

# LEGISLATIVE COUNCIL

Wednesday 1 September 2004

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

**The Clerk of the Parliaments** offered the Prayers.

## BUSINESS OF THE HOUSE

### Precedence of Business

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

That on Wednesday 1 September 2004 General Business take precedence of Government Business.

## SYDNEY WATER SUPPLY

#### **Motion by the Hon. Greg Pearce agreed to:**

That, under standing order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution all documents created since 1 March 2003 and in the possession, custody or control of any government department, agency or Minister, relating to pumping of water from Tallowa Dam or the Shoalhaven River into the Sydney water supply system, including:

- (a) the 2004 issues paper on meeting Sydney's future water supply needs and associated papers, and
- (b) any document which records or refers to the production of documents as a result of this order of this House.

## LUNA PARK AREA DEVELOPMENT

#### **Motion by the Hon. Michael Gallacher agreed to:**

That, under standing order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution the following documents in the possession, custody or control of the Minister for Infrastructure and Planning, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), the Department of Infrastructure and Planning and Natural Resources or the Sydney Harbour Foreshore Authority (excluding any documents provided by the Sydney Harbour Foreshore Authority as a result of a previous order for the production of papers):

- (a) any report and all correspondence and papers relating to the deliberations of the "independent expert panel" appointed by the Minister for Infrastructure and Planning to advise on the planning controls and allowable applications for the development of the cliff top site overlooking Luna Park,
- (b) all papers relating to the proposal by the Minister for Infrastructure and Planning to amend State Environmental Planning Policy [SEPP] 56 to reflect part 2A, including section 6 (c) of the Luna Park Site Act,
- (c) all papers, including any draft development application, relating to the proposals for cinemas on the Luna Park site, and
- (d) any document which records or refers to the production of documents as a result of this order of the House.

## CLASS SIZES

#### **Motion by the Hon. Catherine Cusack agreed to:**

That, under standing order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution the following documents in the possession, custody or control of the Minister for Education and Training or the Department of Education and Training:

- (a) all papers relating to the deliberations of the Department of Education and Training Class Sizes Advisory Committee,
- (b) all papers, including briefings, letters and emails relating to the preparation of the 2003 and 2004 audits of class sizes across K-6 in PP6 to PP1 schools across New South Wales, and
- (c) any document which records or refers to the production of documents as a result of this order of the House.

**AXIOM EDUCATION CONSORTIUM CONTRACTS****Report of Independent Legal Arbiter****Motion by Ms Lee Rhiannon agreed to:**

1. That the report of the Independent Legal Arbiter, Sir Laurence Street, dated 15 July 2004, on the disputed claim of privilege on papers on the Axiom Education Consortium, be laid on the table by the Clerk.
2. That, on tabling, the report is authorised to be published.

**UNPROCLAIMED LEGISLATION**

**The Hon. John Hatzistergos**, pursuant to standing orders, tabled a list of all legislation not proclaimed 90 calendar days after assent as at 31 August 2004.

**AXIOM EDUCATION CONSORTIUM CONTRACTS****Report of Independent Legal Arbiter**

**The Clerk**, pursuant to resolution of the House of 1 September 2004, tabled the report of the Independent Legal Arbiter, Sir Laurence Street, dated 15 July on the disputed claim of privilege on papers on the Axiom Education Consortium.

**PETITIONS****Oath of Allegiance**

Petitions praying that the oath of allegiance to Her Majesty the Queen be retained in the pledge of loyalty by members of the Parliament of New South Wales and by Ministers of the Crown, received from **the Hon. David Clarke** and **Reverend the Hon. Dr Gordon Moyes**.

**Department of Primary Industries Budget**

Petition requesting support for primary producers and opposing Department of Primary Industries budget cuts that may affect key field staff, front-line services and research and development, received from **the Hon. Duncan Gay**.

**Business Enterprise Centres**

Petition requesting the reinstatement and funding of business enterprise centres, received from **the Hon. Melinda Pavey**.

**Breast Screening Funding**

Petition requesting effective breast screening for women and maintenance of funding to BreastScreen NSW, received from **the Hon. Patricia Forsythe**.

**Gaming Machine Tax**

Petition praying that the House reconsider the decision to increase poker machine tax, received from **the Hon. Rick Colless**.

**Alcohol Sale Control**

Petition praying that alcoholic beverage sales be restricted to existing outlets, and that opening hours be reduced, received from **Reverend the Hon. Dr Gordon Moyes**.

**Freedom of Religion**

Petition praying that the House reject legislative proposals that would detract from the exercise of freedom of religion and the employment of persons whose beliefs and lifestyle are consistent with religious doctrine and values, and retain the existing exemptions applying to religious bodies in the Anti-Discrimination Act, received from **Reverend the Hon. Dr Gordon Moyes**.

**BUSINESS OF THE HOUSE****Suspension of Standing and Sessional Orders**

**The Hon. JOHN RYAN** [11.17 a.m.]: I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 109 outside the Order of Precedence, relating to the Save Orange Grove Bill 2004, be called on forthwith.

This matter is urgent, and I am sure most members of the House know why it is urgent. I urge the House to give it urgency.

**Motion agreed to.**

**Order of Business**

**Motion by the Hon. John Ryan agreed to:**

That Private Members' Business item No. 109 outside the Order of Precedence be called on forthwith.

**SAVE ORANGE GROVE BILL**

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

**Motion by the Hon. John Ryan agreed to:**

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

**Second Reading**

**The Hon. JOHN RYAN** [11.21 a.m.]: I move:

That this bill be now read a second time.

The issues this bill deals with are reasonably simple and have been canvassed at length in the media for many weeks. I think most honourable members already have enough knowledge of this matter to make up their minds on this bill, so I do not believe that there will be any difficulty in our dealing with the matter urgently, and, if possible, today. The purpose of the Save Orange Grove Bill is to rezone the land at Orange Grove occupied by the designer factory outlets. The bill achieves the same purpose as the proposed amendment to the Liverpool local environmental plan [LEP] that was suggested by the administrator of Liverpool council, Ms Gabrielle Kibble, but which was recently rejected by the Carr Government. It will not approve the factory outlets but it will enable Liverpool council to grant a development approval, subject to any appropriate planning condition.

As we all know, the designer outlets owned by Gazcorp were opened last year by planning Minister Craig Knowles, who not only represents part of the City of Liverpool but has previously been on its council and its mayor. At that time he declared the outlets to be "great for Liverpool". I could not agree more. While there may not be 400 people working there now, the outlets offer employment for a potential 400 or more workers. They provide \$30 million worth of economic activity to Liverpool and they represent 60 small business holders who have, for the most part, invested their life savings in them. Liverpool City Council gave the development consent in November 2002. Six months after the council had approved them, in June 2003, retail shopping giant Westfield Holdings commenced legal action against the outlets in the Land and Environment Court.

Westfield has a longstanding objection to factory outlets because of what it fears, or says, is unfair competition from cheap rents made possible from using cheap industrial land. While I have every respect for Westfield attempting to preserve the value of its business, it should be recognised that its legal action was not some sort of altruistic public service: it was plainly and simply a transparent effort to shut down a competitor. The Land and Environment Court determined on 16 January 2004 that the development consent given by the council was invalid. However, the argument in court was limited to the legality of the approval. The planning merits were not considered. The appeal against the decision of the court was lost on 31 March 2004. However, Liverpool City Council planners saw great merit in the designer outlets remaining open and they applied to the State Government for a spot rezoning to regularise the existing use. They resolved to do so on 8 December 2003—one full month before the Land and Environment Court had made any determination on this case.

This application was very similar to many actions taken by this and previous State governments in anticipation of court action. One great irony of this matter is that Westfield Holdings was once the beneficiary of very similar action by the former Wran Labor Government, which rezoned land that used to be a tram depot in order to enable Westfield to build a shopping complex at Eastlakes which, at that time, was being hotly contested by its competitors. In April 2004 the Liverpool council administrator, Ms Gabrielle Kibble, forwarded an application to the Department of Infrastructure, Planning and Natural Resources [DIPNR] for a change to the Liverpool local environmental plan to rezone the land at Orange Grove to enable the factory outlets to be approved. She recommended that the LEP be approved. She has recently explained that she did so for social and economic reasons but she has also stated that the application had merit, and that if it had not, she would not have approved it.

I have seen many attempts over recent days to rewrite history in regard to Ms Kibble's principled decision to support the rezoning application. I have watched representatives of the State Government and Westfield put words in her mouth, suggesting that this decision was an inherited legacy and she was acting in the interests of the council, or that although she considered the rezoning application had good social and economic reasons to commend it, she had a private belief that it had dubious planning merit. These are all efforts to put words in Ms Kibble's mouth to suggest that she did not really believe in the proposal. I find any such suggestion outrageous. Ms Kibble is a principled person. She is a distinguished public servant. She has held senior offices under Coalition and Labor governments and she has received an Australian honour.

I could not imagine any suggestion more offensive than the nonsense being peddled by the Carr Government that she did not really believe in this decision. I am absolutely sure she did. She would have been aware that if the Government had approved the amendment to the LEP she would have been charged with the responsibility of actually approving the factory outlets. I cannot imagine that she would have initiated action which would have had that outcome if she had not believed that there was planning merit in the application proceeding. Planning is her primary task as the Liverpool council administrator. Every decision she makes is a planning decision and I cannot imagine that she would have been in any way insincere in putting up her name and reputation in support of this rezoning. The Government should face facts. Gabrielle Kibble supports what we are proposing to the House today.

Finally it should be pointed out that social and economic considerations are relevant issues covered by planning instruments and the Environmental Planning and Assessment Act. They are planning grounds. They are not something separate and distinct from them. A planning report prepared by DIPNR staff under section 69 of the Environmental Planning and Assessment Act also recommends that the Minister should approve the amendment to the LEP. The report deals with all of the relevant planning considerations. The section 69 report prepared by DIPNR concluded that the net community benefits of the factory outlets staying open outweighed the disbenefits. That conclusion was based on considerations relating to consumer choice, business competition, local employment generation, the close proximity of the site to the Liverpool central business district [CBD], and because the site was located on an established bus route, that is, route 800. It also found that the economic impacts of the factory outlets would not be significant on the Liverpool CBD and that it would be reduced over time by the impact of an expected future population growth in Liverpool.

I point out that Liverpool is in close proximity to the Bringelly development. Hundreds of thousands of people are soon to move into that area and there is room for all of these retail outlets. There is no doubt that the Liverpool CBD and the trading hub will grow, and possibly occupy the land which is adjacent to the factory outlets. The conclusion in the report was supported by not one but three economic impact statements prepared by professional consultants. The report also noted that even though the factory outlets have been operating near the Liverpool CBD, two major extensions of existing shopping centres have been approved and building has commenced. That is hardly action one expects from a dying Liverpool CBD. Attached to the report was a draft press release of the Minister which stated that the outlets centre would provide 400 local jobs and ensure that local residents would not have to travel outside the region to visit factory outlets. That is a clear demonstration that there was planning merit in this decision.

I believe that the section 69 report demonstrated beyond any reasonable doubt that the rezoning of the Orange Grove site has clear planning merit. The first thing I would like to point out to the House is that it is extremely rare for a section 69 report to be rejected by a Minister. One of the people who prepared this report could not remember a single instance of a planning report such as that which is now required by section 69 of the Environmental Planning and Assessment Act being rejected by a Minister in the 20 years of her career experience. Of course, these reports are not Holy Writ, but one would expect that if one were to be rejected the circumstances would have to be extraordinary and it would have to be accompanied by well-documented and well-supported reasons.

I might point out that this report is unusual in one further respect. Not only has it been endorsed by the two planners who prepared it, but it has been additionally endorsed by one of the most senior planners in DIPNR—namely, Mr Gary Prattley. Mr Prattley is not a junior planner in DIPNR. He is the person who normally briefs the Minister on all planning issues pertaining to municipal planning. I believe that recently, under some political and bureaucratic pressure, Mr Prattley has said that he endorsed the report only because he thought it was not sufficiently flawed for him not to endorse it. However, on reflection, he said that he agrees with the views expressed by those within his department who now question it. What abject nonsense! If the report was no good, he should not have endorsed it. So, if he can endorse it, then so can all of us—and I hope the House does so today.

The Director-General of DIPNR, Jennifer Westacott, disagreed with the conclusions of the section 69 report, but her objections have been hotly disputed because of their lack of detail and because they do not give sufficient weight to issues such as employment generation and the operation of the existing centre. I recognise that some will have trouble with the suggestion I am about to make, but I believe that all of the documentation provided to the Government showed that everything she has produced and given to the Government on this matter has all the hallmarks of a political fix. I refer to her first memorandum. It sets out a series of objections to the contents of the section 69 report in a number of dot points. They contain no detail. They consist of only one English sentence. And, taken alone, I would defy anyone to make any sense of them.

I will read those dot points to the House. She said that she found it unconvincing because of the inadequacy of public transport—nothing about that; the inconsistency with the spirit and intent of the centre's policy—whatever that means; adverse economic effect on the existing nearby retail centres; inconsistency with planning rationale behind draft SEPP 66; and the proposal being satisfactory based on some "emerging trend in the USA". That is all she said about it.

**The Hon. Greg Pearce:** When was that?

**The Hon. JOHN RYAN:** That was on 25 June. I do not think there is any doubt that this memorandum was attached to the file in great haste. Its primary purpose was not to convince the Minister. It was placed on the file on a day on which DIPNR was subject to a subpoena by Gazcorp, relating to an action being taken in the courts. They had successfully been granted access to the section 69 report, and it contained a clear and unambiguous recommendation that the Minister should agree to the land being rezoned. It is obvious what impact that would have had had that report been presented to the court without qualification.

I believe that Ms Westacott was aware that the Carr Government no longer supported this project. To save her Minister future political embarrassment, two pages were quickly added to the file that was being subpoenaed in order to cast doubt on whether that recommendation contained in the section 69 report would be accepted. One page was a single-sentence memorandum to Mr Prattley telling him that the director-general required some further information, and the other was the memorandum to the Minister that I have just read to the House. That was all the detail the Minister got. The impact of the single-page memorandum on the court is apparent because the five dot points are referred to in the judge's judgment. I believe that some time before 25 June 2004 the Minister communicated to the director-general that she no longer wanted to support the local environmental plan. The file cover records the fact that Ms Westacott had seen and referred the file to Mr Prattley on an earlier occasion, and there is no suggestion at that time that she had any problem with any of its contents.

At this point I express one other obvious problem I have in believing anything the Carr Government has said about the consideration of this matter. I do not believe that assistant planning Minister Diane Beamer made this incredibly sensitive decision all on her own based on what she says were sound planning grounds. This is because the decision is obviously very sensitive. This was a matter that involved 400 jobs and millions of dollars worth of business investment. The building in which the factory outlets operate cost more than \$20 million to erect. Those reasons alone would have been reason for the matter to be considered a strategic and sensitive decision requiring consideration by more than one junior Minister operating under some cone of silence. We also know that it had been the subject of intense lobbying from members of Parliament, Westfield and other corporations. Apparently, it had also been suggested to no less than the Premier that there might have been inappropriate lobbying or corrupt conduct. But, of course, no-one will identify those allegations.

Normal considerations of government would require that this matter would have passed through the hands of more than one Minister. We all know how centralised and controlled the Carr Government is. No Minister in the Carr Government is allowed to issue so much as a media release without approval from the

Premier's Office, let alone make a decision to junk 400 jobs! There is no way I will ever believe that Diane Beamer made this decision all by herself, without any input from more senior Ministers, including the Premier. It would have been irresponsible, for one thing; and it would have been completely out of character for the Carr Government, for another. We do not need Joe Tripodi to tell us that this decision was not made by Diane Beamer alone. The Carr Government is simply blowing hot air by saying otherwise. No-one, but no-one, believes them.

The Carr Government has argued that the factory outlets do not conform to their business centres policy, that the original development approval by Liverpool council was "dodgy" and that it would give a one-off economic windfall worth \$5 million to Gazcorp, the owner of the factory outlets. I concede that there were some minor points of untidiness in the approval of this matter by Liverpool council. But the only significant issue was that it was exhibited after it had been considered by the council for 10 months, and that after it was exhibited there were no objections, so a development consent was given. Given that it took 10 months to get through the council, it hardly suggests favourable consideration.

All aspects of the approval have been investigated by the newly appointed general manager of the council, Mr Garry McCully, and he is satisfied that there was no corruption involved in the approval process, and he is satisfied that nobody received favourable treatment. Of course, there have been questions raised about the former Liverpool council over the Oasis development, but it would be ridiculous to suggest that this affair taints every decision made by the former council. And finally, and most importantly, the decision to apply for this site to be rezoned was endorsed by the new, independent and utterly reliable council administrator, Ms Gabrielle Kibble.

I come to suggestions being made by the Carr Government that Gazcorp and its officials are corrupt. These are nothing more than a subterfuge on the part of the Government to excuse itself from taking responsibility for the fact that it may have destroyed 400 jobs by not rezoning the site. Apparently, according to Joe Tripodi, at the request of Frank Lowy, the chairman of Westfield asked the Premier to "screw" the project. There is one point I would make about the Premier's claims about Gazcorp and its officials and other people on Liverpool council being dodgy, and this development approval being the result of some dodgy agreement in Liverpool.

Let me say that there is another person known to all of us who holds his office as a result of a dodgy agreement given at Liverpool. It is none other than the Premier himself. The Premier was under threat, before he was elected to that office, from Peter Anderson. We all know what happened to Peter Anderson. He was rolled by Paul Lynch in preselection. The Special Minister of State, Mr Della Bosca, knows for a fact, and received documentation for a fact, that that preselection was utterly rorted. He received statutory declarations, photocopies of passports that had been stamped in Lebanon—

**The Hon. John Della Bosca:** Like Queensland Liberal Senators, you could paper the walls with them.

**The Hon. JOHN RYAN:** I do not think a copy of a passport stamped in Lebanon is something you would paper walls with. We all know that the preselection was lost by Peter Anderson by only a handful of votes—more than the number of people who were in Lebanon at the time the preselection was conducted.

Minister Della Bosca knows that the preselection was rorted and dodgy. As a result of not being challenged by Peter Anderson, Mr Carr became the Premier. I understand the meeting he conducted was with Leo McLeay, Anthony Albanese and other Labor Party officials. He knows the truth but for some reason or another, known only to him, he decided to take no action. That tells us all about the Carr Government. The one difference between Gazcorp and the Premier is that, unlike the Premier, representatives of Gazcorp have come to the parliamentary inquiry and submitted themselves to all our questions day after day after day. The Premier did not come. Ms Beamer did not come. Craig Knowles did not come. And, of all people, Joe Tripodi did not come. Yet if the series of statements that were made about him were made about me, wild horses would not have kept me away from confronting a live media conference and saying that those claims were untrue.

What do we have from Joe Tripodi? A three-sentence press release, written in 20-point type, and some lame excuse that he cannot speak any further because the ICAC would intervene. Yesterday I spoke to a journalist who inquired of the ICAC and, although it did not want to go on the record, the ICAC advised him that there was no reason why Mr Tripodi could not give his reasons in public. It is a spurious excuse. It is rubbish. I challenge the Government to seek and get that advice in writing—but it will not come. Tripodi is avoiding scrutiny. I believe Mr Gazal, I believe Mr Bargshoon, I believe Mr Mosca and I believe Mr D'agostino.

They all tell the story knowing where it happened. They know the words that were used. They know all the details and they give them plainly and simply. They have come to the committee and have been examined by the committee. Everyone else involved wants to speak in sound bites under controlled conditions to the media. They are not prepared to come and give evidence.

On the occasion when we have been able to test the veracity of their evidence it is surprising how often it has been found to be false. We have had the Premier saying, "Oh, that meeting with Westfield", and suddenly we discover that Westfield sought a meeting with his chief of staff. We have the planning Minister, Diane Beamer, saying, "Oh, that direction. I didn't know I was told, 'Stick to the rules'", even though she was. Then, when I asked the Minister's chief of staff during the committee hearing, "Did anyone else make representations to you on this?", he said, "No." Then I read him a letter from Julian Brophy, a former Carr Government senior adviser, who twice came in for a cup of coffee with him to discuss Orange Grove, and he said, "Oh, that cup of coffee." The Carr Government cannot lie straight in bed on this: it lies and it lies and it lies. It has the hide to accuse Gazcorp and its directors of speaking falsehoods, but it will not face the music. It will not face any sort of questioning.

Allegations of corruption should be of more concern to the Labor Party. I refer to some of the things raised on *Stateline* at the end of last week. It appears to be true that the Hon. Eric Roozendaal knew that Sam Bargshoon was not bashed up by left-wingers, but by robbers in a pub. He elected to deceive the media, the Labor Party conference and everyone else allowing them to believe that, somehow or another, this bashing was related to party factional activity. It appears to be true that the 1995 preselection for the electorate of Liverpool, which saw the defeat of Peter Anderson by Paul Lynch by a handful of votes, was comprehensively rorted. So what! While they might speak volumes about the state of the New South Wales Labor Party they have nothing to do with Mr Gazal or this approval. One of the most distressing allegations made by Labor and Westfield identities, including the Premier, is that Mr Gazal had some sort of improper association with convicted murderer Phuong Ngo. The part of this story that is always neglected is that Mr Gazal was introduced to Phuong Ngo by people such as Joe Tripodi and Reba Meagher.

