trying to waste my time. I could expect Burnswoods to do that.

**The PRESIDENT:** Order!

**The Hon. Jan Burnswoods:** Point of order: I ask you to ask the Hon. Dr Brian Pezzutti to refer to members, like myself, not in the form he just did. If I heard his words correctly, they were, "I could expect Burnswoods to do that." His behaviour is a disgrace to this Chamber. His earlier behaviour, in handing around a racist document and not even daring to question whether he was racist, is an absolute disgrace. He should be kicked out of this Chamber. He is sexist. He is racist. He is a disgrace to the Legislative Council.

**The Hon. John Jobling:** To the point of order: The Hon. Jan Burnswoods is now attempting to debate an issue and is no longer speaking to the point of order. She must contain herself to the point of order.

**The PRESIDENT:** Order! I have asked members on previous occasions to refer to one another in a civil fashion. Although I have ruled that members cannot be compelled to refer to other members as "honourable", I ask members to act civilly and refer to each other in a proper manner.

**The Hon. Dr BRIAN PEZZUTTI:** Breast milk has lots of MSG. Obviously, the Hon. Jan Burnswoods is trying to waste my time, but I will not rise to the bait. I attended the meeting referred to by the Hon. Dr Peter Wong. It was very interesting to hear both Dr Katelaris from Westmead and Professor Tarasoff previously from the University of Western Sydney say that it is not possible to be allergic to MSG because it is a natural part of the food chain. If people are allergic to MSG they are allergic to life because every protein, every cell, has MSG in it. If such people could survive on water they would probably survive, but they would be allergic to themselves. If anybody is interested, there are a number of publications—

**The Hon. Amanda Fazio:** No!

**The Hon. Dr BRIAN PEZZUTTI:** I acknowledge the interjection by the Hon. Amanda Fazio—obviously, she is not interested. An article entitled "Monosodium L-Glutamate: a Double-Blind Study and Review" by Tarasoff was printed in volume 31 of *Chemical Toxicology*, which clearly supports what was said at that meeting. For those who think they might be allergic to MSG and have respiratory responses to it, an article in the *Journal of Allergy and Clinical Immunology* in June 1998 said that the effects of monosodium glutamate

on adults with asthma who perceive themselves to have sodium glutamate intolerance highlights the importance of adequate baseline control measures, and concluded that MSG-induced asthma is not demonstrated in the study on people who said they were allergic to MSG. The document does not say a little sign, but a sign prominently displayed at a restaurant in a way that would be noticeable to prospective purchasers. It is not the little sign that Dr Katelaris got from the Department of Health, which has the Department of Health logo and the finest little language. It is precisely what the Hon. Dr Peter Wong says in what he calls Chinglish, because that is what people call it.

**The Hon. Jan Burnswoods:** That's what racists call it.

**The Hon. Henry Tsang:** Point of order: I find the use of that word insulting. When I was a small kid people would call me Chinglish. I find that word insulting and I ask that it be withdrawn.

**The Hon. Dr Peter Wong:** To the point of order: The Hon. Dr Brian Pezzutti is reading from my printing. The Chinese often joke with each other about speaking Chinglish. It is not a defamatory word whatsoever.

**The Hon. Henry Tsang:** To the point of order: The Hon. Dr Brian Pezzutti is not Chinese. His use of it is insulting. It is insulting to me, and I want him to withdraw it.

**The Hon. Dr BRIAN PEZZUTTI:** I accept that.

**The PRESIDENT:** Order! I remind the Hon. Dr Brian Pezzutti that the standing orders are very clear: members must not make imputations against other members of this Chamber. The Hon. Henry Tsang has taken exception to the imputation, and I ask the Hon. Dr Brian Pezzutti to withdraw it.

**The Hon. Dr BRIAN PEZZUTTI:** The Hon. Henry Tsang is clearly upset. I withdraw the word "Chinglish".

**The Hon. Jan Burnswoods:** Point of order: While the Hon. Henry Tsang was speaking to his point of order, I distinctly heard the Hon. Dr Brian Pezzutti say, "What a racist thing to say." For him to accuse the Hon. Henry Tsang of being racist when the Hon. Henry Tsang is objecting to the term "Chinglish" reduces this House to the level of a disgraceful Chamber.

**The Hon. Greg Pearce:** To the point of order: I distinctly heard the Hon. Dr Brian Pezzutti say that the Hon. Henry Tsang's point of order was baseless. He did not use the word "racist". The Hon. Jan Burnswoods should withdraw her imputations against the Hon. Dr Brian Pezzutti.

**The Hon. Michael Egan:** Further to the point of order: I came into the Chamber hoping to calm things down, but I will not allow that complete falsehood to go unchallenged. The comments to which the Hon. Jan Burnswoods has taken exception were clearly and audibly made by the Hon. Dr Brian Pezzutti while he was standing at the table.

**The PRESIDENT:** Order! Very recently I asked members to be civil to one another. Once again I ask members to be polite to other members in the Chamber. Standing Order 81 states clearly that members must not make imputations against other members of Parliament. I ask all honourable members not to contravene that standing order.

**Pursuant to sessional orders business interrupted.**

## QUESTIONS WITHOUT NOTICE

### CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION INDUSTRIAL CAMPAIGN

**The Hon. MICHAEL GALLACHER:** My question without notice is directed to the Minister for Industrial Relations. What action has he taken to investigate potentially illegal industrial action being undertaken by the Construction, Forestry, Mining and Energy Union [CFMEU] on the Sutherland hospital building site, in addition to action being taken at the Wollongong Hospital upgrade and at two Westfield sites in

Bondi Junction and the western suburbs of Sydney, seemingly to further the CFMEU's claim for a 36-hour week? Will he also investigate possible secondary boycotts being undertaken by the New South Wales Plumbers Union and the Electrical Trades Union [ETU] in support of the CFMEU's claim?

**The Hon. JOHN DELLA BOSCA:** Once again, the Leader of the Opposition, who is the shadow Minister for Industrial Relations, has demonstrated a breathtaking lack of knowledge of industrial practice and industrial law. He is asking me to investigate whether secondary boycotts are being undertaken, but anyone could answer his question. All honourable members on the Government side of the Chamber and on the crossbench have sufficient knowledge to know—particularly knowledgeable people sitting behind the Leader of the Opposition, such as the Hon. James Samios—that this is a federation matter. There are laws of the land as they relate to the States and laws of the land as they relate to the Commonwealth. The laws of the land as they relate to Commonwealth industrial relations currently include, and have included over the past 20 years, a concern for secondary boycotts, but that is to be found in the Trade Practices Act which has no effect and no implications for my jurisdiction as Minister for Industrial Relations in New South Wales.

Given that during the election cycle the Leader of the Opposition is the alternative Minister for Industrial Relations in this State, it is very disturbing that he does not understand that basic jurisdictional difference. The first part of his question asked what I have done to investigate particular industrial action.

**The Hon. Michael Gallacher:** Illegal industrial action.

**The Hon. JOHN DELLA BOSCA:** I do not know whether I am supposed to have a crystal ball or how I am supposed to check whether every potential industrial action in this State and elsewhere in the Commonwealth of Australia may or may not be illegal. The fact of the matter is that none of these disputes has been brought to my attention. I will find out for the honourable member whether or not they have been brought to the attention of the Department of Industrial Relations or its director-general by the parties to these disputes, any other parties or individuals. I have not been personally advised of details related to industrial actions. I will be pleased to find out about them and provide information to the House. While we are on the subject of the building and construction industry, the fact that Australia is a federation and that New South Wales is a part of the Commonwealth, I will take the question as an invitation to quickly reflect on a vital issue concerning building and construction industrial relations. In Victoria, there is an industrial relations monopoly for the Commonwealth system.

**The Hon. Michael Gallacher:** Point of order: The question was incredibly specific. It was about potentially illegal industrial action.

**The Hon. John DELLA BOSCA:** Well, it was incredible.

**The Hon. Michael Gallacher:** It was. The Minister is talking about what is happening in Victoria or other States and is comparing that to what is happening at the Federal level, but that goes well beyond the question, which was very specific. The question sought information regarding his actions involving potentially illegal industrial action being undertaken by the CFMEU at a number of specific building sites in the Sydney metropolitan area. The question also sought information on the secondary boycotts issue at those sites. There is no need for the Minister opposite to go further and tell the House what is happening in Victoria, nor is there a need for him to compare that with what is happening at a Federal level. I ask that the Minister take the remaining time to answer the question, or sit down.

**The Hon. JOHN DELLA BOSCA:** I have time only to say that the Leader of the Opposition has his jurisdictions mixed up. I do not have any powers under trade practices legislation. That resides in the Commonwealth jurisdiction.

**The PRESIDENT:** Order! There is no point of order. The Minister was pointing out that the question related to Commonwealth legislation under the Trade Practices Act, and he was further elaborating on the theme. The answer is in order.

#### NEW ENGLAND MINERALS EXPLORATION

**The Hon. HENRY TSANG:** My question is directed to the Minister for Mineral Resources. What has been done to further enhance the exploration potential in the New England area of the State?

**The Hon. EDDIE OBEID:** Last May to June the New South Wales Government spent \$390,000 on an aerial survey of the New England area. The survey was part of the State Government's ongoing \$60 million

commitment to encourage exploration and investment in New South Wales. The information collected has now been released to the minerals industry. The information released covers 6,500 square kilometres of an area that is considered to be underexplored. The area is known to have rocks containing gold, silver, lead, zinc, tin, and gemstones, such as sapphires, emeralds and diamonds. Approximately 60 per cent of the world's sapphires come from this region. The new information has helped to upgrade our understanding of the geology of this important region. It is now hoped that magnetic and radiometric data collected during the survey will encourage companies from anywhere in the world to explore this area.

Geophysical information gathered from this extensive survey will be used to encourage future mineral exploration and geological research in this area. Discoveries of economic mineralisation will be good news for the New England area. It will create new jobs, inject funds into local businesses, and give families greater security. The New South Wales Government is committed to encouraging exploration and investment in the New England area and is also committed to investigating the full potential of our State's mineral resources for the benefit of the whole community.

### **QATAR OLYMPIC TEAM**

**The Hon. DUNCAN GAY:** My question is directed to the Treasurer, Minister for State Development, and Vice-President of the Executive Council as the Minister responsible for Olympic Park and Olympic matters. Is he aware that the former Minister for the Olympics, Michael Knight, who was acting as consultant to the Qatar Olympic team, has had his services discontinued? Is he further aware that the Qatar Olympic team has now appointed another consultant, Mr Sandy Hollway—the man spurned by the Carr Labor Government in the lead-up to the Sydney Olympics? What does this decision say about his Government's shabby treatment of Sandy Hollway by Michael Knight in the lead-up to the Games, and afterward by downgrading his award?

**The Hon. MICHAEL EGAN:** I am not aware of the goings on in relation to the Qatar Olympic team. I know that the former Olympics Minister, Michael Knight, and the former chief executive of the Sydney Organising Committee for the Olympic Games both did a magnificent job in ensuring that Sydney staged the best Games ever.

**The Hon. Duncan Gay:** What about Sandy Hollway?

**The Hon. MICHAEL EGAN:** Sandy Hollway is currently doing a lot of work for me and for the Government, particularly in relation to the Beijing Olympic Games. I do not want to say much more about that, but I am sure that the Hon. Henry Tsang is aware of Sandy Hollway's activities in that regard. I think that will bear great fruit for businesses in New South Wales and Australia. I commend Mr Hollway on the great job that he is doing for us. I have already indicated that Michael Knight did a fantastic job as Minister for the best Olympics ever.

**The Hon. DUNCAN GAY:** I ask a supplementary question. Why is the Government employing Sandy Hollway and not Michael Knight when Michael Knight got the gold medal and Sandy got only a silver medal?

**The Hon. MICHAEL EGAN:** From the nature of Opposition questions today it is clear that Opposition members have other things on their minds.

### **FIREFIGHTERS PUBLIC LAND ACCESS**

**The Hon. MALCOLM JONES:** My question without notice is directed to the Minister for Community Services, representing the Minister for the Environment, and Minister for Emergency Services. Given the current bushfire emergency, will the Minister's department remove all barriers that might prevent egress from fire fronts on public land, thereby assisting fire crews from being trapped?

**The Hon. CARMEL TEBBUTT:** The Minister for the Environment, and Minister for Emergency Services has made a number of statements about the Government's response to the immediate bushfire emergency in New South Wales as well as some of the issues raised in the honourable member's question. Only yesterday the Minister responded in the other place to questions asked by the Opposition and he provided detailed information that addressed some of those issues. I am happy to refer the honourable member's question to the Minister and I undertake to obtain a response.

### **DISABILITY SERVICES**

**The Hon. JAN BURNSWOODS:** My question without notice is directed to the Minister for Community Services, and Minister for Disability Services. Will she tell the House what the New South Wales Government—

**The Hon. Dr Brian Pezzutti:** Point of order. The Hon. Jan Burnswoods asked a question of the Minister without using all her official titles. Madam President, just before question time you referred twice in debate to this important issue. If the Hon. Jan Burnswoods were to read her question carefully and prepared it better she would be able to ask it later. The Hon. Jan Burnswoods must be made aware of the proper procedures involved in asking questions. She should be directed to get those sorts of things right in the future before she asks any questions. I ask you to rule in that way.

**The Hon. Greg Pearce:** To the point of order. I support the point of order taken by the Hon. Dr Brian Pezzutti. The Hon. Jan Burnswoods is a serial offender when it comes to taking points of order that take up the time of honourable members. She must act properly in the House. She should be called to order.

**The PRESIDENT:** Order! My earlier ruling urged members to be polite and civil to each other at all times; it had nothing to do with requiring members to refer to Ministers by their full titles. I will not be so pedantic as to rule out of order questions merely because the Minister to whom the question is directed is not referred to by his or her full title. Of course, my comments are directed at members on both sides of the House, who at times do not refer to other members by their correct titles. However, the member's time for asking the question has expired.

### COMPLEMENTARY MEDICINE

**The Hon. RICHARD JONES:** I ask the Treasurer, representing the Minister for Health, whether a secretive committee headed by Professor Dwyer is conducting a vicious witch-hunt on the complementary medical profession, including homeopathy, which has been used successfully by the royal family for many years and which has been in existence for 200 years. Is a member of that committee acting as an agent provocateur falsely representing herself as a Michelle Trueblood when contacting practitioners and trying to entrap them? Will the Minister stop this witch-hunt and the outrageous activities of this committee member and make sure that this committee is open and accountable?

**The Hon. MICHAEL EGAN:** One of the things that I will miss when the Hon. Richard Jones leaves this Parliament—which is what he has indicated he will do shortly—is the constant conspiracy theories with which he entertains this House. I will certainly take the honourable member's question on notice. It is a pity that he was not here yesterday because his colleague the Hon. Alan Corbett got in early and asked a more intelligently framed question on the same subject. I will refer the Hon. Richard Jones' question to the Minister for Health.

**The Hon. RICHARD JONES:** I ask a supplementary question. Will the Treasurer ask the Minister for Health to stop this committee member falsely representing herself as a Michelle Trueblood and trying to entrap complementary medical practitioners, which is what she is up to?

**The Hon. MICHAEL EGAN:** As I said earlier, the Hon. Richard Jones is famous for his conspiracy theories. He is famous, one might say, for his wackiness, but I actually like wackiness. When he leaves this Parliament I am sure all honourable members will miss him. However, I will treat his question seriously and refer it to the Minister for Health.

### AUSTRALIAN COMPETITION AND CONSUMER COMMISSION APPOINTMENTS

**The Hon. JAMES SAMIOS:** My question without notice is directed to the Treasurer, Minister for State Development, and Vice-President of the Executive Council. Why did it take several letters from the Federal Treasurer to the New South Wales Government before an answer could be provided regarding appointments to the Australian Competition and Consumer Commission [ACCC]?

**The Hon. MICHAEL EGAN:** It did not take several letters.

**The Hon. Patricia Forsythe:** Tom Parry.

**The Hon. MICHAEL EGAN:** Who, by the way, was appointed to his current job by Mr Greiner and he has done an excellent job as Chairman of the Independent Pricing and Regulatory Tribunal during the term of the current Labor Government and the term of the previous Liberal-National Party Government. About 35 days ago the Federal Treasurer announced his proposed appointment of Mr Graeme Samuel as Deputy Chair of the Australian Competition and Consumer Commission.

**The Hon. Duncan Gay:** Don't forget the question in your answer.

**The Hon. MICHAEL EGAN:** I won't. The New South Wales Government responded, both publicly and in writing, to Mr Costello, pointing out that this was not a position that was within the gift of the Commonwealth Government alone. The competition code agreement requires the agreement of the majority of the nine Federal, State and Territory jurisdictions in Australia.

**The Hon. Duncan Gay:** But they did not do that. They sent you letters asking for your nomination and the Premier did not reply.

**The Hon. MICHAEL EGAN:** Come in sucker.

**The Hon. Duncan Gay:** Why don't you answer that instead of spreading this web of deceit?

**The Hon. MICHAEL EGAN:** The letter to which the Deputy Leader of the Opposition is referring was sent in February 2001, which is more than 18 months ago. We responded to that letter by nominating Ms Liza Carver, a former Associate Commissioner of the Trade Practices Commission and the ACCC, as Deputy Chairperson.

**The Hon. Duncan Gay:** After three letters.

**The Hon. MICHAEL EGAN:** No, after one letter. More than 18 months later—in other words, just on a month ago—Mr Costello proposed publicly the appointment of Graeme Samuel to fill the vacant position of Deputy Chair but, effectively, to become the Chairman designate of the ACCC. There was no consultation with any of the States or Territories before Mr Costello did that.

**The Hon. John Della Bosca:** He was silly.

**The Hon. MICHAEL EGAN:** He is a silly man.

**The Hon. Duncan Gay:** Is this a payback for the head pat?

**The Hon. MICHAEL EGAN:** I had forgotten that. Was it Peter Costello who patted me on the head? Since Mr Costello made that appointment, the New South Wales Government has urged the Commonwealth Government, both publicly and privately in writing to Mr Costello, to establish a sensible selection process for filling this vital public office. The chairmanship of the ACCC is one of the most important public offices in Australia, and the selection procedure has to be based on a proper process. The Government has suggested that all jurisdictions sit around a table to work out a proper selection procedure and to canvass possible nominations for that position. I believe that if we do that we can not only establish a proper process but also arrive at a consensus nomination for that position; that is, the nomination of the best available person for that very important job.

### **WORKCOVER ASSIST PROGRAM**

**The Hon. AMANDA FAZIO:** My question is directed to the Minister for Industrial Relations. Will the Minister inform the House about the achievements of the Government's WorkCover Assist Program?

**The Hon. JOHN DELLA BOSCA:** To date 87 industry-specific packages have been produced, including 200 CD-ROMS, nearly 3,000 face-to-face training sessions and more than 8,000 people participating in training schemes. WorkCover Assist has been a success. Honourable members will recall that the Legislative Council supported, without dissent, a two-year extension to that program. During that debate in this House, the Leader of the Opposition said:

The project [WorkCover Assist] is worthwhile and we are happy to support it ...

The Opposition was happy to support it. The Leader of the Opposition also said:

Up to this time, from all accounts, it appears to be working well.

Today in the Legislative Assembly the credibility and authority of the Leader of the Opposition, as shadow Minister, was shredded by his friend the honourable member for Gosford, who referred to WorkCover Assist with words to the effect, "If there is ever a nice little earner, it's this one." He vilified unions, describing one as a "great gravy train grubber." And where was the Leader of the Opposition?

**The Hon. Duncan Gay:** He was here.

**The Hon. JOHN DELLA BOSCA:** No, he was seen standing mute in the gallery, head bowed, ears pink with humiliation. The honourable member for Gosford ignored the recommendation of the Leader of the Opposition when he said:

It is fair to say that there will be pretty much a 50:50 distribution between employer representatives and employee representatives.

When the matter was before the Legislative Council, the Opposition supported it; when the matter went before the Legislative Assembly, the Opposition spoke against it and called a division. It is now question time, but it is the Opposition that has to answer the question: Who is leading the policy debate on industrial relations for the New South Wales Coalition—Tony Abbott, Chris Hartcher or the Leader of the Opposition, whose job it is meant to be?

#### SYDNEY 2002 GAY GAMES

**Reverend the Hon. FRED NILE:** My question without notice is directed to the Treasurer. Is it a fact that the State Government financially propped up the Gay Games 2002, which were held in Sydney last week? What was the total cost of State Government subsidy to the Gay Games, including venues and office space? How many New South Wales Government and parliamentary employees were seconded to the Gay Games before, during and after the Games and at what cost to the State's taxpayers?

**The Hon. MICHAEL EGAN:** It is not true that the Gay Games, which I understand were quite a success, were propped up financially by the New South Wales Government. All along the New South Wales Government made it quite clear that it would not provide any cash assistance, but it did provide in-kind assistance with police and other governmental services that one would expect with a major community event such as the Gay Games. I am not aware of the specific details asked by Reverend the Hon. Fred Nile. I will obtain a response.

#### SYDNEY WATER RESIDENTIAL REFIT PROGRAM

**The Hon. PATRICIA FORSYTHE:** My question without notice is directed to the Treasurer. Will the Treasurer investigate whether the 2000-01 so-called "every drop counts" Sydney Water residential refit program cost Sydney Water nearly \$16 million, not the \$2.5 million its March 2000 media release claimed? Was the cost blowout caused by Sydney Water's failure to bill any of the 122,000 households that took up the offer despite its original intention to offer the so-called "tune up", which its annual report said was valued at \$130, free to low-income participants, and charge all other customers \$22? Is this another job for the Auditor-General?

**The Hon. MICHAEL EGAN:** I am not aware of the matter raised by the Hon. Patricia Forsythe. I will seek advice on it. I would be very concerned if the Opposition is taking a stance against encouraging water conservation. I would have thought that it was a major core responsibility of Sydney Water to encourage consumers to conserve water, particularly at this time. A couple of weeks ago the *Daily Telegraph* published an article about watering the Domain; I thought that was drawing a long bow. Certainly the Government would encourage Sydney Water to take whatever sensible steps it could to encourage people to save water.

#### DISABILITY SERVICES

**The Hon. JAN BURNSWOODS:** My question without notice is directed to the Minister for Disability Services. What is the Government doing to improve the collection of data for the planning of disability services?

**The Hon. CARMEL TEBBUTT:** The Government is spending a record \$854 million this year on disability service provision, which is almost double what was spent in 1995. If we are to make sure that that investment is wisely allocated and spent, we have to improve the way we collect data. Our investment in disability services has boosted the number of service outlets by more than 540, with more than 300 of those being outside the Sydney metropolitan area. On a typical day, some 16,000 people with a disability use specialist disability services. That level of commitment and service requires thorough planning based on good information.

I am pleased to advise the House of an advance in the collection of data that will assist our planning: what is known as the Commonwealth State and Territory Disability Agreement Minimum Data Set. The

redeveloped Commonwealth State and Territory Disability Agreement Minimum Data Set will provide significant benefits to disability service providers and clients throughout New South Wales. I am advised by the Department of Ageing, Disability and Home Care [DADHC] that the data collection, which has been in existence since 1994, is being expanded this year from a census or snapshot approach to a more comprehensive rolling quarterly collection. The data from this collection will allow both the New South Wales and Commonwealth governments to better plan for service delivery in the future as well as have comparable data on actual service delivery.

In order to facilitate this advance, and to ensure that service providers are aware of the importance of the data, DADHC has provided free on-site training to disability services throughout the State. These on-site visits have outlined the significance of the data items to services staff and have provided training on the use of the free software developed to assist the collection. The department is rolling out more than 100 computers, including Internet access, to services that currently do not have the capacity to send data electronically. DADHC has also established four separate helpdesks with 1300 or 1800 numbers to ensure that information technology assistance is immediately available.

If we are to have good data collection, we need to support service providers to assist us to maintain and keep the data up to date; and that is what the department is achieving through these initiatives. The transfer and electronic storage of client records will substantially reduce the department's data entry costs. The services will greatly benefit from not having to duplicate handwritten record data as well as having a sophisticated client record management system.

#### RECREATIONAL FISHING LICENCE EXPENDITURE COMMITTEE

**The Hon. DAVID OLDFIELD:** My question is directed to the Minister for Fisheries. How are members of the New South Wales Recreational Fishing Licence Expenditure Committee selected? What roles do the Director of Fisheries and the Minister play in the selection process? Do committee members receive fees or any other kind of remuneration? If so, will the Minister advise the House of the amounts that committee members receive?

**The Hon. EDDIE OBEID:** The members are selected on a regional basis. They are normally nominated by fishing clubs and other organisations. Committee members are paid a fee but I am not sure exactly how much. I will obtain further advice about exactly how much they receive.

#### HONOURABLE MEMBER FOR PORT MACQUARIE FLIGHT COSTS

**The Hon. MELINDA PAVEY:** My question is directed to the Treasurer, Minister for State Development, and Vice-President of the Executive Council. Now that the honourable member for Port Macquarie has confirmed that his recent trip—with his golf clubs—accompanying the Premier on a charter aircraft paid for by New South Wales taxpayers was for personal purposes, will the Treasurer ensure that Mr Oakeshott pays his share of the charter cost? Is it normal practice for the Premier to allow members of Parliament to travel on taxpayer-funded charter flights on personal business? Can the Treasurer assure the House that the cost of Mr Oakeshott's share of this charter flight will be fully recovered?

**The Hon. MICHAEL EGAN:** The Hon. Melinda Pavey will learn very quickly that as a result of long experience Government members do not take at face value assertions made in questions asked by Opposition members. I will examine the assertions that the honourable member has made.

#### WORKCOVER PREMIUM DISCOUNT SCHEME

**The Hon. JOHN HATZISTERGOS:** My question is addressed to the Special Minister of State, and Minister for Industrial Relations. Will the Minister update the House on WorkCover's Premium Discount Scheme?

**The Hon. JOHN DELLA BOSCA:** I am delighted to take this opportunity to update the House about WorkCover's Premium Discount Scheme. It is a shame that the honourable member for Gosford, the Deputy Leader of the Opposition, who was sitting in the gallery a short time ago, is not present to hear this update. He is obviously very interested in this portfolio area. When I spotted him sitting over there like the Coalition's undertaker, Mr Sowerberry, it occurred to me that the last time I saw him—

**The Hon. Michael Egan:** Who is Mr Sowerberry?

**The Hon. JOHN DELLA BOSCA:** He is the undertaker in *Oliver Twist*. The last time I remember seeing the Deputy Leader of the Opposition in this place—maybe Government members can correct me—with that sombre undertaker's look in his eyes was the day that Mrs Chikarovski resigned as Leader of the Opposition. The Deputy Leader of the Opposition was in here plotting with the Hon. Patricia Forsythe, the Leader of the Opposition in this place and a variety of other personalities working out how to conduct his burial of Mrs Chikarovski. He was conferring with the Hon. Patricia Forsythe.

**The Hon. Michael Egan:** And the Hon. Patricia Forsythe showed good judgment.

**The Hon. JOHN DELLA BOSCA:** So did the Hon. Charlie Lynn. I know whose side Charlie is on. The Hon. Patricia Forsythe would be a good poker player because she is very good at hiding her emotions. Charlie is not very good at that. The New South Wales Government has implemented a comprehensive program to deliver significant improvements in occupational health and safety and injury management. As honourable members will know, WorkCover introduced the Premium Discount Scheme in the middle of last year. The scheme is a practical initiative to help employers achieve world's best practice in workplace health and safety and injury management. Participants in the Premium Discount Scheme can earn discounts of up to 15 per cent on their WorkCover premiums by making their workplaces safer. Under the scheme premium rebates totalling more than \$20 million dollars have already been delivered to more than 860 employers in New South Wales. That means safer working conditions for more than 121,000 New South Wales workers.

I recently had the pleasure of announcing the 15 finalists in WorkCover's inaugural Premium Discount Scheme Awards. These awards recognise the significant improvements in occupational health and safety and injury management by workplaces across the State. The awards, which will be presented in Parramatta later this month, cover three employment categories: large metropolitan, large regional, and small to medium regional. The coveted Employer of the Year Award will go to the overall winner. The finalists represent a range of industries from across the State. They include the CRT Group, a transport company from Guildford; HPM Industries, an electric light manufacturer from Darlinghurst; and Estee Lauder wholesalers in Rosebery.

Other finalists are Marrickville Council; Air International, a manufacturing firm specialising in sheet metal and airconditioning in Huntingwood; Weir Engineering from Somersby; Moree Plains Shire Council; Newcastle's Anglican Care; the Ricegrowers Co-operative in the Riverina; Macquarie Textiles Group, a wool textile manufacturer in Albury; the Tuncurry-based Great Lakes Community Resources, a community services organisation; Woy Woy Community Aged Care, a nursing home and hostel; Ampcontrol, the Tomago arm of a major electrical manufacturer; Forbes Services Memorial Club; and Hunter Nursing Agencies. I congratulate all finalists and wish them well in the Premium Discount Scheme Awards.

#### WORLD TRADE ORGANISATION PROTEST

**Ms LEE RHIANNON:** My question is directed to the Minister for Police. What possible justification is there for banning peaceful protest methods such as walking and holding banners at the World Trade Organisation [WTO] Sydney meeting? Does the Labor Government want to protect Trade Ministers from reading banners critical of WTO policies? Is a banner an offensive weapon? Is walking violent? Does the Minister concede that the heavy-handed policing methods planned for the WTO are counterproductive and designed to discourage people from attending and exercising their legitimate civil rights peacefully?

**The Hon. MICHAEL COSTA:** I am getting sick of Ms Lee Rhiannon leading with her chin but she has once again taken the opportunity to do precisely that. Part of her question could have been reasonably intelligent. I would not have minded explaining what the WTO stands for and giving intelligent critiques of the problems associated with some of the policies of the International Monetary Fund and the World Bank. There are some good critiques in that regard that people should read. But Ms Lee Rhiannon did not ask that question so we cannot go into policy issues.

**The Hon. Duncan Gay:** You wouldn't be able to give an intelligent answer if she did.

**The Hon. MICHAEL COSTA:** I think I would give a good answer. Ms Lee Rhiannon focused on the rabble who are seeking to take control of our streets and to use a legitimate vehicle in our democracy—the right to protest—to carry on in a ratbag manner. I have already outlined to Parliament several times the sorts of people who are associated with WTO protests. They are open about their actions: Their views are on the web site. I have the details in front of me. These same people recommend that protesters purchase metal baseball bats because they are lighter than wooden ones to use against police or to purchase paints "to throw on pigs"—that is

a direct quote from the web site. The list goes on and on. These people have signalled clearly that they are coming to Sydney to cause problems not only for the community but for delegates who will attend the WTO meeting. I understand that those delegates will, for once, discuss issues to do with global poverty and how we can stabilise international trade. They are important issues about which some community elements have important views, many of which are not positive regarding the WTO's actions.

That should be dealt with intelligently. I have not heard Ms Lee Rhiannon say anything intelligent other than to talk about civil disobedience. As honourable members know she has defined civil disobedience very precisely, that is, the right to break laws that she does not agree with. Would Ms Lee Rhiannon explain which laws of this State are oppressive that people have a right to civilly disobey? The fact of the matter is her proposition is that civil disobedience is the way forward because of unjust laws—and that is a legitimate tactic—but Ms Lee Rhiannon has never identified the laws about which people should engage in this sort of action. Is it the law to protest peacefully? Police will permit people to go to a number of venues in the city and protest peacefully but that does not entitle them to run down the streets and cause mayhem, targeting commercial and government businesses and other institutions that they label as being against their ideological views.

Ms Lee Rhiannon has a major problem. She needs to do a number of things. Firstly, she must give the commitment that I ask for: that people associated with the protest will not be involved in violence. She has not given that guarantee. Secondly, I ask Ms Lee Rhiannon to apologise for what the ratbags in the Greens did on Remembrance Day in Victoria, about which she has been silent. She has the hide to constantly accuse our police prospectively of being involved in police brutality. That is a nonsense; she has no evidence to support that claim. She ought to do the right thing and apologise to the groups she has offended. She should take the opportunity tomorrow and on Friday to urge restraint, caution and a peaceful protest.

#### **M5 EAST TUNNEL PARTICULATE MATTER MONITOR INSTALLATION**

**The Hon. Dr BRIAN PEZZUTTI:** My question is directed to the Minister for Mineral Resources, representing the Minister for Transport. Has the Roads and Traffic Authority still not installed a Particulate Matter 10 [PM10] monitor at the portals of the M5 East tunnel to measure ambient air, despite the installation of that device being one of the conditions of consent for the development? Will the PM10 monitor be installed? Why has the Roads and Traffic Authority continued to defy consent conditions by not installing that important piece of equipment?

**The Hon. EDDIE OBEID:** I will seek an answer to this important and detailed question from my colleague in the Legislative Assembly.

#### **SYDNEY TOURISM**

**The Hon. IAN WEST:** My question without notice is addressed to the Treasurer. Will the Treasurer provide information about the latest accolades for the Sydney tourism industry?

**The Hon. MICHAEL EGAN:** I am pleased to advise that the prestigious United States of America magazine *Conde Nast Traveler* has just crowned Sydney as the best foreign city. This latest award is a tribute to the tourism industry and its ability to continue to offer new experiences for the international visitors. The *Conde Nast Traveler* Readers Choice Award has been awarded since 1988 through a random sample survey of the magazine's well travelled subscribers. Sydney was chosen as the world's best city for six consecutive years from 1995 to 2000—

**The Hon. Dr Brian Pezzutti:** Why didn't it win the award in 2001?

**The Hon. MICHAEL EGAN:** Because someone found out that you are here most of the year, but we managed to convince them that you were not a problem. It is a tribute to Sydneysiders and their friendly manner that the city has regained its number one ranking. Honourable members will surely agree that the beauty of our harbour is unsurpassed, the friendliness of our people is second to none, and the quality of our hotels is world class, ensuring Sydney continues to provide excellent value for the international traveller.

**The Hon. Duncan Gay:** That is not what Sandy Hollway would say!

**The Hon. MICHAEL EGAN:** About whom?

**The Hon. Duncan Gay:** Michael Knight and the Government.

**The Hon. MICHAEL EGAN:** I do not know about that. Tourists clearly value the sights, climate, restaurants, multicultural experiences and, above all, our laid-back nature. The *Conte Nast Traveler* accolade has topped a high-profile year for the city, which has won a collection of prestigious tourism awards: In September readers of the United Kingdom *Conde Nast* ranked Sydney the number one city alongside New York, in July the United States *Travel and Leisure* magazine voted Sydney number one, and in May Sydney was judged by the *Observer* newspaper in England as the number one destination. I am proud to hear that an increasing number of discerning international travellers have discovered what a great city Sydney is to visit. I am encouraged that this continuing recognition will bring more and more visitors to Sydney, providing a boost to the local economy and to the tourism industry.

#### NORTHERN BEACHES MENTAL HEALTH SERVICES

**The Hon. HELEN SHAM-HO:** My question without notice is directed to the Treasurer, representing the Minister for Health. I refer to concern expressed by the Northern Beaches Mental Health support group about funding cuts to the extended hours team at the Northern Beaches. Is the Minister aware that because of funding cuts reducing the number of staff, the Northern Beaches extended hours team now operates only between 8.00 a.m. to 10.30 p.m. instead of around the clock, thereby reducing its capacity to conduct any outreach work? Given that 20 per cent of adult Australians experience a mental health illness during their lifetime, and the prevalence of this problem, what measures will the Government take to address this lack of resources in the mental health sector, specifically in this case, and the crisis situation for carers and patients on the northern beaches in relation to the extended hours team?

