

# LEGISLATIVE COUNCIL

Thursday 4 September 2003

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

**The President** offered the Prayers.

## AUDIT OFFICE

### Report

**The President** tabled, pursuant to the Public Finance and Audit Act 1983, the Auditor General's performance audit report entitled "Dealing with Unlicensed and Unregistered Driving: NSW Police and NSW Roads and Traffic Authority", dated September 2003.

**Ordered to be printed.**

## INDEPENDENT COMMISSION AGAINST CORRUPTION

### Report

**The President** tabled, pursuant to the Independent Commission Against Corruption Act 1988, the report entitled "Report on investigation into conduct of the Rail Infrastructure Corporation and others in relation to Menangle Bridge", dated September 2003.

**The President** announced that, pursuant to the Act, she had authorised that the report be made public.

## STANDING COMMITTEE ON PARLIAMENTARY PRIVILEGE AND ETHICS

### Establishment

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

That notwithstanding anything contained in the Standing Orders:

#### Appointment

1. (1) A Standing Committee on Parliamentary Privilege and Ethics (referred to as "the Committee") be appointed.
- (2) The Committee is the designated Committee for the purposes of section 72B of the Independent Commission Against Corruption Act 1988, relating to Parliamentary Ethical Standards.

#### Functions

2. The functions of the Committee are to:
  - (a) consider and report upon any matters relating to privilege which may be referred to it by the House or the President,
  - (b) consider submissions referred by the President concerning citizens' rights of reply,
  - (c) under section 72C of the Independent Commission Against Corruption Act 1988:
    - (i) prepare for consideration by the Legislative Council draft codes of conduct for members of the Legislative Council and draft amendments to codes already adopted,
    - (ii) carry out educative work relating to ethical standards applying to members of the Legislative Council,
    - (iii) give advice in relation to such ethical standards in response to requests for advice by the Legislative Council, but not in relation to actual or alleged conduct of any particular person.
    - (iv) review the code of conduct at least once in each period of two years.

**Raising a matter of privilege**

3. A matter of privilege may only be brought before the House as follows:
- (1) A member desiring to raise a matter of privilege must inform the President of the details in writing.
  - (2) The President must consider the matter as soon as practicable and decide whether a motion relating to the matter is to take precedence under the Standing Orders. The President must notify his or her decision in writing to the member.
  - (3) While a matter is being considered by the President, a member must not take any action or refer to the matter in the House.
  - (4) If the President decides that a motion relating to a matter of privilege may take precedence, the member may, at any time when there is no business before the House, give notice of a motion to refer the matter to the Committee. The notice will take precedence over all other business on the day stated in the notice.
  - (5) If the President decides that the matter should not take precedence, a member is not prevented from referring to the matter in the House or taking action in accordance with the practices and procedures of the House.
  - (6) If notice of a motion is given under paragraph 3 (4), but the House is not expected to meet within one week after the day on which the notice is given, the motion may be moved at a later hour of the sitting as determined by the President.

**Powers**

4. The Committee has power:
- (a) to send for and examine persons, papers, records and things,
  - (b) to adjourn from place to place,
  - (c) to make visits of inspection within New South Wales and, with the approval of the President, elsewhere in Australia and outside Australia, and
  - (d) to request the attendance of and examine members of the House.

**Must not sit while the House is sitting**

5. (1) The Committee may sit during any adjournment of the House.
- (2) The Committee must not sit while the House is sitting, unless the House otherwise orders.

**Membership**

6. (1) The Committee is to consist of seven members, comprising:
- (a) four Government members nominated by the Leader of the Government,
  - (b) two Opposition members nominated by the Leader of the Opposition, and
  - (c) one crossbench member nominated by agreement between crossbench members.
- (2) In the absence of any agreement the representation on a Committee is to be determined by the House.
- (3) Nominations for membership of the Committee are to be in writing to the Clerk of the House within seven days of the passing of this resolution.

**Chair and Deputy Chair**

7. (1) The Leader of the Government is to nominate in writing to the Clerk of the House the Chair of the Committee.
- (2) The Leader of the Opposition is to nominate in writing to the Clerk of the House the Deputy Chair of the Committee.
- (3) The member nominated as Deputy Chair is to act as Chair when the Chair is absent from a meeting.
- (4) In the absence of both the Chair and Deputy Chair from a meeting of the Committee, a member of the Committee is to be elected by the members present to act as Chair for that meeting of the Committee.
- (5) The Chair, Deputy Chair or other member acting as Chair at a meeting of a Committee has a deliberative vote and, in the event of an equality of votes, a casting vote.

**Quorum**

8. The quorum of the Committee is three members, of whom two must be Government members and one a non-government member.

**Loss of a quorum**

9. If, during the sitting of a Committee, the loss of a quorum is brought to the attention of the Chair by another Committee member, after 10 minutes has elapsed the Chair will suspend the proceedings of the Committee to a later hour. If a quorum is not then present, the Committee will be adjourned to another day, to be fixed by the Chair.

**Member attendance**

10. (1) A member must seek leave of the Committee in order to be absent from four or more consecutive Committee meetings.
- (2) If a member fails to attend four consecutive meetings of the Committee without leave of the Committee, the absence is to be reported by the Chair to the House.
- (3) The member must, at the earliest opportunity, explain to the House their reason for non-attendance.
- (4) If the member fails to attend the next meeting without leave of the Committee, the Chair is to again inform the House and the member will again be called to explain. This procedure is to continue until the member attends a Committee meeting.

**Participation by other members of the House**

11. Unless the Committee decides otherwise, a member of the House who is not a member of the Committee may take part in the public proceedings of the Committee and question witnesses but may not vote, move any motion or be counted for the purpose of any quorum or division.

**Meeting or joining with other committees**

12. The Committee may:
- (a) join together with any other Standing or Select Committee of the House or the Legislative Assembly to take evidence, deliberate and make joint reports on matters of mutual concern, and
- (b) meet with any other State or Commonwealth parliamentary committees to inquire into matters of mutual concern.

**Submissions**

13. Any person or body may make written or recorded submissions to the Committee with respect to any inquiry being conducted by the Committee.

**Evidence**

14. The Committee is to take all evidence in public unless the Committee decides otherwise.

**Publishing submissions and evidence**

15. (1) The Committee has power to publish, before presentation to the House, submissions received and evidence taken.
- (2) Evidence taken in camera may be published by resolution of the Committee where it is in the public interest to do so.
- (3) The Committee:
- (a) may make available to any member of the public a copy of:
- (i) any written submissions made to it,
- (ii) the report of any inquiry carried out by it, or
- (iii) the record of any evidence taken in public, and
- (b) may charge a reasonable sum for making copies available.

**No representation of witnesses**

16. A person or body is not entitled or permitted to be represented by counsel or a solicitor at a hearing of the Committee unless the Committee decides otherwise.

**Reports**

17. (1) The Committee has leave to report to the House from time to time its proceedings, evidence taken in public, and recommendations as it deems fit.

- (2) The Committee may include in any report made to the House a draft bill to give effect to the recommendations of the Committee.
- (3) For the purposes of preparing a draft bill for incorporation in a report to the House, the Committee may, with the consent of the relevant Minister, make use of the services of any staff of the Parliamentary Counsel's Office.
- (4) The Committee may publish discussion papers for the purpose of any inquiry.

**Members' opinions to be reflected**

- 18. (1) The report of a Committee is, as far as practicable, to reflect a unanimity of opinion within a Committee.
- (2) It is the responsibility of a Committee Chair and all members of a Committee to seek to achieve unanimity of opinion.
- (3) Where unanimity is not practicable, a Committee's report should be prepared so as to reflect the views of all members of the Committee.
- (4) Where unanimity is not practicable, any member may append to the report a brief statement of dissent, provided that:
  - (a) the member has sought to have their opinions included in the report agreed to by the Committee,
  - (b) the statement of dissent is relevant to the Committee's report and the terms of reference of the inquiry,
  - (c) the statement does not contain any matter which would unreasonably adversely affect or injure a person, or unreasonably invade a person's privacy,
  - (d) the statement of dissent is signed by the member or members making it,
  - (e) the statement of dissent is no more than 1,000 words in length.

**Chair's foreword**

- 19. The Committee Chair's foreword must be approved by the Committee prior to tabling of the Committee's report in the House, if the Committee so resolves.

**Tabling reports**

- 20. Any report of the Committee is to be tabled in the House within 10 calendar days of the report being adopted by the Committee

**Tabling out of session**

- 21. (1) If the House is not sitting when the Committee wishes to report to the House, the Committee is to present copies of its report to the Clerk of the House.
- (2) A report presented to the Clerk is:
  - (a) on presentation, and for all purposes, deemed to have been laid before the House,
  - (b) to be printed by authority of the Clerk,
  - (c) for all purposes, deemed to be a document published by order or under the authority of the House, and
  - (d) to be recorded in the Minutes of the Proceedings of the House.

**Citizen's Right of Reply**

- 22. Notwithstanding anything to the contrary in this resolution, the procedures for dealing with a citizen's right of reply will be those resolved by the House on 13 November 1997.

**PETITIONS****Hastings River Commercial Fishing**

Petition opposing any reopening of the Hastings River to commercial fishing, received from the Hon. John Tingle.

**NATIONAL PARKS AND WILDLIFE ACT 1974: DISALLOWANCE OF NOTICE OF  
RESERVATION OF NATIONAL PARK**

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

**Precedence agreed to.**

**The Hon. GREG PEARCE** [11.19 a.m.]: I move:

That, under section 35 of the National Parks and Wildlife Act 1974, this House disallows the notice of reservation of land as part of New South Wales Jervis Bay National Park under section 30A (1) of the National Parks and Wildlife Act 1974, published in *Government Gazette* No. 237, dated 29 November 2002, page 10305, and tabled in this House on 29 April 2003.

At the outset I wish to make clear to the House that I have moved this disallowance motion purely to give effect to the concerns of residents near and surrounding Lake Wollumboola. They have neither been adequately consulted nor adequately involved in the ongoing management and use of this significant lake. Residents have sent a letter to the Premier and I have received 450 letters that I believe demonstrate clear evidence of their concerns. I will give that correspondence to the Government at the conclusion of this debate. This disallowance motion is not an attack on the environmental significance of Lake Wollumboola or an attack on the Government with respect to its management of this national estate. I do so because the community is genuinely disturbed about the lack of consultation and the future management of this important natural environment in which they live.

It is apparent that the motion will be lost because the Greens have indicated that they will not support it. I am disturbed at the process that led to that indication. Earlier this week four local residents travelled from a place just near Nowra to see a couple of crossbenchers. They hoped to see Mr Ian Cohen, who was to represent the Greens. I am not sure whether Mr Cohen was with his beautician, his tailor or where he was, but he could not see the four residents who made the trip from Nowra. He did, however, send along one of his staff members. I, too, went along to see those four people. I thought the treatment meted out by the honourable member was so poor that I sought an appointment with him to discuss the matter. The message that I got back through his staff was that there was no point seeing the honourable member because he was totally opposed to my position. But he did not know what my position was! That tells us something about the sort of community involvement that this Greens member embraces.

**The PRESIDENT:** Order! If members want to chat, they must leave the Chamber.

**The Hon. GREG PEARCE:** I will now go to the letter addressed to Premier Bob Carr. As I have mentioned, I have some 450 of these letters from local residents in this small community. They are all signed. The letter states:

The Minister for the Environment, Mr Bob Debus, claims that there were two years of community consultation on the decision to make Lake Wollumboola a national park. Either the Minister tells lies or he was seriously misinformed as no local community group in Culburra Beach, Orion Point, Greenwell Point, Coolala Bay and Beechhawk-Currawong was consulted. This was confirmed by a meeting of representatives of all these groups and other environment, community and business representatives on 15 December 2002.

This community voted overwhelmingly against Lake Wollumboola forming part of Jervis Bay National Park at a public meeting convened by Shoalhaven City Council and the Healthy Rivers Commission at the Culburra Beach Community Centre on 22 January 2001. No further consultation of any type took place since that time.

The Minister for the Environment has totally disregarded this demonstration of the community's wishes. By stealth, and without even the courtesy of advice to either Lake Wollumboola Estuary Management Task Force or the Shoalhaven City Council, the Minister for the Environment has declared Lake Wollumboola as part of the Jervis Bay National Park.

The letter goes on to state:

I demand that this decision must be immediately reversed and the issue put to full community consultation in a similar manner that Jervis Bay Marine Park was debated. If this request is refused, then I will support increasing demonstrations of anger against the New South Wales Government.

I feel that this decision is a cover-up to avoid investigation of the serious health hazards in the Culburra Beach district created by the emission of sewer gas emanating from Lake Wollumboola. The Government has refused to acknowledge that monitoring of the gas is required to determine if the levels are within the World Health Organisation guidelines. In this context, the New South Wales Government has commissioned an inquiry into the emissions from the Lane Cove M2 stacks, even though the level of toxic pollutants are claimed to be below World Health Organisation guidelines.

The Culburra Beach district has a far larger community that is at risk, and I would like to know why we are treated as second-class citizens. I want a government inquiry into how the Lake Wollumboola National Park decision was made and whether any laws of procedures were broken, an immediate call for public submissions and community consultation on this issue, and the immediate implementation of air quality monitoring to establish exactly what levels of toxic pollutants the community is being exposed to.

It is signed by a local resident.

**The Hon. John Della Bosca:** Is it signed by a local resident or by signatories?

**The Hon. GREG PEARCE:** I now give that letter to the Minister. Perhaps he will give it to the Premier. It expresses, as clearly as one could possibly want, the concerns of the community. The Minister might write back to each of the residents and explain what the Government's position is. Lake Wollumboola is an intermittently closed-open lake situated on the New South Wales South Coast. It is a shallow, saline lagoon, covering approximately 650 hectares and about 1.5 metres in depth.

**The Hon. Duncan Gay:** It is a beautiful place.

**The Hon. GREG PEARCE:** It is beautiful. I was down there a couple of months ago to have a good look at it. The lake, which is bordered by several significant freshwater wetlands, is recognised as a drought refuge for waterbirds. However, it has a limited catchment area, and is only fed by input streams during rain. Culburra Beach—a community with a population of approximately 3,600—borders the lake to the north. Most of the non-urban catchment has been used for forestry and grazing for over 100 years. In recent years the management of a large part of the southern catchment has been taken over by the New South Wales National Parks and Wildlife Service.

For thousands of years Lake Wollumboola was used by the indigenous community as an opportunistic hunting and gathering site, and until recent years was used for fishing, sailing and a safe swimming area, and was famous for its prawn runs. The prawn runs are now non-existent. A large pedal-boat and catamaran hire business also operated at the launching ramp, but that folded several years ago. I saw the ramp; it is now overgrown. There is now very little community activity on the lake.

There was supposed to be a consultative process and community involvement regarding what happened with the lake. I will take the House through a little of the history of that. On 14 December 1998 a public meeting of about 270 residents asked that the lake be repaired and not included in a national or marine park. In May 1999 the then member for South Coast, Mr Smith—who was deservedly tossed out at the last election—told a meeting of the Culburra Beach Chamber of Commerce that the National Parks Service did not have any hard and fast plans to take over the lake.

The Healthy Rivers Commission released its findings in April 2002. Prior to the release of the findings, in December 1998 a meeting was held in Ulladulla, approximately 100 kilometres from Lake Wollumboola. Approximately 30 people attended the meeting. Because of the distance and the fact that it was held during the day, it was impossible for many of the local community to attend. On 22 January 2001 an evening meeting was held at Culburra Beach to discuss Lake Wollumboola. The meeting was called by the Shoalhaven City Council to discharge its obligations related to community consultation regarding the inquiry into coastal lakes. Some 350 people attended that meeting, which was chaired by the Shoalhaven council mayor. The New South Wales Healthy Rivers Commissioner, Dr Peter Crawford, declined an invitation to attend or send a representative to that meeting.

Following extensive oral submissions by community representatives, environment groups and Shoalhaven City Council participants at the Culburra Beach January meeting, the people voted by a large majority that the lake had become severely degraded in recent years, and requested that Lake Wollumboola be listed for targeted repair. The meeting of 22 January 2001—one of four organised by Shoalhaven City Council—was by far the largest meeting held in the whole of New South Wales to provide input to the inquiry, but none of the four public meetings was acknowledged in the commission's final report. Residents of the area requested that a range of management methods, such as algae harvesting, water top-up for fresh and/or salt water, and possible chemical neutralisation of the hydrogen sulphide, be investigated. In an address to the Parliament in 1999 the then member for South Coast said:

The Environment Protection Agency had suggested that a workable solution to odour problems needed to be found.

That was never acted upon. In December 2002 the Minister for the Environment, Mr Debus, announced that the bed of Lake Wollumboola was proclaimed as a national park. This announcement came as a surprise to the local residents, the Shoalhaven City Council, the Department of Land and Water Conservation, New South Wales Fisheries and the local indigenous community. Further community consultation was to have been a high priority in the Healthy Rivers Commission report. In a review commissioned in 2001 by the Minister for the Environment the authors concluded:

The greater level of deliberation, the more confident policymakers can be with the results of community consultation.

In a letter of 29 July 2002 to the Lake Wollumboola support group, Commissioner Crawford stated:

Further community consultation was to take place with regard to the development of a management plan for Lake Wollumboola.

The letter contained no indications that any other course of action was to be followed. It was tabled at a meeting of the support group to inform the community. Numerous newspaper articles in the *South Coast Register* recorded National Parks denying that Lake Wollumboola would be considered as a national park. On 7 January 2003 approximately 450 residents and ratepayers met to protest at the lack of proper community consultation prior to the gazettal of the lake bed as a national park. The community anger was reported in the media and at that stage the 450 or so letters of protest—

**Mr Ian Cohen:** It was a big meeting.

**The Hon. GREG PEARCE:** It was a huge meeting when one considers the size of the community. At that stage the letters, which I have now handed to the Minister, were signed by many of the concerned residents and others. In February 2003 some 10,000 fish died in Coonemia Creek, which is the primary watercourse into Lake Wollumboola. The National Parks Service did not advise the Culburra Beach community or any local organisations of the fish kill or possible pollution from carcasses. The report given to the *South Coast Register* described the incident as being approximately 20 kilometres away. The community was concerned about that inaccurate information coming from National Parks. On Saturday 3 May an algal bloom was photographed in the northern corner of the lake stretching approximately 200 metres along the surface. There have been a number of such occurrences over many years.