If Mr Gazal is suspicious or seedy or has a stench about him, to use the words of Michael Meagher, what does that say about the other Ministers who also dealt with him? I believe that one of the stories being peddled about Mr Gazal is that he bought a property option from Phuong Ngo. Mr Gazal informs me that that is true, but there is nothing suspicious about it. But I will tell you what is suspicious: He wanted to find out some more information about the future zoning of the land he was purchasing from Mr Phuong Ngo long before it was ever thought that Mr Phuong Ngo was a murderer. He carried out this transaction in absolute good faith. But he needed to find out some more information about it. Do honourable members know where Phuong Ngo took him to get more information? He took him to Craig Knowles's office. They went to Craig Knowles's office and he produced a letter written by Gabrielle Kibble giving the details of what was going to happen to this land.

Apparently Phuong Ngo knew not only Reba Meagher and Joe Tripodi, but he also knew Craig Knowles well enough to walk into his ministerial office, order his staff around and get a letter from them. As I said, if Mr Gazal has anything wrong with him what does that say about the rest of the Labor Party who are up to their necks in association with Phuong Ngo? Yesterday the Parliament was abuzz with stories that the Premier was going to dump a bombshell in the other House about allegations of corruption against Mr Gazal, including that Mr Gazal was responsible for branch stacking and that he had funded branch stacking. When I discovered these allegations I said to Mr Gazal, "Look, is there any truth to that?" He said, "There absolutely isn't any truth to it." But what he did tell me is that years ago, when he first met Mr Joe Tripodi, Mr Tripodi asked him for a donation to his campaign fund, to which Mr Gazal was happy to—

**The Hon. Melinda Pavey:** That's illegal.

**The Hon. JOHN RYAN:** There is nothing illegal about that. Mr Gazal was happy to do that, but he thought it was a regular campaign donation. Some weeks later Mr Tripodi came to him with another member of the ALP and said, "Can we have the donation of approximately \$10,000 in cash?" Why? Because he wanted to use it to fund memberships to his local branches of the ALP. Do you know what Mr Gazal said? "No." He would not do it. If there is any suggestion that the ALP has documentation that suggests that Mr Gazal funded a branch-stacking exercise, then someone has taken his legitimate donations and used them for a purpose that Mr Gazal has not authorised. The only people who have questions to answer are those in Sussex Street and the Carr Government. If they are going to make allegations about Mr Gazal they had better make sure that they do not backfire on them. If the outlets close, a \$22 million purpose-built building will be left a total waste and idle. If they close, the ratepayers of Western Sydney will be left to pick up a potential compensation deal that may run to \$80 million.

If the outlets are forced to close, who knows what will happen to the mum and dad investors who have sunk hundreds of thousands of dollars into their shops to set up these small businesses. They have incurred legal fees for council approvals and leases and, in some cases, they have bought franchises. They fitted out their shops and spent thousands of dollars buying stock. Many of them are fulfilling the dream of getting ahead by being industrious and independent. I might use Mark Latham's words, "They're climbing the rungs of the ladder of opportunity." If this bill is not passed or this action is not taken, the wreckage will be enormous—400 more people in Liverpool than necessary will be on the dole queue. The bill to rezone the land is a commonsense solution to a dreadful situation. There is no doubt that all the employees who work at Orange Grove, many of whom are present in the gallery, and small business operators who have established shops and outlets have acted in good faith. They do not deserve to suffer a financial fate from which many of them will never recover.

The bill is about keeping human casualties in this situation to a minimum. The proposal to rezone the land has been endorsed by professional planning staff of Liverpool council. It has been endorsed by one of this State's finest planners, Gabrielle Kibble. Three professional planners from the New South Wales Department of Natural Resources and Infrastructure have endorsed it, and it has been the subject of three financial impact statements. Planning Minister, Craig Knowles, officiated at the opening and said that it would be great for Liverpool. It really is difficult. I quote from a statement made by the honourable member for Fairfield, Joe Tripodi, in which he said, "It's a no-brainer." It sure is a no-brainer. The bill should be passed. The factory outlets should be rezoned and we should save all of these distressing consequences right now. It is difficult to understand why the Carr Government is opposed to rezoning this land when only yesterday the Federal Labor leader, Mark Latham, called on the Government to reconsider this matter. He said:

I just trust and hope that these inquiries sort it out and if there's an argument for rezoning the site—if that was the fair thing to do—and allow these retail chains to re-establish themselves, then that should happen.

I could not agree with him more. During the past week I have been interested to see many examples of people power. It has been similar to watching the crowds at Malacañang Palace in the Philippines during the fall of the Marcos Government. Thousands of people have been filing through the factory outlets centre to show their support. Yesterday a petition was presented to this House bearing the signatures of thousands of people who support the factory outlets and what the shops are designed to do. There is no doubt that the community wants this land to be rezoned. The community does not believe the nonsense peddled by the Carr Government about the factory outlets being shonky, dodgy and so on. The people of New South Wales want the factory outlets land rezoned, they want the associated economic activity retained in Liverpool, they want the 400 jobs to be saved, and they want the 60 businesspeople—the mum and dad investors—to be rescued from what will be an awful fate. [*Time expired.*]

**Motion by the Hon. Don Harwin agreed to:**

That leave be granted to enable the Hon. John Ryan to continue his speech.

**The Hon. JOHN RYAN:** As I have walked through the factory outlets centre, many people have put their cases to me. I believe that the House should be aware of them. I refer to the Nasser family who have paid in the order of \$450,000 for a Gloria Jean's franchise, which will be worth nothing when the factory outlets are unable to trade. Could anyone in this Chamber bear the loss of \$450,000 because the Carr Government will not give serious consideration to a simple commonsense measure to rezone these outlets? I refer to the man who operates the kebab shop at the back of the centre—I think his name is John. He has invested \$275,000 to build a kebab shop and fit it out with ovens and other equipment. He has probably made other investments to operate his business. If the factory outlets centre goes down, he will be broke, he will lose his house and he will be ruined. It will be on the head of the Government, of which the Special Minister of State who is at the table is a member, if that man is ruined. There is absolutely no need for that to happen.

The factory outlets centre is trading successfully. Frankly, I think it is appropriate to say that it is a festive experience to go to the factory outlets centre. Thousands of people go there and have a great time doing their shopping. Why would anyone want to deny \$30 million worth of economic activity to Liverpool, of all places—it has the highest level of unemployment in Australia?

**The Hon. Rick Colless:** Unbelievable!

**The Hon. JOHN RYAN:** It is unbelievable. One of the points made in the section 69 report, which was included in the Minister's draft press release, is that the factory outlets are not just a facility for people who live in Liverpool but are visited by people from all over New South Wales who want to experience a couple of



days of bargain shopping. That point has been proved by the petition that was recently organised by Gazcorp at the retail trading outlets. As customers have walked through the shops they have been invited to sign a petition. I believe that approximately 40,000 people have signed the petition. An examination of the petition reveals where these people live. Approximately 60 per cent of the people are locals, and the other 40 per cent are people who have travelled across town and who have passed two or three other large retail outlets, such as Westfield, to experience shopping at the factory outlets centre at Liverpool. A visit to the centre is almost a tourist experience.

We all know what factory outlets shopping is about. It is not a place where people go to obtain regular shopping items and where the purchase of clothing involves someone ensuring that the clothes fit properly; it is a place where people go to find a bargain. People accept that they will have to rummage through boxes to find what they want, but when they pay a small amount for what they have chosen they are happy with what they have purchased. If people do what I do, they go to factory outlets with money in their pockets that they intend to blow, and they do that largely for the same reason as people bet or attend a concert—it is as much entertainment as it is anything else. The function of this factory outlets centre will not stop people from going to Westfield to do their regular shopping at supermarkets, newsagents, chemists and so on. A factory outlets centre is a place where people innocently blow a bit of money on a few items such as cosmetics, home wares and fashion goods.

**Reverend the Hon. Dr Gordon Moyes:** And kebabs.

**The Hon. JOHN RYAN:** And kebabs, while having a cup of coffee with their friends—just as, I understand, Joe Tripodi does. The centre is an incredibly festive place. It is doing a great job for Liverpool and for the community in providing much-needed economic activity. Why the killjoys opposite would want to bring that to a halt, just because Westfield asks them to, is baffling. The Labor Party has chosen to walk away from the workers of Liverpool to support its corporate sponsors and corporate donors. The Liberal Party is proud of the fact that it attracts corporate sponsorship and supports the principles of industry and enterprise, but it is in no way beholden to sponsorship as though it is a sector that must be obeyed or the tune to which the Liberal Party has to march. The Liberal Party accepts the views of sponsors and in most instances, when it is at all possible, supports and endorses what they want to do; but they are not God and they do not tell ordinary businesspeople who occupy premises in the factory outlets centre what they should do and how they should run their businesses. The Liberal Party also does not accept that the business needs of sponsors are somehow to be considered over and above the ordinary working-class people of Liverpool, some of whom constitute the staff of the factory outlets. The Liberal Party's position is that everybody should be considered in turn.

There is no sensible argument to sustain the proposition that the factory outlets centre will ruin Liverpool. The worst possibility that has been suggested is that, over two years, it might take approximately \$18 million in economic activity out of Liverpool. The first point I make about that suggestion is that it is \$18 million gross in economic activity. It is not profit, which is what counts as far as Liverpool is concerned. In any event, even though the centre may take that amount over two years from the central business district, it will bring back to the Liverpool region \$30 million worth of trade. But if the centre closes, that trade will go to Birkenhead Point, Mount Druitt or, in some instances, Harbourside on the Gold Coast in Queensland. Factory outlets shopping is a recognised form of retail activity which already exists. Our planning laws ought sensibly to recognise that, and I believe that one day they will.

The designer outlets centre at Liverpool is not a greenfields site but is a completed shopping centre in which real flesh and blood people have invested. They have hopes and dreams, but they will suffer significant losses if the land on which the centre has been built is not rezoned. I do not understand for one minute why the Carr Government will not listen to their cries for help. I just do not understand it, nor do I understand why the Carr Government will not intervene and make a sensible decision that has been endorsed by planners. The Carr Labor Government prefers a political fix, and that is a mystery to me. The Government's only response has been to make spurious allegations of corruption. Many of the allegations have not been defined, and certainly none has been proven. In most cases, the Government has not had the courage to define its allegations clearly. The few instances of allegations that it has defined have been comprehensively rebutted.

I ask the House to consider this matter urgently and seriously. The Coalition is not interested in lining the pockets of Gazcorp but, rather, is all about restoring the future of 60 small businesspeople and 400 semiskilled female job applicants who potentially will be looking for work as a result of the Government's failure to act appropriately. Most of the workers affected by the Government's decision are semiskilled females and they will be looking for employment in a sector where there are few opportunities. Why would not the Government listen to the needs of those people and respond appropriately? As matters stand at the moment, the Coalition is listening, but members opposite are not. I sincerely hope that it is not the Government's intention that none of its members will speak during this debate.

**Pursuant to sessional orders business interrupted.**

## QUESTIONS WITHOUT NOTICE

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### BATLOW AREA EXCEPTIONAL CIRCUMSTANCES DROUGHT RELIEF APPLICATION

**The Hon. DUNCAN GAY:** My question is addressed to the Minister for Primary Industries. Has the Orange office of the Department of Primary Industries spent more than three months drafting an exceptional circumstances application to the Federal Government for horticulturalists in the Batlow area? Minister, why has it taken your department so long to lodge an application that will provide much-needed interest rate relief to the drought-affected horticulturalists? Will the Minister take immediate action to expedite this application?

**The Hon. IAN MACDONALD:** The specific details of the Batlow horticultural application are not immediately to hand. However, with industries other than cropping and livestock there have been considerably more difficulties in meeting the requirements of exceptional circumstances funding. This is just another area in which it has become far more complicated to meet the criteria. It is not that the submissions deliberately leave out any particular area, such as horticulture; rather, there are difficulties involved. The department has made a number of applications involving horticulture across the State and most have been successful. However, they certainly take a lot more effort to achieve than with industries such as cropping and livestock. I will check the precise details of the Batlow application and render them to the House as soon as possible.

### CORRECTIONAL CENTRES

**The Hon. KAYEE GRIFFIN:** My question is addressed to the Minister for Justice. What is the latest information regarding inmate numbers, the future status of correctional centres and budgetary allocations?

**The Hon. JOHN HATZISTERGOS:** I am pleased to respond to this very important question, because on 23 June the Hon. Don Harwin asked me a question about the current status of the Wellington correctional centre and I thought I cleared up misconceptions which existed in the minds of Opposition members at that time relating to the Government's commitment to the construction of that facility. However, to my great surprise, during the break the shadow Minister fed a lot of misinformation in relation to the Government's commitment. The shadow Minister issued a press release on 23 June headed "New prison program in doubt", followed by an article in the *Daily Liberal* headlined "State commitment to Wellington jail 'shaky' ", which stated that the State Government's commitment to Wellington jail was "still shaky". That was notwithstanding the commitment I had given to the House earlier that month. In the *Wellington Times* on 23 August the shadow Minister issued another statement headlined "Shadow Minister says we're being 'conned' over the jail", which stated:

... the State's prison population is levelling off, the lack of action last year and the extension of the completion date can only suggest the Government believes the need for the Wellington jail may be easing.

Whilst he told the people of Wellington and the mid-west that the Wellington gaol was not to go ahead, he then conducted a tour of Bathurst and Lithgow where he told the people that because Wellington was going ahead the status of gaols in Bathurst, Grafton and Cooma would have to be revised, and they may have to be closed.

**The Hon. Tony Kelly:** The biggest mistake he made was not knowing that both Wellington and Bathurst get the same news service.

**The Hon. JOHN HATZISTERGOS:** Yes, of course, and they found this contradiction. He told the Wellington people that Wellington was not going ahead and he told the Bathurst and Lithgow people that their gaols were going to close because Wellington was going to go ahead, all in the space of a few weeks.

**The Hon. Michael Egan:** What do the people of Wellington think of that?

**The Hon. JOHN HATZISTERGOS:** They all shook their heads when they heard this misinformation. But the shadow Minister was not the only one with misinformation about what the Government was going to do with this matter. The honourable member for Clarence did him right over in the misinformation stakes when he said that he had uncovered a secret plan—how secret was it if he knew all about it? In a press release on 15 July the honourable member for Clarence said there was a secret plan whereby the Government was going to cut the budget of the Department of Corrective Services by 20 per cent. The Treasurer would be interested in this. According to the honourable member for Clarence the Treasurer had cut my budget in a secret plan that he had not even told me about. Further, the honourable member for Clarence said:

... the Government has set aside \$90 million to quell riots from the smoking ban

It is alleged in that press release that my budget has been cut by 20 per cent, but that \$90 million has been allocated to quell riots as a result of the non-smoking policy, which the Government actually does not have.

**The Hon. Michael Egan:** Why didn't he tell me?

**The Hon. JOHN HATZISTERGOS:** This is the interesting misinformation. I thank the honourable member for this opportunity to be able to clarify the facts. The fact is that the Government is preparing for an increase in prisoner population and that is why Wellington and Dilwynnia are being constructed and why the facility at Kempsey is operational. By 2008 the Government anticipates that there will be about 10,000 people in custody as a consequence of our better policing and revision of the bail laws.

**The Hon. KAYEE GRIFFIN:** I ask a supplementary question. Will the Minister elucidate his answer?

**The Hon. JOHN HATZISTERGOS:** With pleasure. The Government has been expanding country facilities, not reducing them. For example, in Tamworth there are 30 additional beds and we have reopened Cooma with 120 beds. Glen Innes, Broken Hill and Oberon have increased by 30 beds. Goulburn has increased by 75 beds at its High Risk Management Unit. Brewarrina and Oberon have increased by 20 beds. Junee has an additional 150 beds, and Mannus has an additional 40 beds. The Government is accommodating the increase in the population, unlike what happened when the Coalition was in office. The former Coalition Government introduced truth in sentencing provisions but never built a gaol, except for Junee. No other facilities were increased.

**The Hon. Melinda Pavey:** There was also another one at Bathurst, don't be tricky.

**The Hon. JOHN HATZISTERGOS:** Let me tell you that, of course, Bathurst was demolished in the riots during the Coalition's term in office—and it was eventually reopened. Let me not be diverted. I remind the House of the Coalition's expansion plans when it was in office. First, its Minister for Corrective Services went to the then Premier and asked for the reopening of Katingal; that was its first strategy. Then Minister Yabsley went around telling judges and magistrates to use periodic detention as an alternative to imprisonment to ease overcrowding. It then had Yabsley looking at the importation of shipping containers to be used for cells. It then had a revised policy on classifications in which it was to downgrade people from maximum security to medium or minimum security. That was the Coalition's strategy for dealing with the increase in prisoner population. This Government's strategy is infinitely better. However, the Coalition would do it all again, because Nick Greiner's protégée, Mr Brogden, said on 24 November 2002:

As Liberals we aim to open schools and close prisons.

I have no problem with the opening of schools policy, but I do have a problem with closing prisons. [*Time expired.*]

**The PRESIDENT:** Order! I call the Hon. Melinda Pavey to order for the first time.

### GAMING MACHINE TAX

**The Hon. MICHAEL GALLACHER:** My question without notice is directed to the Treasurer. Given that the Government has refused to save hundreds of jobs in Western Sydney and that up to 24,000 people are facing the unemployment queue in Western Sydney and regional New South Wales as a result of his heartless tax on registered clubs, will the Treasurer now accept that he got it wrong?

**The Hon. MICHAEL EGAN:** I am not allowed to debate the question, so I will not. I simply point out that the clubs are projecting that over the next three years they will invest some \$2.2 billion in new facilities. That is an incredible increase over their investments of the past two years. I would have thought that even the Leader of the Opposition in this place could see that what the clubs are saying on the one hand and what they are doing on the other, simply does not gel. If clubs are planning to spend \$2.2 billion in new facilities over the next three years, that clearly shows that the club movement believes in the new tax system. I thank the Leader of the Opposition for the opportunity to point out that the new tax rates, which came into effect today, will see two-thirds of clubs continue to either pay no tax—and no clubs in other States have that advantage—or pay slightly less tax. Clubs earning between \$200,000 and \$1 million will see their tax rate decline by a small amount, not only this year but also each year over the next eight years.

The only clubs that will pay more are those with poker machine profits in excess of \$1 million a year. In 2010-11, when the full increases are in place, on average the taxes paid by New South Wales clubs will still be lower in eight years time than the rates paid by clubs in other States in Australia. I believe it is a fair tax. This year it is a very modest increase. Average tax will increase by about 2¢ to about 16¢ in the dollar—much less than any members, 99 per cent of other taxpayers, or I pay in income tax. The rates that apply to poker machine tax are much lower than personal income tax rates. Given the enormous demands on our hospital system as communities become older and more and more marvellous things are being done to keep people alive and healthier, all the extra tax from the tax rate changes should be allocated to the public hospital system. I think that is good public policy. I say to all those who attended today's rally: Good luck. We live in a democracy and they are entitled to express their views.

**The Hon. Duncan Gay:** And they vote.

**The Hon. MICHAEL EGAN:** And they vote. Some time in their lives they or their loved ones will use a public hospital. They will be grateful for the extra revenue that the tax rate changes will be providing to our public hospital system. I thank the Leader of the Opposition for his question and I hope he follows it up with a supplementary question. I invite him to ask other members of his party to ask additional questions about this matter during the rest of question time.

### CANNABIS MEDICAL USE

**Ms LEE RHIANNON:** I direct my question without notice to the Special Minister of State. In light of his comments, which were reported in today's media, that synthetic cannabis drugs were years away from development, would he reassess the Government's approach to the use of cannabis for medicinal purposes? Is he aware that the Premier's positive comments on the use of cannabis in the past for medicinal purposes has encouraged more people to obtain this form of pain relief on the black market? Is he aware that the reluctance of his Government to commence a trial has proved to be a boon to big drug sellers? Is he aware that elderly people who use cannabis to relieve pain have been arrested and charged?

**The Hon. JOHN DELLA BOSCA:** I cannot accept any of the suppositions that the member used as background material for the basis of her question. I am in no position to comment on them. I draw the attention of honourable members to the fact that they appear to me to be simply suppositions. However, the honourable member has raised an important point. There has been a longstanding public commitment by not only a number of people within this Government but also across public opinion in New South Wales and Australia more generally that we must give serious consideration to a medical cannabis trial. This Government remains committed to a compassionate principle. It is the duty of governments to ensure that seriously ill or injured people receive all the assistance that is available, even if that includes access to medicinal cannabis.

This program has not been easy for us and I think Ms Lee Rhiannon knows some of the reasons why. Significant medical, legal and constitutional issues have to be resolved. For some time the Government has been interested in the GW pharmaceutical cannabis-based inhaler spray that was mentioned in the substance of a question and that has been developed in the United Kingdom to help people with multiple sclerosis and neuropathic pain. The Government has been advised that that product has still not been approved by the United Kingdom Government and may not be available for some time. As Ms Lee Rhiannon correctly inferred that may be too late for many patients. We must look at a number of other options, including the importing of standardised cannabis products from reputable sources, such as the Canadian Government and other relevant jurisdictions.

Earlier this year the Premier wrote to the Prime Minister seeking the Australian Government's co-operation and assistance in finding a solution that would allow a properly supervised medical cannabis trial to proceed in New South Wales. The Prime Minister and the Premier have agreed that the Commonwealth Minister for Health and Ageing, Mr Tony Abbott, and I will work together on this issue. In the interests of the many patients and their families that have written to me calling for a medical cannabis trial, I take this opportunity to emphasise to the Prime Minister and his Cabinet that this Government is prepared to do everything possible to facilitate a trial of medical cannabis for those seriously injured and ill patients that it has been demonstrated by science require it either to reduce their pain or as part of their treatment.

**Ms LEE RHIANNON:** I ask a supplementary question. Will the Minister elucidate his answer? While we are waiting for the trial to commence will the Minister give a guarantee that people who use cannabis for medicinal purposes will not be arrested or fined and that their cannabis will not be confiscated?