**The Hon. MICHAEL EGAN:** I will refer this question to the Minister for Health.

#### DROUGHT ASSISTANCE

**The Hon. JENNIFER GARDINER:** My question is to Treasurer. Given the Treasurer's commitment of 23 October that he would ascertain for this House the latest expenditure on the current drought, will he now inform honourable members of the amount that has actually been spent by the New South Wales Government on drought assistance measures? If the Treasurer will not provide the House with this information, does that mean that he is embarrassed by the paucity of the amount actually paid out in drought assistance measures by the Carr Labor Government?

**The Hon. MICHAEL EGAN:** That assertion by the Hon. Jennifer Gardiner is simply absurd. Since 18 July the Government has announced some 31 drought assistance measures.

**The Hon. John Ryan:** Announced!

**The Hon. MICHAEL EGAN:** That is right. I will go through them in some detail for the benefit of the House. But whilst we have been quick off the mark to introduce very practical measures to help farmers and farming communities that have been suffering as a result of this drought, it should be noted that the Federal Government has been sitting on its hands by failing to approve the exceptional circumstances application for drought-affected farmers made by the State Government on 10 September, more than two months ago. It is about time Canberra got the message that drought-affected farmers are hurting. Since 18 July, the New South Wales Government has put in place some 31 drought assistance initiatives which have so far helped 1,500 farmers. By contrast, the Federal Government has failed to fast-track the exceptional circumstances application. Not one cent of exceptional circumstances funding has flowed from Canberra. The only action by the Federal Government has seen just 17 households—

**The Hon. Duncan Gay:** Point of order: The question was specific. It was discrete; it asked what amount the State Government has paid out. The question was not about this Government playing politics and talking about the Federal Government. The question provided an opportunity for the Treasurer to detail how much has been paid. If the Treasurer refuses this opportunity, he will be condemned.

**The PRESIDENT:** Order! The Treasurer was dealing with the question in a fairly general way.

**The Hon. MICHAEL EGAN:** I should also point out that National Party members in this Chamber asked not one question about the drought until they were chided by me. Until I took them to task, they raised the

drought on not one single occasion. The only action by the Federal Government has seen just 17 households—17 in the whole of New South Wales—assisted with a \$170 a week payment from the New Start allowance. In other words, the Federal Government has spent a total of \$2,890 assisting 17 households in the whole of New South Wales. What an appalling record! That is less than \$3,000 in New Start allowances from the Federal Government. That is how seriously Mr Howard and Mr Anderson take the drought in New South Wales—less than \$3,000 expenditure from the Commonwealth Government. [*Time expired.*]

**The Hon. JENNIFER GARDINER:** I ask the Treasurer a supplementary question. Assuming the Treasurer to be suffering from industrial deafness, I give him the benefit of the doubt and ask him to provide the actual figure expended by the New South Wales Government on drought relief. The Treasurer has had since 23 October to come up with a figure.

**The Hon. MICHAEL EGAN:** I thank the Hon. Jennifer Gardner for her supplementary question because it is obvious, as I think she well knows, that the Deputy Prime Minister, John Anderson, has failed to take the message to Federal Cabinet about the effect of the drought on New South Wales. It is time for the Prime Minister to take control and visit drought-stricken farms in this State—something he has not done. My appeal to Mr Howard is not to rely on the Federal Leader of the National Party, because he is not up to it, but to go out and see the effects of the drought for himself. Let me deal with some of the measures that the New South Wales Government has already introduced.

**The Hon. Jennifer Gardiner:** How many dollars?

**The Hon. MICHAEL EGAN:** We will get to the dollars. On 24 October the Government announced a \$1 million donation to provide direct cash assistance to families through the New South Wales Community Disaster Relief Fund. On 10 October, in Condobolin, we appointed two business counsellors to work with drought-affected businesses in the Orana region. On 24 September we set up five new exceptional circumstances teams to prepare exceptional circumstances applications for 22 rural lands protection board districts. On 14 September we announced the removal of the then current 1,500 kilometre restriction on subsidies for the transport of fodder. We also announced that farmers would be eligible for special conservation loans for hay and grain storage facilities. That measure will help farmers to drought prepare their properties. On 10 September, at the Young Farmers Forum in Sydney, we announced we would be lodging exceptional circumstances applications with the Federal Government for the areas of Brewarrina and Bourke.

**The Hon. Duncan Gay:** Point of order—

**The Hon. MICHAEL EGAN:** Madam President, if I have the opportunity, I will take all day to tell the House—

**The PRESIDENT:** Order! The Minister will resume his seat.

**The Hon. Duncan Gay:** The Treasurer has been asked a specific question. How much money has the State Government spent on drought relief? It is not a tricky question. It is not one that should be beyond the gamut of a Treasurer of this State to answer. The question was asked originally by me on 23 October. It has been asked again today by the Hon. Jennifer Gardner, who had to ask a supplementary question to try to get an answer to the question. Despite that, the Treasurer has played politics and attacked the Federal Government. I ask the Treasurer when will he answer the question.

**The PRESIDENT:** Order! The Minister was asked a question about the State's expenditure. He is detailing the State's expenditure at some length. So the answer is in order.

**The Hon. MICHAEL EGAN:** I have a long way to go— [*Time expired.*]

#### STATE CRIME COMMAND

**The Hon. RON DYER:** My question without notice is to the Minister for Police. Is the Minister able to advise the House of the latest information on the State Crime Command?

**The Hon. Patricia Forsythe:** The Minister will possibly take this question on notice, unlike the question asked of him—

**The Hon. MICHAEL COSTA:** I do not take silly questions on notice.

**The Hon. Michael Gallacher:** Tell the people of Woy Woy that theirs was a silly question.

**The Hon. MICHAEL COSTA:** The member who asked the question about Woy Woy had not even been there, and admitted that on that occasion.

**The Hon. Michael Gallacher:** He has been there.

**The Hon. MICHAEL COSTA:** Yes, about 30 years ago, but not last week, when the question was asked. This is an important question about the State Crime Command, which is an organisation recently formed from a merger of crime agencies and the intelligence group within the New South Wales Police Force. One of my priorities as Minister is to introduce greater specialisation in criminal investigation. I think there is general consensus across the community that specialisation in criminal investigation is an important strategy and one that has proved to be effective in dealing with matters under investigation. Commissioner Moroney has also made clear the need for NSW Police to boost specialisation in detective ranks. On 12 February this year I announced a review of crime agencies and the Information and Intelligence Centre as part of the NSW Police restructure.

**The Hon. Michael Gallacher:** I have been screaming for this for years.

**The Hon. MICHAEL COSTA:** I acknowledge the interjection by the Leader of the Opposition as support for the measures the Government is introducing, and I thank him for congratulating the Government on doing that. I think that is what I heard.

**The Hon. Michael Gallacher:** I have been screaming for this for years. Labor has ignored it for years, and that is why crime has got out of control.

**The Hon. MICHAEL COSTA:** Were those congratulations? Thank you.

**The Hon. Michael Gallacher:** I am glad you accept that.

**The Hon. MICHAEL COSTA:** I always accept congratulations on good policy matters. I am glad the Opposition is congratulating us. The review identified the need to more effectively tackle mid- to high-level crime, improve co-ordination between specialist detectives and police at local area command and provide better support for local police. That is why NSW Police has created a single command responsible for tackling major crime categories across the State. The State Crime Command—a merger of crime agencies and the intelligence group—comprises nine specialist quads combining experienced detectives and intelligence analysts.

**The Hon. Michael Gallacher:** This also has been about since 1996, and the Government had it wrong.

**The Hon. MICHAEL COSTA:** Again I acknowledge the Leader of the Opposition congratulating the Government on implementing this policy. It is good to be congratulated on implementing good policy. The nine squads are a Robbery and Serious Crime Squad, a Drugs Crime Squad, a Gangs and Organised Crime Squad, a Motor Vehicle Rebirthing and Property Crime Squad, a Child Protection Squad, a Homicide Squad, a Fraud Squad, a Firearms and Regulated Industries Squad, and a South East Asian Crime Squad. The State Crime Command is headed by Assistant Commissioner Graeme Morgan. It will be responsible for these major crime categories, high-level investigations in those areas and tackling organised crime.

It will also have a critical strategic role in crime reduction across New South Wales at the local level by identifying emerging crime trends and proactively supporting local police with expertise and intelligence. That co-ordination between local area commands and specialist detectives is critical, because repeat offenders commit crimes in various locations across New South Wales. Specialist squads will provide dedicated expertise in major crime categories, and ensure a better exchange of intelligence between local area commanders and experienced investigators. [*Time expired.*]

**The Hon. RON DYER:** I ask a supplementary question. Is the Minister able to elucidate his answer?

**The Hon. MICHAEL COSTA:** As I was saying, specialist—

**The Hon. Michael Gallacher:** What about your comment that this is a waste of time?

**The PRESIDENT:** Order! I call the Leader of the Opposition to order.

**The Hon. MICHAEL COSTA:** I acknowledge the Leader of the Opposition's congratulations on the implementation of this policy. I know it is one that is supported by the community. I am very glad that the Opposition has recognised that we are making great strides in reforming the New South Wales Police Force to deal with community concerns. As I was saying, specialist squads will provide dedicated expertise in these major crime categories, ensure better exchange of intelligence between local area commands and experienced investigators, and co-ordinate and support local area commands in reducing major crime categories.

There has been some reluctance to use the term "squads" because of the legacy of the royal commission. I indicated to the House way back in April that I thought "squads" was an appropriate term, but we should not get caught up on whether it is units, teams or squads. That decision will be made by the police, and it has been made in relation to these entities being referred to as squads. What is more important is what the squad, teams or units do. Clearly, they will focus on major crime categories. We have also introduced a training program for additional detectives. We will have a detective education program in place with 200 additional detectives in that program by July 2002.

**The Hon. Michael Gallacher:** July 2002?

**The Hon. MICHAEL COSTA:** That is right, 200 detectives completed the detectives education program in 2002. Again, I acknowledge the interjection of the Leader of the Opposition as he congratulates us on this matter. Another 237 police began the one-year course in July 2002, and they were followed by another 100 officers in September. I look forward to providing honourable members—[*Time expired.*]

#### **RADOX TELEVISION COMMERCIAL**

**The Hon. JOHN TINGLE:** My question without notice is addressed to the Minister for Police. Is the Minister aware of the television commercial currently being run for the Radox product that features a nubile, naked young woman? Has he seen on television this woman alight from a four-wheel drive somewhere in the outback, shed her clothes, take up a pump-action shotgun that has a pistol grip but no stock, fire holes in a water tank on a stand, then stand under the tank and shower in the water coming through the holes? Since a pump-action shotgun has been a prohibited firearm since 1996 and since the shortened version, without a stock, has always been illegal, is the Minister concerned that this commercial sends the wrong message to impressionable people not only about abuse of prohibited firearms but also about the crime, and it is a crime, of shooting holes in a water tank? Will the Minister seek to have this absurd television commercial removed?

**The Hon. Duncan Gay:** That's a good question

**The Hon. MICHAEL COSTA:** It is a good question. The difficulty I have in answering it is that I have not seen the ad, but I will make arrangements to view it. If it promotes actions that are against the law, we will certainly take whatever steps are necessary to address that matter.

**The Hon. MICHAEL EGAN:** If honourable members have further questions, I suggest they place them on notice.

**Questions without notice concluded.**

#### **DRIVING INSTRUCTORS AMENDMENT BILL**

**Bill received.**

**Motion by the Hon. Michael Egan 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.

**Bill read a first time.**

[*The President left the chair at 1.07 p.m. The House resumed at 2.35 p.m.*]

## DISTINGUISHED VISITORS

**The PRESIDENT:** I draw to the attention of the House the presence in the gallery of a delegation of members of the Seoul Metropolitan Council led by Mr Ju-Ung Park, Chairman of the Steering Committee for Local Government and Local Councillors. The delegation is visiting as part of the sister-State relationship between the State of New South Wales and Seoul. The program focuses on the topic of sustainable environmental management practices and pollution reduction. I extend a warm welcome to our guests on behalf of the Legislative Council.

## WHOOPIING COUGH IMMUNISATION

### Personal Explanation

**The Hon. Dr BRIAN PEZZUTTI,** by leave: Last evening I was delivering a speech in the adjournment debate which had been prepared for me by Miss Nivi Rajadevan. That presentation, which is part of a project she has undertaken during her public policy internship from the university, took a little bit longer than the five minutes allotted, and I sought leave to table the remainder of the speech so that it could be presented in complete form and submitted by her for award. When I sought leave to table the document, the Hon. Jan Burnswoods denied leave. By way of personal explanation, I bring that to the attention of the House because that was a particularly nasty thing to do.

**The Hon. Michael Egan:** That is not a personal explanation. Leave is withdrawn.

**The PRESIDENT:** Order! Leave is withdrawn.

## STANDING COMMITTEE ON SOCIAL ISSUES

### Report: Prevention—Interim Report on Child Protection Services

**Debate resumed from 30 October.**

**The Hon. JAN BURNSWOODS** [2.40 p.m.], in reply: Madam President—

**The Hon. Dr Brian Pezzutti:** Point of order: As a participant in the debate, and knowing that I would be listening to the Hon. Jan Burnswoods' reply, I went through the report but failed to find a list of submissions or the committee's proceedings in the copy that was tabled. It is customary to table with any report a list of submissions and the proceedings. I have obtained the proceedings from the Clerk; they were separate but not bound, and that has been done for very good economic reasons. They are available on request and I have been able to obtain them. However, I note that there has been a departure from the usual way in which reports are presented in that the number of submissions and a list of the names of people who provided submissions used in the report were not included in the report. I wonder whether the report was properly tabled in the first place.

**The PRESIDENT:** Order! I have warned the Hon. Dr Brian Pezzutti on many occasions not to use points of order to make debating points. If the Hon. Dr Brian Pezzutti has concerns about the report, he should move a motion.

**The Hon. Dr Brian Pezzutti:** I did speak, and I said that I thought it was improperly tabled. I am drawing your attention to it because I thought it was improperly tabled.

**The PRESIDENT:** Order! There is no point of order. If the honourable member has concerns, he may move a motion concerning the tabling of the report.

**The Hon. JAN BURNSWOODS:** As I was about to say, I take great pleasure in concluding my reply to the take-note debate on the Standing Committee on Social Issues interim report on child protection services, and shortly I will deal with the significance of it being an interim report. But before doing so, I join with you, Madam President, in welcoming our visitors from Seoul. In particular, I am delighted to see one of their hosts, Reverend Stephen Choi from Eastwood, and other local members of the Korean community, as well as our visitors from Seoul and from other parts of Korea. It is a great pleasure to see them here.

On the last occasion that I contributed briefly to debate on this matter I said that there was a certain amount of misunderstanding about the nature of this report. On 4 September the committee held a meeting to

decide how it would handle the requirement by the Legislative Council to produce an interim report and a final report on 5 December. The decision, which was unanimously arrived at on that occasion, was that the interim report would identify, in catalogue form, various important and serious issues about the performance of the Department of Community Services [DOCS] and, in particular, its performance in relation to child protection issues. Having identified the range of issues that needed to be dealt with, we decided that we would then hold those over until the final report.

**The Hon. Dr Brian Pezzutti:** Point of order: The contribution of the honourable member is boring and repetitious. I draw the honourable member's attention to the fact that she should be replying to the debate on this issue rather than simply going over what she has said before. It is boring and repetitious.

**The PRESIDENT:** Order! There is no point of order. The Hon. Jan Burnswoods may proceed.

**The Hon. JAN BURNSWOODS:** Several honourable members who contributed to debate on this matter referred to the relationship between the interim report and the final report. As I said earlier, the committee unanimously decided—and I remind honourable members that this multipartisan committee included representation from Opposition and crossbench members in the person of the Hon. Dr Arthur Chesterfield-Evans—on the basic structure of its interim report rather than its final report. Committee members further decided that the interim report would focus on the overriding issue, as we saw it, of the need for the community, the Government and the Department of Community Services to move the focus away from an emphasis on the crisis end of child protection to intervening when a child had reached the point where he or she needed to be removed from the family. We urge everyone involved in government and in the public sector to move from that focus on the crisis end of child protection towards a prevention and early intervention focus in an area that is far too important to be trivialised.

**The Hon. Dr Brian Pezzutti:** Point of order: I have spoken in debate on this issue and I have read the committee's terms of reference. There is no reference in the report or in the committee's terms of reference to prevention. The honourable member should speak about the report and about the committee's terms of reference.

**The PRESIDENT:** Order! It is an accepted convention in this House that members may speak in general terms when contributing to debate. Quite often the themes of members' speeches are general in nature, and this practice is adopted regularly by the Hon. Dr Brian Pezzutti in his contributions. There is no point of order. The Hon. Jan Burnswoods may continue.

**The Hon. JAN BURNSWOODS:** Thank you, Madam President. As I was saying, we went to some trouble in this report to focus overwhelmingly on the need to start looking at prevention. We talked about the role of DOCS and about what we defined as secondary prevention. That places a great deal of stress on the network of family support services that, in most cases, do a fantastic job in New South Wales. We also talked about what we defined as the need for primary prevention—the far more basic and population-based services which, at the moment, are perhaps best exemplified by the work of Families First in New South Wales. We also made the deliberate decision to pair this report with our interim report on our inquiry into early intervention for children with learning difficulties by doing both reports on the same day. That is what we did when we tabled these two reports in October.

I refer briefly to the remarks made by those honourable members who took part in this take-note debate. I thank in particular the members of the committee—the Hon. James Samios, the Hon. Dr Arthur Chesterfield-Evans, the Hon. Ian West and the Hon. Amanda Fazio—for their thoughtful contributions to debate and for their excellent work during the course of the inquiry, at the onerous hearings and at the deliberative meeting that was held to discuss the report. I refer also to the late Doug Moppett who took part in this report until his retirement and early death in June, when he was replaced by the Hon. James Samios. I thank all those members for their contributions.

I pay particular tribute to the staff of the social issues committee to whom we, as members, owe a great deal. I thank them for their work on the child protection interim report, the early childhood development report that was paired with it, and for their work on other inquiries being conducted simultaneously by the committee. We are fortunate indeed in having such a wonderful staff. I thank them for the quality of their work, for the conscientious way in which they performed their duties and for the long hours that they worked. I turn now to what I describe as a misunderstanding by some members of this House in the other place about the relationship between the interim report, which we are debating, and the final report, which will be tabled on 5 December. I realise that the Hon. John Ryan, who spoke for the Opposition, made a hurried examination of the committee's report.

**The Hon. Dr Brian Pezzutti:** Point of order: I have listened very carefully, as you instructed me to do, Madam President, to the general remarks of the Hon. Jan Burnswoods. I listened to her comment about my colleague the Hon. John Ryan making a hurried review of her report. I ask you to ask the Hon. Jan Burnswoods to address something close to the terms of reference of the report, which state:

- (a) the adequacy of the systems to receive, investigate and assess reports of children and young people at risk of harm,
- (b) the ability of systems to receive and respond to requests for assistance concerning children, young people and families,
- (c) the availability of appropriate out-of-home care placements for children and young people,
- (d) outcomes for children and young people in out-of-home care.

I have not heard the Hon. Jan Burnswoods say one thing that goes close to those terms of reference.

**The PRESIDENT:** Order! I have continually had to remind the Hon. Dr Brian Pezzutti to not use points of order to make debating points. There is no point of order.

**The Hon. JAN BURNSWOODS:** There are many examples. For example, in speaking to the debate on 23 October the Hon. John Ryan criticised a small section of the report headed "Unallocated Cases". He referred to the section, which indeed left out what he said it left out. Apparently the Hon. John Ryan did not realise that there was another section with a similar heading dealing with unallocated cases, which I earlier described as a catalogue of issues raised with the committee. That section addressed the issues that he said the committee had omitted. I could cite many other examples. The committee realised that it is somewhat difficult to come to grips with this interim report and its relationship with the final report to be tabled on 5 December. However, it may have been more appropriate for the Hon. John Ryan and the Hon. Dr Brian Pezzutti, who have spoken in this debate, to have shown more cognisance of the contents of the report.

**The Hon. Dr Brian Pezzutti:** Point of order: The Hon. Jan Burnswoods said she would table the final report on 5 December. Surely she is anticipating debate on an entirely different matter. I again ask you, Madam President, to draw her attention to the terms of reference of the report that she is addressing.

**The PRESIDENT:** Order! I repeat: it is a convention of this House for members to speak in general terms about the way in which a committee deals with an inquiry. There is no point of order.

**The Hon. JAN BURNSWOODS:** My speech would not have taken so long if it were not for the interjections and points of order taken by the Hon. Dr Brian Pezzutti. All five members of the committee are proud of the way in which the report focused on prevention. Those chapters were adopted unanimously.

**The Hon. Dr Brian Pezzutti:** Point of order: That simply is not true. The Hon. James Samios spoke at length about the dissenting statement in the report, so how could he be described as being happy with it? The member is misleading the House—she does so all the time.

**The PRESIDENT:** Order! I warn the Hon. Dr Brian Pezzutti again to not use points of order as a means to refer to matters that he wishes to raise in debate. There is a time for such matters to be raised. I remind the member also that under the standing orders the Chair may deem a member guilty of wilful and vexatious breaches of the standing orders—and I may do just that.

**The Hon. JAN BURNSWOODS:** The committee of five members unanimously adopted the five chapters of the report. We are particularly proud of chapter 3, headed "Prevention and Child Protection", which was our attempt to try to shift the focus away from crisis and towards prevention. The committee was pleased that the interim report received quite a bit of media and other attention. The Hon. Dr Arthur Chesterfield-Evans said during debate that this shift of focus is, unfortunately, unlikely to receive a great deal of media attention and he gave a couple of examples. One example was that one of these days we might have the delight of seeing a headline "Nurse saves 10,000 babies"—unfortunately that tends not to be the way that the media generally operates. Nevertheless, because there was some criticism of the report, the message that the five committee members and staff set out to get across received more attention than it might normally have received from a media that is more often inclined to focus on bad news stories rather than on good news stories.

**Motion agreed to.**

**STANDING COMMITTEE ON SOCIAL ISSUES****Report: Early Child Development: A Co-ordinated Approach—First Report on Early Intervention for Children with Learning Difficulties**

**Debate resumed from 23 October.**

**The Hon. JAN BURNSWOODS** [2.55 p.m.]: Honourable members would be aware that the Standing Committee on Social Issues is a busy committee, one that asks a great deal of its members. That will be obvious again today or tomorrow, when the committee tables its final report on the long-running inquiry into disability services. Today I have the pleasure of speaking in the take-note debate on the committee's first report on its inquiry into early intervention for children with learning difficulties. The report is entitled "Early Child Development: A Co-ordinated Approach". My comments will be brief, subject to interjections and other obnoxious behaviour from the Opposition. This report was deliberately designed to be brief. It consists of two recommendations, an introductory chapter of four pages and a chapter entitled "A new vision for the early years in NSW", which runs to another eight pages.

This report is short for a number of reasons. One reason is that in March the committee published a comprehensive issues paper and hosted a forum in the Parliamentary Theatre, which committee members viewed as successful. The issues were identified from the submissions and evidence and ranged across the whole gamut of difficulties faced by many families and young children. We gradually realised that the term "learning difficulties" must be defined fairly broadly. The committee's terms of reference were formulated by the Hon. John Aquilina. Although broad, they focused primarily on the way in which learning difficulties manifest themselves in the early years of schooling. The committee was required to examine the ways in which learning difficulties, or potential learning difficulties, might be identified and addressed before a child starts school or in the first few years of school. In that context, the Hon. John Aquilina requested that we focus on the age range from nought to eight years.

The committee soon discovered—I suppose this is fairly obvious to honourable members upon a moment's reflection—that it is difficult to separate the kind of learning difficulty that might be identified by a teacher, principal, school counsellor or someone else involved in the education system from learning difficulties that are defined more broadly. At one stage a witness stated in evidence that poverty is a learning difficulty. Many intrinsic and extrinsic factors tend towards learning difficulties. These range from children with a diagnosed disability—which may take some years to diagnose—at one end of the spectrum through the kind of learning difficulties that are addressed by support teacher learning difficulties, reading recovery teachers or the myriad of other specialist staff in the education system to the problems that are identified in child care or in preschool, sometimes by people with an education background or by others with particular qualifications and skills.

The committee heard a great deal of evidence about the shortage of services, such as speech therapy, and the fact that such specialist services, which may identify and help children to overcome learning difficulties, are often thin on the ground. That is a particular problem in rural areas. Children who live some distance from major centres may be virtually beyond the reach of the kinds of services that, if provided early enough, would prevent and/or remedy learning difficulties. As we examined witnesses' submissions and evidence and considered the responses to our issues paper, a particular issue came to the fore. That major theme was, once again, prevention.

**The Hon. Dr Brian Pezzutti:** Point of order: This report's terms of reference are crystal clear, although broad. Madam President, I again draw your attention to the fact that, although the Hon. Jan Burnswoods may be referring to a future report of the committee, most of her remarks have not addressed this report. I ask you to instruct the Hon. Jan Burnswoods to address the substance of this report rather than comment generally.

**The PRESIDENT:** Order! There is no point of order. The Hon. Jan Burnswoods may continue.

**The Hon. JAN BURNSWOODS:** In evidence to the committee, experts and workers in the fields of education, health, disability and those involved in helping children in the age range nought to eight argued passionately that prevention is better than cure. It is often possible to intercede and address a risk factor, utilising a range of specialist child or family supports, to prevent a learning difficulty from occurring later. That sort of early intervention may remove the problem entirely.

[*Interruption*]

The Opposition is truly appalling!

**The PRESIDENT:** Order!

**The Hon. JAN BURNSWOODS:** May I continue, Madam President?

**The Hon. Dr Brian Pezzutti:** She's finished.

**The Hon. JAN BURNSWOODS:** No, I have not finished. I moved away from the dispatch box because Opposition members are answering their mobile telephones rather than taking spurious points of order. I thought I would wait until they finished playing games and then resume my speech.

**The Hon. Dr Brian Pezzutti:** Point of order: Madam President, although you ruled that some of my points of order were not points of order, you did not rule that they were spurious. I ask the Hon. Jan Burnswoods to apologise and to withdraw that comment.

**The PRESIDENT:** Order! I warned the Hon. Dr Brian Pezzutti that the standing orders allow me to declare his interventions wilful and vexatious. That is another way of saying that his point of order is spurious. There is no point of order.

**The Hon. Dr Brian Pezzutti:** To the point of order: Madam President, without canvassing your ruling in any way, you said that there was room within the standing orders to do that, but you did not do it. The Hon. Jan Burnswoods suggested that I have taken spurious points of order. I want her to withdraw that comment.

**The PRESIDENT:** Order! There is no point of order.

**The Hon. Dr Brian Pezzutti:** I have asked her to withdraw, Madam President.

**The PRESIDENT:** Order! I have ruled that there is no point of order. The Hon. Jan Burnswoods has the call.

**The Hon. JAN BURNSWOODS:** We discovered from evidence and the session in the theatrette to which I referred that some learning difficulties affect men in their fifties.

**The Hon. Henry Tsang:** And their sixties.

**The Hon. JAN BURNSWOODS:** Indeed, men in their sixties. My colleague on the committee the Hon. Ian West intends to speak in this debate about problems that, if not addressed in the crucial years of nought to eight, can become lifelong afflictions. I look forward to hearing the contributions of other committee members, in particular. I will not go into great detail about the interim report. We hope to produce our final report on this inquiry before the end of the year, if that is possible. I am sure committee members will agree that the first major recommendation of the Standing Committee on Social Issues—we made only two—was rather unusual. We recommended the establishment of a new department that we suggested could be named the "Department of Child Development". Our second recommendation related to the scheduled transfer of Families First from the Cabinet Office, which was originally due to occur in July 2003, and the creation of the new department. In some ways we were grateful for the criticisms and various views expressed about the suggested creation of a new department as this helped to focus the debate and generate more attention than a positive, optimistic report such as this might otherwise attract. As I said in the context of our report on child protection, unfortunately bad news attracts more media attention than good news.

I thank the other committee members—the Hon. James Samios, the Hon. Dr Arthur Chesterfield-Evans, the Hon. Amanda Fazio and the Hon. Ian West—for their hard work, and for the great deal of thought and effort they have devoted to this inquiry and to others like it. I also thank the committee staff for their hard work—which went well beyond the call of duty—in preparing two reports for tabling on the same day, and for intertwining carefully the themes and issues of both inquiries. That task is perhaps harder than compiling a routine report on a narrow inquiry that is fairly readily encompassed. As I said in relation to the child protection report, members of the Standing Committee on Social Issues and the House owe the staff of the committee a great debt. We also owe a great debt to the witnesses and people who wrote submissions. In many cases, they deal with grave problems in their lives. They generously gave their time and were amazingly honest when they shared with us the issues they and their families face.

**The Hon. AMANDA FAZIO** [3.10 p.m.]: As a member of the Standing Committee on Social Issues I am pleased with the work of the committee and the work of the committee secretariat, particularly in relation to the issues paper and the forum that was held earlier in the year. The former Minister for Education and Training, the Hon. John Aquilina, provided the committee with detailed terms of reference. Early intervention for children with learning difficulties cuts across a number of government service providers. In the past there has been a lack of co-ordination of services and a lack of understanding in the community about the way these sorts of issues can impact on the development of the children concerned, their siblings and their family relationships.

We have not dealt with the number of children in the community with learning difficulties, and whether that number is static or likely to increase. We should tackle this important issue now. As a result of advancements in medical treatment and more children who are born prematurely surviving—often with some form of intellectual impairment—the demand for services for early intervention for children with learning difficulties is likely to increase. Thankfully, in Australia we have not had the epidemic of crack cocaine abuse that has occurred in America, where the number of children born with learning difficulties has increased significantly because of the problems associated with their mother's drug use. Australians should be grateful that that has not occurred.

The committee heard evidence from parents. Because of the lack of formal recognition of children with learning difficulties that cannot attract a specific diagnosis, often parents and other family members believe that the needs of their child are not being adequately addressed. That leads to a seemingly never-ending search to find out exactly what is wrong with the child. What is the cause of the learning difficulty? What is the nature of the impairment? Will it improve with time? Will it be static for the life of the child? Parents search desperately for ways in which to help their children. A few years ago it was quite common for children who had been diagnosed with dyslexia to wear rose-tinted glasses—it was believed that they would allow them to read and comprehend better. A whole range of things is being trialled and implemented.

The committee visited a research unit at the University of Melbourne, where a young boy was involved in a special intervention program to develop his literacy and numeracy skills, to develop his ability to spend time concentrating on the one task and to develop his understanding of information before him. His mother was happy with his progress at that unit. It took her some time to get him to the unit every day because they did not live close by. She stated that she was getting him to wear blue-tinted glasses because she thought it was having an impact. A lot of people use unproven therapies and treatments. There is often no research to back up the methods parents adopt to assist their children to overcome learning difficulties. For example, some children have special dietary requirements.

Parents desperately search through a minefield of information to try to find a way to maximise their child's ability to learn effectively during those crucial early years. Even if parents do not search for those methods and simply accept that their child has a learning difficulty that is non-specific, that cannot be diagnosed but just needs to be remedied in some way by therapy or treatment, they have difficulty finding their way through the maze of current service provision if they are inexperienced in dealing with the disability sector and the special education sector. They can spend ages banging their heads against brick walls, trying to find the best place to get the best treatment to help their child improve. Sometimes they think they have found it when they find a particular child care worker, therapist or teacher with whom their child establishes a rapport and seems to respond to. However, those workers are not always constant. Parents often feel that when that particular worker leaves, their child's learning abilities—the benefit that has accrued—disappear.

At the moment there is a maze of service provision in this area, and that maze makes it difficult for parents to work out the best way to help their child. For example, a child might be going to the early childhood centre or the baby clinic. A nurse might notice that the child has a slight delay in his or her development, that the child is below the normal expectations for a child of that age. The nurse could refer the child to a paediatrician or for a hearing test to ascertain whether he or she has a hearing impairment. In attempting to find out what is wrong with a child's development, physical factors are eliminated. The paediatrician might decide that no specific diagnosis can apply to that child, but that some form of early intervention is warranted.

Depending on the family's circumstances, it may be able to receive special priority. If the family has independent financial means it might be able to purchase the services that are recommended to assist the child to catch up to the appropriate age development level. However, the real problem is if people cannot afford to do that—there are huge waiting lists for services in some areas. Some people put their children on every waiting list possible, so waiting lists are not necessarily an accurate reflection of need. The range of services that a child might need can be varied. The child may need a support worker in a child care or family day care setting. The

child might need occupational therapy to help develop his or her fine and gross motor skills—without fine motor skills a child cannot hold a pencil or a book, turn pages, or learn how to draw and write. The child may need behavioural therapy through a psychologist, even at a young age, to manage his or her anger and frustration as a result of not fitting in. For example, the tasks being given to the child, along with every other child in the preschool or child care centre, may be beyond him or her.

The child may need specialist speech therapy. There is a grave shortage of speech therapists, particularly in the public sector. Children need a whole range of things. Some children cannot have those services provided to them in an integrated setting; they need to go to a special preschool. The Department of Education and Training runs some excellent special preschools in New South Wales. They provide a great deal of support and assistance to children with learning difficulties, not all of whom have a specific disability diagnosis. They try to train children and to increase their skill and developmental levels so that they can go into ordinary classrooms, sometimes with a teacher's aide assisting them.

It is very difficult for parents to find out how to access that assistance. If parents are working, often the Department of Education and Training can provide transport to pick up the child in the morning and take the child to the special preschool, so that is not an impediment to the child participating in the program. But, at the moment, it is the luck of the draw that determines whether a child will participate in the program because the level of services has not grown to match the demand in the community. The committee looked at all those things and, because of the great complexity in service provision in New South Wales, came up with a recommendation in its first report that the Government should establish a new portfolio and department responsible for child development in New South Wales, with the suggested name for the new agency being the Department of Child Development.

Many people have said they do not support that proposal because they fear the establishment of yet another bureaucracy will not improve delivery of services. In response, might I say that some of the major critics of the recommendation would do well to follow parents as they do the rounds trying to get their child admitted to appropriate service programs. Even if they can access services such as speech therapy, which were provided by the Department of Community Services and so on, for a child who reaches the age of six all those services cut out. The child cannot stay at a special preschool after reaching six. One cannot continue to receive services from the Department of Ageing Disability and Home Care.

Parents who are lucky enough to have good co-ordination between the local area health service, the Department of Ageing Disability and Home Care and the involved therapist, can get expedited referral to therapy services available from the local community health centre. But that is only if that good level of communication and co-ordination exists. Against that background, this recommendation should not be taken lightly. It was with a knowledge of overseas initiatives giving recognition to the need to intervene early, to act in a co-ordinated way to ensure that children with learning difficulties are given every possible chance to develop their maximum potential and participate properly in society, that the committee came up with this recommendation.

One very pleasing aspect of the inquiry to date has been the positive comments made about the Families First Program, which was introduced by this Labor Government. Putting emphasis on helping families to stay together, helping parents understand the normal developmental phases of their children, and by providing assistance to access those services and a whole range of other services, has led to Families First being recognised as a very important initiative. However, concerns were raised in a number of submissions and in a lot of evidence the committee heard that transferring the Families First Program from the Cabinet office to the Department of Community Services—the current proposal—would result in the ability to co-ordinate across portfolios being lost.

It is difficult enough to co-ordinate service delivery for targeted groups across the Commonwealth and the State, but co-ordination of Commonwealth and State bureaucracies across portfolios seems to be one of those things that is just too difficult. That is why the committee recommended that the scheduled transfer of Families First be delayed until the establishment of the new department, which the committee hopes will be set up. In any case, the committee feels that the successful work now being done by Families First under the auspices of the Cabinet Office indicates the program should remain with that office.