Naturally these matters give the local community cause for concern. They are part of what the community wants investigated. The community is distressed that there has been no monitoring of the hydrogen sulphide levels around the lake. I will not go into great detail, but suffice it to say that the description many of the residents give is that the odour at Rotorua pales into insignificance when the odour at the lake is bad. They have given evidence of schools having to close and people seeking medical attention when the odour is prominent. That is the background. This is not an attack on the environmental importance of the lake or the area: in fact it is the reverse.

The local residents want a say in what happens to the local environment. They are concerned that they have not had a say. They are concerned that the Government and the relevant departments have let them down by not monitoring the odour levels and not undertaking proper rectification works around the lake. They believe this is a very important part of the community. They want to participate in it. They do not want a divided management system with National Parks owning the bed, another department managing water and other authorities not taking any notice of what the local community wants for the lake.

**Mr IAN COHEN** [11.34 a.m.]: I oppose the disallowance motion moved by the Hon. Greg Pearce.

**The Hon. Duncan Gay:** Shame on you!

**Mr IAN COHEN:** No, not shame on me at all. The honourable member has to say "shame on you" whenever I defend conservation and social values in this House as I and the Greens see them because they happen to be in opposition to the views of the Coalition. I am very disappointed in the Coalition. I thought we had some good communication. I thought we were dragging the Opposition into the twenty-first century on environmental issues. I thought that the old rough National Party style of conservation—raze it and blast it—had been replaced in the genteel confines of the upper House and that we would hear some real debate on conservation values in this State. But no, we have the Hon. Greg Pearce, who, on conservation issue, refers to my manner of dress and supposed time spent in a beauty salon or something—which I suppose I should take as a compliment.

[Interjection]

That is exactly what he said! That is why, after a belated invitation from the Hon. Greg Pearce, I am supposed to drop everything I am doing and rush to meet—

**The Hon. Greg Pearce:** I didn't invite you.

**Mr IAN COHEN:** Someone did. I am supposed to rush to meet people that the Hon. Greg Pearce believes are the appropriate people for me to see. I sent a staffer, and the information was collected. As we have seen during estimates committees, it seems that the Hon. Greg Pearce is incapable of commencing a speech in this House on the subject at hand. He seems to have some sort of mental inability to address the issue. He has to preface every speech in the House with some vitriolic attack on the member who happens to disagree with him.

**The Hon. Greg Pearce:** What do you think you're doing?

**Mr IAN COHEN:** Mine is a reply.

**The PRESIDENT:** Order! Mr Ian Cohen has the call.

**Mr IAN COHEN:** I would suggest that, with an open mind—and perhaps an open shirt and some relaxed clothing—the Hon. Greg Pearce would do well to row out onto Lake Wollumboola and take in some of the majesty of the area and think about other issues that are overtaking our society and the planet that have a somewhat different perspective to what is being put forward in what is a very aggressive motion.

**The Hon. Jan Burnswoods:** The only useful thing to do with him is to drown him.

**Mr IAN COHEN:** No, I would not do that. It might pollute the lake. I have received an incredible amount of support from people in the local area who have great concerns about the disallowance motion moved by the Opposition. I quote from a very strong letter of general support for the environment and, in particular, the bird life, from Frances Bray from the Lake Wollumboola Protection Association:

Lake Wollumboola offers a rare experience. Visitors can witness the large gatherings of migratory and native birds. This summer the Lake displayed its sensational value as habitat for wading and shore birds with numbers reaching 20,000.

... The Future protection of Lake Wollumboola is an international as well as national and local issue ...

Lake Wollumboola's ... internationally significant conservation values have been confirmed by overwhelming scientific evidence. Both the Long Bow Point Commission of Inquiry and the Coastal Lakes Inquiry, by the Healthy Rivers Commission, recommended the highest levels of protection for this coastal lake.

How many inquiries are we supposed to have? The local people I have spoken to are well aware of the inquiries, the investigations and a few of the public meetings where conservationists are quite fearful about standing up and giving their opinion because of the likes of the Hon. Greg Pearce, who would howl them down and vilify them. The letter continues:

The orchestrated campaign to disallow the national park decision is misguided. It is based on myth and misinformation about the Lake and short term development interests. Claims that Culburra Beach residents were not consulted about protection of the Lake are demonstrably untrue.

**The Hon. Greg Pearce:** Demonstrate it!

**Mr IAN COHEN:** Wait a minute and listen to what I have to say, just as I listened to what you had to say.

**The Hon. Greg Pearce:** I am listening. I am asking, and waiting for you to tell me.

**Mr IAN COHEN:** The letter goes on to state:

The benefits of Lake Wollumboola remaining as part of the Jervis Bay National Park are ...

- The Lake's extra-ordinary biodiversity, including threatened species will be maintained ...
- The Lake's natural opening and closing cycle will be maintained ...



- Residents and visitors will continue to enjoy recreational opportunities compatible with conservation, including swimming, canoeing, bird watching, fishing, prawning and boating.
- Opportunities for nature tourism and economic development will be enhanced ...

Lake Wollumboola, near Jervis Bay is the NSW south coast's largest shallow saline coastal lagoon. It is an intermittently closing and opening lagoon ... It is closed to the sea for years at a time and consequently, characterised by extremes in water levels, salinity, oxygen levels and growth and decline of seagrass and algae...

The Lake is recognised as globally significant for migratory birds under agreements with China and Japan. It is listed in the Directory of Wetlands of National Significance and the Register of the National Estate. It meets the criteria for listing as a wetland... for wading birds, under the Ramsar Convention. Some 43 species of protected migratory birds depend on Lake Wollumboola,... including the Little Tern.

During the estimates hearing, I raised with the Minister for the Environment the problems of the little tern and the problems, including development, along the coast that are destroying their nesting places. One of the places that was mentioned in that estimates committee hearing that is actually a good news story on the little tern—a very important species which is protected by international conventions—was Lake Wollumboola. I thank Lake Wollumboola for saving the little tern! The letter goes on to state:

Little Terns migrate from Japan and northern Asia to Lake Wollumboola to breed and to feed on the prolific small fish in the Lake.

Lake Wollumboola is a significant drought refuge for many birds, including Black Swan, Teal and Hard Head ducks, Spoon Bill and Pelicans ...

An additional 33 threatened species, including the Green and Golden Bell Frog, the Glossy Black Cockatoo and the Powerful Owl have been recorded on or near the Lake.

The Lake also emits Hydrogen Sulphide odours on infrequent occasions, usually when the lake level is low... little can be done to reduce the odour. Health authorities consider the odour to be a nuisance, not harmful to health.

A lot of misinformation surrounds that last point. If people do not like the smell of our natural environment they should move somewhere else. The letter goes on to state:

There is very substantial support for the national park gazettal... the majority of submissions to the Coastal Lakes Inquiry regarding Lake Wollumboola recommended its protection... the region's coalition of community environment groups, actively supports national park status for the Lake ...

The NSW Nature Conservation Council, the Total Environment Centre, the National Parks Association and the Australian Conservation Foundation all support the inclusion of Lake Wollumboola in the Jervis Bay National Park...

The natural character of the odour is misunderstood. Some want to revive the proposed massive urban development proposal for nearly 3000 housing lots—

which is the Coalition's idea of conservation—

in the Lake's catchment, rejected in 2000 because of its likely impact on Lake Wollumboola. They seek to discredit the Lake's values, to enhance their case for development and for interventions to remove the odour. They claim that the Lake is polluted and "dead," seriously degraded and in need of repair...

Such claims are untrue. The action proposed would destroy Lake Wollumboola's value as a haven for wild life, would reduce fishing and prawning as well as reducing opportunities for recreation and nature tourism. It would increase the odour.

Claims that the Culburra Beach residents were not consulted about protection of Lake Wollumboola is also demonstrably untrue. The Healthy Rivers Commission recommendations follow a long history of recommendations for national park status for Lake Wollumboola. The Inquiry undertook extensive consultations and considered all submissions over two years. The Inquiry comprehensively rejected claims that Lake Wollumboola is seriously degraded and in need of repair. Refusal to accept HRC verdict is the source of dissatisfaction, not lack of consultation.

Over 90 individuals and groups from Culburra Beach and the immediate area made submissions to the Inquiry ... The Culburra Beach Progress Association, Chamber of Commerce, Board Riders, Lake Wollumboola Support Group Inc made multiple submissions, the very organisations now publicly complaining that they were not consulted... international media including the BBC, are planning to give international publicity to Lake Wollumboola and the Little Terns which nest in its sand bar each summer.

The NPWS, together with students at Culburra Public School and local woodcarvers are working to enhance the survival rate of Little Tern chicks hatching at Lake Wollumboola. They are making wooden models of Little Terns. This will be used to attract these courageous little birds to nest in secure breeding areas.

There is a great deal of information which supports the preservation of Lake Wollumboola, including a letter from a local doctor which states that he absolutely discredits the health claims that are being made by local residents. I appreciate that the time for my speech is running out, but there is a large amount of information.

**The Hon. Don Harwin:** Which local doctor?

**Mr IAN COHEN:** I have correspondence relating to health aspects of Lake Wollumboola from a medical practitioner.

**The DEPUTY-PRESIDENT (The Hon. Amanda Fazio):** Order!

**The Hon. Greg Pearce:** Time, Madam Deputy-President.

**The DEPUTY-PRESIDENT (The Hon. Amanda Fazio):** Order! No. The member's time for speaking has not expired. I am calling members of the Opposition to order and to ask them to reduce the level of chatter.

**Mr IAN COHEN:** From a medical viewpoint as far as concerns that the lake is a major health hazard, a local doctor, who has been a general practitioner in Culburra Beach since 1983 and has worked in association with four doctors—[*Time expired.*]

**The Hon. PATRICIA FORSYTHE** [11.44 a.m.]: I support my colleague the Hon. Greg Pearce in moving the motion to seek disallowance of the notice of reservation applying to Lake Wollumboola. I do so for a number of reasons, but at the outset I point out that disallowance of this reservation will not impact adversely on the little tern, it will not impact on the Ramsar agreement or any other agreement that protects migratory birds, and it will not allow for development in the area. Among other things, disallowance of the reservation will not undermine the Carr Government's general planning requirements for coastal New South Wales. Disallowance of this reservation is not being sought because the Coalition does not support this important environmental area; rather, it is about regarding this area as a significant, long-term environmental jewel in the New South Wales crown.

A few moments ago Mr Ian Cohen referred to the Healthy Rivers Commission. Anyone who visits the area to look at the lake, as I did in January and again in February, will realise that the word "healthy" and the name "Lake Wollumboola" do not belong in the same sentence. In January the community told me that the disallowance should be sought because the effect of the reservation will be that nothing will be done about the state of the lake. This is not a pristine lake; it is a lake that has been degraded by long-term community use.

[*Interruption from gallery.*]

I am not sure where that interjection came from, but let me just say that the black, sludgy bottom—

**The Hon. Jan Burnswoods:** It is natural.

**The Hon. PATRICIA FORSYTHE:** It is natural?

**The DEPUTY-PRESIDENT (The Hon. Amanda Fazio):** Order! I inform members of the public in the gallery that they are not to interject or make comments while members are talking or during any of the proceedings in the Legislative Council. Members of the public should observe the proceedings in silence. If my ruling is not abided by, I will direct the attendants to clear the gallery.

**The Hon. PATRICIA FORSYTHE:** I have seen photographs taken by local community members which show that in the 1930s the lake looked very different. Some people have argued that the condition of the lake is just a natural progression, but I have to say that if one listened to what the Hon. Greg Pearce said about the site of the boat launching ramp that had been used up until about the last decade, one would agree that a very significant shift in the shoreline of the lake is apparent. All of that is the result of the impact of mankind and the use of the lake by the community. The lake is not pristine—that is, not otherwise having been degraded by human use. The community has very strong views about how that might have come about. The concern of members of the community is that the reservation of the land will result in nothing being done to improve the quality of the lake.

Earlier today a member of the Greens gave notice of a motion concerning documents relating to Callan Park. Why do the Greens feel strongly about Callan Park? They would say that they are reflecting community attitudes about the future use and preservation of Callan Park. I point out that members of the Opposition are asking the House to support this disallowance because we are reflecting community concerns about Lake

Wollumboola. I attended the meeting on 7 January to which the Hon. Greg Pearce referred. It is significant that the meeting was held during the first week of January. People met in a community hall that probably seats 300 people, but there were at least 450 people in the room. There was standing room only, and people were spilling out of the doors at the back of the hall. The scene was one of a community feeling passionately about this lake and its future.

The Lake Wollumboola community is not asking for development; it is not asking for disallowance of the reservation because it has a hidden agenda. The community wants the lake cleaned up so they can enjoy its atmosphere. The most telling speech on the night came not from an extremist but from a man who said, "I was a National Parks officer for more than 30 years and I have retired to this area. All that has been said about the lake being pristine is rubbish." The applause he received was far ahead of that received by other speakers. He was speaking from knowledge; he loved the environment and had worked in it in a professional capacity. He was telling it like it is!

The Opposition did not take this decision lightly prior to the election; we want to be known as a party that has strong environmental credentials, a party that stands up for the environment. Of course we would—every member of this House would want that. However, we do so armed with a few facts and with the knowledge that the community is with us. The Lake Wollumboola community wants to be consulted. The reservation should be disallowed and we should go back to the Healthy Rivers Commission recommendation for a process of consultation involving the local community. However, the Government set up the only consultation process 100 kilometres away, in Ulladulla, in the middle of the day and wondered why the community was unable to be involved. The Government should get serious about this problem and work with the community to come up with some solutions.

On 7 January I went to the Culburra Beach and Lake Wollumboola area and spoke with many people. I went back and did some doorknocking, as many others may have done during February and March, and asked people what issues were of concern to them. Of course, we talked about health, education and law and order, but the future of the lake was high on everyone's agenda. When I said that I was from the New South Wales Opposition no-one said, "You've got it wrong" or "The position you are taking is wrong." Instead, they urged the Opposition to keep going forward on this, because they share a love of this area. The Greens do not have a monopoly on environmental concerns. This area is the jewel in the crown of New South Wales, and it is part of a very significant environmental region for the whole of the State.

The area is important to migratory birds and has been recognised in Ramsar and other United Nations conventions. Its significance as a habitat for little terns has been recognised. That does not mean that we got it all right, should leave it as it is, and ignore the fact that for generations we allowed people to build houses around parts of the lake and say, "Too bad, you have to live with the atmosphere, with the black sludge." That is not fair to those residents. The report of the Healthy Rivers Commission was on the right track, but the Opposition does not want to upset the environmental importance of the area. This is not only about closing the door, which is the effect of the reservation. The community is fearful that nothing will be done about some issues that impact on their lifestyle. The Opposition wants to look after the little terns and the community.

I ask all members of the House to agree to the motion for disallowance of the land as a national park. The result will not be massive development in the area, because the Carr Government's coastal policies are already in place. Why can the Government not agree with the Opposition on this matter? The region is already protected. However, if we allow the National Parks philosophy to override some sensible resolution of community concerns we are doing that community a disservice. Everyone who attended the meeting on 7 January would know the strength of that community feeling. I defy any community to produce more than 400 people at a public meeting on 7 January, the end of the first week of the holiday period. All speakers at the meeting gave their name and address. They were not only people who occasionally visit the area, but local residents who love the area and chose to live there because they like the region, they love the environment. They do not have some crazy agenda that puts them out of touch with the rest of the community. They are there because they like fishing, and other amenities.

**The Hon. Jan Burnswoods:** Where else would they be on 7 January, if they love it so much?

**The Hon. PATRICIA FORSYTHE:** This is a serious issue about defending a community. It is not good enough to stand up and say, "We listened to the local community at Callan Park, so we are here defending them and their needs." The Opposition was listening to the community as well and shared some concerns with the Greens about Callan Park. We are saying to the Greens, "Come with us on this, and listen to the local South Coast community." [*Time expired.*]

**The Hon. TONY BURKE** [11.54 a.m.]: Certain issues can be described differently. The Hon. Greg Pearce and the Hon. Patricia Forsythe wanted to make it very clear that they are not having a go at the environment in any way. This motion is for the disallowance of a national park. No matter which way we look at it, no matter how much spin is put on it, we cannot get away from the fact that this is about a disallowance of a national park. To members who say that they want to have really good environmental credentials, I give them this good hint: Do not start by disallowing national parks. The meeting on 7 January was described as a community consultation, as if all that happened was that the community was invited to a meeting without an agenda.

I acknowledge the presence in the gallery of Shelley Hancock, MP, a member of the other place. On 18 March she sent a letter to residents in which she did not describe the meeting as a community consultative meeting; instead, she thanked people for attending the protest rally. It was a protest rally, and—surprise, surprise—people turned up at the meeting to protest. It was not a community consultation in which there was discussion followed by an outcome. People went there to present a single point of view and when that was given—surprise, surprise—it matched the view of the protest rally.

**The Hon. Greg Pearce:** Thanks for supporting us!

**The Hon. TONY BURKE:** At least I acknowledge Shelley Hancock made an attempt to be honest and upfront. In the lead-up to the election she was honest about what she wanted to do, but her leader, John Brogden, the Leader of the Opposition in the other place, decided that he would go on *Stateline* and be asked about national parks. He was not quite as up-front as Shelley Hancock. He said what other members have said in this House: that they have the best environmental credentials, no matter the cost, no matter how much the figures may have to be fudged. It was a pretty significant fudge when Quentin Dempster asked John Brogden, "Will you decommission national parks?" and the response was, "No."

**The Hon. Don Harwin:** Read the whole quote. Don't lie to the House.

**The Hon. TONY BURKE:** It is all coming. Come in spinner; I will read the lot. Paola Totaro wrote, "Your environment spokeswoman announced that the last national park gazetted in December will be decommissioned."