**The Hon. JOHN DELLA BOSCA:** Obviously I am not in position to give a legal opinion. I am sure that Ms Lee Rhiannon and other honourable members would be aware that I am not in a position to give such a commitment on behalf of the Government, the Attorney General, or the police Minister in this House or anywhere else. I think Ms Lee Rhiannon understands and is aware that there is a certain level of police discretion with regard to cannabis offences. I leave any comment beyond that to the police Minister or the Attorney General. In regard to the balance of the matter that the member raised, I can only add that my office and Minister Abbott's office have agreed on a time for a meeting. I think we will be meeting in the next week or so. I sincerely hope and believe that we will achieve progress at that meeting.

#### **INDUSTRIAL RELATIONS COMMISSION FAMILY PROVISIONS TEST CASE**

**The Hon. IAN WEST:** My question without notice is directed to the Minister for Industrial Relations. Will the Minister update the House on the family provisions test case that is currently before the Australian Industrial Relations Commission?

**The Hon. JOHN DELLA BOSCA:** The honourable member has had an ongoing interest in industrial affairs, both generally and, in particular, in this State. The family provisions test case, the most important case for working families in recent times, starts today before a Full Bench of the Australian Industrial Relations Commission. Honourable members would be aware that in June 2003 the Australian Council of Trade Unions lodged an application in the Federal commission to facilitate a test case on a range of flexible workplace conditions. In response, federally registered employer groups have lodged a series of cross claims. The test case seeks to extend existing unpaid leave options that can be used by working families at different stages of family life in recognition of the increased complexity of family life and the changes in roles of both men and women within the work force.

The New South Wales Government recognises that shaping family friendly workplaces to assist working families is one of the biggest challenges of the modern industrial agenda and culture. So the New South Wales Government, along with all other States and Territories, has intervened in the test case to provide qualified support for the claims of the ACTU. The joint submission of the States and Territories takes a position that balances both employee and commercial considerations. The joint submission supports three different levels of access to the claims before the commission. The first level is for a new series of employee rights. Under the Federal jurisdiction these rights include the right to four weeks simultaneous unpaid parental leave, the right to unpaid emergency leave, and the right to meaningful consultation about changes to jobs during parental leave.

I am happy to report that the claim for unpaid emergency leave, as well as increasing carers' leave from 5 to 10 days, was settled through conciliation. The second level is for an employee right to request, which the employer cannot unreasonably refuse. Obviously the test case also involves the consideration of how a right to request can be construed and how the right by an employer not to unreasonably refuse would be delineated. This right includes being able to request part-time work after parental leave until a child is school aged; a further four weeks of simultaneous unpaid parental leave; up to 52 weeks additional unpaid parental leave; and the right to request up to six weeks purchased leave a year. The States' joint submission contends that the right-to-request model should incorporate key factors that employers would be required to take into account when deciding employee requests.

These matters include the cost of accommodating differing working arrangements and the impact on the delivery of customer service and service levels in a particular business. The submission also identifies agreement between employer and employee as the third level of access to family-friendly conditions of employment. It proposes that further periods of unpaid child-rearing leave, until the child reaches school age, should be available under these circumstances. This approach provides additional entitlements for employees with family responsibilities while retaining discretion for employers over their commercial and market imperatives.

Family-friendly work practices help employees to balance their work and family responsibilities and assist employers—not hinder them—to develop productive workplaces and look at other options for increasing productivity. I look forward to updating the House on the progress of this defining test case before the Federal commission, which I believe will affect the entitlements and future of all Australian families.

#### **DISABILITY PROGRAMS FUNDING**

**The Hon. JOHN TINGLE:** My question is directed to the Minister for Community Services and is about proposed reforms to the Adult Training, Learning and Support [ATLAS] and Post School Options Program. Is it true, as claimed by the Individual Development and Further Education Disability Services

organisation in Port Macquarie, that that service will lose \$100,000 in funding, which will mean a loss of six staff and, in turn, limit the organisation's ability to comply with the new arrangements? Given the possibility of such damage to programs of this type, will the Minister reconsider the proposals in individual cases?

**The Hon. CARMEL TEBBUTT:** I thank the Hon. John Tingle for his question as it gives me another opportunity to provide some information to the House about the reforms to programs that support school leavers with a disability. As the House will be well aware, I announced these reforms in July. I must make one thing very clear. Any number of people have claimed that these reforms will result in a reduction in funding for programs that support school leavers with a disability. That is simply not the case. In fact, funding will increase from more than \$50 million in 2003-04 to more than \$60 million in 2007-08 for programs that support school leavers with a disability. Nonetheless, it is quite clear that changes are needed in this area, and that is what the reforms that I announced are about.

The reforms will improve employment outcomes for school leavers and provide longer-term support for those who are not able to make the transition to employment. The reforms are needed for two reasons. For current Adult Training, Learning and Support [ATLAS] participants the program was a two-year, time-limited program. For those young people who moved into employment that two-year, time-limited program was satisfactory. But there were any number of young people who did not make the transition into employment so we must address the fact that they need long-term support. That is what the new Community Participation Program seeks to give them. At the same time, the existing ATLAS Program was not delivering the sorts of employment outcomes for young participants that I believe are possible. That belief is backed up by all the assessments that the Department of Ageing, Disability and Home Care has done.

That is not a criticism of the service providers, but I think there were fundamental problems with the way in which the ATLAS Program was structured. I am aware that service providers, parents and carers have expressed concerns—the Hon. John Tingle raised the concern of the Individual Development and Further Education Disability Services organisation—and I have met with many of them since the reforms were announced. The new programs will improve outcomes for young people with a disability. The Transition to Work Program will improve pathways to work for school leavers who have identified employment as a goal or who have been assessed as having the capacity to be work ready. The Community Participation Program will provide learning and social opportunities for school leavers who do not have the capacity to make the transition to employment. It will provide long-term support. This program is different from the ATLAS Program. We are not asking existing service providers to deliver the ATLAS Program with reduced funding per individual. We are asking them to deliver a new program that is not time limited and that is focused on community participation.

Expressions of interest [EOI] for conducting these programs close on 3 September so it is pre-emptive for any service provider or parent to say what the outcomes will be. I have made it very clear on any number of occasions that it is not the intention of these reforms to reduce the hours of support that are available to individuals. While I fully appreciate that this is a difficult time for parents and carers—it is a time of change and change is never easy—I think the scaremongering that is going on is of the lowest order. It is unacceptable to do that to a group of very vulnerable people. The expressions of interest process—which, as I have said, has not yet concluded—will give the department the opportunity to assess service providers' ability to deliver the new program, including providing the sort of access that participants have currently. I will closely monitor the EOI process and, if it becomes clear that service providers cannot deliver what we are asking, we will have to look at that issue.

#### HOME AND COMMUNITY CARE PROGRAM FUNDING

**The Hon. JOHN RYAN:** My question is directed to the Minister for Community Services. Why has the Department of Ageing, Disability and Home Care not paid out all the money to Home and Community Care [HACC] providers that New South Wales received from the Federal Government five months ago? Did one service provider in the Cootamundra area receive its funding only recently—that is, yesterday—after it was forced to threaten to close its doors for a month because the department had not handed over \$20,000 that it was owed for programs that were approved in November 2003? Are other Home and Community Care service providers in the Riverina area also still waiting for their funding? Does New South Wales receive \$3 million from the Federal Government to assist in funding the administration costs of the HACC Program? If so, why is its administration so lousy that an organisation like the Cootamundra Community Centre and others in the Riverina must make such dire threats in order to get the Minister's attention?

**The Hon. CARMEL TEBBUTT:** I thank the Hon. John Ryan for his question and I am very glad that he has asked it. As honourable members will be aware, the Home and Community Care [HACC] Program is a joint Commonwealth-State program that funds a range of services across New South Wales to deliver a variety

of different programs, such as personal care, domestic support and other services that support frail older people or younger people with a disability so that they are not forced to move inappropriately into institutions. The process for resolving the Home and Community Care plans each year is quite complex. It requires the State department to deliver to the Commonwealth department the plan for the financial year. It then requires the Commonwealth to agree to and to sign off on that plan. The State cannot make announcements about funding until the Commonwealth has also agreed so the State is precluded—

**The Hon. John Ryan:** That all happened months ago.

**The Hon. CARMEL TEBBUTT:** No. The plan is sitting in the office of the current Commonwealth Minister at this very moment.

**The Hon. John Ryan:** No, it's not. You haven't spent the money.

**The Hon. CARMEL TEBBUTT:** The plan to make the announcements is sitting in the Commonwealth Minister's office at this point in time.

**The PRESIDENT:** Order! I call the Hon. John Ryan to order.

**The Hon. CARMEL TEBBUTT:** My office and the department have made numerous representations to the Commonwealth Minister to say that we have agreed to this plan and both the Commonwealth Minister and I have signed up so can we make the announcements? I forwarded the announcements to the Commonwealth Minister in June. It is now September and we have not had a response from the Commonwealth Minister. The Commonwealth has some form on this issue. There were some significant delays in finalising the 2002-03 State plan. Why did those delays occur? First, the Australian Government refused to meet the full cost of the wage increases under the Social and Community Services Award.

**The Hon. Melinda Pavey:** That's your job.

**The Hon. CARMEL TEBBUTT:** It is not our job; it is a joint-funded program. But we know that the Commonwealth does not support wage increases for some of the lowest paid workers in our community. We did not hear too much from the other side about representing those issues federally. On top of that delay, the Commonwealth finally signed off on the New South Wales HACC State plan for 2002-03 and the joint announcements were made on 29 August 2003. We would all be aware of a particular event that occurred that year: a State election. The announcements were held up by the Commonwealth and we were not able to get the information out to people. In reality two years worth of funding had to go out in one year. But the delay was not from New South Wales, it was from the Commonwealth. It would be useful if my counterparts on the other side of the Chamber made representations to the current Commonwealth Minister to make the announcements that are currently sitting in her office.

**The Hon. JOHN RYAN:** I ask a supplementary question. Unless I did not hear it, would the Minister elucidate that part of her answer that dealt with the Cootamundra Community Centre and the other services in the Riverina that are still waiting for the funding she approved two months ago?

**The Hon. CARMEL TEBBUTT:** I am happy to look into the matter. I do not know the circumstances relating to those services. But we probably could not tell them what they are getting anyway because the announcement is tied up in the Commonwealth Minister's office.

### MEALS ON WHEELS

**The Hon. HENRY TSANG:** My question is addressed to the Minister for Ageing. What action is the Government taking to support Meals on Wheels services?

**The Hon. John Ryan:** It is Meals on Wheels Day.

**The Hon. CARMEL TEBBUTT:** Today is National Meals on Wheels Day; an appropriate day on which to ask a question about support for Meals on Wheels—one of this country's greatest institutions. It is a day to salute the great Australian willingness to volunteer to help community neighbours, as so many people do through Meals on Wheels. Meals on Wheels services are local community-based organisations funded primarily by the Department of Ageing, Disability and Home Care through the Home and Community Care Program.

Recently I delivered meals to people in Marrickville with the Tom Foster Community Centre food services, which provides approximately 800 meals a week to 300 clients. That provided a great opportunity for me to talk to the recipients of Meals on Wheels services and to hear their positive views about those services.

The Department of Ageing, Disability, and Home Care currently provides funding of more than \$19 million a year for approximately 200 food services such as Meals on Wheels to assist older people and people with a disability to live independently in their own homes. That is \$16.3 million for home-based meals, nearly \$2 million for centre-based meals and \$1.3 million for other food services. Many people depend on Meals on Wheels so they can remain living in the community. The continued success of Meals on Wheels services has relied heavily upon the hard work and dedication of the tens of thousands of volunteers who donate their time to deliver meals to older people and people with a disability in their local communities. According to the New South Wales Meals on Wheels Association, there are 30,000 regular volunteers who deliver more than four million meals a year to approximately 15,000 older people, people with a disability and their carers every day. Volunteers also assist in the administration and management of local Meals on Wheels services.

Since 1957 Meals on Wheels services have been providing meals for older people and people with a disability in New South Wales. Today, Meals on Wheels services continue to develop innovative ways to care for people in need living in their local communities. People who receive Meals on Wheels benefit from not only the meals but also the regular contact that the Meals on Wheels volunteers provide. For many people, their main community contact is when they welcome the volunteer with their meal and talk about the day's events. Volunteers make a substantial and often unrewarded contribution to society. National Meals on Wheels Day provides us with the opportunity to express our gratitude to Meals on Wheels volunteers and to give them the recognition they deserve.

I take this opportunity to make an appeal. As I said, volunteers are the backbone of Meals on Wheels but it is becoming increasingly difficult to attract volunteers for this much-needed service. As was recently reported, these days the tendency is towards volunteering for issues-based causes—very worthy in themselves, but it can be at the expense of finding people who are willing to volunteer for a service such as Meals on Wheels, which is perhaps not seen as glamorous as some of the other volunteering causes. We need to do whatever we can to lift community recognition and support for services such as Meals and Wheels and encourage more volunteers. This service offers more than a meal for a person; it makes a big difference to the quality of peoples' lives. On behalf of all honourable members I thank the local Meals on Wheels services, particularly all the volunteers who have made those services possible.

#### **PUBLIC SCHOOLS ASBESTOS REMOVAL**

**The Hon. Dr PETER WONG:** My question is directed to the Minister for Community Services, representing the Deputy Premier, and Minister for Education and Training. Does the Department of Education and Training maintain a register regarding asbestos in public schools? Did the department receive any information or concerns relating to the exposure of schoolchildren and staff to asbestos resulting from the fire retardant programs of the 1960s, 1970s and 1980s, and the removal of that asbestos from public schools in 1980? What contingency plan does the department have in place to manage its liability arising from the use of asbestos in public schools?

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

#### **TRAINS SPEED MONITORING SYSTEMS**

**The Hon. DON HARWIN:** My question is directed to the Minister for Transport Services. Why has it taken more than 18 months since the Waterfall accident for RailCorp to begin looking for technology to control the speed of trains as they travel from one speed zone to another on the CityRail network? Given the significant delays in RailCorp even releasing its request for information, when can Sydney commuters expect speed monitoring systems to be fully operational on all CityRail trains?

**The Hon. John Hatzistergos:** It is a dysfunctional question.

**The Hon. MICHAEL COSTA:** I do not understand the question.

**The Hon. Duncan Gay:** You are a dysfunctional Minister.



**The Hon. MICHAEL COSTA:** That is fine. We will see what happens at the Federal election.

**The Hon. Duncan Gay:** Look at the polls!

**The Hon. MICHAEL COSTA:** That is what you said last time. I remember the Deputy Leader of the Opposition told me in the tally room that the Coalition was going to win the last election. It was going to win Bathurst and many other seats. But we saw the results. His attitude has changed for this election. I have said on many occasions that governments have to deal with problems, and this Government deals with problems. The Opposition barks continuously, but according to the polls it is having no impact at all—because it is bloody hopeless! I do not understand the question. If the honourable member would clarify what he is talking about, that would be fine.

**The Hon. Melinda Pavey:** You are a dill!

**The Hon. MICHAEL COSTA:** If the honourable member understands the question, I would be happy for her to clarify it. The State Government, through RailCorp, has taken measures to introduce vigilance control, a requirement of the Waterfall recommendations, and it is working through a program of doing just that. The question does not make sense. If the honourable member is talking about automatic train control, he ought to say that because the Glenbrook inquiry made the point that such a control was not appropriate for our system at this stage. I do not know what the honourable member is talking about—but I am not really surprised by that because I am sure the Leader of the Opposition wrote the question for him.

#### **DROUGHT ASSISTANCE**

**The Hon. TONY CATANZARITI:** My question is addressed to the Minister for Primary Industries. Will the Minister inform the House of the latest developments in relation to the drought and efforts of the State Government to help regional communities?

**The Hon. Melinda Pavey:** What about Batlow?

**The Hon. IAN MACDONALD:** I am getting an answer to that question. I am pleased to update the House on this important matter. Today I announced that the State Government, the Sydney Symphony Orchestra and a range of corporate partners are reaching out to communities in need in a unique partnership that will provide \$100,000 to be donated to drought relief charities. Each year the orchestra brings the Sounds of the Symphony to regional communities. This year its tour originally included three performances in Lismore, Armidale and Newcastle. Following discussions between the Sydney Symphony Orchestra and myself some weeks back, the symphony has generously agreed to add a fourth concert to its tour, a special drought recovery benefit concert to be held on 2 October in Griffith. The Riverina, like many areas of New South Wales, is facing a third straight year of drought. Dam levels in the area remain critically low at about 38 per cent. The local irrigation, livestock and cropping industries continue to live on a knife's edge, hoping for good soaking rains, which are so desperately needed.

This special concert marks the artistic and cultural community of Sydney, reaching out to help their regional friends in need. And it is yet another example of the State Government finding proactive, innovative ways to help New South Wales meet the challenges of drought. I should particularly acknowledge the support of the Hon. Tony Catanzariti, who is working closely with the Griffith City Council and the community on this special event. A host of corporate partners and corporate donors have also heeded the call to assist. They include Country Energy, Energy Australia, Rabobank, Regional Express Airlines, Rural Press Ltd, Telstra, Visy Industries, Weyerhaeuser Australia, and the New South Wales Department of Primary Industries. I name just a few; there are quite a few others, including some from the local area. The Griffith City Council has also generously agreed to donate the use of the Regional Theatre and all staff costs towards this fund-raising effort.

With the help of these corporate partners, an estimated \$100,000 will be donated to the Murrumbidgee Valley Rural Financial Counselling Service and a number of charities, including Adracare, Anglicare, the Australian Red Cross, the Salvation Army, and the St Vincent de Paul Society. I commend their participation in this effort. Each of those charities is represented on the State Government's Drought Welfare Committee. All have consistently been there for our farming community—and this drought relief benefit concert will help them to meet the needs of drought-stricken families. The Griffith community is extremely excited about this concert and the support that has come from so many people. The Drought Recovery Concert will be under the direction of Conductor Maestro Gianluigi Gelmetti, and it will present a unique opportunity for those in the community

with Italian heritage—as we know, there are plenty in Griffith—to witness the musical talent of this brilliant conductor. A host of local events also are being planned for the weekend to further showcase the region to the many visitors expected. I give particular thanks to the Sydney Symphony, its Managing Director, Libby Christie, and all the corporate donors for taking such an interest in this special event.

Almost 90 per cent of New South Wales remains in the grips of drought, and current weather forecasts do not offer much hope for immediate relief. The State Government has committed around \$130 million in drought relief programs, and it will continue its full suite of programs as long as the drought endures. This includes support for several programs that tend to the emotional and social needs of regional New South Wales. Through this special partnership, we hope to ease the burdens of drought and provide extra financial support to charities that look after the welfare of our farming families. I am sure the Deputy Leader of the Opposition, the Hon. Duncan Gay, will attend this concert with me on 2 October.

### CRIME STATISTICS

**The Hon. PETER BREEN:** My question without notice is addressed to the Minister for Justice, representing the Attorney General. With reference to the June quarter 2004 recorded crime statistics report of the New South Wales Bureau of Crime Statistics and Research, can the Attorney explain why the categories of sexual assault—showing a 7 per cent increase—and robbery with a firearm—showing a 6.2 per cent increase—were recorded under the category "no significant upward or downward trend" whereas stealing from a dwelling—showing a decrease of 5.1 per cent—was recorded under the category "significant downward trend"? Can the Attorney also explain why recorded crime statistics do not include drug crimes and do not include indictable traffic crimes?

**The Hon. JOHN HATZISTERGOS:** I am not sure I understand the question. But, in deference to the honourable member, I will refer the matter to the Attorney General, obtain an answer and advise the House in due course.

### PORT MACQUARIE BASE HOSPITAL

**The Hon. MELINDA PAVEY:** My question is directed to the Minister for Commerce, representing the Minister for Health. Is the Department of Health in negotiations with Mayne, the owner-operator of Port Macquarie Base Hospital, to force it to sell the facility to the Government? What guarantees can the Minister give to the people of Port Macquarie and the mid North Coast that the hospital will remain a first-class health facility, attracting the State's very best doctors and surgeons, and not become another Camden or Campbelltown hospital? Has the Government considered spending the reported \$40 million purchase price on abolishing hospital waiting lists and improving mental health facilities in the region?

**The Hon. JOHN DELLA BOSCA:** I thank the honourable member for her question. The observations that I would like to make about that question I think I will keep to myself at the moment. I will take the question on notice and provide her with an answer as soon as practicable.

### FAIRMILE COVE

**The Hon. AMANDA FAZIO:** My question is to the Minister for Lands. What has the Government done to recognise the important contribution made by naval sailors in the Second World War?

**The Hon. TONY KELLY:** On 22 August 2004 a previously unnamed cove on the Parramatta River was officially named Fairmile Cove. The name honours the courageous World War II naval veterans who served on the Fairmile ships, most of which were built at the Green Point naval dockyard, next to Fairmile Cove. Research has revealed that during World War II, 35 Fairmile class ships were commissioned and built for service by the Royal Australian Navy. Of those 35 ships, 20 were built at the Green Point naval boatyard, and history has shown that these ships played a major role in the outcome of World War II. After the entry of Japan into World War II, the Royal Australian Navy decided that there was a need for a class of vessel to be used for local tasks, including convoy escort, local patrols and submarine hunting. In September 1942 the first of 35 Fairmile B motor launches was laid down. Twenty-eight of the Fairmiles served outside Australia, mostly in New Guinea and northern Australia and on some Pacific Islands.

Last week I was honoured to join the surviving naval veterans from the Fairmile ships. They include Greg Percival, a former member of this House. He was a member of this Chamber when I was first here as a

member in 1987-88. He is now the President of the Fairmile Association. He told me during the function that he spent three years on one of these ships in northern Australia. Other veterans were Angelo Tsirekas, Mayor of City of Canada Bay; Warwick Watkins, Surveyor General of New South Wales; the Chairman of the Geographical Names Board; and Commodore Simon Hart from the Royal Australian Navy. This was a particularly moving ceremony.