I conclude by saying that any society fails if it ignores the potential of children to become active members of the community and work hard in the community. We must tap into that potential. It is not good enough to have a system—which we are gradually getting towards—under which only those who have enough

money can pay their way into tertiary education. As a member of the Labor Party, I was very disappointed that that important initiative of the Whitlam Government was changed by the Hawke Government. The system we have now at least gives us a chance to ensure that, at an early stage of their lives, all children can compete on a reasonably equal basis to try to overcome any learning difficulties that they have.

It is not a big ask that they be given the support they need in school, and that they be given access to therapy services. It is a matter of social justice. We as a society should be ensuring that children have those opportunities. I would expect the fact that this report was adopted unanimously would be enough to silence some critics who I think either have a vendetta against the Standing Committee on Social Issues in general or some members of it. I ask those critics to put aside their petty jealousies and invective, concentrate on the very important social issues that the committee considered in framing this report, and support the recommendations.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS** [3.25 p.m.]: I served on the committee's inquiry into early childhood development. The need for a co-ordinated approach became clear. A number of committees are looking at different issues, including services provided by the Department of Community Services, mental health services and early child development. The DOCS inquiry and the mental health inquiry were, in a sense, inflicted on the Government. The inquiry the subject of this report was in response to a reference from Minister John Aquilina. Other inquiries, such as the inquiry on crime prevention through social support, being conducted by the Standing Committee on Law and Justice, and the inquiry of the Select Committee on the Increase in Prisoner Population, all looked at the importance of preventive policy, as opposed to policy developed at a time when the problem being looked at had reached an advanced stage.

The history of various movements in society has been one of placing emphasis on economic rationalism, on keeping track of every dollar. Careful supervision of a well-run institution can ensure that a close eye is kept on the dollars. Treasury people like that. They think it is good management. The problem is that under that system available money may not be most cost effectively spent. So, yes, that system can keep a track on expenditure, but it might be keeping track of a very inefficient process. It may be closely monitored, but it is not very effective. That is a dichotomy of the ways of looking at issues. Institutions offer services by public servants or, now increasingly, services tendered out to non-government organisations. Those institutions offer services, but quite often the services are tailored to suit the institutions rather than the community, which is compelled to limit their wants to the services that are available. In a sense, I am saying there is a problem between institutions and the community.

The question that people tend to ask is: What can be done to improve these institutions? The question should be: How can the community build a system to solve the problem, and, once such a system is identified, what structures or institutions will be needed to support the community-based approach? That is quite a different question. The community solving its own problems and asking for assistance to facilitate that is one approach. The other approach is: We are the institutions that offer these services; this is our catchment area; people come to us with their problems and we solve them in our institutions. But those institutions tend increasingly to be run to suit the convenience of political masters, the people within the institutions, or the current dogma, which may be the importance of tracing the exact destination of every dollar put into the system.

I think we have reached the crisis point in trying to withdraw services and maintain only services that are absolutely necessary. These services are only absolutely necessary when they reach absolute crisis point. So, in the hospital system, too much of the available money goes to funding intensive care units; in the social system, much of the money goes into prisons; and in education, a great deal of money is being directed at remedial teaching, because by then we have identified the children who are doing very badly and are relatively older.

We do not want to look at the less serious cases so we wait until they become more serious before we deal with them, and then they become far more expensive. By trying to be penny wise we have become pound foolish. We have become obsessed with accounting and justifying costs. Our society has become niggardly and has lost its social vision. Many social forces are involved. Much has been said about the growing inequality between the rich and the poor. Some 150 years ago the differential between the rich and the poor was one to three, now it is something like one to 74, or some such extraordinary multiple. That figure may not be right, but I assure the House that the gap between the rich and the poor has become greater. Children of the unemployed are producing more children of the unemployed. They lose the ability to have a working norm, and the entrenchment of social disadvantage is the result.

The nuclear family is becoming the norm, and even the subnuclear family—a mother and children—is becoming common. Some 21 per cent of all children have one natural parent living outside the household and

often there is no extended family to help bring up the children. There is a shortage of quality parenting. Not only is there a loss of the ability to directly support a child, but in some areas there is also a loss of knowledge of support. It is necessary, therefore, to identify as early as possible children who are not developing correctly. Should we target children at risk or should we have universal services? Victor Nossar from Liverpool Hospital believes we should provide universal services to identify children who have problems. The response to those children should be graded and determined by the help they need. They would then be targeted from a universal base.

Professor Graham Vimpani from Newcastle said that New South Wales was spending about one-tenth of what the United Kingdom spends on supporting young children. Apparently, New South Wales spends less than any other State or Territory, except one, on early childhood development. We do not have a good capture mechanism. When children leave hospital, under the medical system they then visit early childhood centres, which used to be called baby health centres, where nurses check their weight, their feeding habits and deal with any other problems that may arise. The children are then often lost to the system until they start school at the age of five. Consequently, if young children have a problem, it may not be picked up for a long time—and it seems that the later the problem is picked up the more difficult it is to remedy: I believe the adage is: A stitch in time saves nine.

Commonwealth-State cost shifting has been a big problem in many areas. The Standing Committee on Social Issues examines concerns relating to health and education, and those are critical issues. Pushing costs from the Commonwealth to the State as a major policy imperative within departments has resulted in a lack of co-ordination. Preventive services, where the absence of services will not result in immediate criticism of the Ministers and, therefore, are not noticed, are the first to suffer in this cost-shifting imperative.

Commonwealth-State relations must be scrutinised and agreements between them targeted in dollar terms so that their responsibilities and the funding they provide are clearly defined and not shifted from one to the other by transfer of classification or some other sleight of hand, or should I say sleight of economics. Some 15 per cent of children have learning difficulties. It does not do well to exaggerate the social problems. The Department of Education and Training estimates that only 10 per cent of children have learning difficulties that are environment related. Children who are born prematurely, who suffer as a result of inadequate antenatal care or because of insufficient folate and associated problems may not be counted in environment-related statistics. It would be wonderful if we could resolve some of these difficulties by providing a better support system and then look at the figures again.

The report emphasised the need for universal services. But there is also a need for population-based services. We should not attempt to count the number of cases all the time and keep lists of them—which seems to be the thrust of the intake systems such as the new system for people with disabilities and the Helpline for the Department of Community Services [DOCS]. We must adopt a preventive approach and identify how people in our society are disadvantaged as a percentage of the population and then build the appropriate support services to meet need. Patients in adult hospitals are divided into different groups by diagnosis, but because children's problems are sufficiently similar to other children's problems and sufficiently different from adult health problems they warrant specialist paediatric facilities.

How do we overcome the problem of dividing up departments that deal with adult problems to deal with problems stretching all the way back to birth? At birth, children with problems have more similarities with other children than they do with the different groups in the adult system. How can we improve children's facilities and give them priority in the budget competition for resources? Paragraph 2.6 of the report states:

The rationale for the establishment of a new Department consists of four main arguments. First, a new Department will provide clear leadership in the early childhood area and give child development the bureaucratic and political status it deserves. Second, it will provide a greater focus on evidence-based prevention programs. Third, a new department will enhance the co-ordination of early intervention services. Fourth, it is the optimal location for the *Family First* strategy.

The Families First Program has been greatly praised as a universal service in the areas in which it is available. As a result of its success it will be made more widely available. DOCS acute care systems—in other words, child protection systems—receive \$131 million, but Families First will receive only \$18.1 million in next year's budget, and this gives credence to those who maintain that childhood services in Australia are underfunded. People are always worried about setting up a new bureaucracy. It seems that DOCS has been very much involved in acute care, but I am not sure that it is the organisation that should oversee the proposed new department. Whenever one sets up a new bureaucracy or makes a major change in departments there is a changeover cost and people criticise the new department as just another layer of bureaucracy. But if we want something done, we have to engage dedicated people to do it. People who know what they are doing will deliver a good outcome.

Any proposal to give real substance to the development of children aged between nought and four and perhaps a little older—and even stretching the category to include antenatal care—will need a department that concentrates on that goal. I was happier supporting the more controversial recommendation rather than merely putting forward criticism because it is the role of committee members to devise real solutions in a bipartisan fashion, not use the committee process to bag the Government. Sometimes when a government deserves bagging, it must be bagged, but I believe the recommendation was a positive suggestion.

Details of evidence received by the committee will be published in the final report. The interim report is short but I believe it should be heeded. Its two key recommendations are that a new Department Of Child Development should be established and that the Families First Program should be transferred to the new department. That will be a step in the right direction for the kids of New South Wales.

**The Hon. IAN WEST** [3.39 p.m.]: It is with pleasure that I participate in the debate on the report of the Standing Committee on Social Issues entitled "Early Child Development: A Co-ordinated Approach—First Report on Early Intervention for Children with Learning Difficulties". At the outset I commend the committee's support staff for their work in ensuring that the interim report provides an appropriate basis for the final report to have a significant impact and lasting effect on learning difficulties. The interim report has two fundamental recommendations: first, that the Government should establish a new ministerial portfolio and department that is responsible for child development in New South Wales and that the name of the department should be the Department Of Child Development; and, second, that the scheduled transfer in July 2003 of the Families First Program from the Cabinet Office to the new agency should be postponed until the Department Of Child Development is established. Those recommendations are extremely important from the point of view of ensuring that the whole issue of child development is examined from the cradle to the grave, incorporating preventive measures and early intervention as well as crisis management.

**Pursuant to resolution business interrupted.**

#### **FOOD ACT 1989: DISALLOWANCE OF FOOD AMENDMENT (MSG) REGULATION 2002**

**Debate resumed from an earlier hour.**

**The Hon. Dr BRIAN PEZZUTTI** [3.42 p.m.]: I indicate that the Opposition will support the motion moved by the Hon. Dr Peter Wong. I believe that this is a reasonable motion and an important matter for the Hon. Henry Tsang—

**The Hon. Tony Kelly:** Point of order: I take this point of order under Standing Order 81, which states:

No Member shall digress from the subject matter of any Question under discussion...

I am quite sure that the Hon. Dr Brian Pezzutti was just about to embark upon a process whereby he will digress from the matter under discussion.

**The PRESIDENT:** Order! There is no point of order. The member's time for speaking has expired.

**Reverend the Hon. FRED NILE** [3.43 p.m.]: On behalf of the Christian Democratic Party, I indicate support for the motion moved by the Hon. Dr Peter Wong to disallow the Food Amendment (MSG) Regulation, which was issued by the Minister for Health, the Hon. Craig Knowles. I take up the point made by other honourable members, including Government members, who have preceded me in this debate that this matter has already been debated. The House has voted to delete from the Food Act a provision that would have allowed the Premier to introduce his own regulation without the imprimatur of Parliament. That would not have been a regulation at all but, rather, a Premier's edict, which the House could not have moved to disallow. The Premier would have had wide power under the legislation, so the House, after extensive debate, voted to remove the Premier's power in this regard, which had been specifically enshrined in the bill. Irrespective of whether the Minister for Health fully understood the purport of the provision, he has been involved in action designed to circumvent the will of the House.

The House had quite clearly expressed its will after extensive debate and there can be no doubt that the subject matter was monosodium glutamate [MSG]. As noted by the Hon. Dr Peter Wong, the vote was overwhelming. In spite of that, the regulation introduced on 1 November 2002 requires restaurants and other eating places to display information relating to the addition of MSG to food for sale. The regulation also requires certain businesses that deliver restaurant food to premises specified by the purchaser to provide

information relating to the addition of MSG to food. More importantly, the regulation introduced a provision dealing with penalties by inserting after proposed section 6A in the Food Act a new section 6B, which, for the first time, provided for penalties to be imposed upon a restaurant owner. In the context of this debate, the target seems to have been Chinese food restaurateurs. New subsection (1) states:

A person in charge of a restaurant must ensure that if MSG additive is added at the restaurant to food for sale the addition of MSG additive is clearly indicated:

- (a) in a menu given to, or displayed for, prospective purchasers of the food at the restaurant, or
- (b) on a sign or signs prominently displayed at the restaurant in a way that would be noticeable to prospective purchasers of the food.

The maximum penalty is 25 penalty units, which, at \$110 per penalty point, is a fine of \$2,750. That is a pretty heavy fine for what most people probably regard as a minor matter, especially when many restaurant owners often voluntarily display signs as a form of self-regulation, without the need for Big Brother coming into the picture. No doubt this legislation will mean that additional inspectors will be employed, because the Government would not pass a regulation unless it was serious about enforcing it. Those inspectors will have the task of standing over Chinese restaurant owners in Chinatown and throughout the suburbs of Sydney. Every suburb has at least one Chinese restaurant, and I frequently eat at such restaurants because I appreciate Chinese food. Some honourable members might argue that it is not as good as the food that is made in China.

**The Hon. Dr Peter Wong:** That is not true; it is better.

**Reverend the Hon. FRED NILE:** Some people have said that to me. The regulation provides for another penalty of 25 penalty points, or a fine of \$2,750. The regulation states:

- (2) A person in charge of a business that:
  - (a) delivers food that is prepared at a restaurant to premises specified by a purchaser of the food, and
  - (b) distributes or makes available a menu to prospective purchasers of the food.

So the regulation catches the person who supplies the food. The wholesaler, who is a million miles away from the consumer in the restaurant, has been brought under this legislation. Normally he would not be required to display signs on his truck, for example, to indicate that food in his truck is contaminated with MSG. It is ridiculous. Under the party discipline Government members are required to support regulations such as this, but clearly there is something unfair in relation to this draconian regulation. Perhaps it is part of the Government's law and order campaign.

I referred earlier in debate to the fact that the New South Wales Government has taken this unilateral action, independent of the Commonwealth and other State governments, which has tended to undermine the concept of trying to obtain uniform legislation. The Premier, the Treasurer and other Government members have tried to obtain uniform legislation. It is setting a bad precedent when, for some extraneous reasons, the New South Wales Government states that, in spite of what everybody else is doing, it will go it alone. This issue is so important that on 10 October 2002 Food Standards Australia New Zealand [FSANZ] issued a statement entitled "Food Agency Decides Against Mandatory Declaration of Added MSG", which reveals that the Commonwealth and State governments totally oppose this regulation. Why is the Government persisting with pursuing this course? The document to which I referred states:

Food Standards Australia New Zealand ... today announced the decision of its Board not to require the mandatory declaration of monosodium glutamate (MSG) in foods served in restaurants and other food outlets.

The statement continues:

The Managing Director of FSANZ, Ian Lindenmayer, said... Our risk analysis found overwhelming evidence that MSG is safe for the general population at the level typically incorporated into various foods.

This work took into consideration two toxicological evaluations conducted by the Joint Expert Committee on Food Additives and Contaminants—a committee of the Food and Agricultural Organization and the World Health Organization.

This committee is made up of pre-eminent experts in related fields, drawn from a wide spectrum of countries. It concluded that there were no safety concerns over the use of MSG and did not consider it necessary to set an upper limit for its use.

As a result, FSANZ will not proceed with an application from NSW Health to require food outlets to provide written evidence of the presence of added MSG in their food.

It appears as though the New South Wales Government is going against the World Health Organisation and the United Nations. Many honourable members said that the United States of America should only do things that are approved by the United Nations. I assume that that is the Labor Government's position in regard to Iraq as I heard Mr Crean outline the Labor Party's position this morning. The New South Wales Labor Government is going against the World Health Organisation and the United Nation on the MSG issue, which is a bit of overkill. The Christian Democratic Party supports the disallowance motion moved by the Hon. Dr Peter Wong.

**The Hon. HELEN SHAM-HO** [3.53 p.m.]: I contribute to debate on this motion to disallow the Food Amendment (MSG) Regulation 2002 under the Food Act 1989. The regulation has as its objects:

- (a) to require restaurants and other eating places (including take away food shops) to display certain information relating to the addition of MSG additive to food for sale on those premises, and.
- (b) to require certain businesses that deliver restaurant food to premises specified by the purchaser to provide similar information relating to the addition of MSG additive to the food.

On 19 March this year the Minister for Health, the Hon. Craig Knowles, introduced this regulation and said that the New South Wales Government would take action to require restaurants to inform people if they added MSG to their food. The Government, when introducing this regulation, did not take into consideration available scientific evidence about the safety concerns of MSG in the human body—an issue to which other honourable members have referred at length. The Government acted against all authoritative scientific evidence.

Earlier Reverend the Hon. Fred Nile suggested options in relation to this MSG issue. If this regulation remains in place the New South Wales Government will be really out of step with the Australia New Zealand Food Authority [ANZFA], the national statutory body responsible for developing and reviewing food standards for Australia and New Zealand. I will briefly outline the process that has culminated in this regulation which is now the subject of this disallowance motion—an issue referred to earlier by Reverend the Hon. Fred Nile. In response to an application by NSW Health to amend the Food Standards Code to require restaurants and other food outlets to make mandatory declarations about MSG when it is added during cooking, on 8 May 2002 ANZFA published an initial assessment report. Page 9 of its report states:

The expert panel did not consider the evidence of severe reaction to MSG to be strong enough to warrant mandatory declaration.

The ANZFA identified two regulatory options which are listed on page 11 of its report. First, it recommended that we maintain the status quo, in other words, that we do nothing and leave it alone. Second, it recommended that we amend the relevant food standard 1.2.3 to include MSG as a substance that requires mandatory declaration when present in food. In other words, it should apply across the board. The assessment report then called for further submissions from stakeholders. So in my mind there is no conclusive recommendation. In any case, the food that the Government is regulating is not the problem.

In response to this initial assessment report Mr J. McMahon, Manager of the Food Branch of NSW Health, made a submission to ANZFA on 24 May 2002 which stated that neither option 1 nor option 2 were acceptable to the New South Wales Government. It is ludicrous that it is not able to accept the authority's recommendation. Subsequently, and most significantly, given this disallowance motion, on 9 October 2002 Food Standards Australia New Zealand rejected the application by NSW Health to have the Food Standards Code amended to make it mandatory for MSG to be declared on menus on display when it is added to food in restaurants.

Honourable members will probably be aware that the bi-national Food Standards Code was adopted on 24 November 2000 with health Ministers on the Australia New Zealand Food Standards Council agreeing to adopt the Australia New Zealand Food Standards Code. According to the ANZFA initial assessment report, page 3, in December this year the code will become the sole food code for both countries. It aims to reduce the prescription of existing food regulations in both countries and lead to greater industry innovation, competition and trade. In assessing NSW Health's application, FSANZ considered the criteria of the protection of public health and safety and the provision of sufficient information for consumers.

According to the executive summary of the report, FSANZ considered three options. Firstly, to maintain the status quo such as the ANZFA initial assessment—that is, to not require any mandatory signs in restaurants. Secondly, the plan proposed by NSW Health which was, as I mentioned earlier, to amend the Food

Standards Code and require mandatory declaration of MSG when added in cooking by restaurants and other food outlets. Thirdly, and the option finally chosen by FSANZ, was that the status quo should continue but with the development of an education campaign aimed at both the food service sector and consumers. The third option is quite acceptable to me. It is a good option.

**The Hon. John Jobling:** It is sensible.

**The Hon. HELEN SHAM-HO:** Yes, but that is not what the regulation states. I find it quite extraordinary that the Minister for Health decided to introduce the Food Amendment (MSG) Regulation 2002 after the Food Standards Australia New Zealand decision had been made. This shows a total lack of respect for the Food Standards Code and the FSANZ. I do not know why it bothers to meet, because it is a waste of time. It is my understanding that the New South Wales Government is going it alone with this regulation, as no other State has chosen to introduce such a regulation. All honourable members will be aware of the unfair debates that have surrounded MSG for many years. Yet one point that the New South Wales Government seems to be totally ignoring is that MSG occurs naturally, and is in almost every food that we eat. On 24 September this year, Dr Leonid Tarasoff, Chair of the Department of Chemistry, Faculty of Informatics, Science and Technology at the University of Western Sydney, briefed the crossbenchers. He explained in detail the scientific breakdown of MSG, using charts. I appreciate the time he spent with the crossbenchers. He told us that MSG occurs naturally and that most fermented foods are high in MSG, for example, tomatoes.

**The Hon. John Jobling:** Also beans and corn.

**The Hon. HELEN SHAM-HO:** Yes. His argument is that naturally occurring MSG is generally at the same level as that used in restaurants—people who are affected by MSG cannot differentiate the amount of MSG in food occurring naturally and MSG inserted during cooking. A person who is affected by MSG should not eat a tomato. Given this scientific fact, and the view taken by ANZFA and Food Standards Australia New Zealand, I would highly recommend the Government to rethink its regulation and it would be wise to accept this disallowance. I know that a small number of people are affected by MSG, some even violently, including Premier Carr's wife, Helena Carr. This morning the Consul-General of Thailand told me that his wife, Mrs Nutchanart Wasinondh, is affected by MSG. The Consul-General eats MSG but only in small amounts.

I acknowledge the Minister's media release of 31 October 2002 which states that a minority of people can "react severely to the cumulative effect of MSG in their food. Reactions include severe headache, migraine and nausea; numbness in the neck, arms and back; irritable bowel; itchy rashes like hives; asthma-like symptoms; mood changes; heart palpitations, and disturbed sleep and dreams". Nonetheless, this would affect such a small number of people that I believe this regulation is counter-productive. [*Time expired.*]

**Ms LEE RHIANNON** [4.03 p.m.]: The Greens support the motion moved by Dr Peter Wong to disallow the Food Amendment (MSG) Regulation 2002. On examining this regulation, I was left wondering why the Government has put itself so out of step with industry norms. Why would the Government discriminate against Asian restaurants? Why has it taken such an unscientific approach to what is a most important issue, the labelling of food products? I am still hoping that a Government speaker will enlighten the House on its motivation in introducing this regulation.

**The Hon. Amanda Fazio:** I did that.

**Ms LEE RHIANNON:** I acknowledge the interjection, but it was not enlightenment or information. I congratulate Dr Wong on moving this disallowance. If this regulation remains in place it will do a great disservice to all people who enjoy the great cuisine that our Asian restaurants have become famous for. I understand that the Government is attempting to justify this regulation by arguing that people who may have an allergic reaction to MSG should be able to ascertain if food on a menu has that additive. However, the regulation is so poorly constructed that it could lull such people into a false sense of security. Under this regulation a restaurant does not have to specify that a food item has MSG if the MSG was added outside the restaurant. That is not only ridiculous but plainly dangerous.

The regulation is clearly unfair and unworkable, because it is impossible to determine whether MSG has been added in the restaurant or not. I understand that the chemical analysis is not able to separate naturally occurring glutamate from MSG added to the food deliberately. Therefore, how does the Government plan to enforce this regulation? New South Wales is a signatory to the food standards agreement, which requires that a State will not make its own standards, or regulations as in this case, unless the matter is urgent and of public

health and safety significance. It is very important that that agreement is in place. If such a regulation is made it must be of 12 months duration only and the matter must be referred to Food Standards Australia New Zealand [FSANZ] for assessment.

Once a recommendation is assessed by FSANZ and ratified by the Ministerial Council, all States must adopt that recommendation. Clearly, having that uniformity is important. The regulation undermines that important requirement. I understand that the Government has acknowledged that the regulation is not a matter of public health and safety. It is merely to inform people, who want to know, that MSG has been added to their food. Not only does it fail to do that accurately, but it is outside the agreement signed by Premier Carr in 2000. This action threatens the uniformity of food regulation in both Australia and New Zealand. It may seem like a minor matter, but it is the first action against uniformity since 1987 when the first agreement was signed by the States and Territories.

That is why I began my speech by asking: why the Government is stepping so far outside the norm for this industry. Uniformity advantages manufacturers and consumers by reducing production costs throughout the whole of Australia. Without it, different formulations and labels would be required in each State. Why is the Government singling out MSG? Why is it discriminating against mainly Chinese restaurants? What about all the additives in food sold by fast food outlets? I think it would be useful if people knew how much fat and how many chemical additives they consumed every time they dined at greasy Joe's or at corporate fast food outlets. We do not have that information at present and prescribing regulations in that regard is not viewed as the best way to proceed at this time. We clearly need uniformity.

The Greens are very concerned about discrimination against Asian restaurants, which will be the result of this regulation. Such restaurants employ many people. Chinese restaurants are part of our culture and way of life—there is one in almost every country town. I think the Government's actions are extraordinary and amount to an attack on those businesses. The Greens believe we have a responsibility to ensure that people are informed about additives in food. People must be educated and informed about what is in the food they eat and given the opportunity to consume more natural food.

*[Debate interrupted.]*

#### **DISTINGUISHED VISITORS**

**The DEPUTY-PRESIDENT (The Hon. Helen Sham-Ho):** Order! I warmly welcome to Parliament Mr Zhang Xi, Deputy Director of the Department of Health, from Shaanxi Province, and his delegation.

#### **FOOD ACT 1989: DISALLOWANCE OF FOOD AMENDMENT (MSG) REGULATION 2002**

*[Debate resumed.]*

**The Hon. RICHARD JONES** [4.12 p.m.]: I concur with those honourable members who highlighted the absurdity of singling out this particular food additive. MSG is found in many foods, including Vegemite. It is impossible to distinguish whether it is in Vegemite, cheese or in Premier's Taste Enhancer, of which I have a bottle with me. The product is made in Australia by I Love Sushi Pty Ltd. It has a net weight of 100 grams and comprises 99 per cent MSG and 1 per cent salt. I understand that Premier's Taste Enhancer is coming onto the market today and would not be covered by the regulation as it contains 1 per cent salt and is not pure MSG. No doubt this product will become extremely popular in Chinatown if this disallowance motion fails.

Flavour is the quality that most people seek in their food. Foods were originally grown and eaten directly from a relatively unpolluted planet, but as the human population multiplied and expanded, farming progressed, trade specialties developed and town markets shared a variety of goods among a diversity of people. Techniques for food preparation and preservation, such as pickling, salting and smoking, were developed to deal with the new problems of storage, waste and food-borne illnesses. The flavour and additive industry emerged with the processing of foods in the mid-nineteenth century and, with increasingly advanced technology, the modern food industry's reliance on processing and additives continues to increase.

The flavour industry is particularly interesting and secretive. The first food processors turned to perfume companies that had years of experience in working with essential oils and volatile aromas. The great perfume houses of England, the Netherlands and France produced many of the first flavour compounds. Legend has it that a German scientist discovered methyl anthranilate, one of the first artificial flavours, by accident

when an experiment resulted in his laboratory suddenly filling with the sweet smell of grapes. Methyl anthranilate went on to become the main flavouring compound of grape Kool-Aid. The American flavour industry is gigantic, and the book entitled *Fast Food Nation* by Eric Schlosser throws some light on it. He writes about a gigantic organisation, International Flavours and Fragrances, on the east coast of the United States of America along the New Jersey Turnpike. It is the world's largest manufacturer of flavours, which are used in almost every food product we eat. Schlosser also refers to several other large corporations that are extremely secretive about their operations: They will not even allow people to know what flavours are added to which products.

The American industry has an annual revenue of about \$1.4 billion. Approximately 10,000 new processed food products are introduced every year in the United States. Soft drinks contain a larger proportion of flavour additives than most products. *Fast Food Nation* reveals the components of the strawberry flavour of Burger King's strawberry milkshake. This flavour contains 49 different chemical compounds, a handful of which are amyl acetate, amyl butyrate, amyl valerate, anethol, anisyl formate, benzyl acetate, benzyl siobutyrate, butyric acid and so on. I do not know whether those compounds were tested as to their synergistic effect, but we must ask whether by adding these and other additives we are jeopardising our health and the environment for the sake of technological advances and convenience foods. I do not understand why the Government is concentrating on a single additive—MSG—when there are thousands of other food additives. I have a list, which was updated on 2 September, from the Australia New Zealand Food Authority of 295 different food additives, including colours, flavours and preservatives. In a recent speech I enumerated which of these that are known to cause health problems, including cancer, can be found in McDonald's products. Yet they are not being picked on or regulated. It simply does not make sense to regulate only MSG.

For years the food industry has continued to create new chemicals to manipulate, preserve and transform our food. By using chemicals, scientists can mimic natural flavours, colour foods to make them look more "natural" or "fresh", preserve foods for longer and longer periods, and create altered versions of breads, biscuits, fruit, vegetables, meats, dairy products and many more commonly used foods. There are even so-called "foods" that are made entirely of chemicals. Coffee creamers, sugar substitutes and lollies consist almost completely of artificial ingredients. Such manipulation of our food can have a profound effect on our body's biochemical balance and our state of wellbeing. Reasons commonly given for adding chemicals to food include: to improve shelf life or storage time, to make food convenient and easy to prepare, to increase nutritional value, to improve the flavour of foods, and to enhance the attractiveness of food products and improve consumer acceptance.

Food additives include preservatives, antioxidants, colouring and flavouring agents, sweeteners, sequesterants, gelling agents, stabilisers, emulsifiers, acids and bases, and improving agents. It has been found that many additives can undermine health. Those with immediate effect may cause headaches, alter energy levels or affect mental concentration, behaviour or immune response. Those with long-term effects could increase the risk of cancer, cardiovascular disease and other degenerative conditions. According to the Centre for Science in the Public Interest—a non-profit education and advocacy organisation based in the United States that focuses on improving the safety and nutritional quality of the food supply—the food and chemical industries have claimed for decades that all food additives are well tested and safe. Many additives probably are safe. However, the history of food additives is also riddled with additives that, after many years of use, were found to have serious health effects and subsequently banned. For example—I will enumerate only a couple—cyclamate, a common artificial sweetener, was banned in 1970 because it increased the risk of bladder cancer and caused damage to testes; and violet 1, an artificial colouring agent commonly used to stamp inspection marks on beef carcasses, was banned in 1973 because it was found to cause cancer.

Other additives and their potential health effects include hydrogenated fats, which cause cardiovascular diseases and obesity; artificial food colours, which cause allergies, asthma, hyperactivity and possible carcinogen; nitrites and nitrates, which can develop into nitrosamines and can be carcinogenic; sulfites such as sulfur dioxide, metabisulfites and others, which can cause allergies and asthmatic reactions; sugar and sweeteners, which cause obesity, dental cavities, diabetes, hypoglycaemia, increased triglycerides and even candida; and artificial sweeteners such as aspartame, Acesulfame K and saccharin, which cause behavioural problems, hyperactivity, allergies and are possibly carcinogenic. There are precautions against the use of any artificial sweetener by children and pregnant women. People with phenylketonuria, a problem of phenylalanine, an amino acid, should not use aspartame. Preservatives such as BHA, BHT, EDTA cause allergic reactions, hyperactivity and are possibly cancer-causing. BHT may be toxic to the nervous system and the liver. Artificial flavours may cause allergic or behavioural reactions. Refined flour has low-nutrient calories, carbohydrate imbalances and altered insulin production.

Plastic packaging can be carcinogenic, as in the case of vinyl chloride, and may cause immune reactions and endocrine disruption. My point is that there are many known problems, and possibly unknown problems, with respect to hundreds of additives that will not be covered by this regulation. This regulation deals only with the MSG additive, without any scientific basis to support it. It seems totally ridiculous to concentrate on MSG, which may or may not cause problems with some people. Certainly, the science so far has shown that not to be the case. We are ignoring other potentially much more dangerous additives and allowing them in large quantities, for example, in McDonald's foods. Why concentrate on MSG, which mainly affects the Chinese food market, and not all the other additives that are known to cause real problems? One regulation relating to one additive is absolute nonsense and discriminates against one community. If this regulation stands, people should use Premier's Taste Enhancer, which is not covered by the regulation.

**The Hon. JOHN JOBLING** [4.22 p.m.]: A reasonable amount of scientific evidence has not been produced in the enormous amount of discussion in relation to this matter. If one deals with recommendations of expert panels in relation to pharmacokinetics and pharmaceuticals of drugs one also has to look at immunology, allergy and hypersensitivity. They can all be overlaying modules and can cause reactions. If one looks at the quantity of an additive to be ingested one will find a totally different reaction to a bolus-type dose. If one consumed the whole packet of monosodium glutamate [MSG] that the Hon. Richard Jones waved around in the House one might well have a reaction. However, in small doses one can compare and contrast a MSG reaction—or what is affectionately known as a Chinese restaurant syndrome [CRS] reaction. Put simply, when some people leave a restaurant they have a psychologically induced reaction. I will quote an email from a recognised expert in the field, Dr Leonid Tarasoff:

I agree with the following statement:

The NSW Department of Health has advised me that there are no safety concerns over the consumption of monosodium glutamate, at normal levels by most people.

He then referred to a press release issued by the Minister for Health on 31 October. It was entitled, "MSG Regulations Help Informed Choice". He dealt with the errors and said:

... Mr Bill Porter or Dr Greg Stewart would not have advised the inclusion of these if they were consulted.

I wonder whether they were consulted. Dr Tarasoff continued:

These include claims that MSG is cumulative, associated with numerous ill effects such as asthma and a perception that regulating the addition of pure MSG would give consumers an informed choice.

Since glutamate is ubiquitous in all foods, it is impossible to avoid it and consumers are being misled.

If someone were to claim that food has no MSG he or she would have to measure the food. Scientifically, there would have to be less than 0.02 per cent MSG in the food or a breach would occur. Those views are upheld by Associate Professor Connie Kataralis, who is the head of immunology and allergy at Westmead Hospital. She is reasonably skilled in relation to this matter. She is prepared to make a presentation to Parliament on the scientific status of asthma and other intolerances. Clearly, that has not been done. Reference has been made to the assessment report of Food Standards Australia New Zealand and the expert panel entitled "Application A432—Mandatory Declaration of Monosodium Glutamate by Restaurants and Other Food Outlets". The paragraph that dealt with scientific assessment stated:

The assessment found no convincing evidence that MSG is a significant factor in causing systemic reactions resulting in severe illness or mortality. While there is evidence that mild reactions may be triggered in certain individuals through the consumption of large amounts of MSG, these effects are neither persistent nor serious and are more likely to occur when MSG is consumed in the absence of food.

The Hon. Helen Sham-Ho referred to a series of options that were considered by the expert panel. The expert panel rejected options one and two, and concluded:

In conclusion, the proposed amendment to the *Food Standards Code* is not justified in that the costs associated with such a measure far outweigh any of the potential benefits.

This scientific body put the matter out to public consultation and received 42 submissions. For example, it received submissions from the National Council for Women of Australia Inc. Ltd, the Truth in Labelling Campaign, the Consumers Association of South Australia Inc., the Dietitians Association of Australia, Queensland Health, Melbourne City Health Services, the Food Technology Association of Victoria Inc. and the International Life Sciences. The scientific body concluded:

The adoption of the proposed amendment to the *Food Standards Code* for the mandatory written declaration of MSG by restaurants and other food outlets is not warranted for the following reasons:

- mandatory declaration is reserved for those substances that may cause severe adverse reactions when present in foods;
- the safety assessment has concluded that, while ingestion of large amounts of MSG may cause mild forms of adverse reactions in small numbers of sensitive individuals, there is no convincing evidence that MSG is responsible for causing more severe adverse reactions. The proposed measure would therefore be disproportionate to the risk posed by MSG;
- the proposed measure would be inconsistent with the mandatory declaration requirements currently in place in the *Food Standards Code* in that it would allow the information to be provided in written form only rather than verbally on request to the purchaser.

The article proceeds with a series of other items. Monosodium glutamate [MSG] is the sodium salt of the non-essential amino acid glutamic acid. Glutamic acid is one of the most abundant amino acids found in nature and exists both as a free glutamate and can be bound with other amino acids into proteins. Many foods will have both. In fact parmesan cheese has bound glutamate, expressed in milligrams per 100 grams, of 9,847, and a free glutamate, also expressed in milligrams per 100 grams, of 1,200.