**Pursuant to sessional orders business interrupted.**

## QUESTIONS WITHOUT NOTICE

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### RAIL SERVICES

**The Hon. MICHAEL GALLACHER:** My question is directed to the Minister for Transport Services. Perhaps I could address my question instead to the Leader of the Government, the Hon. Michael Egan, in the absence of the Minister for Transport Services. Is there anyone present who could answer a question in relation to trains? It would appear that no Minister is present who could answer any questions.

### GRAINS BOARD CORRUPTION FINDINGS

**The Hon. DUNCAN GAY:** As the Minister for Agriculture is in the Chamber I will direct a question to him. Is he aware that following the Independent Commission Against Corruption's findings of corruption at the NSW Grains Board, the board's Administrator, Mr Murray Smith, has said that further recovery action of the board's losses is worth considering? Is the Minister further aware that an earlier Public Accounts Committee review concluded that the Government is only protected from the board's liabilities if those concerned acted in good faith? Does the Minister anticipate that the Government will be liable for losses incurred by the board's stakeholders? What guarantee will the Minister give to the House and the farmers of New South Wales that mismanagement by a statutory authority trading in a commercial environment will never be repeated?

**The Hon. Michael Egan:** Point of order: The question clearly calls for a legal opinion from the Minister and, therefore, it is out of order.

**The PRESIDENT:** Order! I remind the member that questions cannot ask for an opinion, or a legal opinion. Perhaps he could reword it and ask it again.

**The Hon. DUNCAN GAY:** Madam President, there were several parts to the question.

**The PRESIDENT:** Order! Are you asking the Minister to answer those parts of the question that do not ask for a legal opinion?

**The Hon. DUNCAN GAY:** Yes.

**The PRESIDENT:** Order! The Minister may answer it if he wishes.

**The Hon. Michael Egan:** Point of order: That puts the Minister in a very difficult position because if the substantive part of the question is taken out—

**The Hon. Ian Macdonald:** There is nothing left.

**The Hon. Michael Egan:** As the Minister for Agriculture and Fisheries points out, there is really nothing left. It is incumbent upon the Deputy Leader of the Opposition to redraft his question so that it is in order. The Minister will then have a proper opportunity to answer the question.

**The PRESIDENT:** Order! The sessional orders, which have been adopted by this House for some time now, are quite prescriptive with regard to questions without notice. Members should ensure that the questions they ask do not contravene those sessional orders.

#### **LOCAL GOVERNMENT STRUCTURAL REFORM PROGRAM**

**The Hon. KAYEE GRIFFIN:** My question is directed to the Minister for Local Government. What is the Government doing to assist councils with the structural reform process?

**The Hon. TONY KELLY:** Today I announced that the Government would provide more than \$2 million to increase community involvement in reforming local governments, under the Local Government Reform Program. The extra funding includes \$711,000 for the Local Government Boundaries Commission to conduct formal inquiries and conduct community consultation. It also includes \$1.2 million over three years to conduct regional reviews and additional support funding for the Department of Local Government. The Boundaries Commission is already conducting four inquiries into Yarrowlunla and Queanbeyan, Tamworth, Glenn Innes and Severn and Albury-Hume. Others are likely to start soon.

**The Hon. Duncan Gay:** Point of order: This is clearly a ministerial statement and not an answer to the question. The Minister should have made such an important and major announcement in a ministerial statement, as provided for in the normal protocols of Parliament, which would enable the Opposition to reply. The Minister is making his announcement in a coward's way by slipping it in a dorothea-dixie question.

**The Hon. Michael Egan:** To the point of order: The Minister for Local Government was asked a question which would elicit information, and I have no doubt that his answer will provide the information sought. The obvious illness of the Deputy Leader of the Opposition might be affecting his head.

**The Hon. Patricia Forsythe:** To the point of order: The Minister began his answer by saying "Today I announced". That clearly indicates that he will be announcing an issue that ought to be given by a ministerial statement and not in an answer to a question.

**The PRESIDENT:** Order! The sessional orders as they relate to answers to questions without notice are clear. They contain two requirements: first, answers must be relevant to the questions asked; and, second, a member, when answering a question, must not debate the question. The Minister's reply is perfectly in order, and he may continue.

**The Hon. TONY KELLY:** The Opposition is trying to waste my time so I do not have the opportunity to tell the people of New South Wales that the Government has provided extra money to enable them to have input into this local government reform process. I have received proposals that call for reform from more than 160 councils in the State. The Government is pleased with their responses. Many councils have submitted proposals, which I have referred to the Boundaries Commission to ensure that all issues are considered and that local communities are involved.

I have announced that the Government will also conduct regional reviews that will examine the options for communities considering reform across a number of local government areas. A number of councils have requested a regional review for their area and the Government, in response, is going to fund them. Regional reviews will allow areas where a number of councils have proposed changes to consider all the options and use the best ideas from the community. In some cases, the reviews may examine proposals already developed for consideration.

An independent facilitator who is well known to local governments and is supported by the Department of Local Government will manage regional reviews. The reviews will involve extensive discussions with councils, local government and shires associations, community groups, individuals and government agencies. The additional funds have started this process. I thank the Treasurer for his forbearance in being part of this community consultation process and for providing the additional funds to local government.

### MILLENNIUM TRAINS

**The Hon. MICHAEL GALLACHER:** My question is directed to the Minister for Transport Services. Why did State Rail fail to fully investigate the risk posed by the Millennium train on the electrical network, particularly in light of the comments from the Rail Infrastructure Corporation on a draft report of the Auditor-General into the Millennium train which states:

The risk assessment doesn't seem to have given any consideration to electrical infrastructure capacity.

It continues:

No power supply equals no train service.

**The Hon. MICHAEL COSTA:** I know that the Opposition was very relieved yesterday that we only had a 20-minute question time because it is struggling to find questions. That was clear during the estimates committee hearing.

**The Hon. John Ryan:** Point of order: There are only two things members cannot do in answering a question. One is that members cannot debate the question, and the Minister is certainly doing that.

**The PRESIDENT:** Order! I remind the Minister that he must not debate the question.

**The Hon. MICHAEL COSTA:** I take on board the proposition that I should not debate the question. I was merely making an observation about the quality of the question and the paucity of questions of substance from the Opposition; I was not debating the question.

**The Hon. John Ryan:** Point of order: I do not think the Minister heard the excellent ruling you gave because he is continuing to do exactly the same thing he was asked not to do.

**The PRESIDENT:** Order! I again remind the Minister that he should not debate the question.

**The Hon. MICHAEL COSTA:** I know I come from a non-English speaking background, but I am having problems with the points of orders that have been taken. I am certainly not debating the question; I am merely making observations about the quality of the question and the fact that consistently over the past couple of days I have received questions that have been either asked in the estimates committee or should have been asked in the estimates committee.

**The Hon. John Ryan:** Point of order: I request that you call the Minister to order, given that he is now ignoring your ruling for the third time.

**The PRESIDENT:** Order! The Minister was referring to issues that should have been raised and that may be said to be relevant to the general subject matter of the question. He was not debating the actual question. The Minister may continue.

**The Hon. MICHAEL COSTA:** As the Leader of the Opposition ought to know I have made it a practice—and I will continue—not to respond to documents that are selectively produced. Indeed, this time he has handed across a document and on that basis I will obtain an appropriate answer from the relevant person when he or she has seen the document. Given that the ICAC report into the Menangle Bridge was released

today, I would have thought that the Leader of the Opposition would have made some comments about all the times he misled the public of New South Wales and this Parliament in relation to allegations about cover-ups by the Government. I hope that he will correct the record. He has misled this Parliament on numerous occasions. I have asked my office to ascertain how many times he has used the term "cover-up" in this House in regard to Menangle, given that today a report has been released clearing the Government of any allegation of a cover-up in this matter. It is incumbent on the Leader of the Opposition to correct the record in this House or stand condemned as somebody—

**The Hon. Michael Gallacher:** Point of order: If the Minister wants to talk about the ICAC report, he can move to have a take-note debate and bring the matter on. He was asked a very specific question. He is doing everything possible to avoid answering until his time has expired. I am not going to waste the time of this Parliament asking this fool a supplementary question

**The Hon. Michael Egan:** To the point of order: It seems to me that the Opposition has done its darnedest to prevent the Minister from answering the question. The Hon. John Ryan has taken all the points of order and, as a result, the Minister has been deprived of answering the question.

**The Hon. John Ryan:** To the point of order: I am not quite sure what point of order the Minister was taking, but it is not the case that the Opposition took points of order to prevent the Minister from answering the question; indeed, the opposite is the case.

**The PRESIDENT:** Order! The Minister was, in fact, making general points in the area of rail safety and, as such, was answering the question and was in order.

#### **THE HONOURABLE MALCOLM JONES INDEPENDENT COMMISSION AGAINST CORRUPTION INVESTIGATION**

**The Hon. MALCOLM JONES:** My question without notice is directed to the Treasurer, representing the Premier. Could he please provide the total expenditure by the ICAC on its Operation Athens?

**The Hon. MICHAEL EGAN:** Obviously, I do not have that information available, but I will refer it to the Premier to see if I can obtain that information.

#### **FILM INDUSTRY**

**The Hon. TONY BURKE:** My question without notice is to the Treasurer, and Minister for State Development. Will he report on recent developments in the New South Wales film industry?

**The Hon. MICHAEL EGAN:** Indeed I will, and I thank the Hon. Tony Burke for his question. New South Wales is the national centre of the film industry in Australia. The Australian Film Commission 2001-02 National Survey of Feature Film and Television Drama Production in Australia shows that the total production spending in New South Wales reached \$353 million, or more than 53 per cent of total Australian production. That is an increase of 16 per cent compared with the previous year. I point out that regional New South Wales is also benefiting from film production. Last year some 15 films, including miniseries or short films, were shot on location throughout the State.

As honourable members will no doubt realise, Fox Studios remains a strong performer. The most recent employment figures as at 30 June 2003 show that Fox Studios and its 60-plus permanent tenants—in other words, 60 film-related companies—associated with the film-making employed almost 1,500 people. These numbers are well in excess of the commitments made by Fox Studios to the Government when the agreement with Fox was signed in November 1995. In addition, 830 people are currently employed on specific film productions. This employment is mainly on the last of the *Star Wars* films, which is currently shooting at Fox Studios. I have received an invitation to visit Fox Studios today to see the shooting of the *Star Wars* film but, unfortunately, my commitments here prevent me from taking up that opportunity.

Fox Studios has further expanded its film-making capacity, following the closure of the back lot, by increasing studio space by 3,500 square metres, as well as constructing new craft workshops and boosting film production office space. At Kurnell further investment is occurring with new studios being built within the Serenity Cove Business Park. The area allocated for film studios within the business park is 12 hectares, which is about the same size as Fox Studios. Six studios are planned, construction is well advanced and the first of the

studios will be operational in early 2004. I am pleased that New South Wales is well positioned to take advantage of world growth in the film and television industries. The impetus for development in the film industry in New South Wales came with the decision to establish Fox Studios, a decision that was very controversial at the time but, in hindsight, all honourable members will appreciate and acknowledge that it was a very good decision, which has done a lot to foster the film industry in Australia.

### DISABLED ACCOMMODATION

**The Hon. JOHN RYAN:** My question without notice is directed to the Minister for Community Services, Minister for Ageing, and Minister for Disability Services. Has the Department of Ageing, Disability and Home Care [DADAHC] written to the mother of a 29-year-old woman with a disability living in a nursing home on the North Coast informing her that "unfortunately DADAHC is not in a position at this time to assist with the relocation of young people with a disability from nursing homes to the community"? Does the Government support this statement? Is it now a fact that no young person with a disability living in a nursing home has any chance of being relocated into the community unless the Commonwealth Government provides the New South Wales Government with the full additional funds to cover the cost?

**The Hon. CARMEL TEBBUTT:** I am aware of both the concern of the Hon. John Ryan and the significant concern in the community about the placement of younger people with a disability in residential aged-care facilities. I think we would all acknowledge that in many cases that is not the best placement for younger people with a disability. However, we also need to acknowledge that younger people who are placed in nursing homes generally have high and complex medical support needs and often have acquired brain injury. Therefore, finding appropriate placements for such people is not an easy task and is not something that can be resolved easily. I know that the Hon. John Ryan acknowledges this. In fact, he asked a similar question during the estimates committee hearing on Monday night and I provided information that the Government was doing a number of things to seek better outcomes for younger people with a disability who live in a nursing home.

For example, I refer to the Government's recent increase of 100 places to the Attendant Care Program, which will assist some young people to obtain better support. Of course, the Government is also working with the Commonwealth on this issue. There are a number of significant intersections, the first being that residential aged care is the responsibility of the Commonwealth; and, second, there are many older people with a disability who are finding it difficult to access appropriate aged care. Often it is the case that because a person has a disability the aged-care service system sees that first. Despite the fact that the person might be 60, they are not regarded as having a place in the aged care service system. That is clearly inappropriate and is also something that this Government is aiming to resolve with the Commonwealth.

These issues are all interconnected and it is sensible that we seek to resolve the matters with the Commonwealth. However, I have never indicated that it is the only course of action. Through the Commonwealth-State Territory Disability Agreement, the New South Wales Government is seeking a bilateral agreement with the Australian Government to address this issue. The agreement will include a commitment to mapping the current characteristics of people with a disability who are under the age of 50 living in nursing homes in New South Wales and the development of costing strategies and models to assist in the identification and placement of services.

In addition, the Department is working with the community sector to discuss appropriate models of support for people with high and complex care needs, including young people with a disability living in residential aged-care facilities.

**The Hon. JOHN RYAN:** I ask a supplementary question. The Minister got close to answering this question, but I need further clarification of the answer. Does it now mean that no young people living in a nursing home who have made an application to go to a group home will be moved into the community unless the Commonwealth provides some funds? That appears to be what the letter says. Is that the formal position of the New South Wales Government?

**The Hon. CARMEL TEBBUTT:** I quite clearly answered that question. I indicated the increase in the Attendant Care Program and how that would provide some options for increased support. Clearly it is impossible to translate from one case an across-the-board policy. These are, as the honourable member knows, very complex cases involving individual circumstances, and each needs to be assessed having regard to the circumstances of the individual, the availability of placements in the area, the support of the family as well as a range of other matters. I have answered the question comprehensively both today and also on Monday night.



## AQUACULTURE INDUSTRY

**The Hon. PETER PRIMROSE:** My question is addressed to the Minister for Agriculture and Fisheries. What is the Government doing to promote the development of aquaculture in New South Wales?

**The Hon. IAN MACDONALD:** I thank the Hon. Peter Primrose for this important question. The New South Wales Government is committed to supporting the further development of our aquaculture industry. Honourable members might not be aware that aquaculture is actually the fastest growing sector of the world's food economy. Within Australia the aquaculture industry is currently worth \$733 million. It represents about 30 per cent of Australian fisheries production. With a growing population and the push to healthier diets, New South Wales aquaculture production is soon expected to top \$50 million, with great potential to grow even further. That is why I was pleased recently to announce that New South Wales had won the right to host the Asian-Pacific Region Aquaculture Conference and Trade Show in September next year.

This event will be a fantastic opportunity to showcase the New South Wales aquaculture sector. It could also help to attract more investment in this growth industry. It is anticipated that between 50 and 100 trade booths will operate. We anticipate that more than 2,000 people, including international delegates, will attend the workshops and trade show. Apart from the benefit to the local aquaculture industry, this conference will bring obvious tourism benefits. Delegates from Canada, New Zealand and Asia will inject thousands of dollars through accommodation, tourist activities, food and other services.

The conference next year will build on the successful hosting of the World Aquaculture Society Conference in Sydney in 1999. Five years on from World Aquaculture 99, next year's event will provide a useful update on new farming opportunities, technologies and markets. Delegates will have the opportunity to hear the latest advances in the aquaculture industry from around the world. In particular, the conference will focus on technology that reduces the production costs of aquaculture and minimises the environmental impacts of aquaculture development. It will support the Government's objective for a viable and sustainable industry. Next year's Asia-Pacific conference will further strengthen the Government's links with the aquaculture industry, as well as national and international agencies.

This Government recently completed a three-year \$3 million Aquaculture Initiative, which laid a platform for continued growth of aquaculture in New South Wales. The initiative has delivered on its goals. These included increasing the number of aquaculture businesses and employment opportunities in rural New South Wales, stimulating investor confidence in aquaculture and consolidating advances within the existing industry. During the three-year span of the Aquaculture Initiative, 47 new aquaculture—non-oyster—farms were approved in New South Wales. The projected capital investment for those farms is \$29 million, with 231 full-time equivalent positions created. The expected value of production when the farms are established is \$17 million per annum. I look forward to seeing the industry continuing to reach a higher level of potential.

## BATTLE FOR AUSTRALIA COMMEMORATION

**Reverend the Hon. Dr GORDON MOYES:** I ask the Treasurer, representing the Premier, a question without notice. Is the Minister aware that this week our nation commemorates the three year Battle for Australia, which started on 23 January 1942—and that this week we remember particularly the Battle of Milne Bay and shortly the Kokoda Track—with the eventual Japanese capture of Australian territory at Rabaul, culminating in the Japanese surrender on 15 August 1945? What action has the New South Wales Government taken to commemorate the Battle for Australia and to encourage the residents of New South Wales to reflect on the courage, sacrifice and endurance of those Australians who defended our nation? Furthermore, what is the Government doing to educate children to appreciate, honour and learn from the heroism, sacrifice and service of those Australians who so courageously defended our nation and expelled the Japanese from Australian territory?

**The Hon. MICHAEL EGAN:** I thank Reverend the Hon. Dr Gordon Moyes for his question, which I think is a very good one. I must admit that it had not occurred to me, but I will certainly take the matter up with the Premier. My colleague the Hon. Henry Tsang reminds me that yesterday he represented the Premier and the Government at a function at the Cenotaph. My colleague the Deputy Leader of the Government in this place also reminds me that the period and the events to which Reverend the Hon. Dr Gordon Moyes referred are now part of the history syllabus for year 10 in our schools.