Fairmile Cove is on the Parramatta River between Mortlake Point and Breakfast Point. Its association with the Navy came to light during the Geographical Names Board's research for a suitable name. The veterans were recognised for the legacy of freedom they left for future generations of Australians. The reality of this sacrifice was brought home to me when I realised that most of those who died in that period were of the same age as my sons. At the end of World War II the average age of sailors in the Royal Australian Navy was 21 years, and some were as young as 17. I know that some misrepresented their age so that they join at an even younger age. Not all generations are called upon to risk their lives for their country and its values. So we owe these men our profound respect and gratitude.

The declaration follows considerable community consultation by the Geographical Names Board and is supported by the City of Canada Bay Council and the Fairmile Association of Australia. Both the names Fairmile Cove and Green Point have been entered into the State's Geographical Names Register as a permanent tribute to the veterans. Not one of the 35 ships was destroyed by enemy fire. One was sunk by another Australian vessel, and another sunk while it was being towed. Despite the fact that most of the boats were used to search for submarines and to land Army personnel on Timor, behind enemy lines and under cover of darkness, none were sunk by enemy fire. That is a great credit to the more than a thousand men who were on those ships during the war. About 130 of them are alive today. These ships and their personnel did a great deal for Australia, and it is fitting that they now have a permanent tribute to their service.

### GOVERNMENT CLEANING CONTRACTS

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** My question without notice is directed to the Minister for Commerce. Is the Minister aware that government cleaners feel betrayed by his Government's failure to assure maintenance of their work hours and job conditions in the proposed cleaning contracts for 2005? Is he aware that the proposal will affect nearly 7,000 cleaners across the State, with many likely to lose their jobs? Will the Minister listen to the concerns of cleaners and give a reassurance that existing cleaning staff will maintain their jobs, their hours and their conditions? Will the Minister reject the current proposal for a two-tier option that would result in school cleaning duties falling to parents instead of paid cleaners?

**The Hon. JOHN DELLA BOSCA:** I will deal with the last part of his question first. Yes, I will rule out any suggestion that we will substitute cleaning services in the public school sector with parental activity. That has not been part of any conscious or even semiconscious intention by the Government.

**The Hon. Melinda Pavey:** Or subconscious.

**The Hon. JOHN DELLA BOSCA:** Or subconscious intention, if the honourable member wants to get technical about it. The honourable member and the House are aware that the renewal of the New South Wales master cleaning contract that involves education services and a range of other State Government services has been the subject of considerable negotiation. The honourable member needs to be clear on a matter about which public debate has become confused: the contracts we are renewing are with contractors, not cleaners. The Government Cleaning Service, which existed until the mid 1990s and was abolished during the period of the Fahey Government, was substituted with a series of master contracts, which are due for their second period of renewal. The Government has attempted to ensure, and will ensure by the time the contracts are finalised, that we have the cleanest possible schools at the best possible value for taxpayer dollars and the best possible treatment for the cleaners involved. I have made our intention absolutely clear throughout the renewal process.

However, the current contracts have a number of deficiencies, and that is why the renewal process has become so complicated and elongated. The contracts are quite lengthy. The key concerns of the Government are that the Government experiences much of the contract risk, much of the employment risk and a great deal of associated employment risk, such as occupational health and safety and workers compensation with very little control over the management of the contracts. The Government has been at pains to ensure that the contracts are sufficiently flexible to enable principals, teachers and parents to be involved in setting priorities for their

schools. But I hasten to add that in doing so we have not moved away from the concept of an applicable core set of cleaning standards. I am meeting with representatives of the union later today, and I advise that in these dealings we will give the employees the respect they deserve.

I have made it clear that we do not intend to do anything that will take away from the legitimate or properly accrued entitlements of the current cleaning work force, even though they are not our work force because, as I said, under arrangements put in place by the Fahey Government they are employees of the contractors. I have met with a range of rank-and-file cleaners on a number of occasions. In the course of going through the contracts we have validated the view and I am satisfied that the vast majority of cleaners—former government cleaners and people who have since joined the service and are now working for contractors—are diligent and hard-working people who are committed to serving the relevant school community. As the Minister responsible I have to go through the exercise and satisfy the Government that we are getting the best value for taxpayers' dollars in the delivery of these services.

#### **MR TONY BEUK EMPLOYMENT RECORD**

**The Hon. DAVID CLARKE:** My question is directed to the Special Minister of State. Has Tony Beuk ever worked on his staff? If so, when?

**The Hon. JOHN DELLA BOSCA:** I am not sure what other points the honourable member is seeking to make, but Tony Beuk currently provides information technology services to my offices, and on a number of occasions in the past—before I became a Minister—Mr Beuk worked for me as well.

#### **LOCUST CONTROL**

**The Hon. PETER PRIMROSE:** My question is addressed to the Minister for Primary Industries. Will he update the House on the progress of the spring locust control campaign in New South Wales?

**The Hon. IAN MACDONALD:** There have been some very important developments in locust control in New South Wales since I raised the matter in this House. As the locust outbreak subsided last autumn the Government and landholders were very aware that the fight was by no means over. We knew the insects had laid egg beds across the State before the cold weather stopped their migration, and it was only a matter of time until warmer weather triggered hatchings. We know we are facing the worst locust plague in three decades. Extraordinary circumstances call for an extraordinary response, which is why, over the past few months, the State Government spearheaded the development of the most comprehensive locust attack plan ever. Experts from the New South Wales Department of Primary Industries [DPI], rural lands protection boards [RLPBs], the Australian Plague Locust Commission [APLC] and the New South Wales Farmers Association have pooled their expertise to co-ordinate this plan.

The key focus will be on areas of the State where we expect the heaviest hatchings, and that includes the Central West and the North West Slopes, particularly around Dubbo, Coonamble, Gilgandra, Gunnedah, Coolah and Molong. It also includes parts of the Riverina, Forbes, Mudgee-Merriwa, and areas north of Bourke, Nyngan, Coonamble and Deniliquin. Honourable Members may be aware of some recent isolated scattered hatchings around Lightning Ridge and north of Narrabri. The Australian Plague Locust Commission has been monitoring these sites, and thus far it has involved only light hatchings. The honourable member for Barwon deserves special mention for his singularly unhelpful contribution to the locust control effort last week. He ignored the advice of the APLC and the New South Wales DPI locust control co-ordinator to declare to the media that widespread hatchings had begun. I suggest that the honourable member stick to the facts in future. Today the department has been advised of reports of very scattered hatchings in the Tamworth and Coonabarabran areas.

**The Hon. Duncan Gay:** At least he's out there looking. Are you going to do the same?

**The Hon. IAN MACDONALD:** The honourable member can rest assured that I will monitor locust hatchings on an hourly basis. RLPB rangers are checking each of these reports, and ground chemicals are already on hand in these RLPBs to enable landholders to begin ground control when the nymphs start banding together.

*[Interruption]*

Again, the Deputy Leader of the Opposition highlights his lack of knowledge about how to fight a locust plague with his ridiculing, as he did in autumn, of the use of helicopters and planes by the department to try to get a handle on the extent of the problem. He attacked us for using helicopters.

[*Interruption*]

I was not even on board. The Deputy Leader of the Opposition attacked us in this House for using helicopters. He has probably dropped that criticism now because it has been an embarrassing time for him. I commend the hard work of all staff involved in preparing for the locust hatchings, including the New South Wales DPI and the RLPBs. They have tackled difficult circumstances in a thorough and professional way. The backbone of the plan is a 100-member response team from the DPI and the RLPBs backed by 35 reserve staff. Additional personnel from other bodies will be available as needed, including personnel from the National Parks and Wildlife Service, State Emergency Service and the New South Wales Farmers Association. We now have enough chemicals either on hand or on order to treat 480,000 hectares. To put that in perspective, it is more than four times the area treated last autumn. But, once again, it certainly is not the end of the story for control agents. Arrangements are in place already to purchase more supplies as needed. The plan also includes contingencies for environmentally sensitive areas, such as organic farms, which may be treated with a fungus-based pesticide. The department also has more than one dozen misters on hand and 50 boomless jets to help landholders apply ground chemicals more evenly.

**The Hon. PETER PRIMROSE:** I ask a supplementary question. Will the Minister please elucidate?

**The Hon. IAN MACDONALD:** A fleet of helicopters and fixed-wing aircraft is ready to survey and spray control agents in targeted areas. Communication is the other vital part of our locust control plans for this spring; it includes regular updates via the media and the locust hotline, which is up and running. More than 1,900 landholders have already attended approximately 33 community information sessions, and another 48 sessions are planned. The latest sessions will be held at Mudgee-Merriwa, Molong and Forbes today, and at Brewarrina tomorrow. Further updates will be posted on the New South Wales Department of Primary Industries and Rural Lands Protection Board web sites. I again urge landholders to remain vigilant. I assure the public that the State Government is absolutely ready to launch a vigorous attack, as soon as the locusts hatch and congregate in bands.

#### **JOINT SELECT COMMITTEE INTO THE TRANSPORTATION AND STORAGE OF NUCLEAR WASTE GOVERNMENT RESPONSE TO REPORT**

**Mr IAN COHEN:** I ask the Treasurer, Minister for State Development, and Vice-President of the Executive Council, in his capacity as Leader of the House: Why has there been no response by the Government to the recommendations made in a report tabled by the Joint Select Committee into the Transportation and Storage of Nuclear Waste on 17 February 2004? Will he also explain why a response from the Commonwealth Government to the joint select committee's report, which was provided to the New South Wales Government, has not been released? Will he inform the House why the New South Wales Government has failed to follow through on its public statements of opposition to any Federal plans to site a nuclear waste storage facility in New South Wales with legislation to ban such a move, as South Australia, Western Australia and the Northern Territory already have done?

**The Hon. MICHAEL EGAN:** I thank Mr Ian Cohen for his question. I must admit that I am not in a position to provide an answer. Frankly, I was not aware that a response to the joint select committee's report had not been made. I will refer it to the appropriate Minister for a response as soon as possible.

In view of the time, honourable members who have further questions may wish to place them on notice.

#### **BYRON BAY MARINE PARK ZONING PLAN**

**The Hon. IAN MACDONALD:** Yesterday I was asked a question by the Hon. Jon Jenkins about the breakdown of submissions in response to the Cape Byron Marine Park issues and options paper. I advise the House that about one-third of respondents indicated recreational and/or commercial fishing as their primary activity in the marine park. Twenty-four per cent of respondents indicated that recreational fishing was their primary activity, and another 10 per cent indicated they were involved in commercial fishing. A further 10 per cent nominated environment and conservation activities, and a further 5 per cent nominated beach going. Other activities nominated by respondents included aquaculture, charter operations, dog walking and horse riding, four-wheel driving research, boating, diving, snorkelling, spearfishing, surfing, swimming, walking and running, and whale and dolphin watching.

**BATLOW AREA EXCEPTIONAL CIRCUMSTANCES DROUGHT RELIEF APPLICATION**

**The Hon. IAN MACDONALD:** Today I was asked a question by the Deputy Leader of the Opposition relating to the Batlow exceptional circumstances application. I inform the House that the Department of Primary Industries relies on industry co-operation to prepare any exceptional circumstances application. Without the help of industry, we are simply unable to pass the unrealistic and unnecessary hurdles that are set for us by the Federal Government. In the case of the Batlow application, I confirm that the process took three months to prepare but was submitted to the Federal Government on 24 August. I encourage industry to give its utmost co-operation in these matters. However, it is hardly surprising that industries should be reticent to provide the Federal Government with any information when they are constantly under attack by organisations such as Biosecurity Australia and its import risk assessments.

**Questions without notice concluded.**

*[The President left the chair at 1.03 p.m. The House resumed at 2.30 p.m.]*

**BUSINESS OF THE HOUSE****Suspension of Standing and Sessional Orders**

**The Hon. JOHN RYAN** [2.30 p.m.]: I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 109 outside the Order of Precedence, relating to the Save Orange Grove Bill, be called on forthwith.

**The Hon. JAN BURNSWOODS** [2.31 p.m.]: Although the Hon. John Ryan did not say so, I understand that the purport of his motion would be to abolish the one hour allocated for take-note debates on committee reports. Indeed, the purport of the motion would be to also abolish the two hours set aside for take-note debates on the budget. I think that is correct, subject to what the Clerks say. I very strongly oppose the motion to not have an hour for debate on committee reports. For a variety of reasons it is sad that Reverend the Hon. Fred Nile resigned from this House on Monday, one reason being that he was always a champion of the committee system in this House, particularly of the traditional standing committees. Reverend the Hon. Fred Nile was also a champion of the role of the House itself in relation to committees and an opponent of the self-reference power, all of which is relevant to some of the matters that the Hon. John Ryan wishes to discuss.

For many years, repeated over and over again at the start of a parliamentary session and included in our standing and sessional orders, we have set aside an hour for committee debates on Wednesdays. I do not have a particular interest in all six of the reports set down for debate but I certainly do have an interest in the majority of them. First is the ongoing debate—and I deliberately mentioned Reverend the Hon. Fred Nile—on the report of General Purpose Standing Committee No. 1 entitled "Serious Injury and Death in the Workplace". I have already spoken in that debate, as did, fortunately, Reverend the Hon. Fred Nile. However, the Hon. Ian West, who knows more about these issues than any other member of the House, with the possible exception of the Minister, is to speak in that debate. The motion of the Hon. John Ryan would prevent the continuation of that important debate.

Second is the debate on the report of the Standing Committee on State Development in relation to port infrastructure, a matter considered very important by a number of members only a very short time ago, including a number of crossbench members who are not currently in the House. Third, a matter that the Opposition made great play with, is the report of General Purpose Standing Committee No. 1, again admirably chaired by the Reverend the Hon. Fred Nile, into the 2004 mini-budget. The Hon. Greg Pearce and the Hon. Catherine Cusack tried to use that committee to demolish the mini-budget but were in turn very effectively demolished by the Treasurer, and father of the House, the Hon. Michael Egan.

Fourth is a matter I am not expert on but on which Reverend the Hon. Dr Gordon Moyes and the Hon. Christine Robertson, who is not present, were expected to speak. We all well know the views of the Hon. Christine Robertson. A number of other honourable members were expected to speak on this matter, which is an inquiry that, only a little while ago, seemed to be the most important thing in the world for the Opposition. However, what sometimes seems to be the most important thing in the world tends to be yesterday's deadline or today's opportunity for grandstanding and scaremongering. I refer to the report of General Purpose Standing Committee No. 2 entitled "Complaints Handling Within NSW Health".

Fifth and sixth, about which I have a particular interest, are the reports that were tabled in August by the Standing Committee on Social Issues, which I have the honour to chair. Report No. 32 is entitled "Interim Report on the Inquiry into Issues Relating to Redfern and Waterloo", and Report No. 33 is entitled "Report on the Inebriates Act 1912", the inquiry which was given to the Standing Committee on Social Issues as a result of the Alcohol Summit. I defy any member of this House to say that those reports are not important. I have noted over the years that honourable members, particularly the Hon. Dr Arthur Chesterfield-Evans, have raised the importance of ensuring proper debate on matters of importance, especially in the case of the social issues committee. Honourable members have also raised the importance of ensuring that the Government responds to the debate.

I have listened to all of the rhetoric from the Opposition, and indeed from some of the crossbenchers at the beginning of this parliamentary session, in which it was agreed that reports from general purpose standing committee reports should be added to this important hour of committee debates on Wednesdays. We heard all the rhetoric, over and over again, about how it was just not good enough to have social issues, State development, law and justice, and how we had to have debates on the five general purpose standing committee reports. Ever since, in its usual hypocritical way, the Opposition talked about it but ignored it completely. [*Time expired.*]

**The Hon. DON HARWIN** [2.36 p.m.]: I am surprised the Government has taken a course of action that seeks to procedurally frustrate further debate on the Save Orange Grove Bill. Clearly, the Government is running away from scrutiny. The Government does not want this bill to come to a vote today, as the communities of Western Sydney and surrounding areas who are concerned about the closure of small businesses and job losses would want—for that matter, even as their Federal Labor colleagues would want. The Government is running away from scrutiny, but I will quickly deal with some of the cant that we heard from the Hon. Jan Burnswoods about committee reports so it is on the record that she is talking absolute nonsense. It should be placed clearly on the record, and this may be something that needs to be looked at by the standing orders committee, that this morning the Leader of the Government moved that General Business take precedence over Government Business.

It is always the case that we discuss committee reports and budget take-note debates on a day when Government business takes precedence. I also place on the record that the reason why the Leader of the Government moved today for General Business to take precedence is because on two occasions at the end of the last session the Opposition and the crossbenchers gave leave to the Government to cancel private members' days so it could have its usual rush of legislation rammed through before the end of the session. This is something that has occurred in the Legislative Council for a very long time under this Government and there has been a willingness to accommodate the program when necessary, for instance with urgent bills. But it has always been on the understanding that private members' days are not sacrificed.

The Government seems to be suggesting that the day it is giving for private members' business today should consist of one hour between 11.00 a.m. and mid-day, and one hour between 5.30 p.m. and 6.30 p.m. If that is giving back a private members' day, to compensate the Opposition twice giving the Government a whole day at the end of last session, it is an absolute joke. The Opposition and I suspect that members on the crossbenches will be absolutely opposed to that course of action. The Hon. Jan Burnswoods talked about the importance of these reports, and every Opposition member concurs, but it is completely unacceptable for her to leave out the context of discussion this afternoon relating to procedure.

**The Hon. Greg Pearce:** That's her usual form.

**The Hon DON HARWIN:** My colleague the Hon. Greg Pearce made a remark about the Hon. Jan Burnswoods, which I acknowledge. Frankly, the Opposition will not stand for this.

**Motion agreed to.**

#### **Order of Business**

**Motion by the Hon. John Ryan agreed to:**

That Private Members' Business item No. 109 outside the Order of Precedence be called on forthwith.

**SAVE ORANGE GROVE BILL****Second Reading****Debate resumed from an earlier hour.**

**The Hon. JOHN TINGLE** [2.40 p.m.]: I support the Save Orange Grove Bill. My reasons for doing so may be a little out of the mainstream legal argument but I believe them to be quite valid. Obviously there is a major formal question as to whether the Orange Grove development should have been allowed in the first place, but the validity of that approval is for others to decide. In my opinion it is not the central point of what we are debating or even the pivot upon which this bill swings. It is also not the main reason why I intend to vote for this bill, which I expect will be passed by this House only to die a sudden death in the other place.

The reason I will vote for this bill is as follows. Even if the development approval might have been doubtful and in breach of zoning laws, as has been claimed, once that approval was received the Orange Grove outlet went ahead in good faith believing that it had received approval. Traders set up their businesses in good faith and staff took up their jobs in good faith. Now those businesses and those jobs are, as it were, hanging over the edge of an abyss, trading on what the Hon. John Ryan has described as a play of people power in defiance of a court order that it must close. Majority formal opinion, including in the courts, is that they should not have been there in the first place.

I believe that popular opinion disagrees, but the vital fact is that they are there and, as a result of the ordered closure, many people will become innocent victims because somebody, somewhere, somehow, seems to have screwed up. The development of Orange Grove created a problem but the traders and workers did not and they certainly should not be penalised for something that was done by somebody else. Closing the Orange Grove factory outlet centre and throwing so many people out of a job is not a reasonable or just solution to the problem. The Government is trying to fix one problem by creating another even bigger problem, which makes no sense. The bill, which will provide a just, reasonable and workable solution, a classic workaround, should be supported.

**The Hon. Dr PETER WONG** [2.43 p.m.]: I state at the outset that I support the Opposition's Save Orange Grove Bill and I urge members of the Labor Party in this House and in the other place to do what is fundamentally right. By exercising their conscience they will be supporting the effort to save the jobs of hundreds of struggling workers. I commend the Hon. John Ryan, the shadow Minister for Western Sydney, for the work he has done on this bill. I have watched this sad saga unfold. Whilst there are lighter moments such as the now infamous photograph of Joe Tripodi, which I think should now be known as the kiss of death, there are many other examples of high farce, with the Department of Planning, the Premier and Labor factional infighting brilliantly impersonating the three stooges.

The sad reality is that hundreds of people are not enjoying this Labor Party joke. Like any member of this House I enjoy a good giggle, but this is a practical joke that has well and truly got out of hand. I cannot believe the conflicting evidence that has been given by bureaucrats, Labor Party operatives, and businessmen who are Labor Party members and financial contributors. I cannot reconcile the fact that senior bureaucrats in the Department of Planning have as part of their job description the production of press releases for something as mundane as a wholesale shopping outlet. I can understand that press releases may be part of their function when designing and approving large State initiatives such as Darling Harbour or Olympic Park, but I cannot believe that they write press releases every time they give planning permission for something such as a Mitre 10 store or a roller-skating rink.

The fact that senior bureaucrats put out press releases announcing a planning decision that allowed for the Orange Grove development to proceed only confirms my belief that there was political interference from the outset. Today I will not be asking the Premier why he intervened, and nor will I ask him about his relationship with Frank Lowy. I will not be asking the Premier why he lied about his dealings with Westfield or why his chief of staff met with a former Keating adviser and Mark Ryan, the present Westfield director of corporate affairs, and discussed issues about Orange Grove. However, I want to know from the Premier why he allowed grubby party factional infighting to have this incredible impact on workers that his party pretends to represent. I have watched with awe as the credits roll by. This impromptu pantomime and its cast of thousands consists entirely of Labor Party performers.