Duck has 3,636 in bound glutamate, and 69 in free glutamate. Salmon has 2,216 in bound glutamate, but 20 in free glutamate. Peas have 5,583 in bound glutamate, with 200 in free glutamate. Bound glutamate is found in quite large proportions in peas, corn, carrots, spinach, tomatoes and potatoes. Glutamate is in everything that we eat. It is therefore curious that we should want to ban its addition to certain foods. Glutamate occupies a central position in human metabolism. It comprises between 10 and 40 per cent by weight of most proteins, and can be synthesised *in vivo*. Glutamate supplies the amino group for the biosynthesis of all other amino acids, is a substrate for glutamine and glutathione synthesis, is a key neurotransmitter in the brain and is also an important energy source for certain tissues.

So this is a vital element of the body. Humans are exposed regularly to dietary glutamate from two main sources—either from ingested dietary proteins or ingestion of foods containing significant amounts of free glutamate, which can either be naturally present or can be added in the form of MSG/hydrolysed protein. Dietary glutamate is absorbed from the gut by an active transport system into mucosa cells, where it is metabolised as a significant energy source. Very little dietary glutamate actually reaches the portal blood supply. A lot of claims being made are totally unable to be sustained scientifically. The Opposition will support the disallowance motion proposed by the Hon. Dr Peter Wong.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS** [4.32 p.m.]: I support the motion moved by the Hon. Dr Peter Wong. Much of what I was going to say has already been said by the Hon. John Jobling, so I will not labour the point. Glutamate is one of the amino acids of the body. It is a non-essential amino acid, which means that it can be synthesised. It is 20 per cent of proteins, by weight. So, although it is not an essential amino acid, by weight it is one of the most important, if not the single most important amino acid. Essentially, amino acids have a nucleus, an amino group and a carboxyl group, with those two groups being able to be removed and providing interchangeability between amino acids and carbohydrates.

Glutamate is involved as alpha-ketoglutarate in the Krebs cycle, the cycle that uses oxygen to create energy in the body. So it is an important intermediary in a number of metabolic processes. It was, perhaps because of its cheapness, used in baby supplements to increase protein content. Some years ago, when I was studying child nutrition, there was some criticism of the fact that baby supplements did not have proteins, or amino acids, in the same proportion as did an egg, which seemed to have the optimum amount. But it did not seem to have any harmful effects. This was also the case with intravenous feeds, where extra glutamate was given to supplement the amount of protein.

Generally, monosodium glutamate is used as a flavour enhancer. I understand from some people in the food industry that if the concentration exceeds a certain amount it is accompanied by a bad flavour. Those folk would say it is self-limiting in the fact that a restaurant will not use more than a certain amount because if it did, that would have an adverse flavour effect. The industry that makes monosodium glutamate additive is a \$1 billion United States industry. It has lobbied us because it is concerned that individual States enacting legislation against MSG will have a big effect on that industry.

A couple of weeks ago honourable members debated the Food Bill, by which the Government, through the Minister, wanted to gain control of the banning of foods, rather than leave that to Food Standards Australia New Zealand [FSANZ]. There was division on that issue. The reason that the Government wanted that power

vested in the Minister, rather than Food Standards Australia New Zealand, was so that charities would not be caught by the regulations as food producers, an event that would put a stop to the sausage sizzles and cake stalls that are part of the good charitable works undertaken all over New South Wales. At that time there was some discussion about MSG. The Government said that its bill was not about MSG.

The ministerial discretion proposed in that bill—which I think survived by only two votes on the division—the government said, was not about MSG. It is therefore strange that the House is now debating the MSG regulation. My view is that governments should not meddle in areas in which they do not have expertise. Where that is a case of overruling the courts as far as sentencing is concerned, I think it is meddlesome. I think one of the most meddlesome acts was when the Senate of this country banned RU486, the abortifacient drug, on the basis of keeping happy one of the Senators who had a religious objection to that drug. In fact, that decision overruled the pharmaceutical bodies that had been entrusted with deciding which drugs should be on the market in Australia. That was a bad precedent, and one which this regulation follows.

As I said in debate on the Food Bill, there may be problems with Food Standards Australia New Zealand. For instance, there have been criticisms that agriculture has too much power regarding health, and that consumers are somewhat in the hands of agricultural exporters. That is a worry. If that is so, it needs to be addressed systemically, rather than by overruling that body in regard to individual items. We must have evidence-based decision making. Evidence about bloat, headache and so on from eating MSG food may be merely the osmotic effect that is encountered by anyone who eats large amounts of anything.

Other evidence, of course, is incomplete. In the case of multiple chemical sensitivity, there is some evidence, but not sufficient. Of course, that is an issue involving so many chemicals that it would be very difficult to legislate. Obviously, it cannot be said that we have all knowledge about all things. Sometimes we have to err on the side of caution. In the case of MSG, I do not believe there is sufficient evidence to make such a strong regulation. It is a decision that is almost populist and trendy, rather than one that needs to be made. The idea of fining restaurants that add MSG, when food processing groups that market food additives or put the substance in manufactured foods that are packaged are exempt, is quite discriminatory. This is populist legislation, but it is also bad regulation. We oppose it.

**The Hon. IAN COHEN** [4.38 p.m.]: As my colleague Ms Lee Rhiannon mentioned, the Greens support the motion moved by the Hon. Dr Peter Wong. I found reading a number of articles about the subject quite interesting. One was on the concept of glutamania. In this instance, it is clear that the Premier and the Government are engaging in populist politics. I resent the misinformation that is being disseminated. It has a detrimental impact on certain sections of the community. It is very unfortunate that that has happened. I will not reiterate the issues dealt with by other honourable members who have a far greater scientific understanding of the subject than I have. However, when cyclamates were banned, there was good evidence and reason for that.

Plastics, even in wrapping, can have an impact. Many chemicals are used in food. As a Green I am concerned about food additives. On those grounds, I was sceptical about the MSG debate. However, the clear evidence that has been put forward by honourable members on both this occasion and the last occasion on which we debated this issue is that it is not appropriate to separate MSG from any other additives. I have always maintained that all additives should be clearly labelled on any food produce. It is interesting to note that in foods with naturally occurring levels of glutamate, by percentage, parmesan cheese tops the list with 1.6; Vegemite, 1.4; scallops, 1.4; onions, 1.0; cabbage, 0.5; and breast milk, 0.2. It is clear that MSG occurs naturally in many foods. It is inappropriate for the Government to legislate and attempt a quick-fix without a scientific basis. Although I do not use MSG or many other salts in cooking, I am convinced that MSG does not cause any specific health problems, as the Government has asserted in a cheap trick before the election. The regulation could result in vilification of certain sections of the community. Chinese food is good for us and is part of the multicultural cuisine of Australia. No individual or section of the community should be vilified in a debate such as this.

**The Hon. Dr PETER WONG** [4.41 p.m.], in reply: I thank honourable members who contributed to the debate. They have shown they do not have much knowledge or understanding of the issue, but they have acted justly, fairly and in a balanced way. The Bob Carr Government acted in contempt of the decision of this House. The Carr Government breached its intergovernmental agreement with other the States, the Commonwealth and New Zealand. Its evidence is not backed by even one expert; the Government cannot find even one expert. What a pity! It did not consult any key stakeholders. It ambushed them and trapped them. All the stakeholders are against the regulation. The Government has told a lot of untruths and blatant lies. But for what reason? For only one reason: Bob Carr said so, he wants it done. The emperor has spoken! All should follow blindly. Is this what Parliament is all about? I quote from a letter sent to me by Dr Leonid Tarasoff:

### **DISCRIMINATORY EFFECTS OF MSG LEGISLATION**

In the public mind "Chinese Restaurant Syndrome" is firmly linked to MSG. In 1995 the Federation of American Societies for Experimental Biology report documented that the term "Chinese Restaurant Syndrome" was a pejorative and misleading term because of the inherent limitations in the implied (ie Chinese Restaurants only) circumstances of exposure to industry.

It is well known that Italian food, Vegemite and many other foods are higher in glutamate than Chinese foods. However, the terms "Italian Restaurant Syndrome" and "Vegemite Sandwich Syndrome" are not in the vocabulary of the public.

It stands to reason that regulations requiring mandatory declaration of use of MSG in its pure form and not less pure forms (such as parmesan cheese and stock cubes) will have a disproportionate effect on Chinese and other Asian restaurants.

The fact that "added MSG" cannot be measured by objective or scientific means would mean that rumour and suspicion could be used to discriminate against certain restaurants.

Professor Skurray in his submission to the ANZFA, referred to analytical results which showed no significant difference in the MSG content in soups purchased from "NO MSG" restaurants and restaurants which did not make such claims.

If glutamate was a real or imagined problem, worth regulating, it would be pragmatic to regulate restaurants which claim "NO MSG" or "NO Added MSG" status. If these were found to contain glutamate of, say, more than 0.02%, they have probably added MSG in one of its many forms. MSG at 0.02% is the amount found in human breast milk, which is 20 times greater in glutamate than cow's milk.

I urge honourable members to support my motion to disallow the regulation.

**Motion agreed to.**

### **CALLAN PARK (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) [4.56 p.m.]: I move:

That this bill be now read a second time.

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

**Leave granted.**

I am pleased to say that I rise to speak on this bill knowing I have the full support of the Government in enshrining public ownership of the Rozelle Hospital site in law and defining future uses to exclude the type of private development that was the focus of community concern.

This legislation means Callan Park is protected forever and a day under a Labor Government.

The basis of this debate has moved a long way since the Minister for Health first formed his intention to close Rozelle Hospital and replace it with a new state-of-the-art mental health facility at Concord Hospital.

I am informed that after two years of negotiations, the Department of Health and Leichhardt Council failed to agree on terms of reference for the Masterplan.

The Minister for Health finally asked the Minister for Urban Affairs and Planning to call the matter in and become the consent authority for development of the Masterplan so the community consultation process could begin.

At the heart of the matter was the Department for Health's desire to retrieve from sale of a portion of the site sufficient money to build the replacement hospital.

This was a basic condition the Masterplan had to meet.

From the beginning of the debate, the Government also accepted the basic conditions I put on behalf of my electorate—that there was to be no loss of open space on the site and that heritage buildings, heritage gardens and the foreshore were to be preserved.

I also indicated to Government that my support was conditional on the final shape of the Masterplan and how it impacted on my electorate.

When the draft Masterplan was released I was unhappy about the scale and density of the area proposed for sale and development.

Given that the reality I faced was that Health was still intent on the basic principle of sale and development of a portion of the site—I sought to minimise the impact of that reality by calling for—at the least—a 20 per cent reduction in the area subject to sale and development.

But the more I consulted and the more I looked at the details of the draft Masterplan, the more I believed that traffic issues simply had not been adequately addressed.

I believed there was no cogent plan to mitigate the effect of the extra traffic the development would generate—especially in Glover and Manning Streets.

Residents in those and nearby streets put it to me that they would bear a great deal of the burden of development—and that was undeniable.

In the end, this was the issue that really tipped the balance for me.

So I started advocating within Government and my volunteer Callan Park Community Working Group for the other permissible uses within the Masterplan—health, aged care, education and community uses, all of which already occur within the grounds.

In turn, the Government came towards the view that we might as well go right down that path and make those the only uses.

In September the Government made its final decision that this was the best course of action.

On the basis of their support for my alternative proposal, the Government agreed to withdraw the Masterplan.

Parliamentary Counsel began drafting my private member's bill, which I received on 14 October in draft form.

The dilemma for me—right from the start—is that I felt the principles of good government demanded I must find a position that balanced the rights and needs of my electorate and the rights and needs of this State's mental health patients.

I accept that the Government cannot continue to maintain a 19<sup>th</sup> century hospital as the centrepiece of the State's mental health services.

I have seen and accept local and international expert opinion—including from the World Health Organisation—that institutionalised, isolated care such as that provided at Rozelle is inappropriate in the 21<sup>st</sup> century for people with mental illness.

As the staff elected member on the Central Sydney Area Health Board—Charlie Linsell—said, most of the buildings are actually counter-therapeutic.

This is mitigated by the care and dedication of doctors, nurses and other staff at the hospital—but it's just not good enough and it needs to change.

So I am delighted to say that despite the abandonment of the Masterplan—despite the Government's decision to keep this site in full public ownership—the development of the new hospital at Concord will continue unaltered.

The difference is that its cost will not be met from the Rozelle Hospital site.

As I said in an early letter to my constituents, the future of this important and historic site required, "a full process of meaningful public consultation; that is, consultation that can influence the outcome".

The Government's support for this bill makes it quite clear that they took this commitment seriously.

Even though the community debate has been emotional and heated at times, I am grateful to those people who took the time to convey their views to me or to make personal submissions on the draft Masterplan.

Because, although the solution was not found within the Masterplan, I strongly believe the process itself was important.

It meant a wide range of information and public opinion was gathered and aired, which proved important in allowing the Government to reach its final decision on how to proceed in a way that satisfied both local residents and mental health needs.

I turn now to the detail of the bill.

There are five objects of the bill, which will ensure continued public ownership of—and access to—Callan Park.

As the objects state, the bill will ensure the preservation of open space at Callan Park.

It will allow public access to that open space, including the harbour foreshore.

It will allow public access for both active and passive recreation.

The bill will preserve the heritage significance of Callan Park and will impose appropriate controls on future development.

Clause 5 of the bill guarantees that all of Callan Park will remain in public ownership. Under clause 5, Callan Park may only be transferred to another statutory body representing the Crown that is subject to the direction and control of the Minister.

Clause 5 also prohibits leases of any part of Callan Park, except as expressly permitted by the bill.

Clause 6 of the bill permits leases or licences of buildings or land to be granted with the Minister's consent.

Clause 6, however, requires the Minister to engage in extensive public advertising and consultation on any proposed lease or licence.

Clause 6 of the bill also permits the management of Callan Park or any part of it to be contracted out with the Minister's consent.

This provision recognises that the Crown body that owns Callan Park might not always have the right expertise or resources to best manage the site.

There are two important restrictions on the ability to contract out management of Callan Park.

First, the extensive public advertising and consultation provisions that apply to leases also apply before the Minister is allowed to consent to a proposed management contract.

The second restriction is that the management of Callan Park may only be contracted to the local government area in which Callan Park is situated or to some other body specifically formed to manage Callan Park.

Clause 7 of the bill sets out the key restrictions on development at Callan Park. The provisions in clause 7 override the environmental planning instruments that otherwise apply to the site.

Under clause 7, development is permitted, with development consent, for the purposes of health care facilities, aged care facilities, educational facilities and community facilities.

It is important to note, however, that in permitting such uses, Clause 7 of the bill also limits buildings at Callan Park to the footprints of existing buildings.

It specifically prevents any reduction in the amount of open space and it specifically prevents any increase in the total floor area of buildings at Callan Park.

This bill ensures that Callan Park will retain its character as a health and community facility.

The need for adequate aged care facilities is an increasingly important issue throughout Australia.

It is a particular need in Sydney's inner west, including in the electorate of Port Jackson.

There are many local, elderly people who at present have limited options for staying in the area they know and love if and when they reach the stage of needing aged care.

This aged care use has already been raised as a possibility for the site and Callan Park may well present an ideal opportunity for providing essential aged care facilities in the inner west.

I emphasise, however, that clause 7 of the bill specifically rules out SEPP 5 aged care and disability housing.

Under my bill, there is no way that we will end up with the monstrosity of the 400-bed privately funded hospital the Opposition Leader has promised to build at Callan Park.

Clause 7 of the bill also specifically protects the important gardens in Callan Park. The Broughton Hall Garden, known locally as the Japanese Gardens, the Charles Moore Garden and the Kirkbride Garden are each named in and protected by the bill.

Finally, under clause 7, the consent authority is required to consider the objects of the bill when determining a development application.

This means public and foreshore access and heritage issues will be considered in every development application.

Clause 8 of the bill enables regulations to establish a community consultation committee for Callan Park.

Finally, clause 9 ensures that the bill will not affect the application of the Heritage Act to Callan Park.

This bill is about listening to the community.

It protects and enhances an important public place. It ensures that this important public place cannot be ruined by massive overdevelopment with the Opposition's proposed 400-bed hospital.

This bill has been made possible because the Government has found the money needed to build a vital first-class mental health facility at Concord without needing to sell part of Callan Park.

An electorate like Port Jackson—so near the centre of the city—faces many challenges as Sydney grows larger.

For instance, the Balmain peninsula has seen great changes over the past twenty years. Traditionally this was an area that combined industrial and residential areas in a unique mix.

Recent years have seen the large majority of industry have moved out—I think of names like Colgate Palmolive and Unilever as just two examples—and residential development has moved in.

Under a previous Government and a previous local member, the so-called five sites development was set in place and residents see on a daily basis the gross overdevelopment on some of those sites.

There is no doubt that this had made the Rozelle Hospital debate a particularly resonant and fraught one. Despite Government commitments restricting the nature of any development, residents feared a duplication of existing monstrosities.

I know this to have been a large factor informing local attitudes. I understand the reasons for this apprehension.

During this whole process, I have spoken to many, many people in my electorate. I have visited the site many times. I have spoken door to door with many residents—especially those near the hospital.

While no outcome would every satisfy everyone, I am convinced by my wide consultations that this bill provides a solution that will satisfy the vast majority of residents in my electorate.

Added to that, the new mental health facility at Concord will mean patients will—for the first time—have ready access to the host of diagnostic and specialist care that wholistic healthcare demands, and that this Government wishes to provide.

The Government will move a number of amendments in Committee, which will provide for parliamentary scrutiny of leases exceeding 10 years and proposals to contract out for management of Callan Park to any trustees. The amendments will also prohibit development for the purposes of retirement villages and will limit buildings at Callan Park to their current heights. I commend the bill to the House.

**The Hon. DON HARWIN** [4.47 p.m.]: On Sunday 13 October I, like many other members of the House, was readying myself to go to church as the Prime Minister had suggested, and as the Leader of the Federal Opposition had endorsed, to mark the National Day of Mourning for the tragedy in Bali. At nine o'clock on Sunday 13 October I was getting ready to travel to Holy Trinity Anglican Church at Huskisson, where there was a service. It meant a great deal to me. But at nine o'clock on Sunday 13 October the honourable member for Port Jackson, Sandra Nori, was doing something quite different: holding a press conference, which has directly led to the bill. At that press conference, in spite of four years of ongoing and persistent determination on the part of Sandra Nori to ensure that residential development of one form or another takes place on Callan Park, she announced that she would reverse her position. As a result, this bill is before the House. I note also that it was held on the morning after the Cunningham by-election, which I am sure was not completely accidental.

**The Hon. John Della Bosca**: She knew all those things were going to happen when she arranged the press conference, did she?

**The Hon. DON HARWIN**: Oh, so the Minister does not do polling?

**The Hon. John Della Bosca**: No.

**The Hon. DON HARWIN**: And he did not know that his party was going down the tubes? That surprises me.

**The Hon. Amanda Fazio**: Speak to the issue.

**The Hon. DON HARWIN**: I am doing exactly that, and I invite the Hon. Amanda Fazio to take a point of order if she thinks that I am not doing so. The fact is that this bill is not what it purports to be. It has been said that it will not allow the sale of any part of Callan Park, but in fact it will allow for a range of uses, including residential development, and it will allow for alienation of the land. That is simply the reality. The public will still be denied access to as much of the parkland as the Minister for Planning chooses. In other words, the whole bill is a con. On the most recent opportunity that honourable members had to discuss private members legislation, the Government put on the most incredible performance and three times tried to shut down debate on legislation that was introduced in the other place by the Liberal Party and the National Party and in this place by the Greens.

**The Hon. Rick Colless**: They spat the dummy.

**The Hon. DON HARWIN**: The Government certainly spat the dummy. Three times Government members called for a division and eventually they succeeded in terminating discussion so that instead honourable members had to consider this bill, which, as I have said, is an absolute con. My colleague the honourable member for Davidson highlighted in the Legislative Assembly three important matters of concern that should be noted. The first is that this bill specifically allows for aged-care facilities to be leased and/or built at ministerial discretion. Under this bill, the Minister for Planning will have the power to approve leasing of Callan Park for aged-care or retirement village development while overriding any community or council objections. In contrast to that, under the bill moved by the Liberal Party and the National Party in the Legislative Assembly and by the Greens in this place, that would not have been possible. The Coalition will certainly re-examine that matter at the Committee stage.

The second major concern referred to by the honourable member for Davidson is that at the time the master plan for Callan Park was released, the Government amended State environmental planning policy [SEPP]

56—the policy which preserves the Sydney Harbour foreshores. SEPP 56 was altered by this Government to allow greater development at Callan Park than the terms of SEPP 56 would originally have permitted. At this point, the amendment of SEPP 56 has not been repealed by this Government. It will still apply, and that is a matter of some concern. The third concern was why the amendment of SEPP 56 has not been reversed at this stage. The Opposition will not in any sense concur with the argument that has been advanced by the Minister for Small Business, Minister for Tourism, and Minister for Women—the honourable member for Port Jackson in the other place—that this is a solution that meets the needs of the community. There is only one way to achieve a solution, and that is to accept and pass the existing Save Callan Park Bill, known as the Friends of Callan Park bill, which the Opposition supports.

The Coalition intends to move several amendments in Committee. Given that the Government and the Greens will be moving amendments, it seems that the Committee stage will be rather intense. The Coalition's first amendment deals with leases. The Coalition intends to limit leases in Callan Park to 10 years. We intend to allow for longer leases, but they will be subject to disallowance by either House of Parliament. The Coalition intends that the local council, not the Minister, will be the consent authority—a provision that was part of the private member's legislation moved by my colleague the honourable member for Davidson in the other place. The Coalition also intends to delete reference to aged-care facilities because therein lies the agenda. It is important to remember that in 1999 the honourable member for Port Jackson supported a retirement village development at Callan Park. The Opposition will not reopen the door to that proposal. Through amendments, the Coalition will exclude retirement villages from the list of permissible uses.

New structures should be restricted not only to the footprint of the existing buildings but also to the envelope of those buildings, and that will be the subject of a third group of amendments that the Coalition will move in Committee. The Coalition believes that that is necessary so that greater and higher development does not proceed on the Callan Park site. Judging by the way that the Government has drafted this bill, clearly it is the Government's intention and the agenda of the honourable member for Port Jackson to permit that. The Coalition also intends to delete a very interesting clause that has been added to the bill to facilitate the control and management of any part of the park being transferred to another body. A number of amendments that have been foreshadowed by the Greens will have the support of the Opposition, but not all of them.

I conclude my remarks by stating that the position of the Opposition on Callan Park has been clear right from the very beginning—as early as March 2001 when the Leader of the Opposition, as the then shadow Minister for Planning, called on the Carr Government to reverse its plans to sell land at Callan Park. The Leader of the Opposition highlighted the fact that this Government was being completely hypocritical in its approach to Callan Park compared to the position it adopted when lecturing the Commonwealth Government over the position it had taken on former defence forces land. It was breathtaking hypocrisy. The position of the Coalition is very clear. We will protect Callan Park and we will support retention of the site as a centre of excellence in mental health.

I pay tribute to those in the community who fought this issue long and hard to preserve the Callan Park precinct for the community. I especially acknowledge Councillor Nick Dyer, Councillor Carol McVeigh and Councillor Marc Hewitt of the Leichhardt Municipal Council for their very strong opposition to the project. I have to say that this bill attempts to preserve Callan Park and, with significant amendment, it may go some way toward achieving that. But a far preferable solution would have been for the Government to support the legislation that was being debated in this House last Thursday.

**Ms LEE RHIANNON** [5.00 p.m.]: The Callan Park saga has been an extraordinary demonstration of people power, an extraordinary Government backflip and an extraordinary illustration of just how desperate and how expedient this Labor Government is. This is a most remarkable situation. A Labor bill has been introduced to save us from a Labor development proposal. Labor is trying to save the community from the Labor Party. The Government is legislating to protect a specific urban park—which is remarkable in itself—with a bill that has been blatantly and shamelessly plagiarised from a bill drafted and moved by the Greens. It is a remarkable day in New South Wales politics.

The Greens are proud to have introduced the original and the best bill to save Callan Park. On 26 September this year I made my second reading speech on the Save Callan Park Bill. In that speech I called on the community never to give up in its fight to save Callan Park. The community never did give up. The community brought this Government to a humiliating capitulation. Since that time Labor has cynically moved from being decimated, to being determined to sell off Callan Park, to championing its protection. The honourable member for Port Jackson, Ms Sandra Nori, ludicrously claimed that she never supported the sell-off.

She has had the nerve to display posters in her electorate bearing the words "Callan Park Saved, Thank you Sandra Nori"—and that from a member of Parliament who championed the sell-off and denigrated those who opposed it.

**The Hon. John Della Bosca:** Like in Czechoslovakia in 1968.

**Ms LEE RHIANNON:** Is Sandra Nori going to bring in the tanks? Is that her next trick? It did not take long before her posters were the target of a community campaign which saw the words "By the people" stuck over the words on the poster "Thank you Sandra Nori." The Special Minister of State might again interject and say that the people have spoken. Indeed they have. I am sure that most members believe that change to be most appropriate. This local battle over posters makes an important point about what has occurred. The Government is attempting to deny the community its win. Labor is trying to take credit for saving the community from the Labor Government. The reality, of course—as everybody except Sandra Nori is prepared to acknowledge—is that a vigorous, professional and highly impressive community campaign, driven by the Friends of Callan Park, has forced Labor into this stunning backflip. Labor, in the end, had no choice but to capitulate. It is a classic victory of people power and an inspiring example for all those communities in New South Wales that are fighting inappropriate Labor supported developments.

**The Hon. John Della Bosca:** They can't afford to pay the consultancy fees.

**Ms LEE RHIANNON:** I note the rather sad and limp interjections of the Special Minister of State, who fails to understand that this great victory in relation to Callan Park has fuelled communities around the State who are fighting their own battles. The Government has had eight years to toughen up the legislation so that it was not the responsibility of communities to tidy up these development debacles. The Callan Park victory will inspire literally thousands of communities across New South Wales.

[*Interruption*]

I acknowledge the interesting comments that have been made by honourable members about preferences. The Callan Park victory will inspire literally thousands of communities across New South Wales who are campaigning against overdevelopment and environmental vandalism. By capitulating on Callan Park Labor has made a difficult bed for itself. Now the magic formula to beat Labor is clear to everyone: Build tremendous community support, get thousands of petition signatures, make sure that one's supporters all turn out at some big rallies with some high profile speakers and make sure that one threatens Labor in an electoral sense. Callan Park has shown that this is how the community can beat the Carr Labor Government. That lesson will not be lost on anyone.

**The Hon. John Della Bosca:** What you could do with someone who is educated.

**Ms LEE RHIANNON:** I again acknowledge the interjection of the Special Minister of State, who referred to people being well-educated. I acknowledge that many people are well-educated. The Minister acknowledged that many other communities are not getting a fair deal. That is why this Government should pass some decent laws. The Government is trying to belittle one community that is making that statement but, in effect, it is belittling all communities. Despite the fact that Labor introduced this bill, which must be quite a humbling experience for it, we must not be fooled into thinking that everything is okay. The community is stating clearly that this bill is just not good enough. It is a weak bill, filled with flaws and loopholes.

It is clear that this bill paves the way for the commercialisation of Callan Park. It is different in several key respects from the Save Callan Park Bill, which the Greens introduced in this House and the Coalition introduced in the other place. The community is right to be highly suspicious of Labor in this case. We have to question the sincerity of a Government that shifts its position so dramatically and so suddenly. There is absolutely no good reason why the public should trust Labor's intentions. One of the key problems with this bill is that it allows the parklands to be leased out. Proposed section 6 states clearly:

A lease of, or licence allowing the use of any land within Callan Park may be granted with the consent of the Minister.

Ms Nori, at yesterday's crossbench briefing, denied that that was the case. One wonders whether she has closely read her own bill. I questioned her twice about that subject and she denied that that was the case. The Greens bill would only have allowed existing buildings to have been leased, not the parklands. This dangerous measure could see the parklands being fenced off and the public being excluded. That is not what the community is looking for. They want a public park with free public access, as is usually the case with parks. They do not want

to wander down on a Saturday morning to walk the dog or to throw a ball with their kids only to find that a fence has been erected and security guards are patrolling the area to keep them out. That is what this bill will allow.

The bill does not guarantee public access to the parklands. Indeed, it provides for them to be leased out. Another possible leasing option for the Government will be active recreation. The Greens have no trouble whatsoever with existing active recreation facilities continuing to be used for active recreation. The Government has been misleading people with regard to the Greens' intentions by suggesting otherwise. To this end, one of the Greens amendments will limit the areas that can be leased or licensed to the buildings and the existing active recreation areas. But we are opposed, as are the Friends of Callan Park, to any expansion of active recreation on the site. We are opposed to the parklands being leased out for new and additional active recreational uses.

**The Hon. John Della Bosca:** You are opposing children's sport?

**Ms LEE RHIANNON:** This is tragic. This is another pathetic attempt by the Special Minister of State, who is stating that the Greens oppose children's sport. I just said quite clearly that we are not opposing active recreational use where it is occurring at present. The Special Minister of State is carrying the baton of Ms Sandra Nori into this House. He is trying to do her job by distorting the position of the Greens. I state once again that the Greens support active recreation in this area. In this case active recreation is appropriate in designated areas.

**The Hon. John Della Bosca:** Who designated them?

**Ms LEE RHIANNON:** I will expand on that issue later. This is clearly not compatible with its heritage significance and it will diminish its role as a passive recreational site. We are not interested in seeing tennis courts, basketball courts or similar courts being built on this site because it would significantly diminish its heritage value. Our forebears had such great vision that they set aside this area for the mental wellbeing of the people of Sydney.

**The Hon. John Della Bosca:** You have to be joking! The mental wellbeing of people in Callan Park!

**Ms LEE RHIANNON:** I was a psychiatric nurse and I know many patients who suffer from mental illness. It is tragic that the Special Minister of State is belittling the way in which that place operates. The land was set aside—

**The Hon. John Della Bosca:** To describe Callan Park as a park for the welfare of everybody is a joke.

**Ms LEE RHIANNON:** The way that the buildings were utilised was detrimental to many people. The purpose to which the land surrounding those buildings was put has made a huge contribution to the community, and that is what the Greens will continue to defend. The bill does not restrict the uses for which the parklands and buildings can be leased out, whereas the Greens' bill restricts leases for health, education and community purposes. Consequently, the parklands may be leased out and fenced off for any purpose. The uses could include corporate functions, weddings, film shoots, or any commercial purpose. That is what Minister Della Bosca will not acknowledge. The Government's bill allows the land to be used for any commercial purpose.

The bill restricts possible uses for which development may be carried out to health, education, community and aged care uses, but does not restrict leases. That is a very major flaw, and we should remember that even with Labor's last-minute amendments—which again were plagiarised from the Greens and the community—leases can last for at least 10 years and, potentially, much longer. That is a very long time for the public to not be able to use their park. It is easy to see where this bill is heading; it is all about the commercialisation of Callan Park. Some or all of the park and the buildings will be leased out for corporate functions, weddings, movie shoots, and so on. The public will be excluded if that is the case. This bill is not about giving Callan Park to the people; it is about making money out of Callan Park by leasing it off. Labor's bill also explicitly allows development for aged-care facilities. One has to wonder if, as with State environmental planning policy [SEPP] 5, aged-care facilities are being used as a convenient cover for medium- or high-density housing. That is why there was so much outcry about SEPP 5; its intent might be good but how it has played out has been so hypocritical.

[*Interruption*]

One has to wonder whether Ms Fazio is aware of any of the development debacles around the State and how much her Government is on the nose. The Government might put up these very fine sounding SEPPs but it

is certainly not doing anything for old people. It is the yuppies that the honourable member so often derides that end up in much of this accommodation. The community has been very clear in saying that aged-care accommodation is not an appropriate use of the site. A couple of years ago a proposal for an aged-care development in the park was very vigorously opposed by the community.

Labor is amending its bill to exclude retirement village development but it will still allow aged-care development. This certainly seems like smoke and mirrors, and the community is right to be very suspicious of this move. Although the bill represents an historic win for the community over an arrogant and developer-driven government—a win in which the Greens are pleased to have played a part—the community cannot let up even at this late stage. Given the provisions of this bill, if it passes unamended, the Friends of Callan Park and the community generally will have to be ever vigilant. There will come a day when the Government will propose a grossly inappropriate lease for a commercial purpose and, once again, people power will be the only obstacle in its way. Should that happen, the Greens will again stand with the community and we will again raise the issues in this House.

The Greens and the Coalition will move amendments to remove the major flaws in the bill. The amendments have been developed in consultation with the Friends of Callan Park group and other community representatives. I urge all members to read them and consider them very seriously. The amendments are the result of submissions from the community, and if we adopt them we can ensure that the bill, when it becomes law, delivers for the community what it has demonstrated it requires.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS** [5.14 p.m.]: The battle to save Callan Park has been going on for four years. Reference was made to the Richmond report, as a result of which, as the story goes, the Government tried to deinstitutionalise the mentally ill. That proposal was criticised and this year an inquiry into mental health, which I initiated, was held. The inquiry was about the debacle surrounding the deinstitutionalisation of the mentally ill, which was carried out without providing adequate community support systems and was done, basically, to return money from mental health facilities to Treasury. The Gladesville site was sold off in large part; money was simply returned to the coffers. The threat to Callan Park came from a natural extension of the same process.

The mentally ill are sleeping on park benches. Even today they sleep in the area between Parliament House and the State Library. Indeed, they were regarded as such a problem that foliage in the area was cut back so that they were visible to passers by. Such was the extent of the assistance given to them by the Government. While the mentally ill were receiving no community support, and inquiries were held about them, the ongoing practice was to flog off land on which mental health service facilities had been erected. Some of the hectoring today has related to whether it was fiscally prudent to flog off resources, to sell the family silver, to balance the budget. It was intimated that if one interferes in that process, one is interfering in the Government's responsible economic management and is, therefore, being irresponsible.

That is an indication of how little we have done to save for our future and to look after our assets. The Government ridicules any attempt to save inner city land as the population increases; it will not keep the jewels of open land within urban settings, particularly on Sydney Harbour, which has been described as a public lake in the middle of private land. In 1998 the Government tried to sell off two hectares of this 61 hectare site and was thwarted by the actions of the residents. The Friends of Callan Park have been fighting to keep the site intact and in public hands since that time.

Central Sydney Area Health Service developed a master plan and identified three parcels of land on the site, an area of eight hectares, that could be sold. A further two hectares would be given over to roads and footpaths. Local real estate agents have valued those parcels collectively at \$117 million. No doubt they would now be worth a lot more, given the increases in property prices since 1998. The proposal would have given rise to the construction of 600 homes, or 1,200 apartments, housing 2,500 residents and possibly 2,000 cars. It would have destroyed the nature of the site and threatened the preservation of that parcel of open space in Sydney's inner west.

It is the Democrat's position that public land must be protected and preserved, not only on the Rozelle peninsula but all over New South Wales, particularly in urban areas. I have given notice that I will introduce the Public Lands Protection Bill, the object of which is to keep New South Wales public land in public hands. It is time that we stopped selling off the farm for short-term gains. We have a legacy that we should hold in trust for future generations. It is time that we started thinking of saving, rather than selling, those things that our forefathers gave us, in trust, for all time. The Government should not think of selling off land for the sake of a few years of ease.

The Callan Park site is an important part of that legacy, as is the quarantine station site, about which I have introduced another bill. We should be concerned to protect public land. The Greens are to be congratulated on introducing their bill to save Callan Park. It is an important milestone in this process. The Hon. Sandra Nori then introduced this bill. Interestingly, the Hon. Sandra Nori said that she had always tried to stop the sell-off of Callan Park. She probably did try behind closed doors, because as we all know, members of the major parties are not free to publicly express their own opinions, they have to follow the party line publicly, whatever doubts they might express in private. I am sure that in the evenings they look at themselves in the mirror and ask, "How can I be here? What am I doing?" No doubt they have such introspective moments in the privacy of their homes. But in public they are bound and gagged, poor lambs. Fortunately the crossbenchers are able to speak their minds at all times; we do not have any problems with our conscience.