**The Hon. John Ryan:** They have been for some time.

**The Hon. MICHAEL EGAN:** I accept that. I think the question raised by the honourable member is a good one, and I will refer it to the Premier.

**DEPARTMENT OF COMMUNITY SERVICES WALGETT CASEWORKER POSITIONS**

**The Hon. CATHERINE CUSACK:** My question is addressed to the Minister for Community Services. Did the Minister advise General Purpose Standing Committee No. 2 that there are four Department of Community Services caseworker positions in Walgett, that two of them have been filled and that the other two are about to be filled? Did the Minister provide this information to the committee for the purpose of ensuring "accurate information"? Can the Minister confirm that, contrary to her advice, there are only two Department of Community Services case officer positions in Walgett, that both have been vacant for a considerable time and that the department has given up trying to fill the vacancies with qualified staff?

**The Hon. CARMEL TEBBUTT:** I did provide information along the lines stated by the Hon. Catherine Cusack. I made it clear to the committee that I was providing that information from recollection of advice from the department and that I would need to check it. But the information that I provided was indeed correct; my recollection was correct. I am advised that the employment profile for the Department of Community Services in the Walgett area is four positions. There are three child protection casework positions and one team leader rural casework specialist position. I did make it clear that while there were four positions I did not think they were all casework positions; the team leader position obviously sits above the caseworkers.

Of the three child protection casework positions, one is filled and two are in the process of being recruited. As I understand it, the Department of Community Services staff member advised those people who were on the delegation that the team leader rural casework specialist position is also filled. So there are in fact two Department of Community Services employees in the Walgett office, and there are two positions that are under recruitment action. It is my understanding that later in 2003 a complex case management co-ordinator will be appointed, and the position will be funded through Community Solutions funding and will be an important addition to services in the Walgett area.

I do not think it does any of us any good not to acknowledge that recruiting staff in the far western part of the State, particularly Department of Community Services staff, is very difficult. I certainly do acknowledge it, as I did on Monday night, but it is not an issue that affects just my department. A Department of Community Services caseworker in Walgett, Brewarrina, Bourke or Cobar has a really tough job. It is not easy for the department to recruit. But the department will continue to actively recruit. Of course, with the planned expansion of caseworkers, we will be putting more caseworkers in place right across New South Wales.

**The Hon. CATHERINE CUSACK:** I ask a supplementary question. Will the Minister confirm that all the positions to which she has referred are located in Walgett and that the staff being recruited to fill those positions will be able to fulfil all statutory responsibilities that go with those positions?

**The Hon. CARMEL TEBBUTT:** I have already provided an answer to the House, and I do not have anything to add to it.

**PRISON VIDEO LINK SYSTEM**

**The Hon. IAN WEST:** My question is directed to the Minister for Justice. Will he advise the House what progress has been made in using video technology to reduce the necessity for inmate movements between correctional centres and courts?

**The Hon. JOHN HATZISTERGOS:** Inmate court appearances by video link have increased by 74 per cent in the first seven months of 2003 compared with the first seven months of 2002. There were a total of 5,650 inmate court appearances via video link in the first seven months of this year, a massive increase on the 3,231 appearances in the first seven months of last year. This figure is extremely important because each time an inmate with outstanding matters appears in court without leaving the correctional centre, the Department of Corrective Services saves valuable resources associated with court escorts. On any given day the equivalent of a full correctional centre is on the road travelling between correctional centres and courts, between correctional centres or from correctional centres to hospitals. The Government's efforts to reduce the number of external prisoner movements by using the \$4.1 million video link system are getting results.

There will always be a genuine need to transport inmates, particularly for court matters when inmates are required by law to attend in person. However, any reduction in the number of external inmate escorts is welcome. This also brings a reduction in the element of risk associated with all external inmate movements. Moreover, reducing the amount of time taken for court appearances minimises the disruption to inmate

participation in correctional centre programs, such as education or behavioural programs. During 2002 the cross-justice videoconferencing system dealt with 6,438 New South Wales Supreme Court, District Court and Local Court matters, averaging 67 matters per month. In 2003 to date, the monthly average of inmate appearances via video link increased to 792, and it appears highly likely that the total number for the year will exceed 9,000 appearances.

Video link technology was introduced by the Carr Government in June 2000 to allow prisoners to appear in court matters without leaving correctional centres. But early this year it was expanded to link mothers with their children, and male inmates with distant families. The Department of Corrective Services uses the video link system for bail applications for remandees, court matters such as mentions and stand-over matters, proceedings before the Serious Offenders Review Council, interviews between solicitors and clients, and communication between inmates and their families. The Department of Corrective Services is preparing to expand the video link system to Parole Board matters, and I expect this to become available before the end of the year. Inmates can appear via video link from the following correctional centres: Bathurst, Cessnock, Goulburn, Grafton, Long Bay, Mulawa, Parklea, and the Metropolitan Remand and Reception Centre.

### AUSTRALIAN NATIONAL FLAG DAY

**Reverend the Hon. FRED NILE:** I ask the Treasurer, representing the Premier, a question without notice. Is it a fact that Australian National Flag Day was held yesterday to celebrate the first official flying of the flag by the first Prime Minister of Australia, Edmund Barton, on 3 September 1901? What action is the Government taking to promote the flying of the Australian national flag every day in New South Wales, especially on buildings in the Sydney central business district and in regional cities and towns? What action will the Government take to protect the Australian national flag from abuse, insult or burning? Will the Government support Federal or State legislation to protect the Australian national flag?

**The Hon. MICHAEL EGAN:** As I understand it, the Australian flag and the New South Wales flag are flown at many locations throughout Sydney, particularly State Government locations. I did not know the significance of yesterday. I am quite surprised to hear that Edmund Barton flew the first Australian flag. My understanding was that the Australian flag underwent a number of changes and it was not until after the Second World War that, somehow or other, we settled upon the flag that is now known as the Australian flag. I know that a lot of people in the community would like to see the Australian flag changed. I am not one of them, although it is not an issue that I am terribly excited about one way or the other.

I believe it is appropriate to fly flags, particularly the national flag. However, I would not want to see it reach the stage it has in some other parts of the world where everyone, it seems, flies a flag in their front yard, which gives the impression of a phoney patriotism and a phoney nationalism. I will not mention the country, but during my first visit to that country I was put off by the sight of the flag of that nation flying in every second front yard. I advise members that the country was the United States of America. However, when I got to New York and saw on display the flags of the member nations of the United Nations I experienced a flutter of great pride when I saw the Australian flag flying among them.

### LOCAL COUNCIL AMALGAMATIONS

**The Hon. MELINDA PAVEY:** My question is directed to the Minister for Local Government. On Tuesday 2 September he said that 150 submissions were lodged with the Boundaries Commission in response to his threats of council amalgamations. New South Wales has 172 councils. Does this mean that councils that did not lodge a submission will be dissolved, just as he threatened to dissolve Yarrowlumla Shire Council?

**The Hon. TONY KELLY:** The honourable member has misquoted me. I certainly did not say that I have referred 150 submissions to the Boundaries Commission. What I said was that I have received in excess of 150 responses to the letter I sent out in June relating to the Government's wishes to reform local government. I did not say that those responses have been forwarded to the Boundaries Commission, because many of them will not go to the Boundaries Commission. My understanding is that I now have well in excess of 160 responses, and they are varied. As I explained in answer to an earlier question, a number of the responses refer to many forms of reform other than amalgamation.

**MENANGLE BRIDGE**

**The Hon. CHRISTINE ROBERTSON:** My question is addressed to the Minister for Transport Services. Will he update the House on the latest information about the Menangle Bridge?

**The Hon. Michael Gallacher:** Point of order: This is a ministerial statement if ever I have heard it.

**The Hon. Michael Costa:** No, it's not.

**The Hon. Michael Gallacher:** There is no doubt about this being a ministerial statement. With all due respect to the Minister—and I say this before he answers the question—I suggest that he will have ample opportunity at the conclusion of question time to make a ministerial statement about this matter. But no, he seeks to take up the time of question time to make a ministerial statement. For that reason I would ask you to request the Minister not to debate this matter and to allow the Chamber an opportunity to debate it or, indeed, deal with it by way of a take-note debate. All members will then have an opportunity to participate in the take-note debate. The Minister is trying to jump the gun before many members in this Chamber have had an opportunity to debate the matter.

**The Hon. Michael Egan:** To the point of order: This is quite amazing. The Leader of the Opposition said that this is clearly a ministerial statement—before the Minister has uttered even a single word! What kind of statement is that? Zero words can hardly be a ministerial statement. The antenna of the Leader of the Opposition is working with some telepathic ability he has, and he realises that he is about to be humiliated.

**The Hon. Duncan Gay:** Further to the point of order: It is normal procedure in this House when a report of the Independent Commission Against Corruption [ICAC] is produced for a take-note debate to be had to give members an opportunity to put their points of view.

**The Hon. Michael Costa:** How do you know I am talking about an ICAC report?

**The Hon. Duncan Gay:** I do not know what the Minister is going to talk about, but if the Minister is going to make comments on an ICAC report, I would hope that you, Madam President, would rule him out of order.

**The PRESIDENT:** Order! The relevant sessional order provides that a question cannot ask for a statement or announcement of the Government's policy. The question did not ask for an announcement of Government policy; it asked for an update of information on a particular incident. I will allow the question.

**The Hon. John Ryan:** So you are going to take the gutless approach of doing it during question time.

**The Hon. MICHAEL COSTA:** The sensitivity of the Opposition is quite breathtaking, as is their reluctance to hear about the Menangle Bridge. I remind the House that it was only a matter of a number of months ago that question time after question time was devoted to the Menangle Bridge. There was a thirst for knowledge about the Menangle Bridge. There were all sorts of accusations in the House about people's reputations and activities—very serious allegations. The Opposition is obviously quite stunned by the information that has been produced by the ICAC report. I was not going to talk about the ICAC report, but given the sensitivity of the Opposition, maybe I should talk about it.

What I was going to do—given the hysteria that was around at the time and the completely outrageous statements that were made—now that we have that clear evidence about a range of matters related to the Menangle Bridge incident, was point to the fact that we now have on the Rail Infrastructure Corporation [RIC] web site the latest report on safety conditions and the very serious safety issues that were raised. I was going to suggest that everybody should spend a bit of time reading the report because it does a lot to clarify the exact position in relation to the Menangle Bridge. Many scientific tests have been undertaken. I am pleased that that information is available on the web site—another example of my commitment to transparency. I was going to point that out to the House and suggest that members—especially members on the Opposition side, given their passion and interest in this matter—spend a bit of time reading the report.

Let me also say that the report provides a very accurate and objective assessment of the current state of the Menangle Bridge. As the House would be aware, in the Government's State budget for 2003-04, \$2.4 million has been included to provide for the commencement of planning for work to replace the bridge. The report not

only is part of that process; it also gives a snapshot of a range of issues. It is good reading. It analyses the history of the bridge and makes some important observations in terms of informing the public about the safety of the bridge. I suggest that people take the opportunity to read it. But given the Opposition's sensitivity towards the ICAC matter, I think it is appropriate for me to make a few comments. John Brogden certainly was not sensitive recently when he made the quite outrageous allegation that the Premier was involved in a cover-up. He said:

If anybody's to blame in New South Wales for the concerns about rail safety, it's Bob Carr.

He went on to state:

He's the man that was part of an elaborate cover-up in relation to the Menangle Bridge.

**The Hon. Duncan Gay:** Of course he was, and you were part of it.

**The Hon. MICHAEL COSTA:** I was part of it?

**The Hon. Duncan Gay:** Yes.

**The Hon. MICHAEL COSTA:** The Deputy Leader of the Opposition makes the accusation that I was part of a cover-up. Where is his evidence for that? Members of the Coalition have been struck silent. Where are their interjections?

**The Hon. Duncan Gay:** You are gutless.

**The Hon. MICHAEL COSTA:** The most gutless people are those who, without any evidence, accuse people of covering up something.

**The Hon. John Ryan:** Point of order: As I understand it, the Minister is supposed to be answering questions, not asking them. The Minister appears to be asking questions of the Opposition. He is fully aware that, because he is providing an answer to a question without notice, we are not able to give answers to questions he asks of us during his response. Therefore I ask you, Madam President, to simply ask the Minister to answer the question.

**The PRESIDENT:** Order! I have warned members in the past not to make debating points in the form of points of order. The Minister's time for answering the question has expired.

**The Hon. CHRISTINE ROBERTSON:** I ask a supplementary question. Will the Minister further elucidate upon his answer?

**The Hon. Jennifer Gardiner:** He cannot, because he has not done any elucidating.

**The Hon. MICHAEL COSTA:** The sensitivity of the poor souls! They were not very sensitive months ago when they were saying, "You're corrupt, you're engaging in cover-ups." The accusations were flying everywhere. Even today, I have been accused of being involved in a cover-up in relation to the Menangle Bridge. Let me quote the words of the Commissioner of the Independent Commission Against Corruption—the person who is charged with the responsibility of dealing with these matters. I quote from a letter that accompanied the report which was addressed to the Treasurer:

The report finds no evidence—

I repeat that, "no evidence"—

that any political consideration affected the way in which either the RIC or the responsible Minister acted in response to Professor West's concerns ...

No findings are made in the report that any person engaged in corrupt conduct.

Members of the Opposition owe an apology to a range of people: They owe an apology to the Minister, they owe an apology to the Premier and, most importantly, they owe an apology to the public of New South Wales. On eight occasions John Brogden publicly accused the Government of a cover-up in relation to this matter. We have documentary evidence from ICAC that there was no cover-up. The Leader of the Opposition will stand condemned unless he retracts those statements. Unless he retracts those statements, he will stand condemned

because he cannot be trusted on any other matter of public administration. I find it quite breathtaking that members of the Opposition can sit there—obviously they are stunned by this matter—and not accept that they owe the people of New South Wales an apology. They are a joke. They stand condemned. [*Time expired.*]

### WAGGA WAGGA TAXIDRIVER SAFETY

**The Hon. DAVID OLDFIELD:** My question is directed to the Minister for Transport Services. Is he aware of my multiple representations to his office on behalf of Wagga Wagga taxidrivers regarding security? Is it correct that there is a geographical discrimination in security arrangements provided in the Passenger Transport Act 1990 whereby cameras or security screens must be fitted to taxis in the Sydney, Newcastle, Wollongong, Gosford and Wyong areas, while other areas of New South Wales are not similarly covered? Is he concerned at reports that more assaults on Wagga Wagga taxidrivers were committed on Sunday 24 August 2003? Will he provide an assurance to Wagga Wagga taxidrivers that effective security arrangements, beyond the fitting of M13 switches, will be implemented as a matter of urgency?

**The Hon. MICHAEL COSTA:** I am not aware of multiple representations, but I will certainly ascertain where they are. In the ordinary course of events, if those representations take the form of inquiries in relation to taxi matters, they would be referred to the Ministry and would be referred by the Ministry to the recently reconvened Taxi Advisory Council, which is a body that has carriage of matters in relation to the taxi industry. I will ensure that we ascertain where those representations are and I will have them forwarded expeditiously to the Taxi Advisory Council for its consideration.

### STATE RAIL ROLLING STOCK

**The Hon. DON HARWIN:** My question without notice is directed to the Minister for Transport Services. Did he refer to using simpler, tried and tested trains as a basis for future rolling stock purchases during his address to the Chamber of Commerce on 21 August? Was he referring to existing in-service CityRail rolling stock, or did he have some other train in mind?

**The Hon. MICHAEL COSTA:** I acknowledge that that is a reasonable question. I am very happy to make some comments about this matter. I do not have my notes of that address in front of me and I preface my response by saying that I do not know exactly what the references were. Certainly the concept and the principle are matters that I am happy to talk about. I have expressed concerns on a number of occasions, including on the occasion referred to by the honourable member, about the procurement policy for rolling stock in State Rail. This issue goes back well beyond the Millennium train. It is a problem that occurred with the Tangara, and it is a recurring feature of our rail environment.

That is largely due to the fact that we tend to buy rolling stock in large numbers and, given the nature of rolling stock, plan for customer expectations 35 years hence, because that is usually the active life, or relevant life, of that rolling stock. That is not a sensible way to go. I have asked the ministry and rail planners to come up with a plan for smaller, incremental purchases of rolling stock; purchases that build on a simpler and less complex design. As pointed out by McKeown, the Victorian expert we brought in to look at the problems associated with the Millennium train, that train has a degree of complexity, and I question whether that is necessary. But that is not the only train that has a degree of complexity. We are looking at what is required for our rolling stock.

**The Hon. John Ryan:** We could do without the seats and windows.

**The Hon. MICHAEL COSTA:** I heard the interjection about doing without seats and windows. Clearly, Ned Flanders is being absurd today. The operating system of the Millennium trains has caused many problems and has raised the question whether such complex technology is needed. If it is needed perhaps it should be provided in a modular form so it can be built on incrementally. Another problem is how that self-integrated technology can work with other operating systems so that a small failure, not safety critical, does not lead to all the rolling stock becoming inoperative. The Government is considering those important matters. My references to simplicity are not about passenger comfort, but about the technology of the operating systems. Those discussions are ongoing and I will keep the House and the public informed about these matters.

### DEPARTMENT OF COMMUNITY SERVICES DROUGHT ASSISTANCE GRANTS

**The Hon. JAN BURNSWOODS:** My question without notice is directed to the Minister for Community Services. What action is the Department of Community Services taking to provide assistance to people who are financially disadvantaged as a result of the ongoing drought conditions in New South Wales?

**The Hon. CARMEL Tebbutt:** This is an important issue because many people across New South Wales are affected by the ongoing drought conditions. The drought continues to cause hardship for rural families and the Government continues to do all it can to provide assistance to those who most need it. I am pleased to advise the House that the Department of Community Services [DOCS] has now assisted more than 2,700 drought-affected families across New South Wales. We have issued more than 3,300 grants worth in excess of \$5 million. In the past financial year alone, the New South Wales Government set aside \$4.49 million for household drought relief. The money was placed with the Community Disaster Relief Fund, which was created after the Christmas 2001 bushfires—a public trust fund to assist people affected by all types of disasters.