I have watched powerful party people such as a previous Keating adviser introduce the horrible spectre of the party's political assassin, Phuong Ngo, as some bagman carrying bribes from one Labor Party member to



another—a performance that I found disturbing. Regardless of whether the political interference in the rezoning process is read as corrupt and whatever people say about the debacle in the planning procedure, these issues are open to interpretation. It is obvious that the actions of the Premier in not controlling his party are destroying the lives of hundreds of people. Even if what the Premier and the Labor Party are doing to Orange Grove, the owners and workers is not corrupt, it is unethical.

Mr Carr is pulling the strings of yet more bureaucrats. His uninspired attempt to find jobs for workers is not enough to expunge the Labor Party's guilt and responsibility in this matter. The Premier must show leadership in this matter, forget the party's underlying agenda, and prove that the Labor Party is a party for the workers—something nobody believes. In supporting the Opposition's bill the Premier must give workers at Orange Grove the job security they deserve. I commend the bill to the House.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS** [2.47 p.m.]: The Australian Democrats have some difficulty about the Save Orange Grove Bill. We do not believe that Parliament should be involved in rezoning, and we believe that planning laws should be upheld. Both those propositions are inconsistent with this bill. However, this exceptional muddle, which I believe has been caused by the Labor Party, has resulted from the Government's planning policies. The State Government overrules local councils when it suits large vested interests, often the planning processes are not transparent, and so on. In November 2000 Liverpool City Council granted development consent for the retail complex at Orange Grove Road, which was subdivided into 63 tenancies and involved a wide range of retailers.

At the time that was against the local environmental plan [LEP], but it was passed. I spoke to Nabil Gazal, who said he knew it was against planning regulations but he was not going to make any money from a bulky goods store. He had assessed the market in that regard and he had been knocked back in his attempt to include a cinema complex there, which he thought fell within the LEP. He thought that was because of the influence of Westfield, so he gave it a whirl. The project was approved and the Minister for Planning, Infrastructure and Natural Resources, Mr Knowles, attended the opening ceremony and unveiled the plaque on 21 November 2002. It is said that 400 people found new jobs, small business was growing, and local members of Parliament and Mr Knowles had a photo opportunity, looking good and busy.

Westfield then lodged a protest on the grounds of the LEP. It disputed that the outlet was a bulky goods outlet under the Liverpool local environment plan 1997 and ruled it illegal. On 16 January 2004 the Land and Environment Court held that the legality of the development approval was invalid. It basically ruled that a "bulk goods outlet" sells many goods and a "bulky goods outlet" sells large amounts of product to a small number of customers. That makes a huge difference to what products are sold and the amount of traffic to and from an outlet. The court ruled the bottom line was that the Orange Grove outlet was a shopping centre with many shops, which is specifically excluded in the local environment plan. It said that some convenience stores—such as the little hamburger shop—should be allowed to continue trading in order to serve the employees of the bulky goods store but ruled that the centre could not continue to operate as a huge retail complex. I do not think the Land and Environment Court could have reached a different decision.

In April 2004 Gabrielle Kibble, who was appointed administrator of Liverpool City Council after the elected council was sacked as a result of the failed Oasis development, forwarded an application to DIPNR to change the LEP and rezone the site at Orange Grove to enable the factory outlets to be approved. She obviously recognised the anomaly of the application and Land and Environment Court decision—which is presumably exactly what she should have done. A document prepared by DIPNR staff regarding a proposed amendment to the Liverpool LEP summarised the background and history, sought input from various public authorities, considered all relevant policies, and assessed the benefits and disbenefits of rezoning the land. DIPNR policy adviser Peter Hamilton, Principal Policy Adviser, Metropolitan Strategy, concluded:

Taking into account the assessment using the net community benefit criteria and the broader considerations relating to consumer choice, business competition and local employment generation, the conclusion reached is that the benefits of developing the proposed outlet centre at Orange Grove Road **outweigh the disbenefits**.

Laurel Cheetham, the Senior Environmental Planner for the Sydney Region West, concluded:

... in the context of the Integrated Land Use and Transport package, and given the location of the site, the type and scale of development, it is considered that it will have a net community benefit.

So the Carr Government is effectively ignoring the advice of its department and the technocrats who are qualified to make these assessments. This affair reveals the Carr Government's poor management of the State of New South Wales. Presumably the council should not have given development approval but any appeal against

that decision should have been lodged before construction on the site began—before the wheels were in motion—and before people with mortgages and debts were locked into contracts.

It has been alleged—I do not have the details of the claims and counterclaims—that Westfield lobbyists spoke to people within the Premier's Department so the Premier's statement that he was not approached directly is true only technically and does not convey the real situation. It is perhaps similar to the children overboard affair in that the Prime Minister said he was not informed personally but contact was definitely made at departmental and management levels. The Carr Government's behaviour in this matter is most worrying. I believe in the concept of open government. I believe all documents relating to planning approvals and official behaviour should be made public so that people can see what is going on. Those who want to keep documents secret should apply to an ombudsman to do so. That concept is enshrined in the New Zealand legislation that I have touted in this place for quite some time.

I generally do not like to support legislation that overrides the court system and the planning process—which it suits the Government to stand behind in this case. The site should have been rezoned before the development approval was granted or the approval should have been knocked back. This bill recommends a course of action similar to that advocated by DIPNR. The bill proposes to facilitate the continued use and operation of the designer outlets centre, commonly known as Orange Grove, in Liverpool. It will effectively rezone the current site, enabling Liverpool council to grant development approval to the current outlet. As everybody knows, this has been a most controversial subject in the media of late and the inquiry undertaken by General Purpose Standing Committee No. 4 has offered a good deal of insight into how the Carr Government works.

This seems to be a fight between little ALP mates and big ALP mates—I mean no offence by that comment. It was interesting to speak to Mr Gazal, who courteously showed me around the centre. Mr Gazal, who is a Lebanese Christian, said to me, "Look, when I was in Lebanon I knew the system was corrupt: If you wanted something done you had to put in your bribes and whoever offered the most money won the day. I didn't come to this country penniless—and I won't pretend I did—but when I came here I thought the system was above board. I haven't bribed anybody. I knew my application wasn't within the LEP but I put it in and once I had consent and the Minister opened the centre I thought that was as good as it got and I was quite happy to go ahead and sign up tenants—what else would you do if you'd built a shopping centre?" Mr Gazal said that he signed leases with tenants because he had planning agreement from the council, which said that it would change the LEP. Mr Gazal has statements from a number of people about who said what to whom when and how they were connected to various branches of the Labor Party. I presume that the legal hassle associated with this matter will continue, but I do not want to comment on that now.

Let us contrast the Carr Government's decision in this case with its decision to overturn the Land and Environment Court's ruling with regard to the Collex waste facility. The Government introduced special legislation to do that. Parliament passed special legislation in relation to Walsh Bay—from memory, I think at 2 o'clock or 3 o'clock in the morning—so that the National Trust could not take the case to the Land and Environment Court, which it had planned to do that same morning. Let us consider the extraordinary Honeysuckle development for which the Carr Government is both the proponent and the consent authority. One might ask: Why is the Government so keen to uphold the decision of the Land and Environment Court in this case and so defamatory of its proponents?

Liverpool is a blue-ribbon Labor electorate. In fact, when I visited the Orange Grove centre one retailer commented, "It's weird; it's good to see John Brogden out here because we always think he is on the other side." In other words, the locals are such dyed-in-the-wool Labor supporters they cannot imagine how a Liberal politician will do them any good. It is an interesting perspective. Many Liverpool electors are now very disillusioned with the Labor Party and keen to see this bill passed. The same retailer, who ran a shoe shop, commented that she had not seen the local member, the honourable member for Fairfield, Joe Tripodi, or the honourable member for Liverpool, Paul Lynch, for a long time. In a sense, those to whom I spoke are feeling neglected in what is a safe Labor Party seat.

I will support this bill. Parliament should not be rezoning, and planning laws should be upheld. Fundamentally, if the Government is going to interfere it should do so promptly on publicly available criteria. It is unfortunate that this bill has had to be introduced. The lesson is that planning has to be a far more open and transparent process in New South Wales at the local government level and the State Government level. Obviously, many points of view in planning clash. Some people want to keep more bush, others want to develop and some want development only near planned travel corridors or transport nodes. This Government has been reluctant to submit sensible plans for transport and even more reluctant to invest in such plans in areas like the north-west sector.

This Government sold 100 railway wagons before it had their replacements. It had a huge shortage of rolling stock and there were very few trains on the line from Campbelltown and Macarthur to Parramatta, which caused a huge bottleneck for drivers. That placed a huge demand on the western orbital because people got into the habit of driving due to the lack of public transport. Even then the Government learnt nothing. When this Government was asked to put in an easement for public transport along the western orbital it was too stupid to agree. The Government was too stupid to continue the rail line from Epping to Carlingford to allow those in Western Sydney to travel to Chatswood because of the lack of demand—of course, there was no demand because there was no transport. Because the Government has not continued the line in the north-west sector, there will be immense bottlenecks in the future. This Government does not plan intelligently, and Orange Grove is part of that syndrome. I will support this bill. Surely the Government will do some serious urban planning—transparently arrived at by consensus—and invest money into transport infrastructure to prevent this debacle from recurring. I hope that something can be gained from this Government's mates-type approach, which has gone on for too long.

**Ms SYLVIA HALE** [3.03 p.m.]: I support the Save Orange Grove Bill on behalf of the Greens. The Greens believe that the central issue in this debate is not planning going wrong and the Minister intervening to rectify it, but corruption—corruption that the community perceives as having occurred at the highest level of government, the end result of which has been the loss of more than 400 jobs in Liverpool and a further enrichment of the Lowy family in the Westfield corporation. This bill removes the decision of whether to rezone the Orange Grove site from a Minister whose office has been tainted by allegations of corruption and places it in the hands of Parliament. This, admittedly, is not the way in which rezoning approvals are normally dealt with, but surely no-one can suggest that we are confronted with a normal situation. We have two versions of what lay behind the decision to deny planning approval for the Orange Grove site. One is the version put forward by Mr Gazal and is the basis of his complaint to the Independent Commission Against Corruption. Mr Gazal's version is contained in a conversation that he says he had with Mr Joe Tripodi, the member for Fairfield, on 22 May 2004. He said:

I asked Mr Tripodi, "Please tell me what you told Sam?" He said, "I talked to Diane Beamer and she told me that she received a phone call from Mr Bob Carr asking her to screw the rezoning." I said, "Why is she doing that?" He said, "I asked her. She said he is doing a favour for his mate Lowy". He meant Frank Lowy ...." I said, "Did you ask her why?" He said, "Yes, I told you why." I said, "But don't worry. Diane will do the right thing if the report is allowed because it's a no brainer and 450 jobs and \$40 million in damages are involved",

Mr Gazal later expanded on this and said:

Joe kept repeating, "It's a no brainer. She will do the right thing if the reports come good." And then I asked Joe, I said, "Did you ask Mrs Beamer about the 450 jobs she is cancelling?" He said, "Yes." I told him, "Did you ask her if she asked the Premier about them?" He said, "Yes." "What did he say?" He said, "Mrs Beamer told him the Premier said that he doesn't give a [shit] about the jobs in Liverpool. He owns the joint."

That is one version of what happened. Then there is the other version, the one we hear from the Premier, from his chief of staff, from Diane Beamer's chief of staff and from Westfield that the stench surrounding the entire development and rezoning processes was so great, the approval process so dodgy, the web of dishonest influence so strong, that the Minister had to stick to the rules and this inevitably led to a refusal of the rezoning application. I have no doubt that the original decision made a decade ago to rezone the site was dodgy. The Orange Grove development first came before Liverpool council in March 1991 when developer Nabil Gazal's company, Jokona, lodged an application for the rezoning of 12 hectares in the Orange Grove industrial estate which had been used for the manufacture of caravans. The site had a restricted industrial rezoning which prevented it being used for industry generating traffic movements on and off the highway. The revised rezoning would permit bus and truck depots, service stations, restaurants, showrooms and saleyards, all of which would generate traffic.

Minutes of the council meeting of 4 June 1991 show that the application was refused. The current Federal Leader of the Opposition, Mark Latham, was a member of the council during that time. Several months later, on 22 August 1991, Councillor Latham received a donation of \$3,000 from Viscount Caravans Pty Ltd, one of Mr Gazal's companies. On 10 September 1991, Councillor Latham received a further \$1,500 from one of Eddie Obeid's companies, Moona Plains Pty Ltd. On 14 October, by which time Mark Latham was mayor, Jokona's development application was again before council. This time it was resolved that a draft local environmental plan [LEP] be prepared and exhibited. Contemporary newspaper reports indicate that there were more than 500 objections to the rezoning proposal but that these objections were ignored by the council and by Mayor Latham and, as a result, the council's development committee resolved to proceed with the LEP.

The first stage of the centre opened in 1991. Significantly the current Minister for Infrastructure and Planning, Craig Knowles, was also on Liverpool council from 1982 to 1994. As we all know, he officially opened stage two of the centre on 21 November 2003, declaring it to be "great for Liverpool". The bulky goods centre has been in existence and has generated traffic for more than a decade. How should the council have dealt with a development application to extend its operations? The application was received, processed by council staff and approved under delegated authority by council offices. It did not come before the elected council, the council over whom the Oasis scandal has cast a cloud. Significantly, former Liverpool councillor Colin Harrington, who was at the forefront of opposing and exposing the Oasis scandal, said in his evidence to the committee of inquiry on 16 August 2004:

I would like to say publicly that if it [the development application for the retail outlets centre] had come before the council, I would have supported the application for the social and economic benefits that are very clearly evident with that application.

When asked:

After all that has been said and done on this considerable controversy, you still support the designer outlets centre going ahead?

Mr Harrington replied:

Most definitely, yes.

Yesterday in the lower House the Minister for Planning made much of the fact that the development application was "dodgy". Just how dodgy was it? To answer this question, it is instructive to look at what Westfield's own solicitors, Minter Ellison, had to say on the matter. In an email to Westfield executive Craig Marshall on 23 March 2004, Minter Ellison partner John Whitehouse wrote:

The Council's decision to grant development consent... was clearly a potential course of action available to it... In our view... the initial decision of Council to treat the application as permissible was reasonable and arguable, even if ultimately unsuccessful before Lloyd J.

And, as has been pointed out earlier in this debate, Mr Gary McCully, Liverpool's new general manager, investigated the process by which development approval was granted and found that nothing untoward had occurred and that the process stood up to scrutiny. In June 2003 Westfield commenced proceedings in the Land and Environment Court to have the approval overturned. In those circumstances, what was the appropriate course of action for Liverpool council to have followed? What it did do, in December 2003, was to propose a spot rezoning of the site the effect of which would be to retrospectively validate the designer outlets centre. Was this dodgy? Here it is crucial to bear in mind that by March 2004 Liverpool council had been dismissed and the decision to proceed with and recommend the draft local environmental plan rezoning the site was made by the new administrator, Gabrielle Kibble.

Gabrielle Kibble was the person appointed by this very Government to put Liverpool council's affairs in order and to dispel the perception of corruption surrounding it. She is a woman who has been intimately involved with the Liverpool community for the past 18 months, and she is a woman in whom both Labor and Liberal governments have reposed complete confidence for almost two decades. She is a woman whose qualifications would seem to fit her for the task: Director of Planning in the New South Wales Department of Housing from 1987 to 1995; Director of the Department of Housing from 1992 to 1994; Director-General of the Ministry for Housing, Planning and Urban Affairs from 1993 to 1995; and Director-General of the New South Wales Department of Urban Affairs and Planning from 1995 to 1997, when she retired. Ms Kibble's handling of the LEP was not cursory or a matter of shuffling the papers on her desk. She intervened to separate what was a rezoning initially covering both the designer outlets site at Liverpool and the Cross Roads site at Casula into two separate plans. As the inquiry heard, "her fingerprints were all over" the draft LEP. She then forwarded the draft LEP to the Department of Infrastructure, Planning and Natural Resources [DIPNR] with her full knowledge and approval of the contents.

At DIPNR a section 69 report was prepared, primarily by Laurel Cheetham, Senior Environmental Planner, Sydney Region West, a planner of some 20 years experience. It was then endorsed by David Birds, Team Leader Southwest Sector, DIPNR, and by Gary Prattley, Executive Director, Metropolitan Land and Resource Planning, DIPNR, on 16 June 2004. Mr Prattley, no doubt sensitive to pressures from above, subsequently changed his mind. With the possible exception of Gary Prattley's change of mind, what, up to this point, was dodgy, corrupt or ensnared in a web of dishonest influences? Just what was untoward or improper in anything that had occurred to this date?

When questioned on this during the inquiry's hearings, former Keating staffer Mark Ryan, now Westfield's Director of Corporate Affairs, said that he had concerns about irregularities in the process, but

conceded that he had "no material evidence of any act of corruption". Nor did he have anything worth reporting to the ICAC. Yet Mr Ryan's allegations about the Minister being encircled by dishonest influences were supposedly so serious, so substantial, that he sought and was granted a meeting with the Premier's Chief of Staff, Graeme Wedderburn, who in turn spoke to the Premier. And the Premier was so shocked, so perturbed, so concerned by what he learned that he told Mr Wedderburn to instruct Minister Beamer to "stick to the rules" and follow proper process. Just whose leg is being pulled here? No allegations, no evidence, just vague assertions about a council that had already been dismissed.

I put it to the House that what we have here is a concoction, a farrago of half-truths and innuendos, deliberately designed to distract attention from a sleazy decision to put the corporate interests of Westfield ahead of the jobs of more than 400 people at Liverpool. It is also a concoction that smears and besmirches the reputation of all those public servants who have participated in the process: Gabrielle Kibble, Garry McCully, Laurel Cheetham, David Birds—to name just the most obvious.

I now turn to the issue underlying this whole debate—and that is the issue of political donations. The Greens' opposition to corporate donations from the big end of town to political parties is well known. Call it what you like, large sums of money changing hands between corporate interests and politicians buys influence. "Donation" is in fact a misnomer. Nobody believes that the pubs and clubs industry or developers that make donations to political parties do so for the social good or to enhance the quality of democracy. They give donations in the hope or expectation that politicians will make decisions favourable to their business interests. They are not donations; they are bribes.

The Greens have done extensive research on political donations. That research shows that the biggest donors to the Australian Labor Party in New South Wales are property developers. It is no coincidence that the largest donors are developers. The daily currency of property development involves property acquisition, land rezonings and development approval—the very same hallmarks that have characterised the Orange Grove saga. Over the past four years the New South Wales branch of the Labor Party has received donations from at least 80 companies in the property industry. The Walker Corporation gave \$165,000; McRoss, also associated with Lang Walker, gave another \$122,000; Meriton donated \$294,500; Multiplex donated \$258,350; the Mirvac Group donated \$98,000; Leightons gave \$147,550; the Lend Lease Group gave \$241,850; and Paynter Dixon Construction Pty Ltd gave \$298,450.

Then we get to Westfield's gifts to New South Wales Labor: \$75,000 from Crossy Ltd, a Westfield subsidiary, in 1998-99; \$4,000 from Westfield Holdings in 1999-2000; \$22,000 from Westfield Holdings in 2000-01; \$19,550 in 2001-02; \$95,000 in 2002-03—a total of \$215,550 over five years. These are only the donations to the New South Wales branch of the Australian Labor Party. Over the same period Westfield donated \$643,500 to Federal Labor—all up, \$859,050 in donations to Labor from Westfield and its associated entities. I suggest that \$859,050 buys a lot of influence. It certainly buys more influence than \$10,473—the amount Nabil Gazal donated to the Labor Party over the same period. And Gazal has openly admitted that had he known Labor wanted more, he would have been only too happy to pay more if that was what was needed to get a favourable outcome.

If the Government wishes to dispel the stench surrounding the actions of the Premier and the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), it will support the bill, it will permit the rezoning, and it will permit the administrator of Liverpool council to determine whether to approve the development application for a retail outlets centre. A person with local knowledge and considerable qualifications and experience could make that decision. The people of Liverpool deserve no less. The Premier may be contemptuous of the people of Liverpool and not give a fig about their jobs, but the Greens certainly do. I urge the House to support the bill.

**The Hon. JON JENKINS** [3.20 p.m.]: Many members in this House would be familiar with my attitude to what I call political stunts. Generally I will not support them. The Leader of the Opposition and I have had discussions both on and off the record about what I call stunts. This bill will probably not help one person at Orange Grove find a new job, nor will it help any of the people who have sunk their livelihoods into new businesses in good faith. I have not supported any political stunt by the Opposition in the past because I do not believe that any one of them was truly a genuine attempt to do something for the people of the State. But this occasion is a little bit different because it indicates that we are at a crucial time in both State and Federal politics. The people of New South Wales—in fact, the people of Australia generally—are sick to death of cynical, patronising politicians who twist the truth and who are more concerned with political power than with doing the right thing. They are desperate for a viable alternative, so desperate that approximately one in ten,

according to the polls, is considering seriously voting for the lunatic Greens, who, the evidence is clear, want only to destroy and create anarchy. Are senior politicians so detached that they cannot see and feel what is happening out there in voter land?

I turn to the specifics of this situation. The attitude of the Government to planning laws has been very flexible, and in some cases it is a good thing: the environment changes, patterns of human behaviour change, and our suburban needs and requirements change. Planning laws and instruments should reflect those changes. There is no doubt that political shenanigans have been going on behind the scenes and that the Government will have to take its lumps for its incompetence and mismanagement. In 2002 Liverpool council approved the use of Orange Grove as a factory outlet. No objections were raised to the construction of the facility. Clearly, this was an error on the part of council because the zoning requirements prohibited retail outlets in this area. It is unclear why the council approved Orange Grove. An altruistic view may well be that it was reflecting the community's needs and desires to have such an outlet at this place. Conversely, the more sinister implication is that powerful political forces behind the scenes were directing events. In June construction of the Orange Grove centre began and an application was made to the Minister to rezone the centre for retail purposes.