The Government bill, as introduced by Sandra Nori, still had several deficiencies. There was no limit on the terms of leases so a 99-year lease could be granted to a person or organisation. There were many rumours about favoured developers of aged care facilities receiving a large chunk of the site within the framework of the Nori bill. There was no option to appoint a trust to care, control or manage the site. A retirement village development would have been allowed under the lax lease terms. They were no height restrictions on buildings—the bill referred only to footprints—and both active and passive recreation was allowed, leading to the possibility of a sporting complex being constructed on the site. If honourable members think that is impossible, I invite them to consider what happened to Ryde swimming pool. It is now owned by an English mob, who have turned it into a shed instead of an open-air swimming pool—which I must confess I regret and resent.

**The Hon. Malcolm Jones:** What's in the shed?

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** The swimming pool. There is no restriction on the uses for which leases may be granted and a lack of community input in the management of the site. The Government has subsequently addressed the first four of these points but has not yet acceded to requests about the remaining one. The Opposition has foreshadowed various amendments to the bill, as have the Greens. They have been examined thoroughly by the Friends of Callan Park, whom I congratulate. I, presumably like many crossbench members, will be guided by the recommendations of this group, which has followed this issue tenaciously, courageously and intelligently for some time. I believe their good work will deliver a much better outcome, even though the Government has disparaged them for being intelligent people. One suspects the Government would prefer to deal with the unintelligent, who can be bullied, cajoled or conned into agreeing with it. If the principal amendments to the bill are passed, we will reach a good, workable compromise. We will obviously have to wait until the Committee stage to test the numbers, but I hope that a good outcome can be achieved not just for the people of Callan Park but for future citizens of Sydney, who will need decent recreation areas managed by trusts to ensure intelligent use of public land.

**The Hon. Malcolm Jones:** What about a mental hospital?

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** The word "lunatic" is derived from the word "luna" as it was assumed that the mood swings of the mentally ill related to the cycles of the moon. Asylums provided protection. Mental hospitals were located along the Parramatta River. Hospitals on the coast and at Rozelle, Gladesville and Cumberland were situated in peaceful garden settings on the water. This was once the vision of how the mentally ill should be treated. It is sad that we have strayed so far from the concept of providing havens where the mentally ill could relax and come to terms with their environment. Treatment is now pharmacologically driven or we simply do not care—it is a case of out of sight, out of mind. The mentally ill are pushed onto the streets and eventually collected by the custodial system when they steal for food.

Mental health is a subject dear to my heart. Honourable members will be aware that I established the mental health inquiry. We probably need a new mental hospital, although parts of the existing hospital must still be usable. There is little doubt that we should emulate the Victorian model of providing safe mental hospitals for the criminally or dangerously insane. I visited Victoria and was extremely impressed by the construction of a secure mental health facility on land procured from the Fairfield infectious diseases hospital.

**The Hon. John Jobling:** But with lots of open space.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Indeed, it has lots of open space. It does not look like a gaol but is as secure as one. The facility aims to rehabilitate 90 per cent of its patients. A similar hospital should be built in this State, I believe at Westmead, where the Institute for Mental Health has been

created in the grounds of Cumberland Hospital and where there is sufficient space for such a secure facility. A less restrictive hospital could then be retained on the Callan Park site, taking advantage of existing facilities for the mentally ill who are not dangerous and require low-security and voluntary accommodation. I do not think anyone would object to that proposal. Members of the Mental Health Tribunal believe we need community-based mental health care. Our first priority should be to locate mental health facilities in the community and only when there is graded support within that community should we consider how many beds we need, how secure those facilities should be and how they should be staffed. Our aim is to support individuals and families in their communities. That was the vision of the Richmond report and that is how mental health care should be provided.

At one level I would not object to the provision of aged care services on the site, but in the past such facilities have been a Trojan horse for land sales and private development under State environmental planning policy No. 5. We certainly do not want that to happen in this case, so I will vote accordingly. I will be guided by the suggestions of the Friends of Callan Park in considering this bill. I am not ashamed of my belief that inner-city parkland must be preserved. This Government keeps pushing the ridiculous idea that the only way to manage an economy is to sell off our assets progressively. But that simply will not wash. I am pleased that the Government has improved its position with regard to Callan Park, and it deserves some credit for its actions. Perhaps it is due to the Greens' victory in the by-election for the Federal seat of Cunningham—which they achieved by securing a few more percentage points than the Democrat candidate did a few years ago. I congratulate the Greens on doing what we could not. Whatever the reason, this bill is a step in the right direction—although obviously not a step far enough. I am sure that the improvements in this bill and in the amendments judiciously selected by the Friends of Callan Park and massively supported by crossbench members, and possibly Opposition members, will be a joy to behold.

**The Hon. PATRICIA FORSYTHE** [5.27 p.m.]: Let us be clear: The Callan Park (Special Provisions) Bill should be retitled the "Save Callan Park Bill".

**The Hon. Don Harwin**: The "Save Sandra Nori Bill".

**The Hon. PATRICIA FORSYTHE**: Yes, I will come to that shortly. We are debating this bill only because the Carr Government put Callan Park at risk in the first place. This legislation would have been unnecessary but for the Government's actions. This is the "Save Sandra Nori Bill". One need only refer to the second reading speech to appreciate the honourable member's desperation. When the Special Minister of State sought to incorporate his second reading speech in *Hansard* but indicated that there would be several amendments, I almost interjected to say that it would perhaps be safer if he read the speech, incorporating some of the guidelines for those amendments. I have now read a copy of that speech and I can inform honourable members that the Government has simply changed the words "Mr Speaker" to "Madam President" in the first paragraph. The speech is exactly the same as that delivered by the Hon. Sandra Nori in the other place.

**The Hon. John Della Bosca**: That is the convention.

**The Hon. PATRICIA FORSYTHE**: It is not. The speech is written in the first person and includes statements such as:

I also indicated to Government that my support was conditional on the final shape of the Masterplan and how it impacted on my electorate.

The Minister has misled the House. The speech states:

Parliamentary Counsel began drafting my Private Member's Bill, which I received on 14 October in draft form.

I am absolutely certain that it is not this Minister's private member's bill that was drafted. The Government is clearly embarrassed by this issue and wants it out of the way quickly. It has paid no regard to the conventions of the House, which suggest that the Minister should have given a proper second reading speech that contained an overview of the bill and its purpose. Instead he simply incorporated the speech given in the other place. The Opposition introduced legislation in the Legislative Assembly because it is of the opinion that it is important that Callan Park should remain in public ownership. In the minutes of a meeting of the Fairfield Teachers Association held on Monday 4 November, Mr Joe Tripodi, the honourable member for Fairfield, is recorded as saying that saving Callan Park will just give yuppies somewhere to walk their dogs. He said it was wrong to save Hunters Hill and Erskineville schools and Callan Park.

**The Hon. Don Harwin**: Wrong to save Hunters Hill?

**The Hon. PATRICIA FORSYTHE:** Yes, two schools and Callan Park. That is a disgraceful comment from Mr Tripodi and a true insight into the thoughts of many members of the Australian Labor Party [ALP]. If such frank comments are being made around the State by members of the ALP, that shows that they are not interested in saving Sandra Nori. We should note the important provisions of this legislation. The Hon. John Jobling has drawn my attention to the words "Mr Speaker" in the second reading provided in this Chamber, instead of "Madam President". If the Government were serious about this matter it should put some effort and energy into delivering a proper speech in this Chamber that reflects the purpose of a second reading speech.

**The Hon. IAN COHEN** [5.32 p.m.]: I support the comments of both Opposition members, many members of the crossbench and my colleague, Ms Lee Rhiannon, who has done a lot of work promoting this issue—

**The Hon. John Della Bosca:** Does she live there?

**The Hon. IAN COHEN:** That is probably her business and something you should ask her personally. I congratulate the Friends of Callan Park, a number of whom are in the public gallery, including the mayor of Leichhardt council, Maire Sheehan, and Councillor Hall Greenland. It is wonderful to see some success for the community. The Greens have been saddened by the turn of events in recent years brought upon the community by the Carr Labor Government in relation to many other issues. We believe that all public land should remain in public hands just as we want to stop the fire sale of public entities such as Telstra, the GIO and the Commonwealth Bank. We also must be mindful of many other very valuable pieces of public land in New South Wales—the quarantine station immediately comes to mind. It is not my idea of a derogatory point when I say "a yuppie community" because everyone has a right to defend their particular area of land. I commend those communities for undertaking the job of going through a lot of hard work and heartache standing up to the Government and developers in an attempt to stop the destruction of public resources and wonderful environmental areas.

I spent part of a day with Councillor Paul Greenland and looked at the magnificent buildings and parklands at Callan Park. That was inspirational. The idea that that any government, particularly a Labor Government, would attempt to sell off that land marks a sad and low point in its relationship with the community. Indeed, Labor has made an acrobatic shift in its position, from being determined to sell the park to championing its protection, in its view. The honourable member for Port Jackson, Ms Sandra Nori, introduced in the Legislative Assembly her Callan Park (Special Provisions) Bill. The community is clearly saying, however, that Labor's bill is not enough. Labor is claiming that its bill will save Callan Park. The honourable member for Port Jackson has certainly not been slow about making this claim, direct mailing thousands of voters in the electorate and putting up corflute posters in her electorate.

I am reliably told that the direct mailing has backfired because people recognise just how much the Government is able to spend on its propaganda campaigns. Whilst the aim was to placate the voters of Port Jackson, the direct mailing may not have been successful because the bill is fatally flawed and it may not have achieved its political ends. It will be useful for honourable members to understand the key differences between the Save Callan Park Bill and Labor's bill. For starters, the Greens bill allows only the existing buildings to be leased out. Labor's bill also allows the parklands—the entire open area—to be leased away. This is a key difference. Labor's bill will effectively alienate the parklands from the public.

It is easy to see that Labor's bill is heading towards the commercialisation of Callan Park, with some or all of the park and buildings being leased out and fenced off for corporate functions, weddings, movie shoots and so on. The public will be excluded. The bill is not about giving back Callan Park to the people. This bill has been well and truly canvassed in detail by many honourable members. Given that Ms Lee Rhiannon has covered the issue in depth, I will not waste further time of the House. This is a significant win for the people, and I congratulate them.

**The Hon. RICHARD JONES** [5.37 p.m.]: The Callan Park (Special Provisions) Bill is designed to ensure that Callan Park remains in public ownership. Thank heavens we have got this far after such a struggle by the people of that area. I have been to several meetings attended by hundreds of people, so it is clear that there is tremendous support in the community. It is only because the Greens won Cunningham that this legislation is before the House. We will ensure that Callan Park remains in public ownership. I talked to Sandra Nori in Chinatown before the Greens won Cunningham and she said she would pursue it and go to the polls with part of the park sold off. She said she was going to try to negotiate for perhaps 20 per cent of the development to be knocked off. A few weeks ago she was adamant and had no idea that this would happen. We know it happened only because the Greens won Cunningham. Hunters Hill High School was also saved, for similar reasons.

This is really a victory over Treasury, because Treasury and the Cabinet Office run the State, not the Premier and his Ministers. Treasury and the Cabinet Office must be fuming that the Government is actually running this State for a change. The Premier will be asked, "Where on earth will we get this money from now?" There are always ways and means to raise money, some of which are unpopular. Spending priorities can be changed. Billions of dollars that might well be better spent on public amenities, for example, are being spent on roads. Before the last election, when we were negotiating the Eastern Distributor, the Premier promised me that he would repair the cut between the Botanic Gardens and the Domain.

The Premier said, "I will cover that over in my next term of office." He has about four months to go and it has not happened yet. That promise was made while I was standing in his office looking over the cut in the Domain, but that never became a reality. The cut is still there and it will be there for a number of years yet. Unfortunately, we were not in a position to say, "Unless you do that we will not give you our preferences at the next election." Certainly the next election will be a close race, and not only in the Port Jackson electorate, held by Sandra Nori. Clover Moore still has the problem of the cross-city tunnel and the unfiltered stack at the end of it, issues affecting not only the member but also her constituents. Those matters have not gone away; they have to be resolved. They will not only gnaw away at the seat of the current member but will also affect voting for the seat that is sought by Frank Sartor.

**The Hon. Rick Colless:** Frank who?

**The Hon. RICHARD JONES:** Frank Sartor, currently the Mayor of Sydney.

**The Hon. Duncan Gay:** Frank will probably come into this place, drop his mayoral salary and be a backbencher in opposition.

**The Hon. RICHARD JONES:** I do not think so. If Frank Sartor wins the seat he will become Minister for Local Government in about 10 minutes. He would be a very good Minister too, I might say. I would think that even the Deputy Leader of the Opposition would acknowledge that. I hope, if the Coalition wins government, that the honourable member would be a good Minister too.

**The Hon. Duncan Gay:** I would be.

**The Hon. RICHARD JONES:** I think Frank Sartor would be as well. It would have to be admitted that he has run the city extremely well. But he will have an uphill battle to win the seat, because that running sore has not been resolved. More about that later.

**The Hon. Duncan Gay:** The Hon. Tony Kelly would be a better Minister, but Bob Carr has indicated that he wants Frank Sartor as Minister.

**The Hon. RICHARD JONES:** The Hon. Tony Kelly would not be Minister for Local Government; he should be Minister for Agriculture. He would make a very good Minister for Agriculture because of his ability to argue the case well. At least he understands the country. He argues the case for the country all the time in Cabinet. Callan Park, formerly known as Rozelle hospital, is a 61-hectare site on the harbour foreshore at Iron Cove, in the Leichhardt municipality. It is owned by the New South Wales Department of Health and, among its other functions, it includes a mental health care facility—with 2,000 admissions last year—and the School of Arts. I have spoken with a senior psychiatrist, whose name I will not mention, who has been at Callan Park for a number of years. Health professionals would very much like to retain the facility at Callan Park. As this psychiatrist pointed out, the grounds are of great benefit to the patients.

**The Hon. Duncan Gay:** I had a family member there. It is a very peaceful environment.

**The Hon. RICHARD JONES:** That does help. People with mental health problems cannot be assisted with drugs alone. Drugs are but one tiny part of the assistance they need. As the Hon. Dr Arthur Chesterfield-Evans said, the environment is extremely important to those patients. It is very conducive to their recovery. It is a great shame that the patients will be shunted off, further west.

**The Hon. Rick Colless:** What is wrong with the west?

**The Hon. RICHARD JONES:** The Concord site is not anywhere near as beautiful as Callan Park. I do not think there would be anything like the open space that is available at Rozelle. The Callan Park site is still

under threat. A master plan proposed closing the psychiatric hospital and moving patients to a new hospital to be constructed on just two hectares at Concord hospital—an area not nearly adequate for mental health patients who need care and assistance. In order to pay for the new hospital and to make other changes, approximately 20 per cent of the site was set to be sold to private developers for construction of subdivisions and multi-storey private residential housing. The site has been saved only because the Greens won the Federal seat of Cunningham, and because the Government panicked at the last moment, thinking, "We do not want to lose that seat. We need every single seat." There will not be much fat after the next election, if any.

It has been argued that the master plan will simply replace existing ambulance buildings. Those buildings are mostly two-storey and cover about 15 to 20 per cent of the area in question. The development proposed in the master plan would have covered 60 per cent of the site and the buildings would have been a minimum of four storeys high. Hopefully, the proposal to build 1,200 apartments at Callan Park so-called site—not an appropriate term for it—is dead for ever. Any development on the site would have impacted seriously on its heritage value. The buildings and precincts within the grounds are listed on the register of the National Estate and the New South Wales State Heritage Inventory and by the National Trust. Callan Park also remains on the list of endangered places prepared by the Australian Council of National Trusts.

Several Aboriginal middens are located on the site, including one largely undisturbed midden that is "considered to be one of the most important Aboriginal archaeological sites on the southern shores of Sydney". Any development on that site would also have resulted in a loss of public open space. Callan Park has been a de facto public park since the hospital opened in the 1880s. The whole site, all of its 61 hectares, is an irreplaceable green oasis in the crowded and space-starved inner west and is used extensively by locals and increasingly by people from elsewhere in New South Wales for active and passive recreation. Heaven knows, we have far too little green space in the city of Sydney. We cannot afford to lose even one square metre of it.

But Callan Park is much more. It serves a range of public purposes, not least of which is the criminally run-down psychiatric hospital. It also contains early European rock carvings, sites of Aboriginal significance, grand sandstone buildings, important works of listed heritage and even a small sandy beach. While Callan Park is only half the size of Centennial Park, it is the de facto Centennial Park of the inner west. It is also arguably far more beautiful and has much more character. There are rolling fields, century-old trees and gardens, and its waterfront is spectacular. The land slopes gently down to more than a kilometre of continuous frontage.

Selling and developing any part of the Callan Park site, let alone a chunk as big as 20 per cent, as was proposed, would have been totally unthinkable. After all, heritage bodies and experts alike consider the whole of Callan Park a highly significant heritage item—as a whole, not broken up. In any case, public land should be sold off only if there is no present or possible further public use for it. That is obviously not the case with Callan Park. The excuse that the sale funds were needed to pay for new mental health services also did not stack up. The sale was designed to raise only \$43 million, yet stamp duty alone would have provided the Government with a windfall budget surplus of nearly \$1 billion.

The relocation of patients to a new psychiatric unit on the grounds of Concord hospital also would not have significantly expanded mental health beds, despite the critical shortage of such beds in New South Wales. Mike Wallace, Deputy Chief Executive of the State Government and Central Sydney Area Health Service, has admitted that overall there would have been only 14 additional beds for psychiatric patients. Mike Wallace conceded also that "the issue of moving [patients] of Rozelle and relocating them is a health issue," and that "the issue of the use of the land is a separate one".

So what should the land be used for, and how does the community want it managed? For one thing, community surveys and public meetings show that the clear majority of the community absolutely oppose any plans to sell off choice parts of Callan Park. That opposition has been quite clear for some time. An independent poll, for example, has discovered that 86 per cent of residents in the eight suburbs of Leichhardt municipality opposed the master plan for Callan Park. The poll also found that 76 per cent believed it was appropriate to retain mental health facilities at Callan Park. That is very clear. Other members have expressed that same view.

Another clear indication of public opinion on this issue is that more than 18,000 people have now signed petitions in favour of saving all of Callan Park. That is almost the entire electorate. Even the Balmain and Rozelle chambers of commerce said that Callan Park is "just too important to be sold". The alienation of prime public land is an irrevocable loss, and with the amount of urban consolidation that we have had recently, quality open space is more vital than ever before. It will become increasingly so as the population of Sydney increases over the next 10, 20 or 30 years. I am heartened therefore by the legislation introduced by the honourable

member for Port Jackson, Sandra Nori, against pushing ahead with this unwarranted and unwanted development of Callan Park. The development is, after all, at the very least, inconsistent with the State Government's position and that of the local Labor Federal member.

When the future of the federally-owned defence lands on Sydney Harbour were being decided Bob Carr got quite militant about public land on Sydney Harbour being sold and demanded that the lands remain in public ownership. And so he should have. Anthony Albanese, the local Labor Federal member for the seat of Grayndler, which includes the park, has also stated that he is opposed to the privatisation of public assets, and has supported the need to retain public ownership of harbour foreshore land. No doubt the New South Wales Government has taken heed of the fact that ill-feeling towards it over the plan to develop a section of Callan Park extends well beyond the Balmain and Rozelle area and will affect people's votes. A straw poll of local residents conducted by *The Village Voice* found that more than 62 per cent would not vote Labor because of that issue alone. And, by suburb, 70 per cent of Leichhardt residents, 50 per cent of Glebe residents and almost 65 per cent of Balmain residents said they would vote against the current Government. That is the reason for this legislation before us today.

As Balmain resident Bernado Urrea has so aptly pointed out, the development of Callan Park could therefore have seen Labor's local State member, Sandra Nori, defeated. It could also have seen the Carr Government lose the next election. The Government cannot afford to lose any seats. In four months we will have a very tight election, as the Government well knows. Although I commend the attempts by the Hon. Sandra Nori and the Government to keep all of Callan Park in public ownership via this bill, unfortunately, it is flawed and needs amendment. I believe that the majority of members of this House would support those amendments. The bill contains enormous loopholes that include allowing non-residential developments, such as aged care, and alienation of the parklands.

The bill will allow the parkland and the public buildings to be leased. It fails to set time limits on leases or licences, and it does not restrict the activities that a lease or licence can authorise. The bill fails to place restrictions on the erection of temporary structures in the parkland and will allow the care, control and management of Callan Park to be contracted out to some other body, possibly even a commercial enterprise. The bill fails to specify Leichhardt Municipal Council as the consent authority, and allows development for the purposes of aged-care facilities. That is unacceptable, as leasing out of open space will inevitably lead to the public being excluded from it. There is almost no difference in practice between a 99-year lease and an outright sale, and development of aged-care facilities, a backdoor form of residential development. It is unacceptable because it will lead to the effective privatisation of Callan Park by the back door into a profit-generating enterprise.

Leichhardt Municipal Council much more accurately reflects the community's wishes. The community currently has little faith in the State Government to determine what development is appropriate for Callan Park. The bill requires a number of amendments, which I understand my colleague Ms Lee Rhiannon, the Opposition and even the Government will move in Committee. I will support those amendments. It is not enough to keep Callan Park in public ownership: It must remain under public management and control, and be accessible to the public. The community expects and deserves no less. I note that in today's *Sydney Morning Herald* Joe Tripodi, the honourable member for Fairfield, said that it is just a place where yuppies can run their dogs. That is an unfortunate comment by him—one that will not be appreciated by the residents.

**The Hon. John Della Bosca:** The residents of Fairfield might appreciate it.

**The Hon. RICHARD JONES:** Yes, but the paper goes beyond Fairfield—unfortunately for Joe Tripodi. Public land belongs to all residents of New South Wales, and they want it protected. Councils and residents groups all over Sydney have formed coalitions for the protection of public land. For example, I refer to Friends of Callan Park and people from the western suburbs who campaigned to retain the Australian Defence Industries site at St Marys as bushland. Such coalitions are made up of community groups, environmental associations and local government representatives. The aim is to fight for threatened public sites across New South Wales, particularly in crowded Sydney.

I urge the Government to do what the majority of crossbenchers asked it to do in a letter to the Premier dated 30 October: take an integrated approach to the protection of public lands in this State to ensure that all lands publicly owned by New South Wales State and local governments and their agencies, department and authorities, et cetera, are listed on the public register; all lands listed on the register are publicly and independently assessed for historical, social and environmental values and significance via identified and

uniform criteria; all historically, socially and environmentally significant public land remains in public ownership and control and is used in accordance with the assessed significance; the public is notified of all public land that is surplus to requirements or involves a change of use; and all new public uses for historically, socially and environmentally significant public land are publicly determined.

This fight for public land has been occurring for many decades. We saw it many years ago in the fight by the Builders Labourers Federation and Jack Mundy. The Communists and the Conservatives fought side by side to save Kelly's bush. It was one of the first fights to save open space in Sydney. We then saw Jack Mundy saving The Rocks, which would have been destroyed. Imagine if there were a proposal to sell the Royal Botanic Gardens or the Domain—they would fetch an awful lot of money in the real estate market. Governments must realise—both this Government and the next government—that the public, particularly in Sydney, wants to keep open spaces. They will do whatever it takes to keep them in public hands.

**The Hon. MALCOLM JONES** [5.54 p.m.]: I oppose the bill. I also oppose the Greens and the Opposition's Callan Park legislation. I have what might be a revolutionary idea to share with the House: Why not turn Callan Park into a modern, mental health facility? This State needs such a facility. I take issue with the Special Minister of State referring to Callan Park as a psychiatric torture centre. I point out that wards 4 and five 5 in Callan Park have developed an excellent record for drug and alcohol rehabilitation, particularly in the past 20 or 30 years. If it is a psychiatric torture centre, the Government has had eight years to change it. If this State needs anything it is mental health facilities. If I look from my office on the eleventh floor of this building at night I see homeless people settling down for the night amongst the rats and other vermin, which, unfortunately, infest that area. Most of those people are mentally ill. If I visit the Matthew Talbot Hostel at Woolloomooloo after 10.00 p.m., which I do from time to time, I see the destitute bedding down in the streets, once again with the rats. The Government has had eight years to rectify these problems. Most of these people suffer from mental illness, particularly the schizophrenic who, unfortunately, are at the moment condemned in this way.

I do not care how Dickensian Callan Park might be at the moment—for those who need shelter it is better than trying to find it under the eaves of the Matthew Talbot Hostel or the New South Wales State Parliament. Recently I spoke with the Minister, who advised me that a new facility would be built at Concord, and that it would be adequate. During this debate we have heard that it is restricted to a mere two hectares. Apparently, the name Callan Park has such a stigma attached to it that people would not like to say that they had spent time there. But those who really need the accommodation that could be offered by Callan Park would not worry about such stigma. Sandra Nori, the Minister for Small Business, Minister for Tourism, and Minister for Women, in the left faction of the Labor Party—small business seems to fit—has no concept of the issues facing the community and the dire plight of the mentally sick. They desperately need accommodating. They need the best our community can offer. How we treat the mentally sick is surely a true yardstick of the values of our society.

Although the Richmond report, an inquiry into health services for the psychiatrically ill and developmentally disabled, is widely thought to have created the deinstitutionalisation process in New South Wales in the 1980s, the 1996 parliamentary research briefing paper entitled "Mental Health in New South Wales: Current Issues in Policy and Legislation" concluded that deinstitutionalisation had begun as early as the 1960s and was largely achieved by the end of the 1970s. Hospitals were geared to therapy, not custody, and efforts were made to reduce the number of patients. An active treatment program aimed at rehabilitation was implemented. By the mid 1980s mental health services were delivered by an integrated community network. Therefore, the size and number of mental hospitals was significantly reduced. The Richmond report recommended that once the mentally sick were integrated into the community and allocated housing, social workers and the like would visit them to ensure that prescribed medication was taken, as well as to ensure wellbeing. But the plan failed due to a lack of resources.

The Government provided insufficient funding of community services. Also, social workers were given increasing workloads, there was a lack of resources and as the costs of community care rose resources were withheld. For many reasons, the mentally sick were often stranded in an environment in which staff lacked skills to adequately tackle such situations. This resulted in a growing number of homeless people going off their medication and failing to do what was expected of them. As a result, they became the human flotsam and jetsam on our streets. These people need taking care of. These people would not think about the stigma of being cared for in Callan Park, as the Minister suggested to me. These people need looking after in properly administered mental hospitals, and for this reason Callan Park should continue.

As was stated in the *Four Corners* report entitled "Duty of Care" in September 2002, deinstitutionalisation—although well intended as a social reform to help mentally ill people to live in the wider

community—has resulted in governments standing accused of using the shift to community-based care as an excuse to squeeze funding, with sometimes tragic results. An alarming number of mentally ill people are committing suicide as their families fight losing battles to find them proper care. In 1988, based on the Barclay Report on Mental Health and Development Disability, the Liberal Government proposed a five-year plan to implement the following changes: replacement and upgrading of buildings in the New South Wales psychiatric hospitals to standards capable of beating accreditation and to cater for patients' needs—which has obviously failed; development of mental health services, with each country region to become increasingly self-sufficient; provision for changing needs in psychiatric care; and proposed changes in mental health legislation. In 1993 another Barclay report was adopted. It focused on the National Inquiry into the Human Rights of People with Mental Illness.

In 1999 and 2000 the 61-hectare site at Rozelle was listed by the National Trust of Australia as an endangered place. Furthermore, in April 2000 the New South Wales Government announced a three-year mental health enhancements funding package to deliver a total additional \$107.5 million in recurrent funding by 2002-03. The total package was to deliver 700 additional direct-care staff, 12,000 new community service clients, resulting in 450,000 new community service contacts each year, and 155 new acute beds, 90 of which were in rural areas. Specific initiatives, other than in-patient services, included the appointment of mental health liaison nurses in 14 emergency departments across the State, establishment of a centre and professorship for rural and remote mental health in Orange, expansion of telepsychiatry at the New Children's Hospital to service the needs of rural and remote communities, expansion of the Transcultural Mental Health Care Centre, and additional funding for non-government organisations.

In April 2002 an inquiry was held into the New South Wales Nurses Association submission into New South Wales mental health. The association is still waiting to see substantive results in direct-care services from the mental health funding boost of \$107.5 million in recurrent expenditure on mental health services which was announced by the Minister for Health, Craig Knowles, in April 2000. The New South Wales Nurses Association has been disappointed with the results, claiming that there have not been any discernible outcomes. Violence in mental health services is a major factor affecting all health workers. Occupational health and safety inspections of facilities have indicated many problems that are attributable to the design of facilities. A number of problems were listed and I am sure they apply to Callan Park, but it is better to have the facilities than not to have them.

Response to the Richmond reform was that the concept of "normalisation" of people with a mental illness or disability was not opposed by the New South Wales Nurses Association. However, main areas of objection relate to resourcing and funding issues, and they remain at the forefront of nurses' concerns today. The mainstreaming of mental health services into the general health sector was expected to resolve problems and result in the integration of patients, loss of stigma, education of all nurses in mental health issues, and an increased availability of beds. None of those ideals has been achieved. In the view of the New South Wales Nurses Association, integration of mental health services into the overall health system has not been successful. The association's response to proposals based on the 1988 Barclay report is that accreditation has not been achieved, country regions are still not self-sufficient in acute care services, and overall not much has been achieved from the proposals.

I emphasise the points made by the New South Wales Nurses Association because they highlight the fact that mental health care in New South Wales is in a shocking state, yet here we are discussing other things being done with Callan Park. I am familiar with Callan Park because I walk round the bay run, as it is referred to, in Callan Park. I know the area well. I appreciate that Callan Park requires extensive modernisation if it is to continue to provide care for mentally sick people. When the new facility comes online at Concord hospital it can also provide care for people who are mentally sick. There are sufficient numbers of mentally sick people to adequately fill both facilities. I assure the House that there are adequate numbers of patients for both Callan Park and Concord hospital—unlike the television episode of *Yes Minister*. I ask for consideration of the sick, above either the empire building of the local council or the indifference of NSW Health. I oppose the bill.

**Reverend the Hon. FRED NILE** [6.05 p.m.]: The Christian Democratic Party supports the Callan Park (Special Provisions) Bill. We also support a number of amendments that have been proposed by the Opposition and other members of this House. We will examine those amendments as the bill proceeds through the House. It is important to note that the Government's amendments are quite major. In common with other honourable members who have preceded me in this debate, I believe that the Government should have redrafted the second reading speech for the sake of completeness because this House is dealing with the legislation, not the lower House. Confusion is created when the Government cuts corners. Bearing in mind that the Government has a huge public sector staff, it would be a simple matter for it to have done that. Instead, honourable members are dealing with a bill that was introduced in this House and amendments that have been proposed by the Government.

There is no doubt that the Labor Government's plans to sell all or part of Callan Park have attracted widespread criticism. Members of the Christian Democratic Party have received deputations expressing concern. As other honourable members who have preceded me in this debate have already noted, there is no doubt that the Cunningham by-election delivered a shock to the Labor Government in this State and to the Federal Labor Opposition. I recall seeing the Federal Leader of the Opposition, Mr Crean, on television after the results were announced. He was almost stunned and lost for words—he could not believe that the Australian Labor Party had suffered such a significant loss in one of its prime strongholds. Losing the seat to the Greens really rubbed salt into the wound. When the Hon. Dr Arthur Chesterfield-Evans referred to the voting pattern of the Cunningham by-election he omitted to mention that the Christian Democratic Party received double the votes recorded by the Australian Democrats.

**The Hon. Tony Kelly:** That would not be hard!

**Reverend the Hon. FRED NILE:** It was certainly encouraging! Any vote can be doubled, but members of the Christian Democratic Party took that result as encouragement. We hope one day to exceed the Greens vote, and we will be working hard to achieve that result in the forthcoming election. Some people have suggested that this bill is really the "Sandra Nori Re-election Bill" or even the "Premier Bob Carr Re-election Bill". The Government has sensed dissatisfaction in the electorate and has done a backflip on many issues, including the proposal to sell the Hunters Hill High School and the Erskineville Public School, despite early declarations that there would be no change in policy.

When faced with reality the Government soon made a change. Sadly, we lost the battle in relation to Seaforth TAFE, but we should not lose hope—even that issue could be reopened. The aim of this bill, which has a number of provisions, is to ensure that the whole of Callan Park remains in public ownership. There has been a great deal of suspicion—and the Christian Democratic Party is also suspicious—about whether there are loopholes in the bill. As a result of those concerns the Government proposes to move four amendments in Committee. The first amendment deals with the term of any lease or licence. That amendment will have the following effect. If a lease, including any option, is proposed to be granted for more than 10 years, notice of the lessee, the main purpose of the lease and details of the term and options will be required to be tabled in each House. The lease will be permitted to proceed only if the term is disallowed or it is confirmed. So both Houses of Parliament can play a watchdog role.

The other Government amendment relates to the future management of Callan Park. Instead of permitting the management of Callan Park to be transferred to any body established for that purpose, the management will be permitted to be transferred only to a trust prescribed by the regulations, in addition to the local council. I have always been concerned about that vague wording. The wording in the bill introduced by the Greens was also rather loose. Any regulation will not take effect until the period for disallowance has expired, which will be set at 15 sitting days after the regulation is tabled. The Christian Democratic Party is concerned about that issue. Trusts are a vital part of any bill. Trusts, which are included in much of the legislation that is debated in this House, comprise ministerial representatives, depending on the purpose of the trust, and representatives from various organisations. The trust for Callan Park should include people who have played a major role—people who have a deep and genuine concern for the future of this site. I refer to people such as Maire Sheehan and other protectors of public lands.

A number of members listed as protectors of public lands could be appointed to the trust and thus be responsible for that site. Jacqui Goddard, Director of the National Trust of Australia, and Phil McManus, Convener of the Sydney branch of the Australian Conservation Foundation, have been active members of the committee of the protectors of public lands. There might still be loopholes in this legislation. Sometimes those loopholes, which might be deliberately included, can escape the scrutiny of honourable members. Other people on the list of protectors of public lands include Jeff Angel from the Total Environment Centre, Peter Caldwell from the National Parks Association, Dr Jean Lennane from the Friends of Callan Park, Phil McManus from the Australian Conservation Foundation and Kim Wheatley from the Callan Park Bushcare Group. A trust comprising people from that body would act independently and not be easily manipulated, controlled or influenced by governments, either Labor or Liberal—an issue of concern to the Christian Democratic Party. The Government could lessen that concern by moving an amendment to enable us to establish such a trust.

This House has to deal with 45 bills before the conclusion of this parliamentary session and before the next State election. Therefore, members could become confused about a particular regulation and it might just slip through the system. However, that is unlikely in this case because of the attention that this bill has received. Sydney City Council organises many events that are held in marquees that are erected in Hyde Park. When we

debate changes to regulations such as this we do not envisage that so many major events will be organised and interfere with the use of a park by the public. Parks then become a special place for those who are privileged enough to have been invited to events. That must not happen to Callan Park. The park must be available to all members of the public. We will do all that we can to ensure that it remains available to members of the public at all times.

**The Hon. AMANDA FAZIO** [6.16 p.m.]: It is with pleasure that I speak in support of the Callan Park (Special Provisions) Bill, which was introduced in the other place by the Hon. Sandra Nori, the member for Port Jackson. When another bill relating to Callan Park was first introduced I indicated in debate in this House that I was a resident in the inner western suburbs. I have been a resident of that area for a long period. I read all the local papers that are issued in that area and I am well aware of the level of public concern about proposals regarding Callan Park. Most of the comments that have been reported in the local papers have been based on a serious campaign of misinformation about the master plan for Callan Park. Anybody who took the time to have a good look at the master plan realised that there was never any proposal to sell off harbour foreshore land. That simply was not the case. That must be stated clearly in this debate because some honourable members have alluded to the fact that that was part of the original proposal.