Of course the current drought is very different in nature from other disasters such as bushfires or floods, because of its prolonged and ongoing nature. Therefore, separate criteria are needed to ensure appropriate distribution of grants. As an indication of how widespread this problem is, I will share with the House the list of locations where we have distributed the greatest number of drought assistance grants to date. It is an indication of the areas worst hit by the ongoing drought conditions. The locations include Hay, Nyngan, the Pilliga and Wee Waa, Coonamble, Quambone, Coolabah, Narrabri, Condobolin, Boggabri and Kyogle. The majority of those locations are in western New South Wales, where communities have been experiencing drought conditions for the longest period. In that region more than 2,130 grants totalling more than \$3.2 million have been paid.

I take this opportunity to congratulate the Community Disaster Relief Fund [CDRF] standing committee on its relief work. The CDRF committee is chaired by the Department of Community Services and its membership includes representatives from a variety of both government and non-government agencies. We should, of course, remember that drought conditions do affect only farming families, but also those who rely on primary industry for their incomes. People such as shearers, as well as fencing and harvesting contractors, are experiencing drought-induced financial hardship. Across the State, more than 2,200 payments have been made to farming households and more than 1,100 to non-farming households. Unfortunately, recent rain has not stemmed the daily calls from families seeking assistance. Many of those families include older people living on properties, struggling to manage the daily tasks of farm life.

Through DOCS drought assistance grants, families can receive up to \$2,000 at a time to help with essential household expenses, including purchasing new water tanks to hold potable water, as well as to pay bills. I am pleased to advise the house that \$5.3 million has been set aside for drought household payments for the 2003-04 financial year. This will allow DOCS to continue with its program, helping families with day-to-day expenses in the middle of the drought. Many applications are as a result of farm family gatherings, which are informal social events co-ordinated by NSW Agriculture and involve representatives from a wide range of agencies, including DOCS, who are able to provide information on the variety of available drought assistance measures. While the State Government will continue to fund drought assistance based on CDRF guidelines, public donations are encouraged at any ANZ, Commonwealth, St George, National Australia or Westpac bank or at any New South Wales TAB [Totalizator Agency Board] outlet. I thank the individuals and companies who have so generously donated to this fund.

### REDBANK 2 POWER STATION

**Mr IAN COHEN:** I ask the Minister for Rural Affairs, representing the Minister for Energy and Utilities, a question without notice. Is the proposed Redbank 2 power station in the Hunter Valley a peaking plant? If not, is it a base-loading plant and, therefore, not capable of meeting future peak power demands in New South Wales? What level of greenhouse gas emissions will the proposed Redbank 2 power station produce per unit of electricity output? Will those emissions exceed that of existing power plants in New South Wales, some of which were built 20 or 30 years ago? If so, by what percentage? Will the proposed Redbank 2 power station provide a viable option for dealing with coal waste on a meaningful scale? How many megatonnes per annum of greenhouse gases will the proposed Redbank 2 power station produce? What will this equate to in terms of the percentage of the allowed increase in emissions provided for under Kyoto Protocol targets? How much of the allowed increase in emissions provided for under the Kyoto Protocol targets is already accounted for by existing emissions from the New South Wales energy sector?

**The Hon. TONY KELLY:** I will refer the honourable member's question to the appropriate Minister and provide a response.

**STATE RAIL ROLLING STOCK**

**The Hon. GREG PEARCE:** My question without notice is addressed to the Minister for Transport Services and relates to a matter referred to by him in a recent speech he gave to the Chamber of Commerce. Does the Minister recall stating that part of any new rolling stock purchase would be a long-term maintenance contract? If so, has the Labor Council given you its full support for that proposal, given its previous attempts to have all maintenance done in-house and its 2001 threat that any train entering a State Rail Authority maintenance centre for work by an outside contractor would not be allowed to leave?

**The Hon. MICHAEL COSTA:** I am glad that my speeches are becoming required reading for those on the other side of the House who are interested in rail. I may even post my speeches on the Internet so that members opposite can be educated about rail matters.

**The Hon. John Della Bosca:** They are good speeches.

**The Hon. MICHAEL COSTA:** Yes, they are good speeches, I put a lot of thought into them. I am pleased that the Hon. Greg Pearce is studying my speeches. I will make sure that he knows where he can read any future speeches I make. He might give some thought to attending some of the functions to help raise money for the Labor Party, because we will be in Government for a long time and it is important that we get all the support we can from people who are interested in rail.

**The Hon. Michael Gallacher:** Your tie is too tight. You haven't worn one for a while.

**The Hon. MICHAEL COSTA:** I do not like wearing them. We should ban them. I have seen no evidence to suggest that wearing a tie, which restricts blood flow to the brain, actually improves one's decision making. If someone could show me that evidence, I might understand the need to wear a tie. My comments in that speech regarding maintenance reflect the view I hold. The Government will go through the normal processes of government to establish our policies on these matters. The Labor Council is an organisation I am very familiar with. It often makes important contributions to public life in New South Wales. I know that it certainly did when I was secretary. The Labor Council has differing views from those of the Government on a range of matters which we handle in the appropriate way, that is, we consult and work through. I intend to adopt that practice if we have a fully formed policy in relation to these matters. The proposition that maintenance activities and rolling stock procurement ought to be bundled together is one that seems to make sense. However, there may be practical arguments against that, but we will negotiate as we go forward.

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

**Questions without notice concluded.**

**ROADS AND TRAFFIC AUTHORITY AND CROSS CITY MOTORWAY CONSORTIUM  
CONTRACT DOCUMENTS****Claim of Privilege**

**The PRESIDENT:** Order! I report to the House that on 28 July 2003 the Clerk received from Ms Lee Rhiannon a written dispute as to the validity of a claim of privilege on documents lodged with the Clerk on 8 July 2003 relating to the Cross-City Tunnel. In accordance with the resolution of the House, Sir Laurence Street, being a retired Supreme Court Judge, was appointed as an independent arbiter to evaluate and report as to the validity of the claim of privilege. The Clerk released the disputed documents to Sir Laurence Street, who has now provided his report to the Clerk. The report is available for inspection by members of the Legislative Council only.

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

**NATIONAL PARKS AND WILDLIFE ACT 1974: DISALLOWANCE OF NOTICE OF  
RESERVATION OF NATIONAL PARK**

**Debate resumed from an earlier hour.**

**The Hon. TONY BURKE** [2.30 p.m.]: Prior to question time I made clear that the speeches made earlier—

**The Hon. Greg Pearce:** You haven't made anything clear. There wasn't anything clear in it.



**The Hon. TONY BURKE:** There was much to clear up. The earlier speakers said that when the community meeting was held nobody disagreed with the Coalition's stance. Surprise, surprise, the meeting was a protest meeting. Is it extraordinary that people with a different point of view did not turn up to the Liberal Party's protest meeting? I, at least, acknowledge that Shelley Hancock was honest when she said that the Coalition wanted to get rid of a national park. On the same issue, how honest was the Leader of the Opposition, Mr Brogden?

**The Hon. Greg Pearce:** Who wrote this drivell for you?

**The Hon. TONY BURKE:** I am afraid what I am about to read was written by John Brogden, and drivell it is! On *Stateline* he was asked, "Will you decommission national parks?" The Hon. Don Harwin is about to go crazy so I will backtrack and say that his answer was one word: "No." A correction was made by Paola Totaro, not John Brogden. The environment spokeswoman announced that the last national park gazetted in December will be decommissioned. As a matter of decency to John Brogden I was not keen to put the answer on the table but the Hon. Don Harwin has claimed that I am misleading the House unless I provide—

**The Hon. Don Harwin:** In its full context—

**The Hon. TONY BURKE:** Its full context is:

JOHN BROGDEN: Sorry, yes, in that case, that is the case. Sorry.

That statement was made in his major *Stateline* half-hour interview just prior to the election. When he was asked the direct question "Will you decommission national parks?" he tried to get away with a straight-out denial. If the Hon. Don Harwin thinks it was not a significant issue, why did the response involve a double apology—"Sorry, yes, in that case, that is the case. Sorry"—only when it was forced upon him?

Earlier in this debate Coalition members said that we all want to be proud of our environmental record, and I make it clear that that is exactly what John Brogden, Leader of the Opposition in the other place, wanted on behalf of the Coalition. Today we are talking about a very simple matter: we are talking about getting rid of a national park. Many points have been made about the consultation process that led up to this matter.

**The Hon. Greg Pearce:** There was no consultation process!

**The Hon. TONY BURKE:** No consultation process, said the Hon. Greg Pearce.

**The Hon. Greg Pearce:** No satisfactory consultation process.

**The Hon. TONY BURKE:** So, when three preliminary roundtable discussions were held to determine key issues affecting coastal lakes, apparently the South Coast meeting held on 28 July 2000 was not part of the consultation. An issues paper was released in October 2000, attracting more than 600 submissions. Guess which groups made those submissions? They included the Lake Wollumboola Support Group, Culburra Boardriders, Culburra Beach Progress Association, Shoalhaven City Council, which made two submissions, Jervis Bay Regional Alliance, Healthy Cities Shoalhaven and the Culburra Beach Chamber of Commerce. The desirability of including certain coastal lakes in adjoining national parks, including Lake Wollumboola, was explicitly suggested in the issues paper.

Public hearings were then held during November and December 2000 at Merimbula, Narooma, Ulladulla and Shellharbour. The Lake Wollumboola Support Group and Shoalhaven City Council made oral submissions. Inclusion of the lake in Jervis Bay National Park was a key issue raised at the meetings. A further focus meeting was held on 13 March 2001 with Shoalhaven Council officers and councillors. Inclusion of the lake in Jervis Bay National Park was again a key issue raised at these hearings.

The draft report of the Healthy Rivers Commission [HRC] was released in August 2001 for comment. The desirability of including certain coastal lakes in adjoining national parks, including Lake Wollumboola, was explicitly suggested in the draft report. Approximately 150 submissions were received on the draft recommendations, including from Jervis Bay Regional Alliance, Shoalhaven Landowners' Association, Culburra Beach Progress Association, Lake Wollumboola Support Group and Shoalhaven City Council. The final Healthy Rivers Commission report was released in June 2002 with an explicit recommendation that certain coastal lakes, including Lake Wollumboola, be incorporated within adjoining national parks.

During Cabinet's visit to Nowra in mid-2002 local community groups met with the Minister for the Environment to lobby to have the Government accept the recommendation of the HRC and include Lake Wollumboola in Jervis Bay National Park. At the end of that process dating from 28 July 2000, on 11 December 2002 the Government announced the inclusion of the lake in the national park on 11 December 2002. The Opposition claimed there was no consultation, but there was. The environmental value that they fudge by saying it is or is not there is clear. One only needs to see the number of birds at Lake Wollumboola to realise what a precious part of our environment it is.

**The Hon. Greg Pearce:** Have you been there?

**The Hon. TONY BURKE:** Of course, I have been there. It is a beautiful place. The Opposition wants to pretend it is doing something less when it is clear it wants to decommission a national park. Opposition members should not dress it up as anything else. There was a huge amount of community consultation dating back two years in relation to land of very precious significance.

**The Hon. Dr PETER WONG** [2.34 p.m.]: I want to speak briefly in relation to this matter. I thank the Wollumboola Protection Association Inc. for sending me a copy of a letter written by Dr Rick Aitken to Shelly Hancock, which I understand was not tabled, released or read in this House. Dr Aitken said:

**Re health aspects of Lake Wollumboola, from a medical viewpoint**

I listened with interest to your comments and commitment at the meeting at Culburra Beach earlier this year in regard to Lake Wollumboola. I recognise that there are many and varied views in regard to the problems and desired solutions to the problems of odour and water quality. I agree that the lack of local resident consultation before National Park declaration over the lake was probably inappropriate and I understand many residents' concern over the possible impact of this.

At the Culburra meeting, a number of people spoke of the lake as a major health hazard. I wish to clarify this assessment. I have been a general practitioner in Culburra Beach since 1983 and I am an associate of the 4 doctor Culburra Beach Medical Practice. I have discussed this issue with my colleagues and assessed their similar observations also.

**Observed health related issues:**

Nausea: some patients report nausea and headaches associated with times of high hydrogen sulphide odour. No serious effects observed from these symptoms.

Asthma and chest diseases: a number of patients believe their asthma symptoms are aggravated by lake odour. The incidence of asthma presenting to our surgery has not been any higher at times of high odour. Most patients with chronic emphysema/chronic airways disease do not appear to be significantly affected by lake exposure, though some take precautionary avoidance of outdoor exposure.

Ear infections: Occasional childhood outer ear infections have been observed in patients swimming in the lake, mostly when water quality has deteriorated (when levels are low). Overall, the numbers of ear infections associated with swimming pools far exceed those associated with lake exposure. The incidence of ear infections associated with beach and river swimming are still higher than lake exposure.

Bird lice bites: bird lice bites have been very occasionally noted on lake users, but also occur in water users in other places eg Shoalhaven & Crookhaven Rivers. The actual incidence presenting at the surgery is quite low, and we probably see only the more irritating episodes. Most bird lice bites observed relate to skiers using the most southerly areas of the lake, or in swimmers when the southerly winds blow pelican and swan feathers onto the north east corner. I have swam, sailed and windsurfed extensively on the lake for many years and have not experienced this problem.

Other skin problems: some people report temporary skin irritation from weed contact but this does not appear to result in any rashes or ill effects.

Gastrointestinal infections: we have not observed any infections that we could associate with lake water exposure, nor from eating of any fish, prawns etc. from lake sources, as long as standard food processing methods are used.

Injuries: numerous, some fatal. Water sports are dangerous wherever they occur. The most injuries occur in times of high use when water quality and levels are highest.

The odour is unpleasant and intermittent. We would all prefer it did not happen. It appears to be of a discomfort rather than a health hazard. The insistence that it is toxic to humans and animal life appears to be unfounded at the environmental concentrations we experience here in Culburra. Please do not be pressured into action on the basis of inappropriate fears re health risks.

I am aware that some residents believe their health has suffered from lake exposure. If any of these would like to make a report to me I would be willing to hear from them and assess their experiences. Any asthmatics who believe that their condition is significantly aggravated by lake odour exposure could be set up in a formal study by their treating doctor to record their symptom severity, measure peak flow rates, medication use increase and severity of odour exposure to obtain more objective evidence.

I would suggest that much of the demand for action to "clean up the lake" is misinformed and unrealistic. I expect the years of lake degradation resulting from land clearing (especially residential), sedimentation, high nitrogen fertilizer (domestically and rural use) drainage into lake water and uncontrolled septic run off (prior to sewer installation in the mid 1980s) have significantly contributed to the current problem. This may well have placed the lake beyond restoration to a state described by residents of 40

plus years ago. I have closely observed the natural cycles of the lake over 19 years and assess the odour problem as a long term cyclical problem not a new phenomena. The recent four to five years of low rainfall have been the major cause of poor water quality with low water levels. The bird population has always, in my time of residence, been directly related to water levels, with numbers increasing when low water levels increase feeding access to lake vegetation.

The demands to dredge the lake are frequently made. What will happen to water quality during this extensive process? Will the odour problem be seriously aggravated during this disturbance of the lake? What will be done with the dredged mud?

How will the town cope with the transport of this mud through town? What impact will this have on our streets and roads? Please be careful in what ideas are promoted to "fix the problem" for the cost and effect could well be worse than learning to cope with the cycles of good seasons and poor seasons. I personally think the declaration of the lake as National Park will eventually improve the quality of the lake and its surroundings, although recreational enjoyment will be dependent on natural forces. Despite the poor process of consultation understandably stirring local ire, I am in favour of the declaration remaining, if the proposed management strategies and future community consultation by National Parks are implemented.

You are welcome to use the contents of these observations, but I would prefer to be involved as to how it would be used if my name is to be attached. I need to maintain my professional relationship with patients from varied and opposing attitudes to this community issue, and so this needs some sensitivity.

Yours sincerely,  
Rick Aitken

Dr Aitken was reluctant for his letter to be released. However, this disallowance motion has compelled him to release the letter so that honourable members will understand that the lake does not pose a major health risk but that the problem is more of a cyclical nature. Therefore, I do not support the disallowance motion.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS** [2.44 p.m.]: I oppose the motion because the Government declared Lake Wollumboola as part of the national park estate and it should be congratulated on its efforts. The Government has been criticised on urban development at Kingscliff and coastal development has been the subject of a recent *Four Corners* program. Problems occur when people arrive in huge numbers to live in coastal areas because developers make a lot of money and cause considerable damage to the environment. People should be able to enjoy the environment without destroying it. Some areas contain unique natural features that are important to ecosystems; indeed, some have evolved over thousands and even hundreds of thousands of years.

Also of extreme importance to Lake Wollumboola is the bird life. The National Parks and Wildlife Service established the Lake Wollumboola Reference Group, which met for the first time on 10 April. The purpose of the group was to participate in the preparation of sections of the Jervis Bay National Park draft plan of management relevant to Lake Wollumboola. During this process the reference group will also provide a forum for representatives to share general information relating to the lake. Members of the reference group were selected from a broad cross-section of the community to ensure that a full range of views were canvassed. Many nominations were received and the National Parks and Wildlife Service thanked those who expressed interest. This information is contained in the *Lake Wollumboola Newsletter*, which is an initiative of the reference group. The newsletter also outlined the composition of that group.

The newsletter stated that during January and February 32 bird species were identified, numbering over 12,000 individuals on 12 January and 18,000 individuals on 12 February. On 9 March 24 species were identified numbering more than 15,000 individuals, a wonderful experience for birdwatchers. During high tide on the evening of Sunday 19 May eel movements were sighted. Indeed, the local woodcarving group has volunteered to carve about 50 replica little terns, and children at the local school are painting them. This project is a demonstration of the community working together to encourage the nesting of this endangered species. Fences have also been erected in an attempt to keep dogs away. The temptation is to open the lake artificially, which is what happened at Lake Cathie further north. Concerns have been expressed about whether the lake should be opened. The National Parks and Wildlife Service has advised that because the cyclical nature of lakes result in lower levels during drought, perhaps they should be allowed to run their natural course.