In the full knowledge of all these events the Minister subsequently opened the centre, thereby providing legitimacy to the council's decision, and the retailers who had sunk their livelihoods into creating businesses and employment in this area. Certainly those who were aware of the rezoning proposal would have taken this action by the Minister as sanction or approval of the rezoning proposal. However, both the Minister and the council soon became aware that trouble was brewing because Westfield had signalled its intention to begin litigation. Subsequently, the Land and Environment Court and then the Court of Appeal found that the centre had breached the zoning rules. In the intervening period the appointed administrator of Liverpool council, herself an experienced town planner, had supported publicly the rezoning of the centre for retail purposes. Many senior staff from the planning department also supported this action. Now the Minister and the Government had two choices: either rezone the centre as had been recommended by the senior planning staff of Liverpool council's administrator or refuse to rezone the centre and allow it to close, with the associated loss of jobs and businesses.

This is where the uncertainty arises. On what basis was this decision made? We do not know, and will never know, why this decision was made. We will never know who did what, who said what to whom or who paid what to whom. No inquiry, including an inquiry by the Independent Commission Against Corruption, will ever get to the bottom of it. Perhaps in the distant future, when one of the people involved writes his or her memoirs, we will eventually know, but in the near future we are not going to know. In my short time in this House I have seen that the Government—as the Opposition has pointed out—has been quite prepared to be flexible in its planning arrangements. Why no flexibility in this case? That is where we stand at the moment. The Government refuses to lose face and rezone the centre, approximately 400 people have no jobs, and, worst of all—and these are the people I really feel for—a multitude of small business people have risked everything and sunk their livelihoods into their businesses in good faith.

The bill will never get past the lower House. Orange Grove should not be given any false hopes. But this bill will present a way of getting the Government to look seriously at its internal structures and its branches, including the councils it controls. In direct contrast to my previous behaviour of not supporting political stunts, I will support this one. However, I urge Government and Opposition members to stop treating the voting public with cynicism and deception. They are acting like two young children trying to outstare one another, each believing that the first one to blink will lose. However, I believe that the first one to blink will actually be the winner with the people of New South Wales and Australia. If the major parties fail to heed this sea change that is taking place out there in voter land, the voting public will respond with a pox on both their houses, and extremist fanatics will end up having control over the future of New South Wales and this country. Heaven help us if that occurs!

**The Hon. KAYEE GRIFFIN** [3.25 p.m.]: I wish to make a number of comments about this bill and some of the issues that have led to it being before the House today. On economic and business considerations the draft bill has planning implications for Liverpool and, possibly, the State. Is that the purpose of a draft planning bill? This bill contradicts significant planning law, government policy, State environmental planning policy 66, centre policy and three court judgments. I shall quote some sections of the judgment of Justice Lloyd of the Land and Environment Court on 16 January 2004. Section 19 states:

I accept the submission of the applicants that the breach of the Act in the present case is no mere technicality. Section 76B of the EP&A Act clearly states that where an environmental planning instrument provides specified development is prohibited on land, a person *must* not carry out the development on that land. The system of planning control in the State could be set at naught if a use of land which is prohibited by an environmental planning instrument is allowed to continue. The whole system of planning

control is dependent on the orderly enforcement of environmental law ... a sense of inequity would be felt by those who complied with the requirements of the Act if relief were not granted. Moreover, the use in the present case is that of a shopping centre. Allowing a retail shopping centre on land on which shops are prohibited cannot be regarded as a mere technical breach.

Section 23 continues:

Neither do I accept that there is a public benefit in allowing the development to continue. The public benefit is said to arise from the economic benefit it brings to the area, including the employment of persons in various businesses. If this argument were to be accepted it would mean that business and economic considerations should prevail over planning controls which govern the integrated and orderly use of land. It would elevate the power of the dollar above carefully formulated planning and environmental controls.

In some ways people have skirted around some of the issues involving Liverpool council. It is particularly interesting to note that when Ms Sylvia Hale referred to some of the decisions of Liverpool council in the early 1990s she did not make much comment about the way this development application was handled. On 18 September 2001 the council granted consent for a bulky goods outlet at Orange Grove. On 15 November 2002 Liverpool council, under delegation by a single officer in the council, granted development consent for a change of use of the Orange Grove site from a bulky goods warehouse to a factory outlets centre.

My understanding of the most common practice of most councils is that if an application relates to a use that is not permitted within a specific zoning, the developer or applicant will not proceed with the application and the council will examine whether its local environmental plan [LEP] or zoning is correct. Councils have an opportunity to make changes to their LEPs, but in most cases those changes are carried out before consent is granted to a change of use, such as in the case of the Orange Grove Road outlet.

Evidence was given to the committee of discussion about letters that had been sent to Mr Mosca, the architect who lodged the development application on behalf of Gazcorp. The original letter sent by the planner to Mr Mosca referred to the definitions of bulky goods salesrooms or showrooms, but no part of those definitions referred to retail goods. Retail trading was not allowed under the Liverpool City Council zoning that was in operation at the time, yet from the time that letter was sent, 13 June, to the period during which the development application was advertised, from 1 November to 14 November, there seemed to be some change. What that change was no-one seems to know. Some of the discussion suggested that a change occurred from the point when the original application was lodged with the council to the point when the decision was made about whether the proposed use was allowable under Liverpool City Council's planning proposals. But never at any stage does it appear that anyone discussed rezoning of that particular area under the Liverpool City Council's local environmental plan.

As a consequence, in November 2002, after the application for a change in the use of the land was advertised on page 31 or 33 of the local paper—and no-one seems to know much about that advertisement or exactly what went into it—and because of the manner in which the council had delegated its authority, it transpired that if there were fewer than three objections to the proposal, the matter could be dealt with by a single senior planner, who was the person in charge of assessing the development application. Approval of the application was notified to the applicant on 15 November, the day after the advertising period closed. There did not appear to be any discussion at council about the approval—which at that stage had been given—being in opposition to what was allowable under the council's local environmental plan.

The evidence also indicates that people noticed that it took from 15 November 2002 until 9 April 2003 for the development consent to be publicly declared. The former mayor said that he was not aware of the development. In evidence he said that he was not aware that a legal challenge had been made. Although the legal proceedings in the Land and Environment Court were lodged on 17 June 2003, no-one seemed to know very much about them. My personal opinion is that the mayor and elected members of the council should have been made very aware of any large developments that were proposed. They should also have been made aware of a proposed development that was contrary to the type of development allowable under the local environmental plan. They should also have been made aware whether the approval given by the council was contrary to its LEP provisions, in circumstances where no rezoning or change to the LEP had taken place that would permit a non-conforming use. None of that seems to have occurred at Liverpool City Council.

A proposed change to the Liverpool City Council's LEP, the purpose of which was to validate the council's previous consent for the Orange Grove Road development—an approval that had been given 13 months earlier—suddenly came before the council at its meeting of 8 December 2003. If the council had acted correctly and properly, and if everyone within the council had been made aware of what was happening and what was supposed to be done, it would have closely examined the possibility of rezoning at the time the

development application came before it. An application of the magnitude of the development that is the subject of this bill should also have come to the notice of councillors and should have been dealt with properly by council officers as well as elected members. The current problems have been exacerbated by the council's decision-making process having taken place over a two-year period.

If this draft bill is passed by the Parliament and in the future a council does not make a correct decision and does not examine all relevant issues—such as non-conforming uses in development applications and council approval being given contrary to the provisions of the LEP—there will be significant problems. If we pass this bill, we might as well throw out the window all planning laws and constraints that are exercised by local government, and ignore any involvement by the State Government in planning processes. I suggest that the Designer Outlets Centre at Liverpool will not be the only development to which the provisions of this bill will be applied, if it is passed. Why would anyone bother to play by the rules if this bill comes into force?

I certainly acknowledge the circumstances of the people involved and the concerns expressed about the time that has elapsed in determining the use of the land. However, those issues do not override the fact that at the commencement of the process, for whatever reason, Liverpool City Council made a decision that was contrary to its own local environmental plan and that at a late stage in the decision-making process the council considered a change in zoning and alteration of its LEP to accommodate the use of the Orange Grove Road land—decisions that unfortunately did not resolve the problem. The processes of the council have made matters extremely difficult for everyone involved and I believe they will make matters very difficult for others in the future. Will this Parliament be called upon in the future to introduce bills to cover each and every error made by councils similar to this error made by Liverpool City Council?

I reiterate the comments I made at the beginning of my speech. If this bill is passed, it will be for economic and business considerations. The effect of it becoming law will be to throw all planning considerations out the window. If this bill is passed, it will open a Pandora's box of planning processes. If this bill succeeds, why would anyone want to play by the rules?

**Reverend the Hon. Dr GORDON MOYES** [3.38 p.m.]: At the outset I congratulate the Hon. John Ryan on introducing this bill. While I listened to the contribution of the member who preceded me in this debate, I found it difficult to understand how any member of this House could speak against this bill in the light of those involved in the matter hurting so badly. I will give the House seven reasons why I support the Save Orange Grove Bill, the object of which is to facilitate the continued use and operation of the Designer Outlets Centre in Orange Grove Road, Liverpool, by allowing the activities of that centre to be carried out with the consent of Liverpool City Council.

My first reason for supporting the bill is that it will assist in preserving 400 jobs. I will be very interested to see what happens as a result of the Government's attempts in the other place to press its rejection of this bill given that it well knows unemployment is a very serious issue in the Liverpool area and that, by its actions, it will be depriving people of employment.

If the outlets close, 400 more people will become dependent on unemployment benefits. From a personal perspective, as head of Wesley Mission I have a number of officers in Wesley Uniting Employment helping people find jobs. My staff engaged in that area tell me that it is extremely difficult to get the kind of people who are currently employed at the Orange Grove centre into other jobs. It will be tough, and the Government does not seem to care about what will happen to those 400 people.

The second reason I support the bill is that it will save 60 small businesses, and the life savings of families who have invested in those businesses. In the main they are very small businesses, and it seems that the Government regards them as being less important than the technical integrity of land use zonings. The Government has looked at the 60 small businesses but does not consider them to be of any import or significance; it would rather stick with technical integrity of land use zonings. My third reason for supporting the bill is that it keeps \$30 million worth of economic activity in Liverpool instead of it going outside of Liverpool. Many other places would welcome the customers that would otherwise go to Orange Grove, but it is important that the \$30 million stay in the local Liverpool area. That area of Sydney has the country's highest level of unemployment, and it deserves to have that level of money spent there.

The fourth reason I support the bill is that if the outlets close, potentially the ratepayers of Western Sydney will be liable to foot a compensation bill running into millions of dollars. I have heard that Nabil Gazal and Gazcorp, if they were to sue, would seek \$60 million to compensate for lost opportunity and constructions



costs. The assistant planning Minister, Diane Beamer, has been caught out in rejecting Gabrielle Kibble's recommendations—a decision that will cost the ratepayers of Western Sydney a great deal of money. The fifth reason I support the bill is that if the outlets close a \$22 million purpose-built building will be left idle. If it is sold, part of the money will be recouped, but certainly the total cost will not be recouped, and that will be a total waste of a valuable resource.

My sixth reason for supporting the Save Orange Grove Bill is a very simple one. The proposal was professionally endorsed by some of the best town planners we have. The proposal to rezone the land had been endorsed by the planning staff at Liverpool City Council and then endorsed by one of the State's finest planners, Gabrielle Kibble, a former Director-General of the Department of Planning. Recently Ms Kibble was appointed by the Carr Government as administrator of Liverpool council. Three professional planners from the New South Wales Department of Infrastructure, Planning and Natural Resources also endorsed the zoning. In other words it has been the subject of major planning exercises by our best town planners, all of whom approved the development. It has also been the subject of three separate financial impact studies, all of which concluded that it would not do any long-term harm to existing businesses operating in the Liverpool central business district.

Honourable members should remember that when planning Minister Knowles officiated at the opening of the centre last November he said the centre would be "great for Liverpool". There is also evidence that if the Orange Grove centre continues to operate there will be a positive environmental impact. Residents of south-western Sydney will be saved having to undertake long car trips to other factory outlets located miles away at Homebush, Birkenhead Point and Mount Druitt. Tuggerah has an excellent outlets centre. There is no doubt that factory outlets shopping for seconds and out-of-season bargains is extremely popular with consumers. I feel greatly relaxed when I visit my local outlets centre on a Saturday morning; I can stand and watch the rest of the world go by and it costs me very little money. People have been flocking to the Orange Grove centre in droves, even after the Land and Environment Court determined that it should close.

Not one member of this House would not have been moved by the presentation yesterday in this House of a petition containing upwards of 50,000 signatures praying for the Orange Grove centre to be saved. Most of the people who work at the factory outlets centre are semi-skilled women, usually in casual and part-time work. It will be very difficult to find other jobs for them. My seventh reason for supporting the bill is that what it seeks will be the best result from a planning and political mess. Yesterday the Federal Leader of the Opposition, Mark Latham, at long last made a comment on the issue. Although the centre is located in an area adjacent to his electorate, many of his constituents have shopped there, and he has called on the Carr Labor Government to reconsider the matter. He said:

I just trust and hope that these inquiries sort it out and if there's an argument for rezoning the site—if that was the fair thing to do—and allow those retail chains to re-establish themselves, then that should happen.

This is a political mess as well as a planning mess. The best option is to rezone the land to allow for an outlets centre. The problem is, however, that Labor has a two-faced response and it has to try to cover its backside on the issue. The first is the Government's desire is to keep Westfield on side as a major donor. The other is that either Diane Beamer or Joe Tripodi is lying, or both of them are covering up for Premier Carr. On 21 November, when Craig Knowles unveiled the plaque and cut the cake, there was no problem. But now he has had the rug pulled out from under his feet.

Carr Government Ministers and members cannot get their act together. Some people obviously have to pay when Government Ministers counter each other in order to repay those who, like Mr Lowy and Westfield, have given considerable electoral donations to the Carr Government. We are talking about a successful business venture here. Scores of investors, small businesses and many ordinary people have invested great time and effort in it. We cannot close it down just to keep in good with those who make big donations to the Australian Labor Party. I remind honourable members that Westfield and its main shareholders have donated \$860,000 to the Australian Labor Party in the past five years. I have often wondered how much it would take to buy a government decision. Now I know!

**The Hon. JOHN DELLA BOSCA** (Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast) [3.47 p.m.]: I oppose the bill. In recent weeks General Purpose Standing Committee No. 4 heard extensive testimony indicating that there is no special case for Liverpool council to receive a retrospective rezoning application. This bill is nothing more than a stunt. It needs to be borne in mind that Gazcorp has repeatedly frustrated efforts to find the Orange Grove employees new jobs in other, legal centres. Some members of this Chamber have chosen to make that the principal issue on which turns the rights and wrongs of the bill. The Government moved quickly to put in place

assistance networks. Staff from the Premier's Department were put onto the case full time, and Drakes were engaged to start identifying alternative jobs and suitable placements.

These efforts have been frustrated at every turn by Mr Gazal, who has professed concern for the ongoing employment of staff. The reality is, however, that all he has ever been concerned about is lining his own pockets. Mr Gazal stood to gain a windfall profit if this rezoning proceeded, and that is why he has been cynically manipulating employee disappointment. It is important that the full extent of his obstructions are revealed and made known to members before any vote on the bill is taken. On 21 July 2004 a telephone offer was made to Mr Gazal to meet with Loftus Harris, an officer of the Department of State and Regional Development, and the jobs co-ordinator to discuss potential bulky goods operations. The offer was rejected. On 22 July a formal letter was sent to Mr Gazal from the jobs co-ordinator seeking a meeting to discuss bulky goods operations and protocols to access employees. That offer was faxed at 4.00 p.m. At 4.55 p.m. that same day a follow-up phone call by the jobs co-ordinator was made. He was advised that Mr Gazal was busy and would return the call shortly. The call was never returned.

On 23 July there was a follow-up phone call, this time to Mr Gazal's mobile, which was answered by Nicholas Gazal, who said that his father was busy and that he would pass on a message for him to return the call. That call was never returned. At 11.00 a.m. on 26 July a follow-up phone call was made by the jobs co-ordinator. On that occasion Nabil Gazal took the call, but he advised the caller that he was not interested in a meeting and that the caller "should talk to Mr Knowles". On the same day the jobs co-ordinator faxed a letter to Mr Gazal setting out attempts to organise a meeting and advising that the jobs co-ordinator would be visiting the centre and repeating the offer to meet. The jobs co-ordinator visited the centre at about 2.50 p.m. that day to distribute letters of introduction and a small survey form for centre traders. What happened in response to this attempt to assist workers? The jobs co-ordinator was intercepted by centre management and security and asked to leave the premises, after only four letters had been distributed.

**The Hon. John Ryan:** For his own protection.

**The Hon. JOHN DELLA BOSCA:** I note the interjection of the Hon. John Ryan. At 1.15 p.m. on 28 July the Orange Grove centre manager rang the jobs co-ordinator to confirm the rumour that the co-ordinator was to visit the centre that afternoon. The jobs co-ordinator was advised that he was not welcome at the centre.

*[Interruption]*

The Hon. John Ryan should consider the logic behind the point he is making. On 2 August Drake called the centre manager to arrange a meeting to discuss gaining access to employees. It was agreed that a meeting would be held at 11.00 a.m. the next day. Later that evening the centre manager called the meeting off and said he would call Drake the next day. No call was received. Drake rang the centre manager regarding a meeting. The centre manager advised that he would call back. That call was never made. At 10.30 a.m. on 4 August Drake Personnel arrived at the centre with envelopes containing pamphlets for staff. Some 250 pamphlets were handed out and all but some six outlets were visited.

What was Gazcorp's response? Shortly after Drake's arrival, centre management and security requested Drake to leave the premises. On 12 August a letter was sent to Mr Gazal requesting co-operation in facilitating meetings with staff and traders to arrange alternative employment offers. The letter also advised Mr Gazal of the appointment of the Australian Retailers Association to help traders. No response was received. At about 3.00 p.m. on 20 August the jobs co-ordinator made a telephone call to Orange Grove centre manager seeking access by Drake to employees in the last week of trading. The centre manager undertook to talk to the owners and to call the jobs co-ordinator back, but no return call was made.

On 25 August the jobs co-ordinator made a telephone call to Orange Grove centre manager seeking access by Drake to employees following the decision of the Court of Appeal that the centre would cease to trade at the close of business that day. Access was sought for 26 August 2004 and the Government was to publicise to employees that Drake would be at the centre. As there was no response to a 2.00 p.m. voice message a further call was made at 2.58 p.m. and another message was left. At 3.35 p.m. the centre manager returned the call advising that it was not his decision and that the owner would need to agree to the meeting, that 26 August 2004 would not be a good time as emotions were high, and because nobody would be there, and he agreed to speak to the owner and to ring back if access was granted.

Guess what? As at 2.00 p.m. on 27 August 2004 no return call had been made. That is 14 documented attempts to get Gazcorp's co-operation. Every attempt was obstructed, delayed, not passed on, or downright ignored. Mr Gazal's professed concern for staff lies in tatters. It is rubbish, and it was rubbish from day one.

Overwhelmingly the evidence shows that he deliberately set out to mislead tenants about the legality of the activities of the centre—something to which Opposition members should be listening. He knew all the while that people were being employed by tenants based on a deception. He wanted that to happen so he could attempt to blackmail the Government into agreeing to a rezoning which would have given him a massive personal windfall.

**The Hon. John Ryan:** Like you gave Westfield in 1982.

**The Hon. JOHN DELLA BOSCA:** Is the Hon. John Ryan silly enough to proceed with that argument? This afternoon in the other place evidence was produced showing that retailers had complained that they had not had the legal actions disclosed to them. Mr Gazal, and only Mr Gazal, brought about this sorry state of affairs. It is not the first time that he has demonstrated a reckless indifference to the welfare of workers. Mr Gazal, this great champion of workers, who is being defended by Opposition members, was director of the company that owned Viscount Caravans and who previously operated at 20 Orange Grove Road. During his time as a director there was an industrial dispute with the relevant union because Viscount had stood down employees, including over the Christmas period. In 1995 Deputy President Watson of the Industrial Relations Commission had this to say:

In my view the attitude and conduct of Viscount show a clear disregard for the terms of the award and a preparedness to put its own interests above the obligations on it imposed by the award.

Viscount in its action has had no regard to the terms... of the award and the obligations of the award... its employees have as a consequence endured periods of work without pay, to their detriment and inconsistent with their rights under the award...

Recently a disgruntled former employee of Viscount has been in contact with the Government and continues to provide documentation highlighting the tawdry treatment meted out to Viscount staff.

**The Hon. John Ryan:** It has nothing to do with Mr Gazal.

**The Hon. JOHN DELLA BOSCA:** The former employee worked for Viscount for 25 years, only to be told that he had no superannuation. In his correspondence to the Government this former employee, who has requested anonymity for the time being, states:

At one point before the factory closed a number of employees, myself included, were employed by Mr Gazal asking us to approach Liverpool Council re having the land rezoned, as if the land was not rezoned he would be forced to close the factory.

Mr Gazal should do the honourable thing and come clean with the tenants of Orange Grove and their employees. The most important thing about this debate—

**The Hon. John Ryan:** Now you are going to deny that there are 400 jobs.

**The Hon. JOHN DELLA BOSCA:** The point I was about to make is that the Hon. John Ryan knows full well that the economy operates in a rules-based fashion. He knows that some organisations follow the rules and some do not. That applies to planning issues, industrial relations issues, and occupational health issues.