I have received many emails from individuals, members of the Friends of Callan Park and other interested residents of the inner west who have asked me for my opinion on the matter. I said in response to those emails that I would be guided by the comments of the Hon. Sandra Nori, the member for Port Jackson, who even then was proposing that there be amendments to the original bill. The purpose of this bill, which was introduced in this place by my colleague the Special Minister of State, is to protect Callan Park from any future residential development and to ensure that the public retains full access to the open space that currently exists on the site. It will also restrict any future use of the site to health care, aged care facilities—it specifically excludes any housing that might have been permitted under State environmental planning policy 5 and retirement villages—education, excluding primary or secondary schools, and community facilities. The church that I attend in the inner west, located in Balmain, has an elderly congregation. I am probably one of the younger members of that congregation.

There is a strong and cohesive aged community in the Balmain-Rozelle area—people who have lived in the area for a long time. Many women who are now living on their own because their husbands have passed away have a strong network of community contacts. The Rozelle Rovers, a group of elderly ladies, go on walking excursions around that area and other areas. For example, they go for walks around Watsons Bay and use public transport to get to that area.

The residents of the Balmain-Rozelle peninsula have strong community support, but they are lacking adequate residential aged-care services. The proposal to use existing buildings on the Callan Park site—or to demolish the existing building and erect more suitable buildings—to provide aged-care facilities is worthwhile; it will benefit the elderly people who reside in that area after they are no longer able to live independently in their homes. All those uses that I have outlined—health care, aged-care except with regard to SEPP 5, education and community facilities—can be provided within existing building footprints. However, there can be no increase in total floor space or height.

The Sydney Community College, which currently operates out of an old religious school at Rozelle, provides a range of services, some of which are very attractive to senior residents in the area. That organisation may like access to some of the existing buildings at Callan Park to provide community education programs. That would be of benefit to a lot of people in the area. The Greens' claim that basically everything in Callan Park should be locked up, restricted, and that no-one should be able to do anything on the site, is ridiculous. The Callan Park site could be put to very good community uses, and in doing so we would ensure that a valuable community resource is available for everyone in the area, not only those who want to be involved in passive recreation, which seems to be the only form of recreation that the Greens believe people should engage in—apart from demonstrations.

Essentially, this bill will block any residential development on the site forever and will retain all current uses of Callan Park. What is there to quibble about? The use of the area for health, aged-care, education, open space and community purposes, will be enshrined by this bill, with no loss of open space. All uses will be restricted to within existing building footprints. The Opposition and the Greens have set out on a scare campaign, claiming that mammoth retirement villages will spring up on the site. That is completely incorrect; that cannot happen under the Government's bill. That has never been the intention of the Government and it never will be. The bill specifically excludes any development on the site of retirement-type villages. So we can scotch that claim, and wipe the record clean.

Honourable members should consider the facts, not the misinformation that has been put about. I think this campaign has been motivated by some Leichhardt councillors and members of the Greens to try to promote their political careers at the State level. They should not play around with an important community asset such as Callan Park. I am pleased that the bill allows for aged-care facilities, because many elderly people reside in the area. However, those facilities will be provided only within existing building footprints and floor space allocations. I cannot think of a better use for such a beautiful piece of land.

Many people have spoken about the lovely foreshores, gardens and harbour walks. It would be really nice for the elderly residents of Balmain and Rozelle to have access to such areas and for them to be able to walk in such nice surrounds as they go back to their homes. It is no secret that we have an ageing population. The first of the baby boomers are on the cusp of retirement age, and the average life expectancy is constantly rising in Australia. The average life expectancy in Australia is one of the highest in the world. Consequently, we need aged-care facilities, and we need them in the inner city where there is a high population density and where we already have a significant proportion of citizens in that age bracket. I am sure that a large number of older inner-city residents who can no longer live in their own homes would jump at the chance to obtain aged care in the community in which they have spent so much of their lives.

The provision of mental health is a human rights issue. A number of years ago, as a member of a community education program I would go to Callan Park to talk with patients who were about to be discharged. I would explain to them what services were available in their community to help them live independently. I have first-hand experience of how inappropriate, outmoded and Dickensian some of the facilities are at Callan Park. They are not appropriate for the provision of mental health services in this day and age. Some buildings are counter-therapeutic because of their layout and design, and not much can be done with many of them because of their heritage listing. I do not suggest that we knock down heritage listed buildings; I suggest that we look for an alternative use for them.

We should all support the humane and progressive suggestion of locating a specialist mental health facility, for which the Government has funding, at Concord. That would allow for the co-location of mental health services with general health services, because mental health cannot be treated in isolation from general health. It would allow also for residents to be treated in world's best circumstances. The claim that the facility will not have nice landscaped gardens is fallacious; the area overlooking the river at Concord will be landscaped. It will be a new, state-of-the-art facility and will provide a benchmark for the provision of mental health services in New South Wales.

Mental health has been bandied about in this debate, shamefully used as a political football. Recently a friend of mine was asked to sign a petition to save Callan Park. When my friend said to the person who offered the petition to be signed, "I am glad that you are concerned about mental health", the person responded by saying, "Oh, I don't care about mental health. This is all about the value of my house." My friend took umbrage at that response because the person was purporting to care about people with mental health problems who had previously been cared for in Callan Park. The person also said, "Look, I don't want them here either."

Let us be realistic about this. Some of the claims that have been bandied about in this debate are quite disgraceful. We need to remember that the purpose of the bill is to protect Callan Park, and the bill allows for a good range of community uses of the site. We should put all attempts aside to tamper with Callan Park, or to lock it up as the Greens propose, or to use it to further the political ambitions of a few councillors at Leichhardt. We should look at the merits of the bill and support it with the Government's amendments.

*[The Deputy-President (The Hon. Helen Sham-Ho) left the chair at 6.28 p.m. The House resumed at 8.00 p.m.]*

**The Hon. Dr BRIAN PEZZUTTI** [8.00 p.m.]: I oppose substantial parts of the Callan Park (Special Provisions) Bill. Honourable members will appreciate that we have already debated in this place the Greens legislation, which was supported in the lower House by my colleagues in the Liberal and National parties. Callan Park has been a mental health facility since at least the Legislative Council select committee inquiry into mental health services at Tarban Creek and Callan Park in 1845. Similar inquiries were conducted in 1855, 1862 and in 1877. I have the privilege of chairing the Select Committee on Mental Health. The report to the Legislative Council in 1855 identified seven areas of concern regarding mental health services, and those concerns remain with us today—indeed, the select committee is likely to make the same seven recommendations in its forthcoming report.

Callan Park is at risk as a result of this bill. The Callan Park site was designed as a mental asylum: a place of peace and quiet where people could recover from their ills. Proper regulations were introduced to

protect the inmates of Callan Park, who could not stand the public gaze. These people were sent to Callan Park because they were labelled imbeciles or because they looked a bit funny. Knowledge of mental disorders and mental health services were not as sophisticated then as they are today. The sale of Callan Park for any purpose other than as a mental health facility would be sacrilege. I have received a letter from others who are concerned about this issue. Ruth, Shona, Helen and Fred MacLeod wrote:

We urge you to support the Bill to save Callan Park.

That is the bill that the Opposition proposed. The letter continues:

We live in the Leichhardt municipality, and are extremely concerned about the Callan Park site. It is our main local space ...

They go on to say:

The psychiatric facilities have operated there since Victorian times and are well accepted by residents. Don't downgrade this mental health facility or shove its patients into other over-extended facilities elsewhere, which do not have the grounds which were originally intended for patients.

I urge honourable members in one of my last speeches in this place to maintain Callan Park as a place of asylum, where the mentally ill can recover free from the concerns of everyday life. Contrary to the Minister's likely assertion, it is not a place where Fred can wheel little Willy around in a pram or where the burghers of Balmain can walk their dogs. It is a place where people with mental illness can recover. That has always been the site's purpose, and it should remain so. I have other similar concerns. The Government is selling Singleton hospital, which provided care for the mentally ill. Prince Henry Hospital—which Bob Carr said during the 1995 election campaign that he would never sell—is also up for grabs and under contract.

**The Hon. Duncan Gay:** Kenmore in Goulburn.

**The Hon. Dr BRIAN PEZZUTTI:** I will get to Kenmore. Prince Henry Hospital was a major psychiatric and research facility, but it has been put under the hammer. Kenmore is being sold for some TAFE redevelopment and Bloomfield Hospital is being left to die. The Centre for Mental Health has revealed that we are short by 800 mental health beds in this State. Those are the Government's own figures. The Government has ordered the rapid construction of new buildings in our public hospitals—the Minister made much noise about that. But consider the beds that have closed since the release of the Richmond report. The closure of those facilities that cared for people who had just passed the acute phase of their illness and needed rehabilitation in order to return to their daily lives is an absolute screaming shame and a scandal.

Seventeen-year-olds who experienced their first schizophrenic episode—it often happens at that age or perhaps at 20 or 24—used to be sent to Rozelle for three months. There they recovered physically—they were usually extremely unwell after their first bout of illness—and mentally, and began to understand what the serious condition they had suddenly developed was all about. They then went to Macquarie Cottages on site to live in a family-type environment, after which time they were sent home during the day and eventually to work, while staying overnight in the cottages. They received about nine months of rehabilitation and settling-in time, which allowed them to understand their disease. We would not see them in the mental health service for 10 years after that because they went on with their lives.

One per cent of people in this State suffer from schizophrenia, but not all of them are—if I might use this term—stark staring mad. Most of them work every day, have families and live normal lives. Of course they break down occasionally, as does anyone who has asthma, diabetes, epilepsy or any other relapsing condition. Many people with manic depressive disorders live very fulfilling and positive lives in the community. They break down occasionally, but modern treatment helps them to get on with their lives.

The Richmond report led to the wholesale emptying of so-called bad institutions, and people were shifted into the community. However, governments did not match the sums they saved as a consequence of Richmond—he said they would save a lot of money, 80 per cent of which was retained in Treasury coffers—with expenditure on community-based care. People can no longer move from an acute care facility in a public hospital to community-based mental health support services that offer rehabilitation, a chance to re-establish in the community, to work and return to ordinary life. Such facilities simply do not exist. We need to retain places such as Callan Park, where there is good transport infrastructure and, importantly, community recognition that the site is a mental health facility.

People who live near Callan Park appreciate that the mental health facility existed before their birth and even before the births of their grandparents, great-grandparents and great-great-grandparents. Similarly, the

airports of Sydney and Melbourne existed long before houses were built around them. Places that have been given to the State or bought by it for a special purpose are part of our heritage, and that is why we have to keep them. In a city like Sydney, which is bursting at the seams, with its hustle and bustle it is important for people with medical conditions or mental illness to have a place to go to take time out to recover. In this State 20 per cent of us will suffer a mental condition during this year, and 40 per cent of us will have a major mental illness some time in our life, and places like Callan Park need to be maintained as places to which we can go to get better.

If places like Callan Park, Prince Henry, Kenmore and Singleton are sold, where will it all end? There are almost no mental health services left on the Central Coast because of the actions of this Government, the Wran Government and the Richmond report, and it is an absolute crying shame. The Government is now scrambling to try to repair the situation but it is not being repaired fast enough to cater for those who are now suffering illness. When such people use marijuana, which is on the street today, they become extremely toxic and very dangerous to mental health staff. They need facilities in which they can detoxify and learn about their illness and where they will not be continuously distracted. They should not be forced to live on the street like so many do today so close to Parliament House. People should not have to live hand to mouth on the street because they cannot go to places like Callan Park at Rozelle. After their acute phase people with mental illness need to slowly get order back into their lives in order to face the exciting real world. But it is not an exciting world for the mentally ill who are living on marijuana, cocaine or amphetamines to distract themselves from the noises in their head. They need to get better in an environment that is peaceful and quiet—like Callan Park. I look forward to the debate on this bill and its amendments. This is not a Save Sandra Nori bill because nothing will save Sandra Nori after this bill.

**The Hon. Duncan Gay:** And nothing will save Edward Gough Whitlam.

**The Hon. Dr BRIAN PEZZUTTI:** Just like Gough Whitlam, Sandra Nori has spent and squandered her majority in regard to this matter and the many other development problems at Pymont Point. It is a real shame that we are required to legislate in order to save a facility for mental health services that has been in public hands since approximately 1830. At a time when Sydney was a poor young colony, Callan Park was a huge investment by the people to treat the mentally ill with dignity and to give them access to the best care available. What are we doing? We are throwing people onto the street. We are not caring for people and providing them with facilities that they need.

The word "asylum" has a bad connotation, but it was invented for that purpose and we should use it in no different way today. True, there have been problems with ward 22 at Townsville and at Chelmsford and Gladesville over time, but we must provide places where people with mental illness can go to get better, places where they know the community will invest time and money to care for them during their down times, or should I say when they are too high. This House should make that commitment in faith to our forefathers of 1830, 1845, 1855, 1862 and 1877. If we cannot do that as a House of review, we will be derelict in our duty.

**The Hon. JAN BURNSWOODS** [8.15 p.m.]: I speak in this debate to strongly support the efforts of Sandra Nori not only in relation to this bill but also on behalf of the people of her electorate of Port Jackson in so many different areas. I shall concentrate my contribution on referring to the use of open space that the Callan Park (Special Provisions) Bill will guarantee. Much of the debate on the future of the Rozelle hospital site has focused on the provision of open space, just as much of the debate has focused on the mental health facilities at that site. My colleague the Hon. Amanda Fazio earlier addressed some of those important issues of mental illness and the relocation of those facilities to new, modern and decent premises at Concord hospital.

The Callan Park (Special Provisions) Bill guarantees that the people in the area surrounding Callan Park who have for many years enjoyed that open space will be able to continue to enjoy it permanently. The bill also guarantees that children who have also used that land for such a long time will be able to continue to use it to play sports such as rugby league, baseball and soccer. I am interested in the rights of pupils of Orange Grove Public School to be able to use that land as they have done for many years. The problem with one of the amendments foreshadowed by the Greens, and which it seems the Opposition will support, is that it seeks to ban the precise activities that are so important to the people who live close by—particularly children attending Orange Grove Public School. I make a plea for junior sport and for the rights of our children and the many others referred to by the Hon. Dr Brian Pezzutti.

Alarming numbers of children are these days suffering from obesity. The need for junior sporting facilities has been emphasised over and over again, most recently at the successful Child Obesity Summit. Junior

sport promotes fitness and good health in children; it builds their confidence and it instils the importance of teamwork at an early age. It is important within our schools and for children who have left school. It is particularly important in Rozelle, Lilyfield, Balmain and other areas that are close to Callan Park where the traditional Sydney quarter-acre housing block does not exist, where backyards are a rarity and where open space, particularly a backyard, is important. Participation in junior sport is often the only choice for children wishing to engage in sporting activity.

Sandra Nori and the Government have clearly recognised and stated in this bill the importance not just of passive recreation but of active recreation. The bill absolutely guarantees that active recreation will be permissible on the site. I am concerned about the foreshadowed Greens amendment. While it represents a considerable backdown from their earlier narrow and restrictive position, on the surface looks as if it—finally—allows active recreation but which in reality does not adequately allow active recreation at all. If agreed to, events such as a walkathon would not be allowed. Earlier in the debate my colleague the Hon. Amanda Fazio referred to a group of elderly women known as the Rozelle Rovers who walk around Rozelle. Under the Greens proposal, ludicrous though it is, the Rozelle Rovers would not be allowed to participate in organised walks around Callan Park. Such knee-jerk, shallow amendments are meant to capture support from various groups in the community.

Similarly, under the amendment foreshadowed by the Greens—an amendment which it seems the Opposition is planning to support—fetes and community affairs would be banned. As I mentioned earlier, Orange Grove Public School pupils would no longer be able to do what they currently do, and have done for a considerable number of years, that is, have organised activities at the park. I would invite anyone who doubts the importance of that to a school like Orange Grove, which is 120-odd years old and occupies a fairly small inner-city school site, to talk to the principal and teachers associated with the school. Sandra Nori's bill, the Government bill, is responding to the needs of the local community—unlike the Opposition and the Greens. The Opposition and the Greens could be ignoring those needs for a number of reasons. Their position certainly proves they are quite out of touch. I conclude by reading part of a letter written by a local junior sporting organisation to the member for Port Jackson, Ms Sandra Nori. The relevant section reads:

Our Association and other sporting groups within the district need your legislation for active use of these sporting areas to be passed. As you are aware, there are limited areas within the district. Hoping for your success on this particular matter, which will be a great benefit for the community.

Other similar communications have been received from community members who care that young people, particularly children, will be able to continue to enjoy active recreation, particularly sports, on the oval of the Callan Park site. As I said earlier, I wanted to address that issue because I did not think it has been emphasised as much as it should be. The Government has listened to the arguments of the local community. It will guarantee that active recreation can take place on the site. I cannot believe that the Opposition could possibly support the foreshadowed Greens amendment to which I have referred. I call on honourable members not only to pass the bill and guarantee that Callan Park remains in public hands forever but to guarantee that facilities for young people to play sport and facilities needed by the community are included, and to defeat the proposed Greens amendment.

**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) [8.22 p.m.], in reply: I thank honourable members for their contributions to the debate. This obviously is a serious matter. It has engaged a number of members of the House. There will be considerably more discussion on a number of aspects of the bill at the Committee stage. Therefore I do not intend to make a protracted reply to the second reading debate. The Government will leave many of its remarks for the Committee stage of the bill.

I will, however, take up some specific issues raised by a number of honourable members during the second reading debate. Ms Lee Rhiannon and the Hon. Ian Cohen expressed concern about access to open space issues. In particular I reiterate, for the purpose of the second reading debate, that the bill guarantees public access to open space. Object 4 (b) ensures the preservation of open space, and object 4 (c) allows public access to that open space. The bill clearly outlaws new structures, not limited to buildings but including the likes of tennis courts, basketball courts and other sporting complexes or structures or quasi structures mentioned not only in the debate in this place but in debate on the bill in the public forum. As to films and wedding festivals, Leichhardt council will be the consent authority as this represents the potential for the use of marquees and other devices and temporary structures that are used for such occasions. As I have said—and I think, Mr Deputy-President, you referred to this in your remarks—the consent authority, as is the case in almost every instance of public parks under the jurisdiction of local trusts or in the care of local government organisations, will be the local council itself. It is important to bear that matter in mind.

The Hon. Richard Jones made some remarks about backdoor privatisation. In particular, the honourable member referred to the component of this debate about possible development of aged care facilities and housing for the aged. It is important to understand that the bill makes it highly unlikely that any aged care facility will have a lease for less than 10 years. Any lease of more than 10 years will require parliamentary scrutiny. That should be well understood by this House and in the public arena. No such event could take place without, in a sense, this whole debate taking place again in the parliamentary forum. During her contribution to the debate the Hon. Patricia Forsythe made a number of comments, some of which referred to her concerns about the local politics of Leichhardt. On this matter she represented herself as somewhat of an expert. I do not claim to be able to engage with those remarks, so I will leave that to others.

The unique contribution made to the debate by the Hon. Malcolm Jones reflected opposition to the bill in its entirety. I take his remarks to express opposition to any alternative bills, or indeed any of the amendments likely to be placed before this Chamber, in that he sought sufficient flexibility to allow the entire premises to be used again for a modernised public psychiatric health institution. That matter really stands outside the issues agitated by the Hon. Malcolm Jones and the Hon. Dr Brian Pezzutti. Although those are meritorious issues, they are well outside the scope of the bill. This bill and this debate are about the specifics of a park area, heritage-type buildings and facilities on the Callan Park site. Only a small component of that really relates to the conduct in the modern era of psychiatric institutions. Those concerns, while they may be valid and important to be placed before the House, are really not relevant to the second reading of the bill. The only other matter I would mention is that, in response to an interjection that I made during the debate, the Hon. Malcolm Jones somewhat misrepresented me. I will not say that he misrepresented me deliberately.

**The Hon. Duncan Gay:** You did that to yourself.

**The Hon. JOHN DELLA BOSCA:** I did not do that to myself.

**The Hon. Duncan Gay:** You tabled someone else's speech.

**The Hon. JOHN DELLA BOSCA:** It is normal practice in this House for the Minister to table the speech delivered in the other Chamber. That is done as a courtesy to the House.

**The DEPUTY-PRESIDENT (Reverend the Hon. Fred Nile):** Order! The Minister should be permitted to complete his explanation.

**The Hon. JOHN DELLA BOSCA:** Obviously, I am not as familiar with the precinct as are many honourable members of this Chamber, but there are many very beautiful buildings on the Callan Park site. It is a beautiful park. The Hon. Dr Brian Pezzutti seemed to think there was a great deal of merit in the practice of nineteenth century psychiatry. I would have to say that my reading of the subject, though limited, does not necessarily support all his conclusions.

**The Hon. Duncan Gay:** Do not verbal him.

**The Hon. JOHN DELLA BOSCA:** I do not have any intention of verballing the honourable member. I simply make the point that, while the buildings themselves may have great heritage merit, they do not necessarily reflect the height of sensitive human treatment of potential inmates and residents of the asylum. We could get carried away with what the buildings represent to the practice of psychiatry in the nineteenth century and a good part of the twentieth century. I commend the bill to the House.

**Motion agreed to.**

**Bill read a second time.**

#### In Committee

**Clauses 1 to 3 agreed to.**

#### Clause 4

**Ms LEE RHIANNON** [8.30 p.m.]: I move Greens amendment No 1:

No. 1 Page 2, clause 4, line 18. Insert "and subject to public control" after "ownership".

This amendment seeks to amend the object of the bill by adding the words "and subject to public control" to the end of object (a) so that the object would then read "to ensure that the whole of Callan Park remains in public ownership and subject to public control". This amendment is important to combat potential commercialisation, which the bill introduced and to which I referred in my contribution to the second reading debate. It is a major concern to the Greens and members of the community who have been working so hard to save Callan Park.

It is not enough to keep Callan Park in public ownership if that means long-term leases for commercial purposes, which could lead to the public being excluded from the parkland. In the past few days the Government has considerably distorted the position of the Greens, but it really comes down to safeguarding Callan Park for the public and not allowing any of the land to be alienated. It is not just about ownership; it is about control. A public park should be a public park, not a commercial venture. This amendment will go some way towards securing that outcome by making public control an object of the Act. By changing the object of the Act we will strengthen it.

**The Hon. JOHN DELLA BOSCA** (Special Minister of State, Minister for Industrial Relations, Assistant Treasurer, Minister Assisting the Premier on Public Sector Management, and Minister Assisting the Premier for the Central Coast) [8.32 p.m.]: The Government does not support the amendment which, on the face of it, does not make sense. The concept of public ownership is well understood in both statutory and common law. It means ownership by the Government for the benefit of the electorate as a whole. The concept of public control as contained in Ms Lee Rhiannon's amendment has no such settled meaning. In fact, I am not sure that it has any meaning at all. Does public control mean control by the Government? If it does then this amendment cannot be correct.

Provisions in the bill clearly remove the ability of the Government to control some, indeed many, aspects of the site and its management. Does public control mean control by the community, the electorate as a whole? If it does, again the amendment cannot be correct. There is no provision for decisions on the use of Callan Park to be made by a referendum or some other plebiscite device. Indeed, another amendment proposed by the Greens would give the important element of control of the site to the local council, which is not synonymous with the public. The amendment does not make sense, and the Government will not support it.

**The Hon. DON HARWIN** [8.33 p.m.]: The Opposition supports the amendment. The Minister has not stated a convincing case to oppose the amendment. The Opposition agrees that it will support and strengthen the purposes we are pursuing in all these amendments, which is to preserve the Callan Park site.

**Reverend the Hon. FRED NILE** [8.34 p.m.]: The Christian Democratic Party supports, in principle, the amendment if it seeks to do what I referred to in my contribution to the second reading debate, which is to create a trust to represent the community. The words "public control" would mean that neither a government department nor the Government itself would have control over the site but rather control over the site would be exercised by a genuine trust that represents the community and, therefore, the public.

**Ms LEE RHIANNON** [8.34 p.m.]: Reverend the Hon. Fred Nile is correct: strengthening the object in this way would lay the basis for the introduction of a trust, which is picked up in a later amendment.

**The Hon. DON HARWIN** [8.34 p.m.]: Ms Lee Rhiannon has a very good point. Government amendment No. 2 talks about a trust. I do not understand the basis of the Minister's objection. I invite him to again explain it to the Committee.

**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) [8.35 p.m.]: I am happy to reiterate the fundamental point, which is that public ownership is a well-understood terminology in statutes of this State and the Commonwealth, and it is widely accepted in English-speaking jurisdictions around the world. I think the Hon. Don Harwin has at least as much experience with legislation as I do, and I am sure the Deputy Leader of the Opposition, as a former chair of committees, would have significantly more.

I defy the Deputy Leader of the Opposition to attempt to define what public control means in any other context. If it means any of the obvious things, how does it settle with any of the three points made? If it means to foreshadow a trust, as Ms Lee Rhiannon, the Hon. Don Harwin and Reverend the Hon. Fred Nile said, that is foreshadowed in both Government and Greens amendments. The notion of public control as described in the amendment has no meaning that could be defined by a court and no meaning in ordinary public discourse. The Government does not accept the amendment.

**Amendment agreed to.**

**Clause 4 as amended agreed to.**

**Clause 5**

**Ms LEE RHIANNON** [8.36 p.m.]: I move Greens amendment No. 2:

No. 2 Page 3, clause 5, line 2. Insert ", grant, licensing of the use" after "lease".

This amendment seeks to tighten up the section of the bill preventing the sale of Callan Park. The bill currently states:

The sale, transfer, lease or other alienation, and any mortgage or other encumbrance, of Callan Park, or any part of Callan Park, is prohibited, except as provided by this Act.

The amendment would add the words "grant, licensing of the use" after "lease" in that section. The granting of Callan Park and the licensing of its use would also be prohibited, except as provided in the Act. Although this might seem like minor word play the Greens have had legal advice that the bill is not tight enough. That is not surprising because, although the Government introduced the legislation, it has been dragged to this point. One would expect the Government to have a few curlies in the bill to try to get its way. We must remain alert to that. As we have seen, the community does not trust the Government on this issue. They are very conscious of any potential loophole. If the Government is fair dinkum about keeping Callan Park in public ownership it should have no trouble supporting this amendment. It is really quite straightforward. If the Government does not support it the community will have even more cause for concern. Again, we will wonder about the true intent of the bill.

**The Hon. DON HARWIN** [8.39 p.m.]: I wish to ask the Hon. Lee Rhiannon exactly what she thinks might take place if the term she seeks to insert—" , grant, licensing of the use"—is not added to the bill. What does she think might take place? What is her advice on the dangers and risks?

**Ms LEE RHIANNON** [8.39 p.m.]: Quite clearly, that is still open to speculation, but there could be any number of commercial undertakings. For example, much of Sydney has become very popular for film shoots, and many corporate events have taken place in Sydney's beautiful outdoor areas. Although the matter is still the subject of speculation at this point, those activities are some of the undertakings that have been suggested to the Greens.

**Reverend the Hon. FRED NILE** [8.40 p.m.]: The Christian Democratic Party supports the amendment. During the second reading stage we made the point that often when a government is dragged screaming to introduce a bill like this, it is likely that there will be loopholes in the legislation, even though no-one is able to explain how the loophole may be used. It is quite possible that if a loophole exists, other people will have an idea of how it can be used. I think it is safer to close the door, even if it is not clear exactly what would happen if the amendment is not passed. As far as I can see, passing the amendment will not create any problems and, hopefully, it will slam the door on the misuse of Callan Park.

**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) [8.41 p.m.]: I take this opportunity to clarify a couple of issues that seem to be vexing Reverend the Hon. Fred Nile, before we get too carried away. The Government is not prepared to support this amendment. It is important to contemplate how a grant of Callan Park could not be a transfer of Callan Park. A contract or a licence to use the land does not create a proprietary interest. It is not appropriate to deal with contracts or licences in a provision that deals with the ownership of land. The licences to use Callan Park are regulated by clause 6 of the bill and it is unnecessary to refer to them in clause 5.

**The Hon. DON HARWIN** [8.41 p.m.]: Having heard the Hon. Lee Rhiannon and the Minister, I state that the Opposition is not persuaded that it is necessary to add this extra provision. The Minister is correct in stating that it is dealt with in clause 6 of the bill, and the Opposition considers that to be reasonable.

**Amendment negatived.**

**Clause 5 agreed to.**

**Clause 6**

**Ms LEE RHIANNON** [8.42 p.m.]: I move Greens amendment No. 3:

No. 3 Page 3, clause 6, line 13. Omit all words on that line. Insert instead:

- (b) active recreation sites existing within Callan Park at the commencement of this Act,

This amendment is vital and is central to all of the bill's problems that have been articulated. The amendment seeks to amend clause 6 (1) (b) to prevent the parkland being leased and being used for other than the existing active recreation sites. That this is a very important point. The amendment seeks to prevent the buildings from being leased. The Greens accept the reasonableness of the leasing of the existing buildings, but the parklands are a very different story. Over the past couple of weeks the Government has claimed that it wants to give Callan Park back to the people as a public park, yet this bill clearly allows for the parklands to be leased for commercial purposes. A leaseholder would presumably have the right of exclusivity to the leased area and the public would therefore be excluded. That is why this amendment goes to the heart of the protection of Callan Park for the people.

There would not be much point in paying to lease an area if others could not be excluded from that area. Clearly, without added protection, we will have a problem. Parts of the park, or indeed the entire parkland, could be fenced. People who arrived at the park to go for a walk, have a picnic, or kick a ball may find a fence in the way. The parklands would be able to be used for any conceivable commercial purpose. Some easily spring to mind, such as corporate functions. I live near Centennial Park and it disappoints me that often I see areas of that beautiful parkland being fenced off. This bill could lead to weddings and film shoots taking place—all activities which restrict public use. Given that the Government's amendments will allow leases of up to 10 years without the Parliament's approval, fences could be in existence for some time. Ten years is a long time for the public to be excluded from its own park.

The Greens support the retention of existing active recreation uses in Callan Park. This amendment will not affect existing active recreational activity. I emphasise that point because, as Labor limps toward the final debate on this important Callan Park issue, it is still attempting to muddy the waters of the Greens position. Many times today the accusation has been made that the Greens want to prevent people from engaging in basic sporting activities. I ask the Minister to listen carefully and comprehend that the Greens are not excluding all active recreational activities. We are just saying that some limits need to be set. The King George Park and the other oval near Callan Park, which is referred to as oval No. 1, could still be used under the Greens amendment for active recreational use. However, the Greens are opposed—in common with the Friends of Callan Park—to any expansion of active recreation beyond existing uses.

This amendment will prevent active recreation from expanding beyond the places where it currently occurs. I emphasise that point so that we can clarify the misinformation that has been circulating. It is very important for members of this Committee to get it right. The debate is reaching its conclusion, and it would be good to have co-operation on this important point.

**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) [8.48 p.m.]: This amendment would have the effect of preventing land, other than active recreation sites within Callan Park, being subject to a lease or licence. This amendment would prevent walkathons, local fetes and community activity days on Callan Park. The Government does not support this amendment. The amendment would also prevent any contractual arrangements being entered into for use of the land for school walkathons, local fetes and activity days, which will not be able to be held in the grounds of Callan Park unless they are restricted to sporting fields.

Sporting fields may not be appropriate locations for many of these activities because they may not have the appropriate layout or shading. Additionally, those activities might interfere with the use of the sporting fields and may degrade them. This amendment will sterilise large sections of the site. How could that possibly be a win for all the residents of the inner west? Clause 6 of the bill already provides an appropriate limit on the power to lease or license land in Callan Park. Those transactions require publication, consultation and ministerial consent. Public access is dealt with in clause 4 (b), which preserves public space as all current public space, and subclause (c) allows public access to that open space. That clearly indicates that the amendment proposed by the Greens is both unnecessary and destroys the objects of the bill.

**The Hon. DON HARWIN** [8.48 p.m.]: I am surprised that the Minister regards the effect of this amendment as restrictive. That is certainly not the advice received by the Opposition. We support the Greens' view that it should be clear that there is absolutely no limitation on active recreation sites currently existing within Callan Park. The Opposition, while certainly wanting to respect the continued enjoyment of the Callan Park precinct, can see no reason why, for example, a film shoot could not take place within the precincts of Callan Park.

One of the great Australian movies of the 1990s was *Cosi*, which was filmed in the Callan Park precinct. Is the Minister indicating to the Committee that this amendment would preclude those sorts of licences

being granted? I am surprised by the Minister's alarmist comments about walkathons and fetes. It beggars belief that this simple amendment, which has the support of the Opposition, could lead to those sorts of outcomes. Opposition members would certainly be greatly concerned if that were the case. Despite some of the alarmist things that have been said about those honourable members who want a tight piece of legislation, this amendment will make it clear that licences and leases are allowed on active recreation sites. It would be of great concern to the Opposition if the Minister were suggesting that those sorts of limitations should now be imposed. Perhaps his remarks were a little alarmist.

**Reverend the Hon. FRED NILE** [8.51 p.m.]: The amendment moved by Ms Lee Rhiannon appears to be quite reasonable. The Committee will determine later an amendment to be moved by the Government which will establish a trust "to undertake that care, control and management in accordance with the objects of this Act". If that trust received a request to conduct a walkathon, I am sure that it would carefully consider and give consent to that request. This amendment will restrict the activities of the Minister, which appears to be an advantage.

**Ms LEE RHIANNON** [8.52 p.m.]: This amendment is not restrictive; it is a responsible amendment that will permit existing recreational uses. Clearly, a walkathon would be permitted in that area. Once again Government members are using scare tactics in relation to this issue.

**The Hon. Duncan Gay:** Can you reassure us on fetes and films?

**Ms LEE RHIANNON** I understand that fetes and films will be able to be held in the Callan Park area. The Government, which has another agenda, is talking about limiting the bill. I ask all honourable members to support this responsible amendment, which will strengthen the intent of saving Callan Park.

**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) [8.53 p.m.]: This amendment almost certainly will be agreed to as it has the support of Opposition members. I was speaking earlier, by way of interjection across the Chamber, to the Hon. Don Harwin, the Deputy Leader of the Opposition and members on the crossbenches who were listening. The Government will ask honourable members to divide on the Greens amendment. Let me make clear the intention of this amendment. The only place where events such as films, fetes or walkathons could be held would be on existing sporting fields or inside buildings and other facilities. The bill will preclude walkathons and the like unless they are held on sporting fields. No licence can be granted for any activity outside the sporting fields. Opposition members should think carefully about these issues before they vote on this amendment.

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

**The Committee divided.**

**Ayes, 16**

Mr Breen	Mr R. S. L. Jones	Mr Ryan
Dr Chesterfield-Evans	Reverend Nile	Mr Samios
Mr Cohen	Mrs Pavey	
Mrs Forsythe	Mr Pearce	<i>Tellers,</i>
Mr Gay	Dr Pezzutti	Mr Colless
Mr Harwin	Ms Rhiannon	Mr Jobling

**Noes, 17**

Dr Burgmann	Mr Hatzistergos	Mr Tingle
Ms Burnswoods	Mr M. I. Jones	Mr Tsang
Mr Corbett	Mr Obeid	Mr West
Mr Costa	Mr Oldfield	<i>Tellers,</i>
Mr Della Bosca	Mrs Sham-Ho	Ms Fazio
Mr Dyer	Ms Tebbutt	Mr Primrose
Mr Egan	Mr Tingle	

**Pairs**

Mr Gallacher  
Miss Gardiner  
Mr Lynn

Mr Macdonald  
Mr Obeid  
Ms Saffin

**Question resolved in the negative.**

**Amendment negatived.**

**The CHAIRMAN:** Order! Government amendment No. 1 and Opposition amendment No. 1 are similar. Therefore, I propose to allow them both to be moved and debated, and I will put questions in relation to them seriatim.