Dr Rick Aitken, who has been in general practice in Culburra Beach for 19 years, wrote a letter to Shelley Hancock assuring her that although an odour was noticeable sometimes, there were no documented adverse health effects in his 19 years of practice in the area. The Hon. Dr Peter Wong has read out the relevant letter, so I shall not waste the time of the House by repeating it. Lake Wollumboola Protection Association Inc. is keen for the lake to remain in the national park estate and be protected. The Culburra Beach Progress Association and Lake Wollumboola Support Group Inc. have protested. It is always difficult to decide between the various groups that may spring up. Some years ago when I was involved in the BUGA-UP group I was asked to speak at a conference on how to set up little groups. When I realised that people would be paying

\$1,500 to attend the seminar, I decided that I did not want to explain how to successfully set up groups because those people might not even support my types of causes. Therefore, I did not accept the invitation to speak at that seminar.

When faced with these sorts of questions, one has to look for the real facts and the benefit for the community. I must confess that I go back to the most scientific facts. In other words, what is the truth regarding environments and ecosystems, what do the scientists say, and what are likely to be the consequences of such interferences? The old medical principle of "above all, do no harm" is a very important consideration when seeking the optimum result. I side with the Lake Wollumboola Protection Association, which I feel is a group expressing genuine concerns. Long-term residents are concerned about the environment. Interestingly, they support the National Parks and Wildlife Service, which has done a lot of work on this issue and is very keen to have this gazetted. As such, without labouring the point, I intend to oppose the motion.

**The Hon. DON HARWIN** [2.50 p.m.]: Sadly, it seems clear that this disallowance motion will be defeated. That will be a tragedy for the people of Culburra Beach. It is a tragedy because of what it means for community consultation regarding environmental policy making. Unfortunately, the debate this afternoon has largely been based on incomplete information. That is not terribly surprising; it often happens with debates in this Chamber. But, in many respects, some of the contributions made this afternoon got it clearly wrong.

Lake Wollumboola is the coastal lake immediately south of the town of Culburra Beach. Human intervention over the past 100 years has led to the degradation of the lake. In particular, urban runoff and the discharge of raw effluent into Coonemia Creek, a tributary of the lake, have led to severe weed infestation and worse sedimentation over a very long time. Therefore to claim—as has been repeatedly claimed by the environmental movement and by the Government—that the lake is in a pristine state is just absolute nonsense. The claim flies in the face of well-established evidence to the contrary. The House has just heard from the Hon. Dr Arthur Chesterfield-Evans about the importance of naturally opening and closing lakes. Fair enough. But sandbagging by the National Parks and Wildlife Service has actually prevented this lake from naturally opening. Ostensibly, the sandbagging was done to protect nesting habitat for a species of migratory bird, the little tern, which we heard about this morning. Ironically, the sandbagging by the National Parks and Wildlife Service is now destroying the habitat of the little tern. The intervention has been such that the quality of the sand has now become so poor that it is almost impossible for little terns to nest in it. But that is the sort of misinformation that has emanated in this debate from some of the proponents of reservation.

The degradation of the lake has two consequences for Culburra Beach. First, the condition of the lake means that swimming, boating and fishing on the lake have ceased. Second, the sedimentation is emitting what I believe to be dangerous levels of hydrogen sulphide, and it is strongly suspected that the health of local residents is being affected. One member who contributed to the debate relied heavily on what was said by a general practitioner, but Dr Laurence M. Finlay of Culburra has also written to me outlining the resultant adverse effects for the people of Culburra Beach, especially those associated with bronchial asthma. An extensive community survey carried out in Culburra Beach has documented the health effects that local residents are suffering. There is enormous controversy in the local community because a local environmental group contends there is no degradation, that the lake is in a pristine state, and further that the lake should not be disturbed because it is a breeding ground for birds. Their agenda has been to seek incorporation of the seabed into Jervis Bay National Park, which was established by the previous Coalition Government.

The Healthy Rivers Commission considered the future of Lake Wollumboola in its coastal lakes inquiry. Its report recommended comprehensive protection for Lake Wollumboola, with a preferred timeframe of 18 months for preparation of a sustainability assessment and management plan before resolution of the final status of the lake. I am sorry, Mr Deputy-President Burke, that you are in the chair and not on the benches, preventing you from interjecting on me as I did on you, but that was the actual recommendation of the Healthy Rivers Commission. It is not as you told the Chamber. What I have put is the actual recommendation of the commission. But that is not what the Government has done. In July 2002 Peter Crawford, Commissioner of the Healthy Rivers Commission, backed that up in a letter that he sent to the secretary of the Lake Wollumboola Support Group, in which he says:

I am satisfied that this coastal lake should be managed in the broad way recommended in the inquiry final report, which provides for a more detailed level of final assessment, planning and action, building on available information and community involvement.

For heaven's sake, let us have a bit of honesty in this debate! The Healthy Rivers Commission suggested that the Government not proceed to a declaration of the seabed as part of the existing national park, because of contention in the community and because best practice in environmental policy-making involved preparation of

a sustainability assessment and management plan and that that process should be gone through. The report at page 13 talks about further consultation with PlanningNSW and the Department of Land and Water Conservation and the relevant councils over an 18-month timeframe. So let us focus on what the Healthy Rivers Commission actually said, not on what we were told earlier.

On 29 November last year Minister Debus gave notice of the reservation. Earlier we heard much about the step that is being taken here today, which is to disallow the reservation of a piece of land into an existing national park. I put it to the House that that power was put into the Act for a purpose. It was put into the Act for the exact purpose for which it is being used today—because governments do not always get it right, and often do not get it right! I am sorry, but the Government has not got it right this time. It has not got right the way in which it went about incorporating this piece of the bed of Lake Wollumboola into Jervis Bay National Park.

The local community feels that the State Government needs to examine targeted repair of the lake and conduct research into the health effects of the emissions before the final status of the lake is determined. The community has no faith in this Government and the National Parks and Wildlife Service, and fear that the decision to incorporate the lake bed into Jervis Bay National Park will lead to total inaction on the issues of the lake's condition and odour emissions. That is precisely why the Opposition takes up this issue today by way of a disallowance motion.

Shoalhaven council has been working with the State Government on an estuary management task force relating to Lake Wollumboola. The council was not informed that the lake bed would be reserved as national park. Even the Department of Fisheries did not know that that area was about to be incorporated in a national park. Nor did the Department of Land and Water Conservation staff in Nowra know. This was done in complete secrecy, as part of a grubby deal to ensure Green preferences were given to the member for South Coast to help him try to hold onto that seat. Sadly for the Government, that did not work and that person is no longer a member of Parliament. But the Culburra Beach community is stuck with this incorporation of the bed of Lake Wollumboola into the Jervis Bay National Park. That community has very real fears that that will be the end of the matter, that nothing will be done about the black ooze that has replaced the beach, that nothing will be done. Contrary to assertions that the lake is in pristine condition, the lake is choking with weeds, whereas once it had a sandy bottom. It was in its pristine condition when it had a sandy bottom, not now that it has metres of black mud with weed on top.

Why are they there? Not because of natural processes, but because Culburra Beach, a town of 3,500 people, is on the shore of the lake and raw sewage and effluent and run-off have been spilling into the lake for almost 100 years. To suggest that the lake is pristine is absolute nonsense. We need a little bit of reality injected into the debate. We must focus on what needs to be done to repair the lake. But that is all part of a long-term vision for restoring the lake, as best we can, to its original condition so that some of the values that make the lake special can be enhanced and, more appropriately, preserved.

Such restoration should occur only after we have undertaken a sustainability assessment, after we have prepared a management plan and after we have talked to all the relevant groups rather than relying on the sham process that was undertaken in the preparation of the Healthy Rivers Commission report. Members of the community who wanted to make submissions to the Healthy Rivers Commission had to travel 100 kilometres. Our vision is for protection in a national park, but we have to do it the right way. We have to get the process around the right way. That is why we have supported the disallowance motion. [*Time expired.*]

**Reverend the Hon. FRED NILE** [3.00 p.m.]: There is certainly some controversy about which group of residents really represents the community. Organisations, progress societies and others have been active for many years, but certain action groups also claim to represent the community, and that makes it difficult for the Government to know which voices it should listen to. We have received a submission about the concerns of the Jerringa Aboriginal community, who, according to their advice, have been associated with the lake for more than 10,000 years. That would certainly give them some right to have a major say in the future of the lake. Another concern is community health, although there are controversial and differing points of view about that.

As an asthma sufferer, like other members of this place, I am very sensitive to any debate relating to odours or air pollution that could aggravate asthmatics. The odour from and pollution in and around the lake could aggravate children's breathing and induce an asthmatic condition. Bruce Ardler, a representative of the Jerringa Aboriginal community, states that to his knowledge the Aboriginal community has not been consulted about the National Parks and Wildlife Service taking control of the bed of Lake Wollumboola. The Aboriginal people object to it being declared as part of the Jervis Bay National Park.

The Jerringa Aboriginal community is concerned that they will not have the opportunity to have a say in the future and care of the lake if it is in the hands of National Parks staff. As we heard when we debated the bushfires, there seem to be problems in some areas in dealing with National Parks. That may depend on whether one is dealing with an indifferent bureaucracy. I have no evidence of that being the case on the South Coast, but it is implied in the concerns expressed by Bruce Ardler—the Aboriginal community versus National Parks. It would help me, as a member of the Christian Democratic Party, if the Government gave an assurance that it would involve the Jerringa Aboriginal community in further discussions.

From what I have heard today I assume that the motion will be defeated. If that is so it would also help me if the Government gave an assurance that it would also involve the Jerringa Aboriginal community in the management of the lake; Aboriginal personnel are being appointed as rangers, et cetera. If that were to happen some of the tension could be reduced. The output of hydrogen sulphide [ $H_2S$ ], which is produced naturally in the bed of the lake, is becoming a serious risk to health. No-one wants to live permanently or have a holiday home in an area they cannot enjoy because of the odour emanating from the lake. It is serious if the  $H_2S$  is creating health problems. A report from the United States Congress about  $H_2S$ —which people who are concerned about the environment would take note of—stated:

Public health scientists now recognise that  $H_2S$  is a potent neurotoxin, and that chronic exposure to even lower ambient levels causes irreversible damage to the brain and the central nervous system. Children are the most susceptible to this poison gas because  $H_2S$  is heavier than air and sinks.

It is very serious if that is the degree of health risk people in that area are facing. It seems that many residents have raised this concern about the future of the lake. There has been an alarming increase in health issues reported to a local medical practitioner. There used to be widespread use of the lake, but some 95 per cent of 323 people in the area surveyed said that they had not used it as an amenity for more than four years because of its condition. The community submission area made some recommendations, and I am sure it is the basis for the Opposition having moved the disallowance motion.

If the disallowance motion is not successful the recommendations in the community submission will be acted upon, but I do not see why the Government should not act on them even if the lake remains part of the national park. I ask the Government to take account of the local community's recommendation that a consultative interface be established to explore alternative management options for the lake that would include the Jerringa community as a full partner in the management model, and an examination of the community trust model. The community also recommended that community health issues be investigated immediately. Simply because an area becomes part of a national park does not mean that no-one should take an interest in health issues. The argument could be made that health would be a greater priority.

The community also recommended that environmental monitoring and reporting be implemented on an urgent basis; that remedial action be instigated to protect the community and at-risk groups such as asthmatics, children and the elderly; and that, based on scientific research, revitalisation and repair of the lake be undertaken so that it can be used and enjoyed by residents and visitors to the area. If the Government can say that it will take those requests on board the Christian Democratic Party will vote to maintain the reservation and not support the motion.

**The Hon. GREG PEARCE** [3.09 p.m.], in reply: I thank all honourable members who participated in the debate. I suppose I should begin with the contribution made by the Hon. Tony Burke on behalf of the Government. The really disappointing part about the fairly rambling contribution that he made was that, as the only Government speaker, he made no attempt whatsoever to support the Government's decision to gazette the lake bed as a national park. He had fully 10 minutes to speak, but he did not make any attempt whatsoever to justify the decision or support the Government's position.

Unfortunately Reverend the Hon. Fred Nile will not get the reassurance he was looking for because the Government has simply made its decision as a grubby effort to obtain Greens preferences, and has no basis on which to support the decision in the face of local community concerns. I was very impressed with the contribution made by the Hon. Patricia Forsythe, who has been intimately involved, unlike some other members who support the Government's actions, in the arguments and activities of the local community. Indeed, she was present at that well-attended community meeting in January.

**The Hon. Henry Tsang:** It was a protest.

**The Hon. GREG PEARCE:** They indeed were protesting against the pre-emptive decision of the Government. They certainly were protesting: I agree that that was the case. The contribution made by Mr Ian Cohen was really quite distressing. He displayed the same arrogance that he displayed by refusing to see local constituents who had travelled all away from south Nowra.

**Mr Ian Cohen:** Point of order: I take offence, and I ask the member to withdraw that comment because I did not refuse to see the representatives. I sent a staff member, which is a very reasonable course to take. In fact, there were two staff members at the meeting, and no other member sent a representative. He has targeted me as being somehow remiss for sending representation. I ask the member to withdraw that statement.

**The Hon. Greg Pearce:** To the point of order: I used no unparliamentary language that should be withdrawn. In accordance with many rulings by the President and by you, Madam Deputy-President, if the honourable member is hurt by something that was said in debate he will have the opportunity to make a personal explanation later.

**The DEPUTY-PRESIDENT (The Hon. Amanda Fazio):** Order! I will not ask the Hon. Greg Pearce to withdraw because I believe he did not use unparliamentary language. Mr Ian Cohen may well feel that the Hon. Greg Pearce misrepresented the circumstances concerning the incident. However, as has been suggested, that matter would be better addressed by way of a personal explanation. I ask the Hon. Greg Pearce to continue, but to bear in mind the point raised by Mr Ian Cohen.

**The Hon. GREG PEARCE:** Unfortunately the type of action that we have seen from the Greens is part of their narrow focus and the bigoted and paternalistic approach that we have come to expect from them. That is the sort of arrogance that will be the seed of their demise in due course. In relation to that grubby preference deal, I might say that the Greens South Coast candidate attracted only 5.14 per cent of the vote in 1999 and 5.71 per cent in 2003. I think that is fairly indicative that the Greens are not listening to ordinary people in relation to some of these matters. Reverend the Hon. Fred Nile raised two quite important issues which have been referred to by other speakers. One was the desire of the indigenous community to be involved in discussions on the future management of the lake and the other was the community health issue, which was referred to by a number of members.

The Hon. Don Harwin, who has a particular knowledge of the area and a great interest in it, made the salient point in the debate, namely, that the Healthy Rivers Commission recommended a further 18 months of consultation. Government departments and instrumentalities which are involved in management of the lake were taken by surprise by that decision. The Government's action was just a grubby political exercise. It should not have proceeded to gazette the lake bed as a national park; instead, it should have provided that further 18 months of consultation. Once a decision is made as to which way to proceed, the community should be involved in management of the lake.

I acknowledge the work of some members of the local community. There has been discussion about the four local people who visited Parliament earlier this week. I enjoyed meeting Chris Fink, the honorary treasurer of the Culburra Beach Progress Association; Fay Manning, whom I met when I inspected the lake and who has worked very hard on this issue; Ron Shoveller, a retired expert who was very helpful in speaking about some of the issues; Vic Walker, the secretary of the support group, and a tireless worker, whom I met when I visited the lake; and Councillor Jack Kerr. Of course, one cannot ignore the excellent work that was done by the honourable member for South Coast, Shelley Hancock. She has proved herself to be a true grassroots representative of the local people. She is working very hard to ensure that they will not be done in the eye, as they were on this occasion by the Carr Government.

I conclude by reiterating exactly what members of the Culburra Beach community want. They want the Legislative Council, as this State's House of review, to disallow the creation of the lake bed of Lake Wollumboola as part of the Jervis Bay National Park. They want a sustainability assessment, as defined in the final report of the Healthy Rivers Commission inquiry. They are asking for a consultative interface with the community to be established to explore alternative management options for the lake, which would involve inclusion of the Jerringa community as a full partner in the management model, and examination of a community trust model. They also ask that community health issues be immediately investigated and that environmental monitoring and reporting be implemented on an urgent basis. They ask for the instigation of remedial action to protect the community and at-risk groups, such as asthmatics, children and the elderly. They also want to see repair and revitalisation of the lake, based on scientific research, so that it can be of benefit to the entire community. I commend the motion to the House.

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

**The House divided.**

**Ayes, 14**

Mr Clarke  
Ms Cusack  
Mrs Forsythe  
Mr Gallacher  
Miss Gardiner

Mr Gay  
Mr Jones  
Mr Oldfield  
Ms Parker  
Mr Pearce

Mr Ryan  
Mr Tingle  
*Tellers,*  
Mr Harwin  
Mrs Pavey

**Noes, 22**

Mr Burke  
Ms Burnswoods  
Mr Catanzariti  
Dr Chesterfield-Evans  
Mr Cohen  
Mr Costa  
Mr Della Bosca  
Mr Egan

Ms Fazio  
Ms Griffin  
Ms Hale  
Mr Hatzistergos  
Mr Kelly  
Reverend Dr Moyes  
Reverend Nile  
Ms Rhiannon

Ms Robertson  
Ms Tebbutt  
Mr Tsang  
Dr Wong  
*Tellers,*  
Mr Primrose  
Mr West

**Pairs**

Mr Colless  
Mr Lynn

Mr Macdonald  
Mr Obeid

**Question resolved in the negative.**

**Motion negatived.**

**BUSINESS OF THE HOUSE****Postponement of Business**

**Business of the House Order of the Day No. 1 postponed on motion by Ms Lee Rhiannon.**

**PARLIAMENTARY ELECTORATES AND ELECTIONS AMENDMENT (JOINT  
PARLIAMENTARY COMMITTEE) BILL**

**Second Reading**

**Debate resumed from 22 May.**

**The Hon. DON HARWIN** [3.27 p.m.]: Before the winter recess we discussed this bill, which is about setting up a joint standing committee on parliamentary electoral matters. Debate was adjourned on the basis that we were waiting to hear from the Government, as it was considering the proposal for a joint standing committee and the possibility of it sponsoring that committee in this Parliament. We are still waiting. We are very patient and will give the Government one more chance; we have been told there will be an answer during the next sitting week. I hope that is the case, because, if it is not, other options will be considered. The Opposition believes that some very important matters relating to our electoral legislation and processes need to be examined by a parliamentary committee. If the matters cannot be examined by a joint committee, I am sure honourable members of this House will support a motion to establish a committee of this House. That may have to be considered in the fullness of time.