**The Hon. John Ryan:** The council supported him.

**The Hon. JOHN DELLA BOSCA:** The point I am making is that there was a clear obligation on Mr Gazal to disclose to his tenants and their employees the legal situation. Any attempt to give this Parliament the authority to perform individual spot rezonings—

*[Interruption]*

The Hon. John Ryan knows that this is a completely different situation.

**The DEPUTY-PRESIDENT (The Hon. Patricia Forsythe):** Order! The Minister has the call. Interjections are disorderly.

**The Hon. JOHN DELLA BOSCA:** I will not respond to that interjection other than to make the obvious point that the Hon. John Ryan knows full well that this is a completely different set of circumstances. This is a parallel set of circumstances to a whole range of activities. The simple fact of the matter is that rules exist to provide a level playing field. If some people extract additional personal value—whether or not they hold

other people hostage—it is not the way in which to properly proceed. I suspect that members will vote for this bill, which I believe will dishonour the way in which this Chamber operates.

Opposition members should give serious thought to whether they want to do this. We have heard speeches about the issues to which the Liberal Party is committed. I would think that one thing the Liberal Party would have thought about would be the fact that the free enterprise system operates within a set of rules. The marketplace can only operate effectively within a set of rules. If we disregard them we go to the law of the jungle. Opposition members have been blackguarding what Westfield or one company does or does not do. There are the rules and we cannot simply ride roughshod over them.

**The Hon. DAVID OLDFIELD** [3.59 p.m.]: Over the past few weeks I have watched with interest some Government members running and hiding in relation to this issue. They had an opportunity to state why Orange Grove should close, why this is a bad bill, and why 450 people should be put out of work, but they have not put forward anything new or convincing. I note that the heavyweights have been brought in to contribute to this debate. The Special Minister of State told us that the testimony of witnesses who have been brought before the inquiry has shown there is nothing special about this matter. Maybe there is nothing special about the way in which Labor governments operate. We might be able to see that, for example, in relation to the Eastgardens issue that the Hon. John Ryan raised.

The Hon. John Della Bosca said there was nothing special about witnesses' testimony that would cause this case to be considered in this manner. I suggest that this case is special in many ways. We must be careful what we say about what has occurred during the inquiry but many who have viewed its proceedings have suggested to me that the only convincing and consistent arguments put forward were advanced by the owners and supporters of the centre. Indeed, it seems that people find the testimony of many other witnesses somewhat conflicting—indeed, various Ministers and staff members have been accused of lying. If the testimony is examined in its entirety, I am sure its significance will be evident to any independent reader. I am most interested in the government jobs co-ordinator scenario. I was at the Orange Grove centre when the government jobs co-ordinator, seconded from the Premier's office, arrived.

**The Hon. John Ryan:** You saw what was happening.

**The Hon. DAVID OLDFIELD:** I saw him: He was running around looking for people to find jobs for and looking for jobs for people who had them—they were already employed. It is a joke. It is the Aladdin's lamp principle of job seeking: new jobs for old. The Government is concerned not about finding jobs for people who do not have them but about finding jobs for people who are already employed and who are about to lose their jobs as a consequence of government action. If the Government is so concerned about jobs and thinks the gentleman on secondment from the Premier's Department can find them efficiently and effectively, it should employ him full time, 365 days a year, to seek jobs not just in Liverpool but across the State. It is amazing that it is only when the Government decides to close a centre and put 450 people out of work that it chooses to be proactive and second someone from the Premier's Department to find jobs—new jobs for old. Who is going to fall for that?

The Save Orange Grove Bill is essentially about jobs, businesses, families, income and mortgages. Indeed, the financial impact of the Orange Grove centre closure will be felt even by many children for years to come because the economic suffering of the parents naturally passes to their children. But of course none of this has to happen, and it will happen only by virtue of the will of the Carr Labor Government and of Bob Carr personally. It is about preserving a social and economic necessity for Liverpool and for much of south-western Sydney.

In its short life the Orange Grove centre provided 450 much-needed jobs for Western Sydney, an area with the second highest unemployment level in the country. Make no mistake, Mr Carr has wrongfully attempted to attribute blame to Mr Gazal, to his former ministerial colleague George Paciullo in his role as mayor of Liverpool council, and to Liverpool councillors and staff. But the matter is now before Parliament and the buck will stop with Mr Carr. If the centre is not to be rezoned, it will be Bob Carr, and no-one else, who is responsible. I am reminded of the Premier's words in support of past rezonings done in the Parliament by his Government. The Premier made it clear that he considered the parliamentary process to be the most open and accountable, and hence such rezonings were legitimised by Parliament's involvement.

Well, Premier Carr, that process is under way again today and even if the majority of upper House members support the Opposition's bill, everyone expects the Premier to crush the bill in the lower House.

Mr Carr, if you do as everyone expects, you will crush not just the bill but 450 jobs and the thousands of people connected with those jobs—husbands, wives, children and grandchildren—as well as impact on the businesses, and hence the families, of those who work to service and supply the businesses of Orange Grove. Could anyone have imagined this scenario: a Labor Premier rampaging through western Sydney with the sword of unemployment, slashing at and cutting down Labor voters and despoiling the hopes and dreams of the unsuspecting, who for so long have pledged their votes to the very people who would shatter their livelihoods?

Premier, it does not have to be that way. If this House passes the bill—and I suspect it will—you could accept that democratic process that you speak of and not oppose the passage of the bill through the lower House. That would be not a backdown but a true example of your previously expressed belief in the people's process. You do not have to be the Premier who says "No", and crushes the people of Western Sydney. You can be the Labor Premier who takes the opportunity to say "Yes" and save the jobs and the families. Premier, preserve this huge economic bonus for south-western Sydney. The centre attracts tens of thousands of people, 50 per cent of whom come from outside the local area. We have analysed the petitions received on this matter and found that 50 per cent of the signatories come from outside—well outside—the Liverpool area.

Premier, there is a public perception that Orange Grove is in this position because a favour was done for Westfield. Given the way in which events have unfolded, such views are understandable. Indeed, much of what was required to dispel such ideas could have been provided through the testimony of Joe Tripodi. But as Joe Tripodi's statement was untested and incredibly late in coming, the Government's position was not helped. Premier, it will do you a lot of good if you allow this bill to pass through the lower House. If you do not, it is likely that the public perception will be that you said, "No, no, no" either because of ego or as a favour. There is no public good in saying "No" to this bill and "No" to Orange Grove.

The Save Orange Grove Bill and the Botany and Randwick Sites Development Bill 1982 have a number of commonalities. Like now, in 1982 a Labor Premier and a Labor Government were involved. Like now, in 1982 it was about the issue of jobs and economic hardship. Like now, it concerned the issue of shopping centres and rezoning. Like now, there were allegations of corruption and favours for corporate mates. Like now, the Land and Environment Court was involved. Like now, Westfield was involved. During debate on the 1982 legislation, Labor Government Planning Minister Bedford said:

This bill is essentially about jobs! It is a practical and immediate example of employment generation in the face of extremely hard economic times.

Labor Minister Bedford—back when Labor meant something to working people—went on to say:

Honourable members opposite have tried to play down the fact that the first responsibility of the New South Wales Government is to ensure that it keeps in employment as many people as it can and, where possible, creates employment for others. Though it is difficult for governments to make decisions against a whole range of laws that they have to handle, it would be immoral in the extreme for this Government to walk round the problem of trying to keep jobs in New South Wales ... it is the responsibility of the Government to provide employment.

Where is Minister Bedford today? Why is he not a Minister in the Carr Government?

**The Hon. Amanda Fazio:** Because he's very old and he's retired, you fool!

**The Hon. DAVID OLDFIELD:** It is a shame that many of the very old and retired are those with the appropriate principles.

**The Hon. Amanda Fazio:** And he's caring for his grandchildren.

**The Hon. DAVID OLDFIELD:** It is a shame that he is not here to care for the grandchildren of the people who have lost their jobs at Orange Grove. The irony of these words from the 1982 debate is that at the time the Wran Labor Government was justifying its rezoning to retail of 27 acres of Crown land, including eight acres of bus depot, so that Westfield could build a shopping centre. That shopping centre became the 68,000 square metre Eastgardens, which was then the biggest shopping centre in Australia.

**The Hon. John Ryan:** And probably made a windfall profit for Westfield.

**The Hon. DAVID OLDFIELD:** There was a huge windfall profit for Westfield. It is probably what started the momentum for the corporation and sent it on its way to success and to becoming rich, rich, rich. The Hon. John Ryan knows, as I do, that the Labor Party seems able to pick and choose who can be successful and

have money and who cannot. Nabil Gazal is a good example. Much has been made of Nabil Gazal's ability to make money. Did anyone who worked in the centre or anyone who owned a shop in the centre not intend to make money? Is there anyone who does not want to make money? If there is, they should have their heads read! Everybody wants to make money. It appears that it is okay for Westfield to make huge profits—much of them off the back of the considerable and helpful rezoning efforts of this Government.

I must add that when we talked about Eastgardens and the 68,000 square metre Eastgardens complex—the biggest shopping centre at the time in Australia—it was not enough that Westfield actually got all of that Crown land rezoned from industrial to retail rights but, to sweeten the deal, Westfield and its joint-venture partners also, compliments of the Government, had 34 acres of land rezoned residential high-rise, on which more than 1,200 residential units were built. How much profit would that have been? Tens of millions in profits! But Nabil Gazal is not allowed to make money, it would seem, not according to this Government. One of the most interesting statements of the good and decent planning Minister Bedford—the Labor Minister in the Wran Government—was:

I am pleased that NSW has a Labor Government, for if a Coalition Government were in office it would be willing to flush all these jobs down the drain—

My, how the shoe is now on the other foot—

As a member of the NSW Parliament, I shall do all I can to get for NSW as many jobs as possible, from wherever I can.

But not through Nabil Gazal and Orange Grove, it would seem. Some other words of Labor Planning Minister Bedford should not be lost on anyone. He said:

That is my first responsibility to this State, and it ought to be the first responsibility of every other honourable member of this House.

In that instance Minister Bedford was speaking of the creation and retention of jobs. Throughout the course of this issue—through the press and the parliamentary inquiry, and in all forms of debate—much has been said about the role of local authorities. The local authorities involved were the Liverpool council and, more recently, the Government-appointed administrator for Liverpool council, the greatly respected former Director-General of the Department of Planning, Gabrielle Kibble. Liverpool Council approved the zoning change, as did Gabrielle Kibble. While the Government has taken swipe after swipe at Liverpool council—a Labor council, I might add—it has been impossible for it to make negative remarks about Ms Kibble.

Regardless of how dishonestly the Government attempts to associate Liverpool council with this matter, the fact remains that its own respected administrator, Gabrielle Kibble, supported the zoning change, and she made that abundantly clear in the course of her testimony to the parliamentary inquiry. The Hon. John Ryan, the initiator of this very worthy bill, asked her:

How important is it to take into consideration employment opportunities? For example, to summarise what has been said in the media, the centre represents job opportunities for in the order of 450 semi-skilled predominantly female people. Are they social and economic considerations that are important for Liverpool?

Ms Kibble, a former director-general of planning for 10 years appointed by the Government as the Liverpool council administrator, responded:

I considered them to be sufficiently important to support the rezoning on that basis.

Further, when the Hon. John Ryan asked her:

You said you have paramount concern for the Liverpool CBD. Given that concern, why would you permit or facilitate the approval of the factory outlet centre?

Ms Kibble responded:

I think I have already answered that question. I did it on what I considered to be the appropriate social and economic grounds—the fact that the centre was there.

On the matter of the inquiry and what has taken place in the inquiry, it should be noted that in the Legislative Assembly the Premier has breached standing orders and may possibly have been guilty of contempt of the committee by disclosing matters discussed in its deliberative meetings. Without going into what those matters

are it is fair to say that what the Premier said in the other Chamber was not only inappropriate but also untrue and absolutely misleading. Labor Planning Minister Bedford took a different position on local planning authorities than the position this current Labor Government chooses to take. On the extraordinary rezoning of acre upon acre of Crown land for the massive Eastlakes shopping centre proposed by Westfield, Minister Bedford said:

The local authorities asked for a rezoning of the land and the provision before Parliament is to validate the... local environmental plans that were prepared.

Let us not forget: We are not talking about a minor change to the LEP that would allow direct factory outlets as opposed to a bulky goods centre, for a development that already exists, as in the case of Orange Grove. Westfield's Eastgardens proposal required the Labor Government of the day to rezone 27 acres of Crown land. The Wran Labor Government punched the rezoning through the Parliament whilst the issue was being fought out in the court. Those fighting the development were cut off in midstream when the judge presiding over the matter ended the proceedings as a result of the Labor Government's decision.

The action of the Parliament prevented the answering of 72 pages of questions asked of the Department of Planning, the Minister, and the local council. Imagine: The judge is presiding over the Land and Environment Court when a sheriff walks into the back of the court and quietly approaches the bench and slips the judge a note. The judge opens the note and in midstream the barristers are cut off when he says, "These proceedings are over because the Parliament has spoken." Mr Carr has a chance to have that happen again through the upper House and by not opposing this bill.

Unlike Orange Grove, the Eastgardens proposal caused massive public and business protests, all of which were ignored by the Government and squashed by the Wran Government's actions. Orange Grove, of course, has had wide public support and only one protester, and unfortunately it had the worst protester one could have: Westfield. When comparing Eastgardens and Orange Grove, one might understand why some may take the view that when Westfield asks, Labor governments bend over backwards to deliver. We should look at some of the comments of a Labor Government Minister for Energy and Water Resources, the Hon. D. P. Landa, who said of the rezoning for Eastgardens:

This bill is an example of government creating jobs without spending money. Indeed, in the final analysis, several million dollars will accrue to consolidated revenue as a result of this exercise. It merely requires ... a will and recognition that employment should be the first priority of a responsible government.

However, when considering the fate of the jobs and everything relating to Orange Grove, it is what Minister Landa said to justify rezoning for Westfield's Eastgardens that really needs repeating. He said:

What would happen if the employees ceased to be wage earners? They have families, they pay rent, mortgages, school expenses and medical instalments. Those who have regular jobs find it difficult to imagine what would happen if their employment were no longer available. The problem is compounded when a large number of people in a small district become unemployed at the same time. It is not possible to quantify the impact of unemployment on social and family life. This bill will prevent people going on unemployment relief.

I have given a brief description of some of the financial and social effects on employees, their families and the community when people are thrown out of work. When a company closes down, the economic loss extends beyond the employees of the company.

Those words of Labor Minister Landa are so true and could not be more relevant than they are today in relation to Orange Grove, so why is all this apparently lost on Bob Carr? Though some may be cognisant of the possibility that what is being done to Orange Grove may be a matter of currying favours that will be paid back further down the track, it is also worth considering what the honourable member for Mosman had to say of the rezoning for Eastgardens in 1982—once again under the Wran Labor Government. Mr Arblaster, the honourable member for Mosman, said:

Only two questions need to be asked: how much, and who got it?

**The Hon. JAN BURNSWOODS** [4.18 p.m.]: I speak on this bill as a member of the committee inquiring into the Orange Grove outlets centre, as is the Hon. David Oldfield, the Hon. Kayee Griffin, and the Hon. John Ryan. The debate thus far has only confirmed my opinion that this House should have waited for the committee to consider the evidence. The committee will hold another hearing next Monday and its reporting date has been extended to 24 September. This has struck me as a strange debate and proves that it is something of a sham. I gather we are only going to have one speaker from the Opposition, six speakers from the crossbench have already spoken, one of whom is a member of the committee, there have already been a number

of Government speakers, and there will be more. It strikes me as very strange, having listened to some of the rhetoric we have heard, particularly from the Hon. John Ryan, that if this matter were so crucially important and if he really believed what he said, there would have been more support from the Coalition parties in moving this bill. However, I will leave that for him to talk about.

Many of the comments made in this debate hark back to the role of the committee, what some committee witnesses have said, and indeed what some committee members have said. I would like to refer to some of those comments. The speech of the Hon. David Oldfield focused mostly on 1982, the speech of Sylvia Hale focused very largely on 1991, and much of the evidence and theatrics that we have had from witnesses before the committee focused mostly on the Liverpool by-election in 1989. Obviously, it will be fairly clear to honourable members of this House that none of those things have anything to do with the matter under debate; that is, the fact that a Labor Party council, late in 2002, illegally granted approval for a factory outlets centre at Orange Grove; and that, after a number of court proceedings and so on, the Government has, quite properly, declined to override the legislation, the rules of Liverpool council, the local environmental plan and three court decisions to retrospectively change the situation.

The fact that we can all have great and genuine sympathy with the victims in this case—who are, of course, the shopkeepers and the workers at the outlets centre—does not prevent us from arguing very strongly that this centre was wrongly approved by Liverpool council in the first place, and none of the arguments that have been presented convince us that it should be retrospectively legalised. Much has been said in this debate. The Special Minister of State, the Hon. John Della Bosca, for instance, has made very clear the extent to which the people involved with the outlets centre have been misled and gulled by Mr Gazal and Gazcorp.

The Premier has spoken at length about the complete failure of Mr Gazal and his company to disclose, as the law provides, the situation in relation to court action and the question mark hanging over the centre when the leases were prepared for the 62 tenants. Indeed, recent court action by tenants of the centre against Mr Gazal and his company have been totally ignored by those who have spoken in support of the bill. The evidence has been before the committee, although Government members of the committee have found it incredibly difficult to persuade the four non-Government members of the committee that Mr Gazal's original offer to produce the leases should be stuck to. I note that at one stage in his speech the Hon. John Ryan actually announced that he believes Mr D'agostino. Mr D'agostino is Mr Gazal's solicitor. Despite Mr Gazal on two occasions at least telling us he has no problem about appearing before us, he has so far carefully avoided appearing before us.

So we have a very murky situation in which, right from the beginning, the problem lay with the procedures adopted by Liverpool council. My colleague the Hon. Kayee Griffin devoted her speech to going through those procedures between June 2002 and November 2002, pointing out in detail exactly how improper, illegal and suspicious they were. The council, in granting the development application on 15 November 2002, had ignored its own rules—indeed had ignored the correspondence from the planner associated with it, and had ignored its own local environmental plan. The mayor at the time has informed us that he had no idea whatsoever that this matter was going on. This is a centre with an estimated value of some \$40 million or \$50 million, but the mayor had no idea that any of this was happening. The council staff have given very conflicting evidence. But regardless of all of the things that were placed on the record by my colleague the Hon. Kayee Griffin, the fact remains that from the point at which this consent was granted by Liverpool council—totally contrary to its own rules, and to the law applying to it, as the Land and Environment Court and the Court of Appeal have since confirmed—

**The Hon. David Oldfield:** Point of order: The Hon. Jan Burnswoods is completely misleading the House with regard to the testimony to the inquiry. I acknowledge, as she said previously, that perhaps it would have been better if this debate had taken place after that inquiry had been finalised. But it has not. Therefore, she now has the opportunity to mislead the House with regard to what she has described as conflicting evidence by council staff and various other people.

**The Hon. John Ryan:** Don't worry! That has been breached by Premiers and members of the Labor Party.

**The Hon. Amanda Fazio:** It has been breached by your introducing this bill, you sanctimonious little twirp.

**The Hon. David Oldfield:** Do you actually know what a twirp is? Madam Deputy-President, I have another point of order.



**The DEPUTY-PRESIDENT (The Hon. Patricia Forsythe):** Is the member speaking further to the same point of order?

**The Hon. David Oldfield:** No. I will come back to it.

**The DEPUTY-PRESIDENT (The Hon. Patricia Forsythe):** Order! There is no point of order. Throughout the day members have referred to evidence given to the committee. The interpretation of that evidence is a matter for each committee member.

**The Hon. David Oldfield:** Point of order: Madam Deputy-President, I ask you to direct the Hon. Amanda Fazio to withdraw the reference to the Hon. John Ryan as a "sanctimonious little twirp". I am concerned that the Hon. Amanda Fazio may not know what a twirp is. It is a most offensive remark.

**The DEPUTY-PRESIDENT (The Hon. Patricia Forsythe):** Order! All interjections are disorderly. The Hon. Jan Burnswoods may proceed.

**The Hon. JAN BURNSWOODS:** I want to turn to some remarks made earlier in this debate by Ms Sylvia Hale. I do so particularly because of her comments about what should be the approach of members of Parliament and indeed of the Government. The contribution of Ms Sylvia Hale to the committee has been most interesting. I have particularly enjoyed some of her remarks about planning and donations. I have enjoyed her remark, for instance, about someone not being on the payroll and being only a consultant. It is interesting to see how that sits with Greens policy. I have been looking at the Greens policy in relation to planning and the environment. I would like to refer to some of those policies in relation to some comments made by an important committee member. These references are from the Greens web site of August. In the Greens policies document in relation to urban planning and built environment we read things such as:

There is a pressing need to move the focus of current planning process away from the unrestrained rights of the developer to make profit for private good, towards a focus on sustainable development, residential amenity, and community empowerment.

Further on in that document we read:

The Greens NSW are committed to a review of the Land and Environment Court, aimed at removing the inherent and gratuitous bias to the developer.

... the Greens NSW believe that current policies of urban consolidation have:

... failed to stop the spread of the growth of Sydney at its fringe, known as urban sprawl, which is consuming important ecological and primary producing lands.

Allegedly, these same policies have produced massive and unsustainable profits for a number of developers that continue to drive unrealistic profit expectations. I could go on and on. There is a lot about the importance of public transport, cyclists and pedestrians. Those of us who are on the committee know what an important role the planner's arguments about the lack of access to transport at the Orange Grove centre has played. Paragraph 1.11.2 of the Greens policy states:

Similarly, developers are regularly obtaining consent for non-complying developments on the basis that planning controls lack flexibility. These developments then serve as precedent justifying further inappropriate development.