**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) [9.01 p.m.]: I move Government amendment No. 1:

No. 1 Page 3, clause 6. Insert after line 14:

- (2) The term of any such lease or licence, including the term of any further lease or licence that may be granted under an option for renewal of the lease or licence, must not exceed 10 years.
- (3) However, subsection (2) does not prevent leases or licences being granted for terms of, or successive terms totalling, more than 10 years if:
  - (a) a notice stating the name of the proposed lessee or licensee, the main purpose of the proposed lease or licence and details of the proposed term and any proposed optional terms, has been tabled in each House of Parliament, and
  - (b) resolutions have been passed by each House confirming the proposal for the term or terms, or no resolution has been passed by either House disallowing the proposal for the term or terms within 7 sitting days after the notice was tabled in that House.

Government amendment No. 1 seeks to require any lease or licence with a term including options of more than 10 years to be subject of disallowance by either House of Parliament. The Government does not object to parliamentary scrutiny of longer leases or licences. The Government's amendment makes clear what information must be provided to Parliament by notice. The name of the lessee, the main purpose of the leases and the term of any option will need to be set out in the notice. The Government's amendment provides for a period of seven sitting days for a disallowance resolution. It also permits Parliament to confirm the proposal by resolution in a shorter period. The shorter period is important, as sitting days can span a long time, sometimes including the Christmas or mid-year holiday break, school holiday periods and the like. If there is a proposal for a longer lease, which Parliament supports, it would be ridiculous to prevent that proposal from proceeding while we wait for a longer period to expire. A potential lessee who is willing to make a longer term commitment to the Callan Park site should not be asked to wait months for Parliament's confirmation that that licence or lease may proceed.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS** [9.03 p.m.]: I am concerned about the Government's enthusiasm for haste in this matter. If someone is seeking a lease of more than 10 years, obviously that person is in it for the long term. Nothing is arranged around the timetable of this Parliament; it seems our time is arranged around the timetable of developers. That seems to be a tad offensive, but perhaps I am old-fashioned. Basically, Parliament is forever being asked to rubber-stamp deals done behind closed doors, and that is what this bill is about and what we are all here for. The Government is at it again by providing for a period of seven sitting days for a disallowance resolution. We sit so infrequently that seven sitting days could extend over some months. Basically, 14 days is perfectly reasonable and that is what is allowed for most regulations. The same should apply to this regulation.

**The Hon. DON HARWIN** [9.04 p.m.]: Before I move Opposition amendment No. 1, I ask for the indulgence of the Minister. I ask him to consider some matters that I will put to him. Consistent with the Save Callan Park Bill, introduced by the Opposition in the Legislative Assembly, we do not believe in leases of more than 10 years in this instance. The Opposition concedes that there may well be circumstances in which community groups, not-for-profit organisations or others would desire to have a lease in excess of 10 years. The Opposition does not believe that that should be precluded, but the community should have a say.

Longer term leases should be subject to disallowance by Parliament; in other words, the Minister of the day should not have absolute discretion to lease buildings or other parts of Callan Park for lengthy terms, as occurred with the North Head Quarantine Station. I appreciate that Government amendment No. 1 has sought to tighten up the provision contained in the original bill. That is certainly welcome. The first thing I ask the Minister to consider is in relation to subclause 3 (b). The amendment states "resolutions have been passed by each House confirming the proposal for the term or terms". I ask the Minister to give an assurance that that is in relation to the capacity of the Parliament to provide a positive affirmation prior to the effluxion of those seven days and that there is no other particular significance in those words.

**The Hon. RICHARD JONES** [9.06 p.m.]: I move:

That the amendment be amended by deleting the figure and the words "7 sitting days" and inserting instead the figure and the words "15 sitting days".

The amendment foreshadowed by the Opposition provides for 14 days. However, my amendment is in line with Government amendment No. 3, which states "15 sitting days". That allows more time for consideration of a disallowance.

**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) [9.06 p.m.]: I am not sure how to respond to the amendment moved by the Hon. Richard Jones. I assure the Hon. Don Harwin and the Committee that the situation is as he stated. In spite of what the Hon. Dr Arthur Chesterfield-Evans has said about the time for which leases or licences could be issued, the only intention of the wording and the reasoning behind it is that a lot of leases will be for community groups and organisations that require certainty. The Hon. Dr Arthur Chesterfield-Evans knows from his considerable parliamentary experience that that number of parliamentary sitting days could involve months, not simply a couple of weeks. That could make a difference.

**The Hon. DON HARWIN** [9.08 p.m.]: To some extent the Hon. Richard Jones stole my thunder. Opposition amendment No. 1 provides for 14 sitting days rather than seven days. I note what the Minister has said and thank him for his explanation concerning subclause 3 (b). I can see that it is perhaps a worthwhile addition to the bill. Seven sitting days is a short period. However, there can be breaks at the end of a session and seven sitting days can extend over a much longer period.

Nevertheless, this is an important matter. There are many community concerns about the Government's intentions, which, to some degree, are well placed in view of the events of the past four years. The Government is asking the Committee to fix a problem of the Government's own making regarding the concerns that it has generated within the community. The Opposition certainly prefers 14 sitting days. The amendment of the Hon. Richard Jones provides for 15 days, which is the time frame prescribed in the Interpretation Act. The Act also uses the same period for the disallowance of regulations.

Honourable members should bear in mind that we are not discussing the disallowance of a regulation on this occasion so there is no need for consistency—they are two different animals. This provision refers to the disallowance of a lease or licence as opposed to a regulation. I ask the Hon. Richard Jones to consider whether he wishes to proceed with his amendment. In any case, the Opposition is prepared to concede that the wording of the Government's amendment may provide some benefit. However, we would prefer the time frame to be 14 rather than seven sitting days. If it will assist the Committee and if the Government is prepared to consider amending its amendment to extend the period to 14 rather than seven sitting days, the Opposition will not proceed with its amendment No. 1.

**Reverend the Hon. FRED NILE** [9.11 p.m.]: In discussing this amendment, the Minister gave the impression that a period longer than seven sitting days would cause considerable difficulties when issuing licences. However, this provision deals only with leases or licences for 10 years or more; it does not deal with anything else. The Hon. Don Harwin said that it is not a regulation, but it may be more important than that. I believe it is better to be consistent. If the Chamber, in its wisdom, decided centuries ago that 15 sitting days was a suitable period, I believe we should stick with it rather than having seven days here and 14 days and 15 days there. That will cause confusion. Let us stick to the pattern of 15 sitting days. I support the amendment moved by the Hon. Richard Jones.

**The Hon. DON HARWIN** [9.12 p.m.]: I will clarify the Opposition's position. The Opposition does not oppose the period of 15 sitting days. I simply point out to the Committee that we are talking about two different beasts, as the Reverend the Hon. Fred Nile recognised.

**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) [9.13 p.m.]: The Government maintains its position in relation to Government amendment No. 1. The Opposition has kindly offered to accept the Government's form of words and simply increase the number of sitting days from seven to 14. Reverend the Hon. Fred Nile and the Hon. Richard Jones favour 15 days, the Opposition wants 14 days and the Government wants seven days. Seven sitting days may translate, for practical purposes, into many weeks or potentially months.

**The Hon. Duncan Gay:** You've just rejected a pretty decent offer.

**The Hon. JOHN DELLA BOSCA:** Hear me out. We are talking about community groups, and any time track for parliamentary disallowance must be added on. For example, proponents envisage a not-for-profit child care centre, preschool or many other community and not-for-profit services as being legitimate uses of the site. Added to the prescribed disallowance period must be the time it could take to conduct an environmental impact statement, secure other local government approvals and occupational health and safety approvals and to do whatever else must be done to allow those activities to proceed. Because of the unique nature of this case, extra time must be added to whatever disallowance period we prescribe. I am sure the Committee will consider the Government's amendment wisely.

**The Hon. DON HARWIN** [9.14 p.m.]: In light of the Minister's response, the Opposition will support the amendment of the Hon. Richard Jones. Our position regarding Opposition amendment No. 1 will depend upon the Committee's decision on the Hon. Richard Jones' amendment.

**Reverend the Hon. FRED NILE** [9.15 p.m.]: The Minister said that other operations will add to the period prescribed. However, the notice relates only to a proposed lease or licence. It appears to me that many other things will occur at the same time. A notice could be displayed or placed before the House as soon as it is prepared.

**The Hon. DON HARWIN** [9.15 p.m.]: I have been advised that if the amendment of the Hon. Richard Jones fails the Opposition will not be able to proceed with its amendment No. 1. Although we continue to support his amendment, I move:

No. 1 Page 3, clause 6. Insert after line 14:

- (2) The term of any such lease or licence, including the term of any further lease or licence that may be granted under an option for renewal of the lease or licence, must not exceed 10 years unless:
  - (a) notice proposing a longer term with respect to a particular proposed lease or licence has been tabled in each House of Parliament, and
  - (b) no resolution has been passed by either House rejecting the longer term within 14 sitting days after the notice was tabled in that House.

#### **Amendment of Government amendment agreed to.**

**The CHAIRMAN:** As the amendment of the Hon. Richard Jones has been passed, Opposition amendment No. 1 is superseded.

#### **Government amendment as amended agreed to.**

**The Hon. DON HARWIN** [9.18 p.m.]: Given that Government amendment No. 2 and Opposition amendment No. 2 as circulated relate to similar subjects, and we are perfectly happy with the Government's amendment, I will not move Opposition amendment No. 2.

**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) [9.18 p.m.]: I move Government amendment No. 2:

No. 2 Page 3, clause 6, lines 20 and 21. Omit all words on those lines. Insert instead:

- (b) a trust prescribed by the regulations, if the trust has agreed to undertake that care, control and management in accordance with the objects of this Act.

The Opposition's offer is irresistible. Government amendment No. 2 will remove the current provisions permitting the management of Callan Park to be contracted out to a body established for that purpose. Instead, it will provide that the management of Callan Park may be contracted out to a trust prescribed by regulation. The regulation may prescribe only a trust that has agreed to undertake care, control and management of Callan Park in accordance with the objects of the bill.

The regulation may only prescribe a trust that has agreed to undertake the care, control and management of Callan Park in accordance with the objects of the bill. The regulation prescribed in the trust will be subject to disallowance by the Parliament. In addition, amendment No. 3 ensures that the regulation will not take effect until the period for disallowance has expired. This period—I am sure Reverend the Hon. Fred Nile, the Hon. Richard Jones and other buffs of Erskine May will be pleased—will be 15 sitting days. These amendments will ensure parliamentary scrutiny of arrangements to contract out management of Callan Park.

**The Hon. DON HARWIN** [9.20 p.m.]: The Opposition welcomes Government amendment No. 2 and will support it.

**Reverend the Hon. FRED NILE** [9.20 p.m.]: I am pleased that the Government has moved this amendment. This matter was raised in the earlier debate on the Greens bill. We are suspicious of a body or organisation being appointed in vague terms. We are happy with a trust, but I ask the Minister to briefly outline who will be on the trust and which organisations will be represented on the trust. I realise the Minister cannot name individuals, but is he able to relieve our concerns in this regard?

**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) [9.21 p.m.]: I am not in a position to give undertakings about the identity of potential members of the trust or what qualifications might be sought by the relevant Minister.

**Reverend the Hon. FRED NILE** [9.21 p.m.]: What organisations, not representatives?

**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) [9.21 p.m.]: I have no advice on the criteria to be used. Reverend the Hon. Fred Nile said that it is not prescribed in the objects of the bill or in the amendment, but there are conventions in relation to the way in which members of trusts are selected. Reverend the Hon. Fred Nile is probably in the right ballpark—no pun intended—when he talks about persons with a background and knowledge of the property in question. They might include local residents, people with knowledge of heritage buildings or people from relevant authorities with an interest in the management of the site. They may be nominees of council.

I am speculating but if Reverend the Hon. Fred Nile is concerned that the trust will somehow be narrowly defined, I advise that it will be within the convention of Taronga Park Zoo Trust, the Royal Botanic Gardens and Domain Park Trust and other similar trust bodies. At the discretion of the Minister Cabinet will appoint persons of good character who have some knowledge of the property. I am advised they will be people from local government, community groups and a range of State government authorities who have an interest in the management of the site.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS** [9.23 p.m.]: I am disappointed that the Government does not know who will be appointed to the trust. It seems to me that they should be people with a concern for the public use of the gardens. Any appointments should be made consistent with the provisions of the Act.

**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) [9.23 p.m.]: Reverend the Hon. Fred Nile wanted more than that. That is intrinsic in the bill.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS** [9.23 p.m.]: That is right. I want to know who will be on the trust rather than a statement that the Government does not know and that it will be include the information in a regulation that can be disallowed later. I am surprised, given that the legendary number of precedents in legislation for the number of people on trusts and boards, that the Government does not know. Can the Minister say that any appointments will be entirely consistent with the Act?

**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) [9.24 p.m.]: If the Hon. Dr Arthur Chesterfield-Evans wants that on the record, on behalf of the Government I confirm that they will only be persons whose appointment is consistent with the objects of the Act.

**Amendment agreed to.**

**Ms LEE RHIANNON** [9.25 p.m.]: I wish to move Greens amendment No. 4 in an amended form to that in which it was circulated. By leave, I move:

No. 4 Page 3, clause 6. Insert after line 21:

- (3) A lease or licence referred to in subsection (1), and a contract to which subsection (2) applies, must not allow a use that is not authorised by section 7 (2).

This amendment seeks to restrict the purposes for which leases can be entered into to the same categories of uses to which development is restricted. The bill currently restricts development to health, education and community facilities, as well as aged care. But the bill does not restrict leases in the same way. This is a major flaw in the bill. The amendment states that a lease, licence or contract "must not allow a use that is not authorised by section 7 (2)", which is the section that restricts development purposes. In other words, leases, licences or contracts could not be entered into for uses other than health, education, community and aged care. This would prevent the parklands and the buildings from being leased out for completely inappropriate commercial uses, such as retail shops, kiosks or corporate functions. As it stands, the bill is completely open about the purposes for which leases can be granted. It could literally be anything.

This amendment is crucial if we are to stop the commercialisation of Callan Park. Health, education and community uses are appropriate, and are supported by the local community. The buildings are currently used for such purposes, and everyone is happy enough with that. This bill, as it stands, paves the way for completely inappropriate commercial uses of the parklands and the buildings. The amendment is essential to prevent that commercialisation. It constitutes a tightening up of the bill to provide what everybody now says they are committed to: saving Callan Park.

**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) [9.28 p.m.]: The Government does not intend to ask the Committee to divide, given the modification made by Ms Lee Rhiannon to her original amendment. In its original form the amendment did not make sense. A contract for the care, control and management of Callan Park will provide for the care, control and management of Callan Park. It will not have a permitted use, whether that use is health, aged care or anything else envisaged by the objects of bill. In relation to leases or licences, the provision in section 7 (2) will already apply in any case where a change of use proposed, such as a development consent, is required. Even in its modified form, the Government does not accept the amendment of Ms Lee Rhiannon, but acknowledges that it does not defeat the purposes of the bill and we will not cause the Committee to divide on it.

**The Hon. DON HARWIN** [9.29 p.m.]: We note the comments of the Minister. The Opposition supports the amendment.

**Reverend the Hon. FRED NILE** [9.29 p.m.]: The Christian Democratic Party supports the amendment because the words "active recreational uses of recreation sites" were causing us some concern. This amendment provides additional protection for Callan Park.

**Amendment agreed to.**

**Ms LEE RHIANNON** [9.30 p.m.]: I move Green amendment No. 5:

No. 5 Page 3, clause 6, line 25. Insert "together with details of any related proposal to deal in land of which the Minister is aware," after "contract,".

The amendment seeks to add to the information that the Minister must provide to the public under clause 6 when he or she is giving notice of a proposal to grant a lease or licence or to enter into a contract. This amendment adds the words "together with details of any related proposal to deal in land of which the Minister is aware". The amendment is important to tighten up the provisions and ensure that the public has a full picture when

considering a Minister's proposal. Future controversy surrounding Callan Park is very likely to focus on the granting of leases or licences or entering into contracts, and it is therefore essential that the public be provided with all relevant information. The current controversy surrounding the future of Callan Park is not the first. We hope it is the last. The inclusion of this provision will ensure next time that the public will be more fully informed.

**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) [9.31 p.m.]: The amendment does not make sense. What are "related proposals to deal in land"? The Government has no understanding of what that could possibly mean. I am not sure that anyone in the Chamber can explain what that is meant to mean. Does it mean that, if a prospective lessee is selling land in Victoria to partly financed refurbishments to buildings in Callan Park, the Minister is supposed to publish this in the papers? What has this got to do with the use of Callan Park, for example? What if a community organisation is planning to vacate its current premises upon securing a lease at Callan Park? Is the Minister required to publish details of the surrender of the original lease on the unrelated property? Again, what has this got to do with the use of Callan Park? For obvious reasons, the Government does not support the amendment. We expect that the Opposition, in the interests of some sanity in government, would support the Government's position.

**The Hon. DON HARWIN** [9.32 p.m.]: I hear what the Minister says. The Opposition would support this amendment, but I would like to move an amendment to clarify the issue that the Minister just raised. From comments I hear in the Chamber, I believe it will have the support of other crossbenchers. After discussing this matter and further consideration, the Opposition will not proceed with its amendment and is happy with the amendment as drafted and moved by Ms Lee Rhiannon.

**Reverend the Hon. FRED NILE** [9.34 p.m.]: I move:

That the amendment be amended by adding after the word "land" the words "located in Callan Park".

This amendment is moved to address the Minister's concern that the words "any related proposal to deal in land" might refer to Victoria and other States.

**The Hon. JOHN DELLA BOSCA:** If the Committee is prepared to support the amendment moved by Reverend the Hon. Fred Nile, the Government will accept that amendment. It clarifies the position and removes the potentially foolish implications of the amendment moved by Ms Lee Rhiannon.

**Amendment of amendment agreed to.**

**Amendment as amended agreed to.**

**Ms LEE RHIANNON** [9.38 p.m.]: I move Green amendment No. 6:

No. 6 Page 3, clause 6, line 25. Omit "2". Insert instead "one national and two local".

This amendment is very simple. It seeks to stipulate that, when the Minister is giving notice of a proposal to grant a lease or licence or enter into a contract, the notice must be given not just in two local newspapers but also in one national newspaper. This would reflect the national heritage significance of Callan Park. It is not only the local community that cares very deeply about the future of Callan Park. People from all over New South Wales, indeed Australia, feel quite passionate about protecting Callan Park. They should be given the opportunity to comment on any proposal to grant a lease or licence or enter into a contract. It really is a very simple proposal: it adds one national newspaper to the equation.

**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) [9.38 p.m.]: The Government does not support the amendment, which is lacking in substance and would be a gratuitous waste of money. By specifying a national newspaper and local newspapers the amendment excludes notices being published in the *Sydney Morning Herald* and the *Daily Telegraph*. It is difficult to see how an advertisement in the only recognised national newspapers, the *Australian* and the *Australian Financial Review*, would best reach the local community.

**Reverend the Hon. FRED NILE** [9.39 p.m.]: I agree with the comments of the Minister. The *Australian* has a very limited distribution, certainly in New South Wales. It would be far better if the reference was to a "Sydney metropolitan newspaper". Therefore, I move:

That the amendment be amended by deleting the word "national" and inserting instead the words "Sydney metropolitan newspaper".

We will not refer specifically to the *Sydney Morning Herald*!

**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) [9.39 p.m.]: As a matter of principle, the Government would not support inclusion of the words *Sydney Morning Herald* in any legislation before this Chamber. It will accept the amendment moved by Reverend the Hon. Fred Nile.

**The Hon. DON HARWIN** [9.39 p.m.]: The Opposition will support the Greens amendment as proposed to be amended by the amendment moved by Reverend the Hon. Fred Nile.

**Amendment of amendment agreed to.**

**Amendment as amended agreed to.**

**Ms LEE RHIANNON** [9.39 p.m.]: I move Greens amendment No. 7:

No. 7 Page 3, clause 6, line 28. Insert after "publication":

, and

(c) publish, in at least one national and two local newspapers circulating in the locality, the reasons for the decision to grant consent.

This amendment seeks to require the Minister, when he or she has granted consent to a lease, licence or contract, to publish the reasons for the decision to grant consent. The reasons must be published in two local newspapers and one national newspaper, just as the notice of proposal is published in the first instance. It may be necessary to amend the amendment to refer to the metropolitan newspapers. It makes very little sense to have a procedure for the public to make submissions if the Minister can give consent without having to justify that decision in any way. It seems very reasonable that the Minister should have to publish his or her reasons. The public certainly has a right to know those reasons. The best way that we, as a Parliament, can protect Callan Park is to ensure that the Government is accountable and responsive to the community. With this amendment the government of the day would have the opportunity to inform the community of its intent. We hope that this amendment will receive support from both major parties.

**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) [9.40 p.m.]: The Government cannot support the amendment. The inadequacy of newspapers specified in the amendment has already been canvassed. The amendment seems to have more to do with providing advertising revenue for local newspapers and the newspaper industry than it does with community consultation on the use of Callan Park. There is no need to prescribe detailed notice requirements. If the Government does not release this information, the Freedom of Information Act provides an adequate process by which to obtain relevant documents. The amendment seeks superfluous disclosure. Taken to its logical conclusion, how special are we—

**The Hon. Rick Colless:** You want to keep it a secret.

**The Hon. JOHN DELLA BOSCA:** How do we keep it a secret? How can a Minister keep it a secret? That is an absurd interjection from the Hon. Rick Colless.

**Reverend the Hon. FRED NILE** [9.41 p.m.]: I support the amendment, but I move:

That the amendment be amended by deleting the word "national" and inserting instead "Sydney metropolitan newspaper".

The Minister stated that the amendment would raise revenue for the newspapers. But the amendment does not stipulate the size of the advertisement. Usually, it is quite economical to advertise in local newspapers. It would not be a heavy financial burden on Government expenditure.

**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) [9.42 p.m.]: It is really a matter of principle. If we are going to start publishing the reasons for every regulatory decision, then we will find ourselves with very unreadable newspapers, if nothing else. Formal reasons for a decision could run to pages and pages.

**Reverend the Hon. Fred Nile:** You could have a summary.

**The Hon. JOHN DELLA BOSCA:** Reverend the Hon. Fred Nile suggests that we could have a summary, but I wonder how far we can take this argument. It is truly an absurd proposition.

**The Hon. DON HARWIN** [9.42 p.m.]: All I say about the Minister's contribution is: You have made your bed and now you have to lie in it. The bill was introduced because the community of the inner west has lost its faith in the Government to do the right thing with Callan Park. These sorts of amendments are necessary. As amended by Reverend the Hon. Fred Nile it will have the support of the Opposition.

**Amendment of amendment agreed to.**

**Amendment as amended agreed to.**

**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) [9.44 p.m.]: I move Government amendment No. 3:

No. 3 Page 3, clause 6. Insert after line 28:

- (4) A regulation prescribing a trust for the purposes of this section takes effect on the day following the last day on which it is capable of being disallowed under section 41 of the *Interpretation Act 1987* (as modified by subsection (5)) or on such later day as may be specified in the regulation.
- (5) Despite section 41 of the *Interpretation Act 1987*, a resolution by a House of Parliament to disallow any such regulation does not have effect unless notice of the resolution is given within 15 sitting days of the House after written notice of the making of the regulation is laid before that House under section 40 of that Act.

The bill already provides that the management of Callan Park may be contracted out to a trust prescribed by regulation. The regulation may prescribe only a trust that has agreed to undertake the care, control and management of Callan Park in accordance with the objects of the bill. I will wait for further debate before I make any additional remarks.

**The Hon. DON HARWIN** [9.45 p.m.]: The Opposition has a problem with paragraph (5) of the amendment, which, as we are advised by the Clerks, seeks to depart from the usual provisions of the Interpretation Act. Instead of the normal 15 days to lodge a notice of motion to disallow a regulation and preserve the jurisdiction of the House, paragraph (5) makes it mandatory to pass the motion of disallowance through the House within 15 days. I would be interested to hear from the Minister if that is not the case and the Opposition has been wrongly advised. But our information is that this is a departure from the normal standards of the Interpretation Act and, as such, it is not something the Committee should support. The Interpretation Act contains very clear provisions for delegated legislation and the jurisdiction of this House to disallow regulations. It is not appropriate to depart from procedure and to include special provision in this of all bills when there is so much concern about it in the community. It is not acceptable to take away the jurisdiction of the House.

**Reverend the Hon. FRED NILE** [9.47 p.m.]: The Hon. Don Harwin is correct. I move:

That the amendment be amended by inserting after the word "unless" the figure and words "notice of the resolution is given within 15 days".

The Government made the point earlier that it was meeting the requirements of the legislation by inserting reference to 15 days. But, as the Hon. Don Harwin said, a trap has been set because the amendment provides that the resolution has to be passed within 15 days. A member would have to give notice of it, have it brought on, debate it and have it passed. If it were contentious, the Government could keep the debate going until the 15 days had elapsed. That may not be the Government's intention, but sometimes the bureaucrats who draft these bills cleverly include loopholes.

**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) [9.48 p.m.]: We are, on all occasions, at the mercy of advice. Notwithstanding

that the amendment of Reverend the Hon. Fred Nile sounds like an infinite improvement on the status quo, the overall reason for the amendment is the same as previously stated by the Government: community groups may have to wait for six months for a licence or a lease. I think that defeats the purpose of the bill. In a year or two, when someone who is attempting to organise a lease for a community purpose on the site reads this debate, that person may reach the conclusion that at least on this issue the Government has been dead right and has taken notice of concerns. I do not think I can make the Government's position any clearer.

**The Hon. DON HARWIN** [9.49 p.m.]: The Minister has just made absolutely clear why Reverend the Hon. Fred Nile's amendment, which reflects my comments, is necessary. The Minister is saying that he does not want the normal period of disallowance to apply. The Minister wants regulations to be rushed through without traditional statutory parliamentary scrutiny of delegated legislation. That is simply unacceptable. I urge the Committee to support the amendment moved by Reverend the Hon. Fred Nile.

**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) [9.50 p.m.]: I indicate before the debate proceeds much further, for the information of honourable members, that the Government does not intend to divide the Committee on this matter. It was important for the Government to place its view on the record.

**Reverend the Hon. FRED NILE** [9.50 p.m.]: I wish to clarify something stated by the Minister, who may have become weary at this hour. He stated that this change could affect somebody who wants to use the site. The amendment has nothing to do with that and deals instead with a trust. It has nothing to do with a lease. It deals with a regulation. It will not hold up any genuine community group.

**Amendment of amendment agreed to.**

**Amendment as amended agreed to.**

**Clause 6 as amended agreed to.**

#### **Clause 7**

**Ms LEE RHIANNON** [9.52 p.m.]: I move Greens amendment No. 8:

No. 8 Page 3, clause 7. Insert after line 33:

- (2) The consent authority for development applications relating to land within Callan Park is the council of the local government area within which the land is situated, despite any other Act or any environmental planning instrument.

This amendment seeks to make the council of the local government area in which Callan Park is situated the consent authority for development of Callan Park. Under current boundaries, that would be the Leichhardt Municipal Council. The State Government has demonstrated very amply that it cannot be trusted with Callan Park.

**The Hon. John Della Bosca:** You do not trust us about anything.

**Ms LEE RHIANNON:** How untrue! Do we have to revisit the Popular Front again? I thought we had worked all that out. The State Government tried so very hard to sell the park for development and only backflipped when forced to do so by community and political pressure. The State Government repeatedly denigrated Friends of Callan Park and anyone else who stood up against the sell-off. The State Government is not trusted by the local community, and with good reason. On the other hand, Leichhardt Municipal Council has proved to be far more responsive to community concerns. Leichhardt Municipal Council fairly accurately reflects the local community's views and has certainly accurately reflected the community's aspirations when it comes to Callan Park. This amendment is important because we should not leave Callan Park in the hands of the State Government.

**The Hon. Amanda Fazio:** Why not? It owns it.

**Ms LEE RHIANNON:** I acknowledge the interjection made by the Hon. Amanda Fazio, which is so telling of her attitude. She believes that it is a Government asset, not an asset of the people. The Government's

current position is very different from what it was three or four weeks ago. Who can say what the Government's position will be in another three or four weeks, or in another three or four years? We should not leave so precious an asset in the hands of those who care so little for its future. This Government has shown time and time again that it cannot be trusted. This amendment will go some way toward solving that problem.

**The Hon. DON HARWIN** [9.54 p.m.]: This amendment, which mirrors Opposition amendment No. 3 and is in fact identical to Opposition amendment No. 3, seeks to reinstate the local government authority as the consent authority for development applications relating to Callan Park. The principle behind the amendment is that the community is represented by the local government authority, that is, the local council. Over the years, the council may change, but the community, through its elected representatives, should have a say in the determination of matters relating to Callan Park. To suggest that the Minister for Planning—that is, the Government—should determine all matters relating to Callan Park, thus refusing the local community a direct say, is quite extraordinary. It is not a given that a better decision will be made by the New South Wales Government; in fact, that would be a less transparent decision-making process. It is quite extraordinary that the Minister for Planning has argued in favour of that process.

Clearly, the Leichhardt Municipal Council should be the consent authority because it has demonstrated that it is in touch with its community on this issue. I pay a tribute to Councillor Nick Dyer, Councillor Carol McVeigh and Councillor Marc Hewitt for supporting their community and for making very strong representations to ensure that the Opposition also supports their community in the debate on this bill. There is no reason at all why the Leichhardt Municipal Council should not be the consent authority. The Opposition supports this amendment.

**The Hon. DUNCAN GAY** (Deputy Leader of the Opposition) [9.56 p.m.]: I take this opportunity to speak briefly in support of Greens amendment No. 8.

**The Hon. Amanda Fazio**: That is not surprising. The National Party and the Greens are having a love-in.

**The Hon. DUNCAN GAY**: Some love-ins are preferable to others. I reiterate the Opposition's support for the amendment. As my colleague the Hon. Don Harwin indicated, the amendment is the same as the Opposition's foreshadowed amendment. I am slightly concerned about the empire grab by the Lord Mayor of Sydney because I would hate to think that this Parliament, in giving responsibility to the Leichhardt Municipal Council, which is in touch with the people and represents the people, would have its functions usurped by the Lord Mayor of Sydney, who is neither in touch with nor loved by the people. However, knowing that the Labor Party is about to foist Frank Sartor on the people of Rockdale as it foisted Barrie Unsworth on the poor unsuspecting people of Rockdale on a previous occasion, I feel better.

**Ms Lee Rhiannon**: Fifty-four votes.

**The Hon. DUNCAN GAY**: Exactly.

**The CHAIRMAN**: Order! I hope these remarks still have something to do with the clause that is being considered.

**The Hon. DUNCAN GAY**: Mr Chairman, I thank you for your sage advice. The Opposition supports the amendment.

**Reverend the Hon. FRED NILE** [9.58 p.m.]: I place on the record the support of the Christian Democratic Party for the amendment. The only issue that remains for consideration is whether the effect of the wording, which refers to "the area", may change if local government boundaries change. If local government boundaries are moved by the Government, that may change the council which has the authority. There is also the assumption that developers will not get control of the Leichhardt Municipal Council. I suppose that would be very difficult.

**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) [9.58 p.m.]: The Government does not support the Greens amendment. The entire basis of the case that has been put by the Opposition, many of the crossbenchers, and many community representatives, and the whole basis of this bill and other bills that have been discussed in public debate as well as in this Parliament, is that the community, and not just the community in the immediate vicinity of Callan Park, accepts that Callan Park is significant. It is of statewide significance.

During an earlier exchange between the Hon. Amanda Fazio and other honourable members the Hon. John Ryan made the point that this property would be managed for the people of New South Wales. The Government represents the people of New South Wales, whether or not honourable members like the government that is in power at any one time. The government of the day is responsible to the Parliament. The Hon. Dr Brian Pezzutti said earlier in his contribution to debate on this bill—although I did not agree with many of his conclusions—that the entire New South Wales population has had a long-standing connection with Callan Park. We cannot hand over all the consent and management decisions to Leichhardt council, which represents, however well or poorly, a small fraction of the people who own Callan Park.

This issue has very little to do with serious matters of principle, such as who should be managing public land, whether land should remain in public use and what sort of public use should be permitted at Callan Park or anywhere else. Opposition members do not have a serious commitment to the kinds of principles enunciated earlier by the Deputy Leader of the Opposition and Ms Lee Rhiannon. If this property is to be managed and consent issues are to be determined, it should be done by the Government, whether or not people like the Government or agree with the decisions that it has made. As a simple matter of principle, this legislation should reflect the fact that the Government is the consent authority.

**The Hon. Duncan Gay:** You brought this on yourself.

**The Hon. JOHN DELLA BOSCA:** It does not matter whether or not we brought this on ourselves. The honourable member knows that it does not matter. He is not taking this debate seriously. The honourable member appears to be interested only in prostituting himself for political purposes.

*[Interruption]*

The honourable member demonstrated that he is prostituting himself for political purposes through the interjections that he has made and because of the position he has taken in relation to this amendment. That is exactly what he is doing. He cannot be trusted with any serious matter of public policy. If honourable members were to look at the expression on the face of the Hon. James Samios they would see that he knows I am right about this issue. What hypocrisy on the part of Opposition members! No-one expects Opposition members to be taken seriously in relation to these matters. They have really shown their true colours. How can Opposition members say that consent authority should be given to a council that represents a small proportion of stakeholders involved in the management of Callan Park?

Opposition members know that that is the case. They are making a joke of this issue by supporting the amendment moved earlier by Ms Lee Rhiannon. Current planning instruments that apply to Callan Park already establish that the Minister should be the consent authority. This amendment is cynical politicking. Sadly, it is not directed at securing the best outcome for the Callan Park site, the people of Leichhardt, or the people of New South Wales. This bill is prescriptive about what can and cannot be done on this site. There has been much parliamentary scrutiny of this bill. Notwithstanding the fact that this amendment flies in the face of any sensible principle, it is simply unnecessary and silly.

**The Hon. Dr PETER WONG** [10.03 p.m.]: I have considered for some time the amendment moved earlier by the Greens. Under normal circumstances I would support the Government, but as the Deputy Leader of the Opposition said earlier, the people of New South Wales have lost faith in this Government. This Government cannot be trusted. It wanted to sell Callan Park, so how can the people of New South Wales trust it now? The more obstructive the Government is, the more its vote will fall. The Government should agree with the Greens amendment—an amendment that is supported by Opposition and crossbench members—otherwise there will be a terrible backlash.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS** [10.04 p.m.]: Let me place on the record my position in relation to this amendment. I am frightened by the thought that we are considering giving power to councils which are periodically taken over by developers who effect huge changes. That happens periodically in the best-run councils representing the most well-intentioned voters. The track record of this Government is appalling. It has flogged off assets, taken over council responsibilities and done deals with developers in relation to the Balmain peninsula, Walsh Bay, Kenmore and the quarantine station. This Government has an appalling record. People do not trust this Government, simply because of its actions. This bill is prescriptive simply because people do not trust the Government. There have been rumours to the effect that the Government has left loopholes in this bill so that it can continue to do what it wants to do in relation to leases and aged care.

**The Hon. Dr BRIAN PEZZUTTI** [10.05 p.m.]: This hospital site, like any other hospital site, should have come under the normal planning powers of the local council. Some designated developments have to be

approved by the Minister assisting council. But it is perfectly acceptable for local councils to be given consent powers, which is what occurs in relation to every other hospital throughout this State.