**Debate adjourned on motion by the Hon. Don Harwin.**

**BUSINESS OF THE HOUSE****Postponement of Business**

**Private Members' Business item No. 2 in the Order of Precedence postponed on motion by the Hon. Dr Arthur Chesterfield-Evans.**



**CRIMES AMENDMENT (PROTECTION OF INNOCENT ACCUSED) BILL**

**Bill introduced, read a first time and ordered to be printed.**

**Second Reading**

**The Hon. DAVID OLDFIELD** [3.31 p.m.]: I move:

That this bill be now read a second time.

The bill relates specifically to those who find themselves in the position of being tried by media, and hence are found guilty before having ever had the opportunity of a trial.

**Debate adjourned on motion by Hon. David Oldfield.**

**FAMILY IMPACT COMMISSION BILL****Second Reading**

**Debate resumed from 22 May.**

**Reverend the Hon. Dr GORDON MOYES** [3.33 p.m.]: This bill was debated and read a second time on 24 October 1996. In 1997 it was referred to the Standing Committee on Law and Justice, which released a positive report on 25 November 1997. The bill was extensively debated in 2002. Some honourable members had reservations about the bill being passed on the grounds that it may prevent the Government from assisting needy single mothers and that the definition of the family was not sufficiently inclusive. We have heard those concerns, and we seek to amend the bill, which simply tries to ensure that nothing is done to weaken or undermine the family unit, as we traditionally understand it to be. I trust that the Government will allow the bill to pass the second reading and progress to the Committee stage, when those amendments can be passed.

When debate on this bill was adjourned on the last occasion I was speaking about the strength of the family in Australia today. A more significant type of study, however, can be undertaken of how many of those families are strong families and how many are happy families. What makes a strong or happy family? That is the question that two eminent American sociologists, Dr Nick Stinnett, Dean of the Graduate School of Education and Psychology, Pepperdine University, Los Angeles, and John DeFrain, have been asking families for more than 10 years. Recently, the authors published their important book *Secrets of Strong Families*, in which they discussed the secrets of family wellbeing. Stinnett, DeFrain and hundreds of other researchers have studied thousands of families living under very different conditions. Most of those studies focus their attention on problem families. But these sociologists studied strong and happy families.

They found that strong families, living in widely different environments, possessed the same basic characteristics of family wellness. For example, a study of thriving black families in the United States of America found them to be similar to healthy white families. Stinnett and DeFrain also asked, "Would strong families in other parts of the world be like US families?" One of the researchers researched Russian families; another researched Central and South American families in Bogota; another investigated family strengths in families from Germany, Austria and Switzerland; another researched black families in South Africa. The more than 3,000 happy families that were researched came from all economic levels, different races and educational levels, and were of varying ages and social strata. As a group, these families from all around the world had six recurring qualities. The researchers found:

One of the most amazing things about the research, is that these six qualities were mentioned time and again in our contact with these families.

They found that in spite of cultural, political and language differences, all the families, in every country, shared these six attributes. The families studied were happy and strong. They were involved in meaningful relationships with each other. That does not mean they were problem-free. They experienced trials and difficulties as weak families do. But through their trials these families remained strong and cohesive. Why? Because strong families possess qualities that help them effectively surmount the difficulties that they face. They do not succumb to problems; they surmount them.

The families studied by the two researchers had to possess three underlying characteristics before being included in the strong family group. The couples had to exhibit a high degree of marital happiness; parent-child relationships in the family had to be satisfying; and family members had to do a good job of meeting each other's needs. The six underlying characteristics of strong families were deceptively simple. One could ask the obvious question: Why isn't every family a strong and happy one? The reason is clear. Putting the principles into practice takes a great deal of effort. Understanding what we need to do to make our families work happily together is only the first step. Achieving it is a great leap that brings the rest of our lives together.

Yet, there are many families, some working under the severest of handicaps, which seemingly are able to practice these six important principles. As I pointed out previously, by definition I refer to families as people who are related by law or blood. It includes single-parent families and people who have blended families. It also takes into account such distressing issues as divorce, family poverty, family violence, conflict in blended families, children's fears about parental separation, de facto relationships, and the like. Taking all of those different families together, is there something that can be done to help build a good family?

The point of this bill is to help strengthen ordinary Australian families. The six principles that were outlined by the international research are as follows: First, family members must be committed to each other. Members of these elite families are committed to each other. They value the family as a unit, even above their own individual needs and desires. It is not that they do not have hard times, but these problems strengthen rather than destroy their commitment to each other. One couple put it this way:

We give each other the freedom and encouragement to pursue individual goals. Yet either of us would cut out activities or goals that threaten our existence as a couple.

That is a real commitment to each other for the sake of the family. It is the Christian virtue of putting others first. Second, family members appreciate each other. Strong family members value each other. They can both express and receive appreciation. How unlike those families that carp and criticise each other! Strong families talk positively about each other. They talk to each other and to outsiders. One husband answered a researcher's question by saying:

You asked what my spouse does that makes me feel good. Well, I'll tell you. She doesn't harp on my faults and shortcomings. Being a human, I have a few. She remembers my accomplishments, good deeds, and pluses. Sometimes I forget them and she reminds me I'm a pretty decent guy.

Strong families appreciate the contribution of each member, even the youngest and the frailest. They say "thanks" often. That is a second step towards making a strong family. The third principle is that family members communicate together. One researcher has estimated that the average family spends only 17 minutes in conversation each week. How short a time is that? There are 10,808 minutes in each week. Unlike the average families, strong families communicate often and without fear. They talk about anything and everything. They also listen with interest. If a member of the family is not communicating, they find out why. What is the problem? Let's talk it out.

I am reminded that tomorrow in this Parliament the Father's Day Council will hold a luncheon and the Father of the Year will be announced. As a former recipient of the Father of the Year award, I can remember talking that year about the significance in the relationship between members of the family of communicating with each other. Strong families communicate honestly and openly. Members do not bully, outwit, blame, dominate or bash each other. The family grows when each member cares about the other at a deep, gut level. Families weep, laugh and rejoice together.

The fourth principle, as sociologists have discovered, is that strong families have family members who spend time together. Indeed, 1,500 schoolchildren were asked, "What do you think makes a happy family?" The most frequent answer was, "Doing things together". That is a characteristic of strong families. It takes time to be together. Most families suffer from a shortage of time. They are bombarded by demands on each member's time but strong families are aware of the need to spend time together. As one parent commented in a sociological study:

We discovered early in our parenting years that family times just don't happen. They have to be planned. If we don't watch out we will end up being scattered all over town. You can help build your family by communicating together, by spending time together.

The fifth principle, found internationally, is that family members cope with problems. Problems pull strong families together; difficulties pull weak families apart. That is the difference. Stinnett and DeFrain point out the great value of both nuclear and extended family members when difficulties arise because they will pitch in to

help the family make it through a crisis. Because of prior commitment and open communication, strong families seem to know how to solve problems together. It is not too hard to see families willing to pull together as an expression of their commitment to each other.

The final principle, the sixth principle, is that strong families in all countries of the world spiritually believe together. There is a spiritual wellness or wellbeing that is a quality rarely discussed in sociological studies and yet this intense, international sociological study found it as a recurring motif among strong and happy families. Although the families came from a great variety of religious backgrounds, they possessed what the authors term "spiritual wellness". They defined these in terms such as integrity, honesty, loyalty, conscientiousness, virtue, ethics, values, usefulness, self-esteem and significance. That is as true of Christian families as it is of Jewish families, Muslim families, Hindu families and Buddhist families.

Strong families possess a certain dimension of character. They live by a code of behaviour that far transcends the shallow selfishness often possessed by the characters of typical television soap operas—the strong families that we know believe in and practise the concept of oneness as *The Bible* defines it. They feel they are one, they are committed as one, they cope as one, they communicate as one, they share as one, they spend time as one and they have a oneness about spiritual wellbeing. I am sure that everyone, whether a member of a blended family, a single-parent family, a nuclear family or an extended family, wants his or her family to work. The bill deals with determining how families can be strengthened and measuring the impact on families whenever governments propose legislation that seeks to damage the community or families. We measure environmental damage; how much more important it is for us to measure the impact and damage of any legislation upon the family. I commend the bill to the House.

**The Hon. PATRICIA FORSYTHE** [3.45 p.m.]: This is significant legislation, and I would not wish my opposition to it to be taken as being opposition to the concept and importance of families. I would be among the first to suggest that families are the cornerstone, the heart of our society. However, in giving consideration to the bill we should focus our attention on its aims. It is extremely dangerous legislation because it undermines the power and authority of Parliament and, indeed, our democracy. I made a strong case in our party room for not supporting this bill. If we ignore for the moment the word "family" with respect to the principles enunciated in the bill, the aim of the bill is to form a commission the task of which will be to effectively review all legislation that comes before the Parliament. I suggest that to such a commission, with such power and authority, would challenge our authority as members of Parliament.

The proposed commission will have fundamental powers and its members will be appointed on advice from an advisory committee, which will be given fundamental powers. The advisory committee will comprise 15 members, three of whom will represent key areas of government—the Premier's Department, the Attorney General's Department and the Department of Health. I note that the Department of Community Services, which has a fundamental role in the care and protection of some of the most needy in our State—such as abused children, foster children and adopted children—does not get a mention on the committee. The advisory committee members will be representatives of the bureaucracy, not people who have been democratically elected to oversight the laws of Parliament. The committee will comprise 12 members appointed by the Governor, each being a person who the Minister is satisfied represents one of the faiths or organisations referred to in clause 39—which, with the exception of the references to the Jewish faith and the Institute of Family Studies, one could say represent the Christian element of the Judeo-Christian tradition of our State. I note here that reference to the Uniting Church, about which Reverend the Hon. Fred Nile recently expressed some reservations, remains in the bill.

**Reverend the Hon. Fred Nile:** We might amend that.

**The Hon. PATRICIA FORSYTHE:** Yes. Reverend the Hon. Dr Gordon Moyes referred to family support and the Muslim faith. The bill does give focus to our multicultural society. Any analysis of families in this State would show that the religious group that is most representative of families is the Muslim community. Its members marry younger, they have more children and their marriages are more enduring. I have performed many citizenship ceremonies on behalf of Ministers for multiculturalism and citizenship. At those ceremonies I have often looked at the background notes of the groups receiving citizenship and I am very familiar with the way in which members of the Muslim community are referred to in those supporting documents.

So a religious group that has strong traditions and principles that supporters of the bill would wish us to embrace—including strong family traditions and enduring marriages—has not been included on the body set up by the bill. That is just one example of the shortcoming of the bill. The provision is not broad and inclusive, nor

does it seek to draw together all elements of our community. Inherent to the bill is an understanding that families are so important to our society that the impact on the family of any legislative measure should be assessed before the legislation becomes operative. The bill has a very narrow perspective. I should have thought that the bill would seek to strengthen families by adopting a broader, more inclusive approach through appointment to this body of people with a wide variety of religious backgrounds. I note that the bill is not meant to be broadly inclusive, nor does it make any pretence at so being.

The proposed advisory committee in my view is not inclusive and does not reflect modern Australian society. An importance issue is that those on the advisory committee in effect will choose the commissioner, who will have a very significant role to play in the oversight of the Family Impact Commission. I entreat all members to consider carefully the issues that will be the subject of assessment. This bill provides that all legislation be referred to the advisory committee. That is not only legislation that we might want the commissioner to look at; it is all enacted laws in force in the State at the commencement of the section, and any law enacted, or proposed to be enacted, by the Parliament of the Commonwealth or any other State or Territory, or of another country that the commission thinks has or may have a particular impact, whether direct or indirect, on the families of New South Wales. Of course, this body will have to be properly resourced. One does not set up such a body unless it is intended that it be well resourced.

In my view, this bill provides for the appointment of a commissioner who may not be representative of the community but whose role will be to review legislation across Australia or indeed the world. The commissioner will then pass on advice to the Government. What does this legislation really mean? In that respect, I refer to clause 7, which provides:

There is to be no expenditure of public money by or on behalf of a public authority until at least 7 days after the Commission has issued a Family Impact Assessment for the proposed expenditure ...

So the Government must wait. This prohibits Parliament or the Government making decisions about expenditure or acting on legislation until this proposed body, which is representative only of the chosen 15—which leaves aside the democratically elected, so there is no sense of democracy in this—has undertaken an assessment of the impact of the legislation. This bill is a licence to print money, because a lot of money will be needed to resource this body appropriately. Otherwise, why have such a body? This body will be able to hold up government and undermine the democratic role of Parliament. The bill creates another body to advise this Parliament on moral, social and economic decisions that this Parliament makes. I wonder why we should bother to have elections any more. We are elected to make those moral, social and economic decisions bearing in mind information that we can all obtain from a variety of sources, including groups such as the Institute of Family Studies, which has well-documented and important input to legislation.

All of these matters hang on the quality of the commissioner and the advice that this body will give. I will seek to adjourn the debate at this point because this bill has many aspects with which members need to familiarise themselves before further debating it. It is an extremely dangerous bill. It must not be dressed up as representing something important for families. If we were to substitute some other word for "family" in the name of the bill, the commission could impact on any number of areas, and if that were to happen, the point could be reached where our powers as parliamentarians are eroded.

**Debate adjourned on motion by the Hon. Patricia Forsythe.**

### **SPECIAL ADJOURNMENT**

**Motion by the Hon. Henry Tsang agreed to:**

That the House at its rising this day do adjourn until Tuesday 16 September 2003 at 2.30 p.m.

### **ADJOURNMENT**

**The Hon. HENRY TSANG** [Parliamentary Secretary] [4.01 p.m.]: I move:

That this House do now adjourn.

### TWEED HEADS BOWLING CLUB

**The Hon. JENNIFER GARDINER** [4.01 p.m.]: The Carr Labor Government is insisting upon its decision to increase poker machine taxes, and this policy will have a major impact upon the life of people in the Tweed Valley—

**The Hon. Jan Burnswoods**: Point of order: The member, in speaking on the issue of clubs and taxes, is reflecting on a vote of this House. Those matters were part of the appropriation bills passed by this Chamber at the end of the last session. As we know, those bills were passed on the unanimous vote of both Houses of this Parliament, and therefore it is not in order for the honourable member, in attacking the Carr Government, to reflect on decisions of this and the other House.

**The Hon. JENNIFER GARDINER**: To the point of order: I am speaking about the Tweed Heads Bowling Club and the many contributions it has made to the Tweed Valley community and lower part of the Gold Coast from revenue generated by poker machine tax.

**The DEPUTY-PRESIDENT (The Hon. Kayee Griffin)**: Order! No member shall reflect upon any vote of the House except for the purpose of moving that such vote be rescinded. Does the honourable member want to speak about issues concerning a particular club?

**The Hon. JENNIFER GARDINER**: Yes, Madam Deputy-President.

**The DEPUTY-PRESIDENT (The Hon. Kayee Griffin)**: Order! The honourable member may proceed bearing in mind Standing Order 78, which relates to reflections upon votes of the House.

**The Hon. JENNIFER GARDINER**: I draw the attention of the House to the many contributions to community life by the Tweed Heads Bowling Club through donations to many community organisations such as the Air Sea Rescue and the Anglican Church School, which has received over \$50,000 from the Tweed Heads Bowling Club in the last 20 or so years. Other major recipients of donations include the Bilambil Rural Fire Brigade, the Blue Nursing Service, the Coolangatta Ambulance, the Coolangatta Bowls Club, the Coolangatta Special School, the Coolangatta Tweed Heads Air Sea Rescue, Cystic Fibrosis, the Gold Coast Hospital, the Kingscliff Volunteer Rescue, the surf lifesaving clubs at Greenmount and Kirra, Life Education, the Murwillumbah Blood Bank, the National Heart Foundation, the New South Wales Police—Tweed Heads Safety and Crime Prevention, Point Danger Girl Guides, the Salvation Army Red Shield and Senior Citizens Week.

The South Tweed Junior Rugby League Club has received more than \$90,000 in donations from the Tweed Heads Bowling Club. Major donations have been made also to Sporting Wheelies, St Josephs Hostel, St Vincent De Paul, the training ship *Vampire*, the Tweed Games, the Tweed and Coolangatta surf lifesaving clubs, the Tweed Heads and Ambulance Service, and Tweed Heads Community Health. The Tweed Heads District Hospital has received more than \$550,000 in donations from the Tweed Heads Bowling Club. Other organisations in receipt of donations include the Tweed Heads District Hospital Auxiliary, the Tweed Heads junior and senior soccer, Tweed Heads Primary School, Tweed Heads Police Service Crime Prevention Unit, Tweed Shire Vacation Care, the Tweed Banana Festival, Twin Towns Hockey, Twin Towns Little Athletics, Twin Towns Playgroup, Twin Towns Police Community Youth Club, United Hospital Auxiliaries of New South Wales, and the Point Danger Volunteer Marine Rescue.