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

**The Committee divided.**

**Ayes, 19**

Mr Breen	Mr Lynn	Mr Samios
Dr Chesterfield-Evans	Reverend Nile	Mrs Sham-Ho
Mr Cohen	Mrs Pavey	Dr Wong
Mr Corbett	Mr Pearce	
Mrs Forsythe	Dr Pezzutti	<i>Tellers,</i>
Mr Gay	Ms Rhiannon	Mr Colless
Mr R. S. L. Jones	Mr Ryan	Mr Jobling

**Noes, 15**

Dr Burgmann	Mr Hatzistergos	Mr West
Ms Burnswoods	Mr M. Jones	
Mr Costa	Mr Oldfield	
Mr Della Bosca	Ms Tebbutt	<i>Tellers,</i>
Mr Dyer	Mr Tingle	Ms Fazio
Mr Egan	Mr Tsang	Mr Primrose

**Pairs**

Mr Gallacher	Mr Macdonald
Miss Gardiner	Mr Obeid
Mr Harwin	Ms Saffin

**Question resolved in the affirmative.**

**Amendment agreed to.**

**Ms LEE RHIANNON** [10.12 p.m.]: I move Greens amendment No. 9:

No. 9 Page 4, clause 7, line 2. Omit "or aged care".

This amendment seeks to remove aged care as an acceptable purpose for development at Callan Park. The Greens are far from convinced that aged care is not backdoor residential development. We have seen that tactic with SEPP 5, and so many communities bear the brunt of that development today. What is more, the community has made it very plain that it does not consider aged care as an appropriate use of the site. Aged care is important, and no-one denies that. We hope that the Government does not sink to some low tactic and say that the Greens are not committed to such form of care. However, there are several other sites nearby which are appropriate for aged care, but Callan Park is not one of them. The Government is seeking to confuse this issue by explicitly prohibiting retirement villages and SEPP 5 developments, but is allowing aged care. It is messing around with semantics; neither "retirement villages" nor "aged care" are terms that are defined in the bill. Aged care is not an acceptable purpose for development at Callan Park: it is possibly a backdoor for residential development, and goes against the spirit of saving Callan Park.

**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) [10.14 p.m.]: This amendment completely rules out any development for aged care. It is an extraordinary denial of the needs of a specific group in the local community. In an ageing population, aged care is one of the greatest challenges facing the community. It is offensive to exclude the needs of ageing residents in the inner west when considering the future use of Callan Park. The bill already explicitly rules out SEPP 5 development.

**The Hon. Duncan Gay:** What about SEPP 5?

**The Hon. JOHN DELLA BOSCA:** If the Deputy Leader of the Opposition had listened, he would know that the bill explicitly rules out SEPP 5 development, and the Hon. Lee Rhiannon knows that. The Government's proposed amendment will also rule out development for the purposes of a retirement village. This amendment is unnecessarily restrictive and denies the very real needs of the local community.

**The Hon. DON HARWIN** [10.15 p.m.]: Greens amendment No. 9 is the same as Opposition amendment No. 4. The Opposition will support the amendment, but we are concerned that aged care leaves too many loopholes for residential development. We have been consistently opposed to residential development at Callan Park. The Opposition's Save Callan Park Bill introduced in the lower House ruled out aged care. Consistent with that, the Opposition supports Green amendment No. 9, which is also Opposition amendment No. 4.

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

**The Committee divided.**

**Ayes, 18**

Mr Breen	Mr R. S. L. Jones	Mr Ryan
Dr Chesterfield-Evans	Mr Lynn	Mr Samios
Mr Cohen	Reverend Nile	
Mr Corbett	Mr Oldfield	
Mrs Forsythe	Mr Pearce	<i>Tellers,</i>
Mr Gay	Dr Pezzutti	Mr Colless
Mr Harwin	Ms Rhiannon	Mr Jobling

**Noes, 16**

Dr Burgmann	Mr Hatzistergos	Mr West
Ms Burnswoods	Mr M. I. Jones	Dr Wong
Mr Costa	Mrs Sham-Ho	
Mr Della Bosca	Ms Tebbutt	<i>Tellers,</i>
Mr Dyer	Mr Tingle	Ms Fazio
Mr Egan	Mr Tsang	Mr Primrose

**Pairs**

Mr Gallacher	Mr Macdonald
Miss Gardiner	Mr Obeid
Mrs Pavey	Ms Saffin

**Question resolved in the affirmative.**

**Amendment agreed to.**

**The CHAIRMAN:** Order! I call the Minister to move Government amendment No. 4 as circulated.

**The Hon. Don Harwin:** Point of order: Was the Opposition amendment not received first?

**The CHAIRMAN:** Order! Government amendments take precedence when the Committee is considering a Government bill.

**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) [10.23 a.m.]: I move Government amendment No. 4:

No. 4 Page 4, clause 7, line 3. Insert ", but development for the purpose of retirement villages is prohibited at Callan Park" after "facilities".

This amendment will specifically rule out development for the purpose of retirement villages. The bill already specifically rules out State environmental planning policy No. 5 developments, and retirement villages will be

placed in the same category. The Government recognises the community opposition to Callan Park being used for retirement villages. However, it does not wish to rule out development for other aged care purposes. An ageing population is one of the greatest challenges facing us as a community. It would be offensive, as I said when speaking to the previous amendment, to exclude the needs of ageing residents of the inner west when considering the future uses of Callan Park.

**The Hon. DON HARWIN** [10.24 p.m.]: The Opposition does not oppose this amendment.

**Amendment agreed to.**

**The Hon. DON HARWIN** [10.25 p.m.]: I move Opposition amendment No. 6:

No. 6 Page 4, clause 7, line 6. Insert "or building envelopes" after "footprints".

This amendment seeks to confine buildings to the areas inside the footprints and within the building envelopes. The intention of this amendment is to prevent the development of buildings higher than those currently on the site. Before this bill came to Parliament, the Government intended to force through a development for Callan Park, and this bill does not provide any height restrictions. No restrictions will be placed on the redevelopment of existing buildings to ensure that they remain within the current building envelopes or to ensure that an existing three-storey building will not be redeveloped into a higher building.

Amendment No. 6 seeks to preclude the construction of four-storey or five-storey buildings in places where those types of buildings do not currently exist. If the Government supports any type of overdevelopment of Callan Park it will oppose this amendment. If the Government supports confining development to the building envelopes and maintaining the form of the buildings currently on the site it will support Opposition amendment No. 6.

**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) [10.27 p.m.]: The Government does not support Opposition amendment No 6, which would prohibit any development outside the three-dimensional exterior of the current buildings. For example, it would prevent the installation of new gutters and downpipes or aerials and antennae. It is unnecessarily restrictive. The bill already provides for development only within the footprints of the current buildings. It also limits floor space to the current total floor space on the site. The Government's proposed amendment will also limit buildings to their current height.

**Amendment agreed to.**

**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) [10.30 p.m.]: After consultation with community representatives I wish to move Government amendment No. 5 in an amended form to that in which it was circulated. By leave, I move:

No. 5 Page 4, clause 7, line 8. Insert ", or so as to result in any building at Callan Park within any of those footprints having a relative level greater than the building within that footprint immediately before that commencement" after "Act".

This amendment will limit buildings at Callan Park to their current heights. The bill already provides for development only within the footprints of the current buildings. It also limits floor space to the total current floor on the site. This amendment gives absolutely no possibility of high-rise development at Callan Park, which is the concern agitated by some of the other possible amendments.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS** [10.31 p.m.]: The words "relative level" are not defined in the bill, they are not standard terminology and their meaning is not clear to honourable members. Could buildings such as the ambulance station, with storeys of a number of different relative heights, be extended? The idea of it being the same height would suggest that the highest point of the building would then become the point for any changes. That might mean that buildings of mixed heights would become a uniform height and, in the case of the ambulance station, a couple of storeys higher. I do not understand what the words "relative level" are relative to. It is a bit rich to expect honourable members to support a term that is not defined in the bill.

**The Hon. DON HARWIN** [10.32 p.m.]: The Opposition's amendment that has just been agreed to adequately covers the field in this area. This amendment is not supported by the Opposition and it should not be

supported by the Committee. It leaves the door open with respect to a number of buildings—the Hon. Dr Arthur Chesterfield-Evans referred to one. The Committee should oppose the amendment.

**Amendment negatived.**

**Ms LEE RHIANNON** [10.33 p.m.]: I move Greens amendment No. 10:

No. 10 Page 4, clause 7, lines 8 and 9. Omit "However, this requirement does not prevent the erection of temporary structures."

This amendment seeks to remove the exemption for temporary structures from the bill. As it stands, temporary structures are not prohibited development. However, the bill fails to define "temporary". One wonders what it could mean in practice. Does it mean one month, one year, five years or 10 years? "Temporary" can mean almost anything. The world is indeed a relative place. Without this amendment, structures—fences, marquees, kiosks or demountable buildings—could be erected in the parklands and remain there practically indefinitely. It is a dangerous provision. It is clearly part and parcel of the Government's commercialisation agenda. The passing of this amendment would provide the protection we have been working so hard to achieve.

This is the final amendment to be moved by the Greens in relation to this bill. This work could not have been undertaken without the efforts of so many people. A number of councillors on Leichhardt Municipal Council, including Mayor Maire Sheehan, and Hall Greenland and Friends of Callan Park, including Phil Jenkins and Michelle McKenzie, supplied invaluable support and advice to the Greens with respect to our original bill. The amendments go a long way to improve the bill before the Committee. I congratulate them on their hard work and I thank them for their achievements. The passing of these amendments is their achievement.

**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) [10.35 p.m.]: This amendment will prohibit the erection of temporary structures outside the footpaths of the current buildings. It is ridiculously restrictive. It will prevent the erection of a scaffold to carry out maintenance on the current buildings. It will even prevent the erection of a temporary shade structure for parents to watch their children play sport on the oval at Callan Park. This amendment would prevent essential maintenance and leave Callan Park, including its heritage buildings, to deteriorate and decay. The Government will not support the amendment.

**The Hon. DON HARWIN** [10.36 p.m.]: While appreciating the good intentions of Ms Lee Rhiannon in moving this amendment, the Opposition shares the concerns of the Government and will not support the amendment.

**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) [10.37 p.m.]: I move Government amendment No. 6:

No. 6 Page 4, clause 7, line 8. Omit "requirement". Insert instead "subsection".

**Greens amendment negatived.**

**Government amendment agreed to.**

**Clause 7 as amended agreed to.**

**Clauses 8 and 9 agreed to.**

**Clause 10**

**The Hon. DAVID OLDFIELD** [10.37 p.m.]: I move:

Page 5, clause 10. Insert after line 5:

- (2) Sections 5 and 6 of the Subordinate Legislation Act 1989 apply to or in respect of any regulation made under this Act in the same way as they apply to or in respect of a principal statutory rule (whether or not the regulation is a principal statutory rule within the meaning of that Act).

The effect of this amendment is that every regulation made under the enacted Callan Park (Special Provisions) Act will have to have been preceded by a regulatory impact statement under the Subordinate Legislation Act

1989. Specifically, this amendment will require the Minister to publish any changes not only in the *Government Gazette* but also, according to the subordinate legislation, in any daily newspaper circulating throughout New South Wales and, where appropriate, in any relevant trade, professional, business or public interest journal or publication. The notice will state the objectives of the proposed changes, advise where the regulatory impact statement may be obtained or inspected, and advise of any details regarding the ability to obtain or inspect the proposed statutory rule.

Further to that public notification, there will be a minimum of 21 days in which public comments and submissions may be made. Again, according to the subordinate legislation, consultation is to take place with appropriate representatives of consumers, the public, relevant interest groups and any sector of industry or commerce likely to be affected by the proposed statutory rule. Considering the significance of Callan Park and the public outcry about initial plans for the site, the nature and extent of the publicity for any proposal and consultation regarding any proposal is to be commensurate with the impact likely to arise from the making of the statutory rule. This amendment gives the public fair warning and allows adequate time for response.

**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) [10.39 p.m.]: The Government does not oppose the amendment.

**The Hon. DON HARWIN** [10.39 p.m.]: The Opposition will support the amendment, which is completely in accord with the spirit of what we have been trying to achieve tonight and, I am pleased to say, have largely achieved—with one notable exception.

**Reverend the Hon. FRED NILE** [10.40 p.m.]: The Christian Democratic Party supports this very important amendment.

**Amendment agreed to.**

**Clause 10 as amended agreed to.**

**Clause 11 agreed to.**

**Title agreed to.**

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

**ROAD TRANSPORT (VEHICLE REGISTRATION) AMENDMENT BILL**

**COAL INDUSTRY AMENDMENT (FEES FOR RESCUE SERVICES) BILL**

**Bills received.**

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

**Motion by The Hon. John Della Bosca 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 readings of the bills be set down as orders of the day for the next sitting day.

**Bills read a first time.**

## **BILL RETURNED**

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

Guardianship Amendment (Enduring Guardians) Bill

## 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) [10.43 p.m.]: I move:

That this House do now adjourn.

## DEATH OF Mr NICHOLAS KEVIN MEAGHER

**The Hon. GREG PEARCE** [10.43 p.m.]: Tonight I wish to pay tribute to the life of Nick Meagher, who passed away last Thursday. Nick was the immediate past President of the Law Society of New South Wales and chairman of the national law firm Sparke Helmore at the time of his death. I knew Nick primarily through our service on the council of the Law Society. With the legal profession, I extend my sympathies to Nick's family, particularly his sons Tim, Kevin and Ben. Nicholas Kevin Meagher gave almost 36 years service to the legal profession, his firm and the community. Nick grew up in Sydney and attended Riverview College. He commenced the study of law in 1966 and joined Sparke Helmore as an articled clerk. Studying law at night, Nick made a number of lifelong friends, including Ron Heinrich, who delivered a eulogy at a service today at St Mary's Cathedral celebrating Nick's life. Nick was admitted to partnership with Sparke Helmore in July 1972, just a year after completing the Law Extension Committee examinations and having been admitted as a solicitor of the Supreme Court of New South Wales on 4 June 1971.

Nick's partner, Gary Flowers, who spoke at his funeral, remarked that such a rapid elevation must be some sort of record. When Nick joined Sparke Helmore it was a Newcastle-based firm and there were only three representatives in Sydney. Today the firm is a national firm, with nearly 300 people in its Sydney office alone, including my long-time friends Richard Anicich and Tony Deegan, and Colleen Hodges in Newcastle. Nick's partners speak highly of his role in building the firm, and of his pride in and commitment to the firm. The staff speak of his many fine qualities—primarily his enthusiasm and energy, his friendship and loyalty, his innovative approach, and his eagerness for new ideas, technology and debate. I experienced these qualities in Nick. In the last decade, as well as his role in his firm, Nick gave enormous service to the legal profession and the community. At the time of his death, Nick was immediate past president and still a serving councillor of the Law Society.

An indicator of his level of commitment is that he attended his last council meeting on 17 October 2002, notwithstanding that he had been granted leave of absence to undergo treatment for the cancer from which he was suffering. Nick was first appointed to the council of the Law Society to fill a casual vacancy in March 1994. Nick was elected treasurer in 1998, junior vice-President in 1999, president-elect in 2000 and president in 2001. More importantly perhaps was Nick's contribution to the Law Society committees upon which he served and which he chaired, including litigation law and practice, business law, court liaison, national and international practice, ethics, audit and finance. He was also a member of the Supreme Court and District Court rules committees, where he enjoyed a close working relationship with the respective heads of jurisdictions and other members of the judiciary. Nick also, of course, had many friends and close relationships with members of the bar and the Bar Council.

From 1996 until April 2001 Nick was a director of LawCover Pty Ltd and he was chairman during the year 2000 through to 2001. He was also a member and chairman of the society's professional conduct committee, the most important committee given the role that it plays in upholding the good standing of the solicitors profession in New South Wales. Nick was an outstanding president of the Law Society, notwithstanding the difficulties arising from the professional indemnity insurance crisis during his term. Nick was also passionate about his practise of the law as a litigator and later as an expert in insurance law and government practice. He was also passionate about individual rights and the rule of law, and during his year as president he strongly advocated for the introduction of a bill of rights. He was responsible for his firm's support for the Aboriginal and Torres Strait Islander legal cadetship program.

Just to round out the measure of the man, Nick also was a practising accredited mediator and he served on the Motor Accidents Council and the Interim Workers Compensation Advisory Council. Indeed, in his last weeks he organised a function in support of the Spastic Centre, following the significant work he had done encouraging businesses to employ people with disabilities. Nick was a leader with enthusiasm for life, and a genuine love of the practise of the law. He achieved much in the time that he was with us. He made a major contribution, in the true volunteer sense, to the betterment of the profession and the community. Perhaps the mark of Nick that most impressed me was his role as a true mentor. Some at his firm suggested it was because of his grey hair. Despite his youthful years, Nick was a leader and father figure, encouraging those around him, pushing them to think outside the square and enjoy life to the full. Goodbye, Nick Meagher.

## GENETICALLY MODIFIED CROPS

**The Hon. Dr PETER WONG** [10.47 p.m.]: First, I thank Nora Malika, a political science student at the University of New South Wales, for assisting me in writing this adjournment speech on gene technology in crops and food. The issues surrounding the introduction of gene technology in the production of crops and foods, and the high risk of negative effects on the health of the community, environment, and economic viability of the agricultural sector, are extremely controversial, and they are issues which I believe governments in Australia have largely sidestepped. The biotechnology industry is a large and very powerful industry with tentacles that go all the way to the Bush administration. The industry claims its revolutionary technology will benefit society in a multitude of ways. Perhaps in some fields, such as medicine, this will prove to be the case, but I am highly suspicious about the use of gene technology in the production of crops and food. I support the broader calls from the community and farming sector for a moratorium on genetically engineered [GE] crops and foods until they are proven in independent tests, and beyond a doubt, to cause no harm.

I do not support the introduction of a technology that would seriously disadvantage farmers through GE pollen transfer which jeopardises their GE-free status and leaves them liable to legal action, as in the case of Percy Schmeiser, who was sued by Monsanto. The South Australian Farmers Federation recently conducted a poll of its members, and to their surprise 80 per cent of farmers said they wanted a moratorium on the introduction of genetically modified [GM] crops. I would encourage the New South Wales Farmers Association to conduct a similar poll in New South Wales to determine the will of its members on this matter. Many food companies like Unilever, Heinz Watties and Sanitarium have indicated they do not want GM foods, and many other food companies are currently removing GE products from their products.

Some supermarkets in Europe are also demanding that animals not be fed GE animal feeds. Recently, even famine-stricken countries in Africa have said no to genetically engineered food aid. It seems that you cannot give the stuff away. Yet gene technology giants such as Monsanto continue to claim that their patented technologies will feed the world by enabling farmers to produce more efficient grain, crops, fruits and vegetables. This is a facade and a highly emotive argument to shore up support for their products when those products create problems for farmers and put them at risk of contamination and legal challenges.

The call for a moratorium on GE food and crops reflects the opinions of the majority of the community. Introducing genetically engineered crops against the tide of public opinion shows a total lack of consideration for those who will be most affected by it—the community and farmers who choose to remain GE free. If GE canola were introduced into New South Wales, the Government would have a responsibility to introduce GE canola contamination compensation legislation to ensure that if GE canola contaminated the currently thriving GE-free and certified organic canola industry, farmers would be duly compensated. Legislation could also provide a means of ensuring that multinational corporations are monitored by the correct authorities, and thereby act within legal and moral boundaries.

Evidence in other parts of the world where GE crops have already been introduced show that GE crops in food are not as beneficial as multinational corporations would have us believe. Genetic engineering in other parts of the world has proved to be disastrous to the environment that surrounds GE zones. The failure of genetically modified products is in evidence in Canada, where the pesticides they used actually decreased the amount of usable crops. This defeats the purpose of using GM products, as the main claim of multinational corporations is that genetic modification results in an increase in food production.

Not only do these gene technology corporations engineer the crops; they also manufacture herbicides, pesticides and other cultivating agents used on crops. This is an industry that continues to generate more profit and benefits for itself. Another example of the creation of hazardous results from a failed genetically modified product is the golden rice experiment, an attempt to increase food production in Third World countries to address widespread vitamin A deficiency in countries with poor population. However, golden rice proved to be unsafe and damaging to the health of those who consumed this genetically modified food.

The effects on humans of consuming many types of GE food over a long time is not known. All the tests done now study the potential for short-term risks and investigate only one product at a time. But this is not how populations will be exposed to GE food. For instance, a baby on soy formula feed could possibly consume a 100 per cent soy diet. As more and more crops are introduced and included in processed foods a greater portion of our diet will contain GE foods. What will the effects be? Essentially, we will be guinea pigs in an uncontrolled experiment where the community and farmers carry all the risks on behalf of the gene technology companies but receive no benefits. The primary aim of gene technology companies is to make money, not to clean up the environment or feed the world's hungry with nutritious food.

### BRIBBAREE SHOW

**The Hon. TONY KELLY** [10.52 p.m.]: A couple of weekends ago I had the great pleasure of representing the Premier at, and officially opening, the seventy-sixth Bribbaree Show. Bribbaree is a small farming community 50-odd kilometres north-west of Young on the south-western slopes of New South Wales. Rain had fallen in the area only two or three weeks previously and the town was a picture. Unfortunately, that is not the case today. Apart from the ecumenical positioning of three of the four churches in the community—side by side and separated only by their respective clergy's homes—the town is renowned for its pretty showground and annual show, which is regarded by many as the best little one-day show in the State's south-west.

The show's horse rings have long enjoyed a reputation for high standards. The main pavilion is widely recognised as having one of the best presentations in the area, with top-quality craftwork, photography, wool, jams and farm produce on display. The six surrounding schools of the district were well represented in colouring and handwriting competitions. Events such as pumpkin bowling, which took my fancy, farmer relays and three-legged races added to the family-friendly nature and community spirit of the show. In all, the Bribbaree Show is a great showcase of the talents, produce and community spirit of the local area.

I was made aware of the Bribbaree Show last year when I was contacted by the secretary of the local show society, Mrs Margaret Burstall, who informed me of a concern that the showground's 75-year-old luncheon pavilion, which consisted of a skillion-roofed shed attached to the main pavilion with a fly-proof roof preparation area to one side, would fail to meet modern health standards and that, consequently, the show may be in danger of not continuing—because, like an army, a country show marches on its stomach and the loss of those facilities would have put a dent in the success of the show.

Fortunately, we were able to secure funding from the Premier to construct new catering facilities for the showground. While I was at the show this year I had the pleasure of officially opening the new facilities. Although it is not headline-grabbing news, the funding was greatly appreciated by the Bribbaree community. It is a testament to the Carr Government's ongoing commitment to small communities and events such as annual country shows. The Government understands that showgrounds are the focus for community activities, such as shows, gymkhanas and other social functions.

For the past year or so I have had the pleasure of announcing funding on behalf of the Minister for Land and Water Conservation to improve facilities for other country showgrounds throughout the State. Showgrounds at Adelong, Narrabri, Molong, Manilla and Junee will share in the \$723,000 the Carr Government is spending this financial year to improve showground facilities. From what I have seen at shows like that at Bribbaree, it is money well spent. It will ensure that these little country shows continue to play their unique role in rural communities throughout New South Wales. Country shows, like Bribbaree Show, are a welcome relief from the pressures and uncertainties of the modern world. I encourage other honourable members to visit a country show and sample the talents, produce and unique spirit of our smaller country communities.

### IVAN MILAT BREACH OF PRIVACY ALLEGATION

**The Hon. CHARLIE LYNN** [10.56 p.m.]: I wish to comment on a recent report that serial psychopath Ivan Milat has appealed to the New South Wales Privacy Commissioner, Mr Chris Puplick, to investigate a complaint regarding the public release of x-rays taken when he swallowed three razor blades, 24 staples and a nail clipper chain when he was in solitary confinement in Goulburn gaol. Milat claimed that this was a breach of his privacy. I understand that Milat's claim was rejected by the Ombudsman. However, it has been taken up by the New South Wales Privacy Commissioner. If the complaint is accepted, I understand that Milat will be in the running for up to \$40,000 in compensation.

I understand that Milat is currently detained in the supermax, a 70-bed, high-risk management unit within Goulburn gaol. I also understand that authorities within the prison system believe that Milat's stunt in swallowing the razor blades, staples and nail clippers was staged to force his transfer to a lower security prison. The editorial in the *Daily Telegraph* of 31 October got it right when it suggested that if there were to be any inquiry at all into this matter, it should be conducted within the prison system to establish how an inmate, such as Milat, obtained razor blades and the other paraphernalia he swallowed.

The editorial also reminded us of the case last month of the convicted rapist Bilal Skaf. Mr Puplick's office was of the view that his parents, if not Skaf himself, could be eligible for a similar level of compensation over the release of security camera footage of an attempt to smuggle letters out of prison. Chris Puplick believes

that criminals like Ivan Milat and Bilal Skaf have a right to privacy. In Milat's case he has suggested that any pressure applied to his office to reject Milat's claim could amount to corruption under the Independent Commission against Corruption Act. If this is the case, we need to advise the New South Wales Privacy Commissioner that he is totally out of touch with community expectations. We also need to change the ICAC Act to ensure that it cannot be manipulated by misguided serial do-gooders.

Ivan Milat forfeited any right he had to ever see the light of day when he was convicted of the premeditated, cold-blooded murder of seven backpackers. The only right he has is to a jug of water, a slice of bread and a bowl of rice in a small, dark cell every day for the rest of his miserable life. I note the comments of Minister Amery, who advised that the Privacy Commission receives 2,000 complaints per year, but is able to act on only about 1,000 when he questioned why Ivan Milat was one of those selected for investigation. I would suggest it is because Chris Puplick shares a common desire with Ivan Milat for personal publicity at any expense.

Chris Puplick, as New South Wales Privacy Commissioner and President of the Anti-Discrimination Board, is reported to be paid almost \$200,000 and presides over a budget of \$865,000 a year. With his salary he can afford to take out personal advertisements if he wants to see his name in the paper. Otherwise he should be told to get on with his job, which is surely to protect the privacy of law-abiding citizens within our society. Serial psychopaths such as Ivan Milat, and rapists such as Bilal Skaf, forfeited any such rights upon being found guilty of their crimes. Chris Puplick must keep this in mind before he seeks his next media fix.

### WORLD TRADE ORGANISATION PROTEST

**Ms LEE RHIANNON** [11.00 p.m.]: The Minister for Police is attempting to justify his removal of the democratic right of the people of New South Wales to march in the street by alleging that protest web sites advocate violence. The Minister for Police has repeated frequently in this House and in the media insinuations that many web sites abound with calls for violent action against police at the World Trade Organisation protests that are planned for 14 and 15 November. As the Minister has failed to produce clear evidence of this, the Greens have conducted their own searches to find evidence of these disturbing claims. A search conducted by using the industry standard, *google.com* search engine, located 29,200 web pages that were indexed under the key words "WTO" and "Sydney". Of those almost 30,000 pages of information only two web pages referred in any way to the infamous baseball bats allegation that has been made by the Minister. One of the sites was a commentary drawn from Margo Kingston's *Sydney Morning Herald* web diary which quoted the Minister's own statement in this House. Therefore, we have a lone offending web site that comprises one page of information and its authorship is unknown. It is worth putting this site into context. Is a single page on one web site justification for the removal of the civil rights of all the people of New South Wales? Because of this one web page, should the right to march, a right that—

**The Hon. Amanda Fazio:** Point of order: I believe that the comments being made by Ms Lee Rhiannon impugn the reputation of the Minister for Police by alleging that he has attempted to remove the civil liberties of all citizens in New South Wales. That is not an accurate reflection of the current statements but is rather an attempt by Ms Lee Rhiannon to make misleading statements to the House. Madam President, I ask you to ask Ms Lee Rhiannon to withdraw those statements.

**Ms LEE RHIANNON:** To the point of order: It is just clarification. I am using an adjournment debate speech in a responsible way to further inform the House of this issue, which is the subject of current debate.

**The Hon. Amanda Fazio:** Further to the point of order: My understanding of the standing orders is that if a member wants to attack another member in this place, he or she should do so by way of substantive motion.

**The PRESIDENT:** Order! Standing Order 81 certainly makes it disorderly for a member to make imputations against another member of the House. However, from time to time in my rulings I have made a distinction between an imputation against a member of the House and an imputation against actions of a member of the House. However, I remind Ms Lee Rhiannon that imputations must not be made against members of the House.

**Ms LEE RHIANNON:** Because of one web page, should the right to march, a right that is very much part of a healthy democracy, be withdrawn? Such a move against street marches has been unheard of in this country since the infamous days of Joh Bjelke-Petersen, the former Queensland Premier, over 20 years ago. As

the Minister is justifying something quite enormous, namely, the removal of the right to stage a protest march in New South Wales, let me examine the web site more closely. The offending page is an anonymous posting to an open publishing news web site which is not a protest web site but which is, rather, for the alternative media called *indymedia.org*. There are hundreds such web sites around the world. They enable anyone to publish news articles and photographs, et cetera, and there are over 400,000 stories posted to Independent Media Center sites across the world each week. These web sites also enable commentary to be posted on particular stories, which means that there are over one million items on Independent Media Center web sites every week.

The Minister has found one anonymous posting to this web site—which may have come from someone intending to protest at the World Trade Organisation meeting in Sydney or perhaps from someone who does not intend to protest. Perhaps it is from someone who is not sympathetic to the protests. We probably will never know. But this one item on a web site is being used to justify removing the civil rights of New South Wales citizens. The Greens support peaceful protests and the right of people to engage in non-violent civil disobedience. The police who attend these events in most cases perform their duties while being respectful of the rights of protesters. However, some police officers at such protests remove their identification and use violence against protesters. I am concerned that Minister Costa still refuses to ensure that police who attend the World Trade Organisation protest—indeed, all protests—are directed to refrain from using violence against protesters. If people break the law, the police should use their powers of arrest.

Clearly, protests, just like football matches, can attract individuals who engage in unacceptable behaviour. If such unacceptable behaviour occurs, the police are able to arrest the individuals concerned. But the behaviour of individuals cannot justify the removal by the New South Wales Government of fundamental individual and democratic rights.

### MOTOR VEHICLE EMISSION REDUCTION

**The Hon. PETER PRIMROSE** [11.05 p.m.]: The issues involved in dealing with urban air pollution are complicated and will involve a range of responses. The New South Wales Government's Action for Air Program is an important part of the response to dealing with those issues, and I welcome the initiatives contained in the program. The biggest source of particulate pollution in areas such as western and south-western Sydney is motor vehicle emissions. Part of the overall response to any pollution should be to promote the use of alternative transport fuels. The Premier's Department has undertaken to work with government agencies, private sector interests such as AGL, the Australasian Natural Gas Vehicles Council and the NRMA, universities and the CSIRO to draw many existing and emerging initiatives into a strategic framework on the adoption of cleaner fields and technologies. This will include the integration of options for the use of alternative fuels in government-owned and private sector fleets.

Liquid petroleum gas [LPG] is the leading alternative fuel. Tomorrow a report on the environmental aspects of LPG will be launched by Mr Ian Kiernan, the Chairman of Clean Up Australia. I understand that all honourable members have been invited to this launch and I hope that they will be able to attend. The report shows that LPG vehicles produce significantly less pollution than petrol and diesel vehicles. Compared to petrol, LPG produces up to 50 per cent less in particulates, up to 60 per cent less in carbon monoxide, up to 33 per cent less in oxides of nitrogen, virtually zero in evaporative emissions of hydrocarbons, and up to 80 per cent less in air toxics such as benzene and 1,3 butadiene. These important benefits are immediately available. Given the importance of the issue, particularly in urban areas such as western and south-western Sydney that suffer most from air quality issues, the matters raised in the report need to be properly considered.

Action to encourage the take-up of cleaner alternative fuels needs to be undertaken. For example, in the United States of America the areas most affected by air pollution—essentially, the large cities—are subject to special laws under the Clean Air Act and the Energy Policy Act. Government departments and agencies in the these areas must ensure that their vehicles run on cleaner alternative fuels, such as LPG, so that, by example, they are leading the community and are helping to reduce air pollution. In Australia, governments at all levels—local, State and Federal—operate large vehicle fleets and are therefore responsible for significant amounts of motor vehicle emissions. They should be ensuring that their vehicles are running on cleaner alternative fuels, such as LPG. If they did so, they would minimise their contribution to the air pollution problems of western and south-western Sydney.

Agencies such as Centrelink, Integral Energy, the University of Western Sydney and various area health services all have large fleets of cars. Government agencies should continue to show their commitment to cleaner air by investigating the costs and benefits of moving their vehicle fleets toward the use of alternative fuels, such as LPG.

## COMPLEMENTARY MEDICINE

**The Hon. RICHARD JONES** [11.09 p.m.]: Professor John Dwyer has apparently been invited by the Minister for Health to form a committee comprising so-called legal and medical experts to investigate complementary medicine. In an article in the *Wentworth Courier* of 6 November Professor Dwyer said that there is an endless list of flourishing fraudulent claims that hoodwink Australians into spending more than \$1.5 billion a year for useless advice and therapy. Professor Dwyer is well known for his antipathy towards complementary medicine. This committee, about which I asked a question today and the Hon. Alan Corbett asked a question yesterday, is a secretive committee.

However, we have received reliable information that one member of the committee has been using a false name to telephone various practitioners, pretending to be a patient and seeking information. That person is trying to dupe these practitioners into giving therapies by means of entrapment as an agent provocateur. It would appear that Professor Dwyer has been hired by the Minister for Health to conduct an unprecedented attack on complementary medicine in this country. It would appear from Professor Dwyer's various pronouncements that he has a total antipathy towards complementary medicine.

I point out to Professor Dwyer that some 19,000 people die every year from iatrogenic illness. Indeed, today a friend of mine died from contracting golden staph while in hospital. Food in hospitals is absolutely disgraceful. Many conventional practitioners prescribe antibiotics for influenza, which is completely useless, and thousands of unnecessary operations are performed, such as caesarean sections. Perhaps conventional practitioners should put their own house in order before attacking the complementary health industry. Professor Dwyer also attacked the Chinese health industry. Many Chinese practitioners have sought registration in this State but have been denied, presumably because of influence from some medical people.

A number of Chinese medicines have been used successfully for hundreds—and perhaps thousands—of years. These same people are attacking homeopathy, which has been used in India for hundreds of years and, indeed, for many years the Royal Family has used it with great success. Many of the practitioners practising complementary medicine whom Professor Dwyer wishes to destroy have had enormous success, and that is why people are prepared to spend \$1.5 billion to consult them. Apparently Professor Dwyer even questions the use of vitamin therapy. He is out of date and should seek advice himself from complementary practitioners to find out what is wrong with him.

I ask the Minister to determine the purpose of the committee, its composition, its objectives and what it intends to do over the next six months. Apparently the committee's brief is to provide and develop a plan for the Minister in six months time, if he is still Minister for Health. Apparently it also has a representative from the pharmaceutical industry, so obviously there is a vested interest in trying to destroy the complementary health industry. This is the biggest attack on complementary health that has ever taken place in this State. The Minister for Health should be very careful because many people now use complementary medicine, particularly those who were born overseas, such as the Chinese community. Even acupuncture is under threat from this committee.

Although 19,000 people die from conventional medicine each year, very few known deaths are caused by complementary medicine. Professor Dwyer referred to one unfortunate death, which was probably caused by a fraudulent practitioner. There may well be some fraudulent practitioners but, by and large, the complementary health industry is very successful and that is why people are turning to it. I ask the Minister to get Professor Dwyer and this member of the committee who is fraudulently phoning practitioners to lay off the complementary health industry.

**Motion agreed to.**

**The House adjourned at 11.13 p.m.**

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