Further recipients include the 1st Chinderah Scout Group, the Lakeside Christian Centre, the Arthritis Foundation of New South Wales, the Australian Red Cross at Piggabeen/Cobaki, Banora Point Netball Club, Banora Point Primary School, Banora Point Public School Parents and Citizens Association, Bilambil Community Preschool, Bilambil Junior Jets Rugby League Football Club, Bilambil Rural Bush Fire Brigade, Border South Bodyboard Club, Cabarita Longboarders, Camp Quality in south Queensland, Care for Kids in the Royal Brisbane Children's Hospital, CareFlight, the Carool Primary School Parents and Citizens Association, Carool Public School, Centaur Primary School, Children's Cancer Institute of Australia, and Chillingham and Tyalgum Community Preschool. I look forward to the opportunity of continuing to provide information to the House of the extraordinary the list of donations made by the Tweed Heads Bowling Club to the Tweed Community.

### MEN'S HEALTH

**Reverend the Hon. Dr GORDON MOYES** [4.04 p.m.]: I refer to this forthcoming Sunday, Father's Day, and the fact that tomorrow in this House the Father of the Year will be announced. It is time to reflect on the fact that we should make men's health a matter of a national priority. We do not seem to regard as of any

significance the fact that men die younger and are more unhealthy than women. Men are more prone to work and road accidents. They have three times the rate of suicide, shorter lifespans and more cardiovascular disease than women. Health is just part of the crisis among men today. The Australian Institute of Health and Welfare suggests that \$17 million annually is spent on women's health while only \$11 million annually is spent on men's health, yet men are less healthy than women. Males have higher death rates for almost all causes of death in every age bracket, including circulatory system abnormalities, road accidents, sudden infant death syndrome, accidental drowning, cancers, drug dependence, road deaths and suicide.

Being a man is a health hazard! In the gyms of the nation men are pumping iron and strapping themselves to modern torture machines. Once, all that hot energy would have built skyscrapers and bridges but now it evaporates into the air. Soft men are scorned as sensitive new-age guys—SNAGS—wimps or wusses. It is no wonder that some Australian men are beating their breasts about the warrior within. Has Australia become a land where women are women and men are nervous? Is there a sense of crisis among men who are outwardly worried about the brake linings of the family car but who know that being a good provider is just not enough? We live in an era when men, for the sake of their families, their marriages and their health, need to rediscover what it means to be masculine, what it means to follow good role models.

Some of my staff at Wesley Mission tell me that they know of whole areas, including one large road with scores of houses, where not one husband or father of children is living in the family. Today, with the authority of fathers challenged and divorce breaking many marriages, many boys are growing up without a father in the house. Many of these males express a longing for a father, for a good role model. A whole generation of young men have a father hunger in their hearts that does not go away. They are men not working who feel they have lost much of their masculinity. Some run to crazy aggression. Is it any wonder that in America Arnold Schwarzenegger is being recommended as the new Governor of California! Others fear being called "wimpy" or "wussy". They have no room to move out of the stereotypical behaviour.

As a Christian I believe that Jesus Christ is a man among men. His life is a pattern for every man embodying the finest quality of manliness. We have to look again at role models in our community. I suggest to the House that on this Father's Day and, in particular, as we are hosts tomorrow for the announcement of the new Father of the Year we need new role models presented to our community to help many of the young men of our community know what it means to be a man, and that modern fathers do not have to be wusses.

### **CORPORATE SECTOR WELFARE**

**The Hon. IAN WEST** [4.08 p.m.]: I will elaborate on brief comments I made on Tuesday about corporate welfare, which is a vital part of our mixed economy's sustenance and growth. But there must be awareness about the public money used in the private sector and what benefits it returns to the community at large. As I outlined recently, one concern is that a double standard is applied between welfare for the private corporate sector and compensation or subsidies for individuals in need. The Federal Government is quick to apply its principle of mutual obligation to the unemployed person on the dole, yet when it comes to handing over money or concessions to corporations, little accountability is expected in return. We have to ask whether it is really enough to include projected economic stimulation as part of the mutual obligation on corporations.

Considerations must include the social capital, those services and measures that can benefit the whole of the community as opposed to only that particular corporation. The environment is an area in which all sectors of our mixed economy, especially the private sector, must take much more responsibility. Making surpluses and profits while degrading the environment is, fortunately, no longer acceptable even though it occurs on many occasions. Sustainability is obviously an environmental principle as well as an economic imperative that needs much encouragement. It is fair to expect that if a business is trying to make a profit with the help of community resources, whether economic, environmental or otherwise, then that business should demonstrate what it is doing to return something for the common good or social capital of the society.

Unfortunately, there are many cases of corporations receiving taxpayer assistance and not demonstrating their contribution to society's wealth. One case that has arisen recently, which relates to ill-placed corporate welfare and environmental issues, is the Federal Government's subsidy of Manildra Energy Australia Pty Ltd. Manildra, as we know, is the company that happens to donate substantially to the Liberal Party. We are told the dividend seems to be a \$17 million subsidy from the Federal Government, which is a substantial return by any measure. Manildra produces ethanol-blended fuel that is designed for use in motor vehicles. The irony of this case is that the use of ethanol in fuel is designed to benefit the environment by substituting petroleum fuel that burns less cleanly. The downside of the plan is that ethanol has been found to significantly degrade motor vehicle components because they have not been designed to burn ethanol.

The other problem with this scheme is the question of corporate welfare accountability. There was no regulation of the levels of ethanol in fuel. The Howard Government was forced to impose a 10 per cent cap on the amount of ethanol in vehicle fuel, effective from 1 July this year. This \$17 million windfall for Manildra was the result of the Federal Liberal Government being fiercely lobbied by ethanol producers to impose a 38 cents a litre subsidy for ethanol production. This was a huge direct benefit to ethanol producers and takes the form of a tariff. It is spectacular hypocrisy for the Prime Minister to be parading around the world, extolling the virtues of free trade, while meanwhile he arbitrarily slaps a huge tariff on ethanol which benefits Manildra as a producer of 90 per cent of Australia's ethanol and, indirectly, the wheat growers who supply the basis for ethanol.

But the case of corporate welfare for Howard's mates at Manildra does not stop there. The latest Federal budget provided for extension of the subsidy from its original 12 months all the way to 30 June 2008. This is estimated to cost taxpayers \$195 million. That money could just as easily be used to support the Medicare system, for higher education, or for supporting families in need of assistance, who are equally vital to the economy. My Federal colleague Senator Kerry O'Brien elicited from the Federal Government details showing that a grant of \$885,000 was given to Manildra to research how to make wheat protein-based foods taste better. Manildra was paid \$1 million of public money to help to develop a commercial-scale fuel ethanol plant using wheat starch.

Subsidies being paid to companies for the development of technology that will assist the nation is clearly a principle that the Labor Party supports, but what has to be considered is the responsibility that Manildra has to return the favour granted by Australian taxpayers in ensuring that its monopoly continues. Provisions should be written into grants and subsidies received by beneficiaries of corporate welfare. [*Time expired.*]

#### DEATH OF MR PHILIP D'ARCY MYERSON

**The Hon. GREG PEARCE** [4.13 p.m.]: Today I wish to pay a tribute to the late Phil Myerson, who passed away on 26 June this year. Phil was a colourful and much-loved member of the Southern Highlands community. He is survived by his wife, Sandra, who is known to everybody throughout the Southern Highlands as S. H., and five wonderful children, Hannah, Mollie, Charlotte [Charlie], Phoebe and Sam. Phil was born on 7 October 1948. I did not have the privilege of knowing his late father, Leon, but I know well his wonderful mother, Leith, and have had many happy occasions with her and the family in Bowral. Leith was awarded the Member of the British Empire [MBE] medal for her fabulous work for charity and the community. Phil was best known for developing the Briars Inn in Bowral, which is probably one of the best-known institutions in the Southern Highlands.

Some years after he developed that establishment I had the good fortune to try to put together a project with Phil and S. H. involving the old Sydney Church of England Girls Grammar [SCEGGS] school which was part of the site for the Briars. We worked together for a number of years, although ultimately it was unsuccessful. Phil, or Myo to some of his friends such as Jerry Lewis, who was his best man and spoke at the funeral, was a man who was always ready for a party, but he touched the heart of everyone he met. He always filled a room with happiness. He was legendary for his business sense and conviviality. He loved horseracing. He is much missed by all who knew him.

Indeed, a mark of his popularity and that he touched so many was the fact that almost 1,500 people spilled from the church into the street on the occasion of the requiem mass at the St Thomas Aquinas Catholic Church in Bowral. It was a very moving ceremony. A special elegy, which was composed by Geoff Harvey, who would be known to many honourable members, and Margaret Ulrich and Glen Rhodes farewelled Phil. But probably the most touching moments were when a number of his children spoke. Sam was very brave and pointed out that everyone loved Phil. He said how proud he was to be Phil's son. Charlie commented, and we all agreed, that only the good die young, and by that measure, Phil probably should have gone a little while ago. Mollie referred to him as the world's best dad. Many of us agreed that Phil was the father of the year, every year.

All those who attended Phil's funeral have great memories of the life that Phil lived. He lived life to the full, whether it was rugby at the Colleagues club or any of his other activities. He was selfless and interested in all people. One of his last projects was to develop the Manning Hotel with S. H., who devotedly worked with him and shared everything with him throughout their marriage. He made his mark in a way that not too many people do in that he touched the heart of every person who met him. I will conclude my speech by saying as a number of others did at his funeral: Phil, we will see you later, mate.

## REFUGEE DETENTION POLICY

**Ms SYLVIA HALE** [4.18 p.m.]: Australia's treatment of refugees is nothing to be proud of. The Federal Liberal Government's policy is shameful: It breaches the 1951 International Refugee Convention, to which Australia is a signatory, and has been condemned by the United Nations High Commissioner for Refugees. Despite acknowledging them as genuine refugees from countries such as Iran, Iraq and Afghanistan, the Federal Government fails to grant asylum seekers the enduring protection to which they are entitled. Instead, after years of mandatory detention, refugees are released into the community on temporary protection visas [TPVs]. TPVs must be renewed every three years. Each time, holders must prove that they are still refugees. Each time, they face deportation if they cannot do so. Their lives continue to be fraught with anxiety and uncertainty. TPVs can be revoked at any time if the Federal Government determines that the holder's country of origin is no longer a "risk". This is despite the fact that most TPV holders are Afghans and Iraqis who have escaped from situations that the Federal Government acknowledges are oppressive, unstable and life threatening.

Denied family reunion rights and adequate government assistance, they are expected to struggle on and yet somehow integrate successfully into the Australian community. The Federal Government may be heartless and illiberal, but State governments have the opportunity to do something positive. Indeed, Labor governments in Queensland and Victoria have seized that opportunity. Just yesterday 21 refugees, including 14 from the infamous *Tampa*, arrived in Brisbane. They had been incarcerated on Nauru for two years. Queensland Labor Premier, Peter Beattie, commented, "We want to extend support and the hand of friendship to the new arrivals." And the Queensland Government does just that. It provides TPV holders with assistance with tertiary and TAFE education, rental bond loans, public housing, on-arrival accommodation, employment training, and English language classes.

But the same goodwill has not been shown by the New South Wales Labor Government. Indeed, the Premier showed his true colours three days ago in an article in *The Australian* titled "Carr backs Howard on Boat People". His earlier blaming of the problems of western Sydney on immigrants and his call to "send them elsewhere" because "Sydney is full" mimic and reinforce the racist and divisive policies of the Howard Government. TPV holders in New South Wales are excluded from funded English language classes, TAFE studies and job programs, accommodation for their first night out of detention, and access to public housing. Their plight is often made worse when employers are reluctant to give them jobs because of the risk that they could be deported at any time. Currently 49.5 per cent of all TPV holders live in New South Wales. That is all the more reason for this State to show leadership in assisting them, but we do not do so and lag well behind Queensland, South Australia, Tasmania and Victoria. Ours is a dismal display of inhumanity towards some of the most vulnerable members of the community who are clearly in need of help.

The New South Wales Government claims that its aim is to protect the financial interests of the State: If it provides TPV holders with the services that they so desperately need it will only entice more refugees to our State! But the long-term financial cost of denying TPV holders access to essential services will significantly outweigh the immediate costs of a more humane approach. The costs of failing to assist traumatised and marginalised people will eventually come home to haunt us all. It is not as though we lack concrete evidence of the contribution that asylum seekers have made to this State. We need only to look at Young, where the local abattoir employed 80 Afghan TPV holders. They did not displace Australian workers, they filled jobs that no-one else was prepared to do. Their impact on the local economy has been documented by Professor Frank Stillwell in a research paper, "The Economic Impact of Afghan Refugees in Young, New South Wales".

Over an 18-month period, the BMP meatworks paid Afghani refugees about \$2.8 million. Stillwell estimates that between \$1.35 million and \$1.57 million of the net wages paid to them have been recirculated into the local economy. The remainder was paid to the Government in tax. Over the 18 months, the refugees received \$75,000 in welfare payments, that is, about 3 per cent of the total amount they have contributed to the economy. Ironically, many of the Afghan refugees currently living and working in Young face deportation this year, upon the expiration of their TPV. It is clear from the Young example that, given half a chance, asylum seekers are able to make important social and economic contributions to New South Wales. But such a contribution is made all the harder when the New South Wales Government refuses to provide them with vocational training, public housing, English language classes or other basic community services. The Greens call upon the New South Wales Government to help those in need and to address this shameful state of affairs immediately.



### CANTERBURY DOMESTIC VIOLENCE SUPPORT PROJECT

**The Hon. KAYEE GRIFFIN** [4.23 p.m.]: Today I bring to the attention of this House the role of the Canterbury Domestic Violence Support Project. Domestic violence happens behind closed doors. Victims of domestic violence are often unable and sometimes unwilling to ask for the help they need. After an incident of violence in the home, victims appear reluctant or fearful to contact the appropriate support networks available to them. Domestic violence can occur in all families, regardless of background, socioeconomic status, culture or age. Sadly, it is quite common, with up to one-quarter of Australian women experiencing some form of domestic violence. Whilst there is often an emphasis placed on healing the physical wounds domestic violence victims suffer, it is equally important to ensure assistance is available to help heal them psychologically. The Canterbury Domestic Violence Support Project aims to provide a follow-up support and referral service to victims of domestic violence in the local area, who come into contact with police.

The process of providing this support begins at the scene of the incident. When police from the Campsie Local Area Command attend a domestic violence incident, they ask the victim to complete a yellow card. That card asks for permission to refer the victim to the domestic violence support worker, along with a telephone number and a preferred time to receive the call. The police pass on that information to the support worker, who soon makes contact with the victim. After that initial contact the worker then assesses the needs of the victim, and either provides direct advice or refers the client to a range of services such as counselling or emergency accommodation. The provision of those services ensures that as far as possible the trauma and recovery period for domestic violence victims is minimised. The availability of an effective support service for victims of domestic violence has a direct impact on family members and also the general community.

The Canterbury Domestic Violence Support Project has been operating since March this year. In March and April 140 contacts were made with local victims of domestic violence. After it has operated for 12 months the project will be thoroughly evaluated, and it is hoped that with access to further funding the program will continue. A comprehensive evaluation of this local program will help to highlight the need for such services in the wider community. The assessment will also help to identify particular cultural groups that may be experiencing high levels of domestic violence and thus allow for the development of projects targeting specific victim groups. The level of domestic violence incidents in New South Wales and the high demand for support and referral services highlights the gap between police attending a domestic violence incident and the victim recovering or being able to move forward with her life.

Although the police can provide apprehended violence orders [AVOs] and take the offender to court, it is the follow-up services that provide ongoing support to victims beyond restricting contact with the offenders that this program focuses on. For example, it is the extra support afforded to victims that helps them pick up the pieces. It assists them in their ability to continue engaging in activities such as employment, therefore reducing the likelihood of social isolation as a result of the incident. The Canterbury Domestic Violence Support Project is a great example of a positive initiative undertaken with the co-operation of both State and local governments. That co-operation is vital. The project is based at the Women's Centre in Campsie, supported by the local area command of NSW Police and co-ordinated through the Canterbury Domestic Violence Liaison Committee. That committee meets monthly with representatives from NSW Police, Canterbury City Council, Centrelink, the local court, as well as community organisations and women's services.

The project is particularly important in highlighting the willingness of the community to work with NSW Police to actively implement community-based programs in addressing a significant gap in services to at-risk families and women in particular. A partnership-based approach between State and local government agencies ensures that all services working towards protecting and helping victims complement each other, thus making the process efficient and, ideally, helping to reduce trauma in victims. This partnership also ensures that the skills and resources in the community and in government agencies are used effectively to support police, as well as to more effectively reach victims of domestic violence. If we are to successfully address the issue of domestic violence, such partnerships between grassroots level agencies and government organisations such as that in the Canterbury Domestic Violence Support Project are essential. The support of initiatives both financially and operationally from community organisations, local and State government agencies, is key to achieving a true reduction in the incidence and impact of domestic violence in our community.

### TRIBUTE TO THE HONOURABLE SIR JOHN CARRICK

**The Hon. DON HARWIN** [4.28 p.m.]: Tomorrow night I will attend a function that is being held in tribute to a very great Australian who will celebrate his eighty-fifth birthday this weekend; I refer to the

honourable Sir John Carrick. He has been an outstanding public servant over the years. He was born in 1918 and studied economics at the University of Sydney. Before he was able to commence his career to any great degree he fought with the Sparrow Force of the Australian Army during World War II. He was landed on Timor but was captured by the Japanese. He spent the rest of the war years in captivity in Changi prison camp and at various times he worked on the notorious Burma railway. At the end of the war he was seconded to the Supreme Allied Commander, Lord Mountbatten

On returning to Australia, Sir John commenced his career as a research officer for the newly established New South Wales Division of the Liberal Party. He worked for our party continuously from the end of World War II until 1971, and for some 23 years was our General Secretary. He was an immense presence in the history of our division. Perhaps his greatest contribution in that time, for which he will be remembered, was his work as a mentor of young people—in fact he was a mentor of our Prime Minister. Subsequently, Sir John served in the Senate and as a Minister in the Fraser Government. His work for the committee of review into New South Wales schools is a fantastic legacy for all Australians.

*[Time for debate expired.]*

**Motion agreed to.**

**The House adjourned at 4.31 p.m. until Tuesday 16 September 2003 at 2.30 p.m.**

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