I could go on and on. There are pages and pages of it. I find it slightly puzzling that on a bill said to be so important the Coalition should have only one speaker. On the same debate, and I include the media debate and so on leading up to all of this, I find it strange that the longer-term Greens, Mr Ian Cohen and Ms Lee Rhiannon, have been so conspicuously silent. Given what I now know from the detailed examination of Greens policy, I am no longer surprised that Mr Ian Cohen and Ms Lee Rhiannon have been so quiet. Clearly, almost every argument that Ms Sylvia Hale has put forward in this House and in the committee has been totally contrary to Greens policy on urban planning, the built environment, transport and ministerial powers.

I leave out completely the argument she put forward about political donations. I note that since the famous speech of our former colleague, Tony Burke, in this House, in which he nailed the untruths in the Greens policy about donations by pointing out that their receipt of arms-length donations from trusts completely fell down when one analysed the companies in which the trusts invested because many of the companies to which Ms Sylvia Hale has referred are to be found in the companies in which the trusts that make donations to the Greens political party invest. Perhaps it is not so surprising that during proceedings of the committee Ms Sylvia Hale would be so careful in her language about donations and that she would be so careful to protect people working as consultants.

However, it seems that since Tony Burke's speech in this House the Greens' web site has been changed substantially. Now, not only can you not find out the details of those trusts and donations from companies, but you are no longer promised that if you donate more than \$3,000 you can go into a private meeting with Senator Bob Brown and if you donate, I think it was, over \$1,500 you can go to a cocktail party with Senator Brown. Tony Burke should be proud that, in his relatively brief period in this House, he so effectively showed up the total hypocrisy of the Greens, particularly their richest member, Ms Sylvia Hale. The four non-Government members on the committee have worked very closely. Indeed, the plethora of Brogden minders who have sat in the gallery, acting as a cheer squad and feeder of questions and comments to the Hon. John Ryan, Ms Sylvia Hale and the Hon. David Oldfield have been enough to worry a number of us about the genuineness of the inquiry. I hope that in its forthcoming hearings and deliberative meetings the committee can do somewhat better than it has done to date.

I wish to sum up some of the issues and make a couple of final comments on what has been said in the debate. The Hon. John Ryan started off, and other people have followed him, with some crocodile tears about the reputation of Gabrielle Kibble, all of which seemed to be based on a totally false allegation that Government members of General Purpose Standing Committee No. 4 criticised Gabrielle Kibble. We have done no such thing. We have simply tried to point out, as she said in her evidence and has been repeated on several occasions, but which we have had to remind non-Government members of over and over, that she made it quite clear to us that, acting as administrator of the council, when council decided to seek a new LEP she supported it. This follows the sacking of Liverpool council.

The Opposition and other committee members say very little about the sacking of Liverpool council and what was said about it by the Daley inquiry, particularly remarks about the "culpable negligence" of the mayor and the general manager, and comments of similar strength about councillors on Liverpool council and its staff. These are the people who got all of us into the mess we regret that Liverpool council produced. I am sure that is one of a few things we are united on in this House: we regret the mess that Liverpool council produced. We regret that this centre was allowed to open and that people were allowed to have their livelihoods depend on it through a planning process that was incompetent at best and shonky at worst, conducted by council, mayor, officers and other councillors who have been found by the Daley inquiry to be guilty of culpable negligence.

**The Hon. David Oldfield:** Point of order: I again raise my concerns about the way in which the Hon. Jan Burnswoods continues to distort the evidence and mislead the House. There has been no evidence of any kind connecting council officers with this application or anything else. She continues to remark on councillors and the mayor, and the way the council has been sacked, et cetera. She wants to carry on about how scurrilous they are, but they are not related at all to this application. They may have been in the same place at the same time, but there is no relationship. The Government does not seem to want to accept that. It is a matter of tell a lie often enough and it will become true. She is simply lying before the House.

**The DEPUTY-PRESIDENT (The Hon. Patricia Forsythe):** Order! There is no point of order. The evidence that was before the committee has now been made public and it is possible for all members to draw conclusions from that evidence. I will allow the member to proceed.

**The Hon. JAN BURNSWOODS:** I refer, of course, to the evidence from council officers, including Mr Hunt and Mr Turrisi, but I also refer to the evidence of the new general manager, particularly his evidence to the effect that he had totally changed the rules to which I am referring under which the development application was originally granted by the planning people. I was, of course, quoting from page 25, to be precise, of the report of the Daley inquiry, which used the phrase "culpable negligence" to which I have referred. I stress that in the first case we had an appallingly incompetent, if not shonky, decision by Liverpool council to grant the application. We then had a further series of suspicious actions, which have led us to the unfortunate situation we find ourselves in now.

**The Hon. AMANDA FAZIO** [4.38 p.m.]: I oppose the Save Orange Grove Bill. I have talked about this to a number of people who have a great deal of experience in local government and planning approvals, and all of them said they cannot understand how this came about. If a development application was submitted but the proposed use was not compatible with a local environment plan it simply did not proceed. How did it go so wrong at Liverpool? Both the Hon. Kayee Griffin and the Hon. Jan Burnswoods have alluded to some of the problems. But, quite simply, the process was that junior council officers were dealing with major projects. They went ahead and allowed the project to be advertised, even though it was stuck on page 32 or 33 of the local newspaper, not in a typical sort of ad that one might see. I am an avowed reader of local papers in my area and I

know that major development applications are not buried away with everyone who wants a carport added to their house or anyone who wants to demolish a wall and put a pergola in the backyard. Notification of a development of this magnitude is not usually buried in a newspaper and devoid of details. For a big development such as the one that has taken place at Orange Grove Road, it is appropriate to insert a large advertisement. However, the fact is that the proposal should never have been advertised in the first place because the proposed use was not compatible with the zone.

In any event, the development was advertised in a small notice that was absolutely tucked away in the newspaper. The copy I am showing to the House is an enlarged copy; it is not the actual size of the advertisement. The advertisement was inserted among notices of a proposal to erect four additional display dwellings in an existing exhibition village for Mirvac homes, a notice concerning a block of flats, a notice relating to assisted accommodation, and relocation of a demountable building which will be used in relief and rehabilitation programs for the Wesley Mission. There is also the advertisement for a change of use from existing bulky goods warehouse development to warehouse clearance outlet. The notice states that the applicant is Mosca Pserras Architects and includes details of the property. It also states that it concerns lot 121, 12 Orange Grove Road, Warwick Farm, but that is all it states, so people would have had no idea what the developer was actually proposing to do.

From the amount of information that was given to the public through the advertisement placed by the council, people would not know that the developer intended to build a so-called Designer Outlets Centre which, as I have said and which I will continue to reiterate for the benefit of members opposite, should never have been advertised in the first place because of its incompatibility with the zone. A small advertisement related to the proposal was hidden away in the 30 October 2002 edition of the *Liverpool City Champion* on page 33. It was an inadequate advertisement for a proposal that should not have even reached the stage of being advertised.

I have been a member of the Joint Select Committee on the Quality of Buildings. The one point highlighted throughout all the hearings has concerned the time it takes for development applications to be approved and, as a result of the delays in getting development applications approved, the time it takes for people to have their homes built or to have major renovations carried out. People referred to delays in some council areas of six months and in some places, such as Leichhardt, delays of nine months in obtaining development approval for a house.

**The Hon. John Ryan:** This one took 10 months.

**The Hon. AMANDA FAZIO:** This development consent went through in no time flat. Notification by advertisement and the time for objections expired on one day, and approval for the development was given on the next day. That was absolutely amazing—a wonderful example of the well-oiled wheels of the Liverpool City Council turning! A development application that was incompatible with the local environmental plan [LEP] was approved in no time flat by the council.

**The Hon. John Ryan:** No-one objected to it, and it had already been assessed.

**The Hon. AMANDA FAZIO:** The Hon. John Ryan says that there were no objections. No wonder! Nobody knew what they were supposed to be objecting to. One only has to refer to the inadequate advertisement that was tucked away on page 33 of the local paper to realise that. The process was an absolute disgrace. People did not object because they did not know what was going on. They did not know what was going on because the advertisement was very small and it was hidden away. That was the start of the problems associated with this development. The Liverpool City Council should never have reached the stage of advertising the development. It should have called in the proponents and explained to them that, as the proposed use was not compatible with the LEP, they either had to change their proposal or go away altogether and come back later with a different proposal. But the developers were persistent. They had been trying for a long time to create a development on the sites that was not compatible with the zoning. First they wanted a cinema complex, but they were unable to see that through. Then they decided that they would try for a factory outlets centre. The proposal should never have been accepted.

An organisation that was operating within conditions applying to its site, Westfield, wanted to know what was going on at the Orange Grove Road site. Westfield knew that the land was zoned as an industrial area for bulky goods, yet a factory outlets centre was in operation. Quite rightly and within Westfield's legal entitlements, it commenced an action in the Land and Environment Court. The court, which is so often held up in this Chamber as the ultimate authority in planning matters when members cite its decisions with approval,

said that the centre constituted an illegal use of the land. The court said that the Designer Outlets Centre had to be closed, and that is when Gazcorp and everybody else commenced their grubby attempt to have the rezoning pushed through by the State Government.

I can only say that if members want to obtain a very good understanding of what has happened, they should examine in *Hansard* the proceedings that occurred yesterday in the other place and examine the chronology given by both the Premier, the Hon. Bob Carr, and the Hon. Craig Knowles. Those details explain exactly what happened and what went wrong. Much has been stated during the current inquiry, in the media and in this Parliament about what went on, but the simple fact is that the development proposal was not appropriate for the zoning that applied to the land. The council was wrong in considering the use of this site as a factory outlets centre and in approving it. Westfield was only pursuing its legal entitlement by taking action in the Land and Environment Court. The decision of the Land and Environment Court was correct. Subsequent decisions of the State Government have upheld the decision that has been made by the Land and Environment Court.

Of the many comments that have been made during speeches in this debate, some have been completely baffling and some have been downright sickening. The Hon. Dr Arthur Chesterfield-Evans stated that, despite his support for planning laws and public transport, he supports this bill. If a member supports planning laws, he cannot support the Save Orange Grove Bill because the propositions are mutually exclusive. If a person supports public transport, he would not support the Orange Grove Road outlets centre because people cannot get there unless they have a car.

**The Hon. John Ryan:** Yes, they can. The 800 bus goes there.

**The Hon. AMANDA FAZIO:** People have to have a car. It is not convenient for most people to go there. People do not say to themselves that they will just nip out there in the bus. This bill does nothing to support public transport.

**Mr Ian Cohen:** Where in the western suburbs is it convenient to use public transport?

**The Hon. AMANDA FAZIO:** I do not accept sideline comments made by members about the western suburbs. I know damn well what the public transport system in the western suburbs is like—or, as I should say, what the service that private bus operators provide in those areas is like—because I was brought up in Cabramatta. The Orange Grove Road complex is not very far away from where I used to live.

[*Interruption*]

I know what it is like there; I remember when the site was the Viscount caravan factory and that next door there used to be a Maxwell House coffee plant. That area was most suitable for industrial development and it should have stayed that way. When Gazcorp obtained that property, it was zoned as industrial land and that was never changed; it has never been zoned as retail. Gazcorp knew what it was doing when it is erected a retail complex on that land. Gazcorp knew that it was pushing the envelope, but this time it has pushed it too far. When the planning laws were properly applied, Gazcorp was told to close the centre and has screamed and carried on ever since. The contribution made by the Hon. Dr Arthur Chesterfield-Evans indicates that he supports planning laws, but on this occasion he will do a backflip and support the bill.

Reverend the Hon. Dr Gordon Moyes also made a contribution to the debate and somehow, through his divine powers, he has been told that either the honourable member for Fairfield, Joe Tripodi, or the Minister for Juvenile Justice, Minister for Western Sydney, and Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), Diane Beamer, is a liar. He said that he had seven reasons for supporting the bill and he outlined them. One of the last ones was that either Joe Tripodi or Diane Beamer is a liar. I do not know how he has come to that conclusion. Anybody who has followed the story in the newspapers, examined the evidence that has been given before the inquiry or listened to what has been said in the Legislative Assembly would not have been able to arrive at that conclusion, but somehow or other he has decided that he will support the bill because he believes he has a direct line to Jesus and that one of those two members of the Legislative Assembly to whom I have referred is a liar. That is a disgraceful proposition for someone in his position to put.

The Hon. David Oldfield made the most amazing historical speech. That next time I see Eric Bedford—and I see him regularly—I must tell him that some of the comments he made in 1982 were championed in this House by the Hon. David Oldfield, the representative of One Nation. Eric Bedford will hang his head in shame and ask, "What happened to me? I used to be a respected member of the community and now

the comments I made in 1982—a quarter of a century ago—have been dragged out and used erroneously in a debate by somebody representing One Nation." The poor fellow will hang his head in shame. Although I do not know him very well, telling him that his name has been taken in vain by somebody of the Hon. David Oldfield's ilk is the right thing to do. The speech made by the Hon. David Oldfield revealed a complete lack of understanding on his part that the laws have changed in the past 25 years. In this new millennium, the planning laws that applied in 1982 no longer apply. There are different rules, there is a new regime that applies to the approach to be taken to planning, and there are new relationships governing the way that councils and departments deal with planning issues.

It was absolutely ludicrous that quotes of the Hon. Eric Bedford and the late David Landa in 1982 were taken out of context to prop up some populous viewpoint put by the Hon. David Oldfield. There were other contributions that I cannot let go without comment. The Hon. Sylvia Hale gave her typical conspiracy theory rant about developers, donations, contributions, the Australian Labor Party [ALP]—corruption, corruption, corruption. She is just like Henny Penny running around crying out, "The sky is falling." We know that as soon as the Hon. Sylvia Hales comes to the microphone and there is a possibility of the mention of corruption or political donation we will get a full 20-minute spray from a member who, when talking about inappropriate development applications or lack of them, should look no further than her own backyard. She does not have the best track record when it comes to complying with planning laws in her own businesses. For her to take the high moral ground is pretty rich. Quite frankly, many members are sick of her hypocritical stance on such issues.

**The Hon. Jan Burnswoods:** And her acting contrary to Greens policy.

**The Hon. AMANDA FAZIO:** In that regard, anyone can hack into the Greens web site and change its policy. That seems to be the only place one can find it. But by far the most appalling comments to be heard in this debate today were those of the Hon. John Ryan when he opened this debate. He went on, chapter and verse, digging up every bit of filth and scuttlebutt he could about what may or may not have happened in ALP branches in the outer western suburbs of Sydney. In typical fashion he dumped garbage, innuendo and unsubstantiated allegations, on the honourable member for Fairfield, in particular, and any ALP representative from the western suburbs, in general.

He made ill-founded assertions and indulged in a little pathetic muck-raking. However, I have to give him some leeway—he was playing to a captive audience in the public gallery. All I can say about that is that for a self-proclaimed Christian his comments were pretty anti-Christian in their general sentiments. If his beliefs have any substance, he should go home and reflect on what he has said here today and seek to change just a little his approach to this matter. I turn now to the Save Orange Grove Bill, what a scrappy, grubby bill it is. It is so nice and fine!

**The Hon. John Ryan:** You have doodled on your copy, that is the problem.

**The Hon. AMANDA FAZIO:** Unlike other members of this Chamber, I actually read this rubbish before I got up to speak.

**The Hon. Jan Burnswoods:** I read it.

**The Hon. AMANDA FAZIO:** I am sorry, I apologise to the Hon. Jan Burnswoods.

**The Hon. John Della Bosca:** I did too.

**The Hon. AMANDA FAZIO:** I apologise to the Hon. John Della Bosca, as well. What does this bill actually say? It says:

*Outlets centre* means a building or place comprised of at least 20 separately leased retail outlets that is centrally managed and the majority of outlets at which officer stock for sale a majority of which is surplus, out of season, seconds or samples, but that does not include retail outlets used for personal services (including hairdressers, barbers, beauty parlours and the like), travel or real estate agencies, banks (except automatic teller machines), insurance or financial institutions, newsagencies, supermarkets, department stores, or for the retailing of fresh food and groceries (other than cafes or other food outlets for visitors to the centre where the food is to be immediately consumed).

What will happen further down the track if a company like David Jones wants to establish a warehouse clearance outlet at the centre? But David Jones cannot have an outlet because it is a department store. Jeans West, however, can have an outlet. This is a silly bill, and it was introduced as a very cheap political stunt, the

honourable member knowing full well that even if it passes through this Chamber it will not go anywhere in the lower House. What is his point in introducing this bill? He is trying to damage the reputation of the Government, but the only people who will be damaged by this bill will be those who have leases at the Orange Grove centre that are not compatible with the zoned use and people employed at the outlets. The only people he will damage will be the business owners and the workers, because he is encouraging them with false hopes.

The Hon. John Ryan should be offering practical assistance, such as helping employees who have lost jobs to find other jobs. It is too bad that Mr Gazal would not let people from the Premier's Department and Drake go to the centre to help these people. The Hon. John Ryan did not say to the lessors and those who have invested their life savings in businesses at the centre that they should consider legal redress against the owner of the centre, who signed them up to leases when he knew full well that the development did not comply with zoning provisions. The lessees, who have been led astray by the Hon. John Ryan and his cheap political stunt with the Save Orange Grove Bill, should be looking at their chances of recovering some of their life savings from the owner of the centre who offered them leases and gave them hopes of building on their investments, in some cases building up financial bank rolls, so that they would be okay in their retirement.

Mr Gazal did all that, knowing full well that the centre was on land not zoned for that purpose. It operated as a retail centre, although the zoning provisions did not allow for that. Mr Gazal knew that people were taking a risk when they signed up for retail outlets in his centre. He did nothing to tell them any differently; he just signed them up, took the rent, and led them on. The Hon. John Ryan is complicit in those actions by bringing forward this bill and for not telling these poor people, who have the genuine sympathy of the Government and its members, that they should realise that they have been led down the wrong path, that they should not hold out some faint hope that somehow the decision will be reversed. The Government will stick with this good planning decision, which is based on existing planning laws.

Rather than telling lessees this, he is letting them remain in limbo in the hope that the centre will be reopened. The Hon. John Ryan should have said to the lessees that he sympathises with them but they must understand that the Minister has decided not to overturn the Land and Environment Court decision and rezone the land and they should be getting on with trying to salvage what they can. Instead, the Hon. John Ryan, who is in cahoots with Mr Gazal, is leading these people astray. The Hon. John Ryan and Mr Gazal have been as thick as thieves since all this started, and the honourable member should be ashamed of himself. He is encouraging the lessors with false hopes that will lead to nothing.

The people should regather and work out how to proceed in future and where to go to get proper legal redress for what has been done to them. They should be taking action against the owner of the centre, not allowing themselves to be led astray by the Hon. John Ryan, who has moved them from the gallery of this House to the gallery of the other place to listen to question time in each House. He has shunted these people around like members of a freak show to exploit them for political gain. He and John Brogden should be condemned for the way they have led these people on. For that reason and the other reasons referred to in my contribution I urge all members, particularly the crossbench members, to reconsider their position on the Save Orange Grove Bill and vote against it.

**Mr IAN COHEN** [4.58 p.m.]: I had not intended to speak to this bill, which I thought Ms Sylvia Hale adequately covered for the Greens. However, I was prompted to come into the House to say something after listening to the debate in my office while trying to work out the riddle of the threatened species legislation information that has been sent to me. That is another bill that is of great importance to me. I remind members that there are three Greens members in this House. The Hon. Jan Burnswoods referred to the absence from the Chamber from time to time of myself, Ms Sylvia Hale and Ms Lee Rhiannon. The reason is simple. We each undertake specific portfolio responsibilities. The Hon. Jan Burnswoods clearly indicated her ability to surf the web and look at all the Greens information by accessing our web site.

Had she looked a little more closely, she would have read that Ms Sylvia Hale has been allocated responsibility for the planning portfolio. And contrary to the belief of some Government and Opposition members it is clear that she is adequately looking after those issues. I felt that I had to contribute to this debate to correct some comments made by other members. Some Government members—those who can only be described as "the hit women of the Australian Labor Party"—referred to the hypocrisy of the Greens. No member should take a holier than thou attitude in relation to this bill. Government members accused Opposition members of cheap political stunts. If the Hon. John Ryan were a defrocked Christian, perhaps then he could be accused of engaging in a cheap political stunt. I have not seen anything quite like this since the introduction last session of the Government's filming bill.

This Government could be accused of being responsible for a litany of cheap stunts relating to community groups, the Port Kembla copper smelter, or the court action that was taken to destroy people's aspirations. Government members should not refer in this Chamber to the misguided aspirations of people in New South Wales, particularly people in the western suburbs of Sydney. A quick look at the record of this Government makes me shudder. By and large the Greens are discharging their responsibilities under the planning portfolio. Debate on this bill has been interesting. Certain accusations have been made about the Greens policies. The Federal Coalition Government has delved into and attacked the Greens policies and now the New South Wales Labor Government is delving into our policies. Both governments appear to have something in common.

When governments, regardless of their political persuasion, have been in office for a long time there seems to become entrenched a reckless attitude towards the community. There is that commonality between the Federal and State governments. It is only fair that we should be debating this issue today. It was totally inappropriate for some Government members to insinuate that I was not in the House at the time Ms Sylvie Hale was speaking because I disagreed with what was being said. Although I was not in the House, I was listening to the debate. I do not disagree with this bill, it is just that I was involved in planning other activities. When I was the only member of the Greens in this place I had a great workload and it was difficult for me to cover all issues. I am pleased that there are now other members of the Greens in this place. The workload can be spread around; we can examine any perceived corruption issues and issues relating to the granting of development applications.

I understand that a council employee approved this development application and that the council's new general manager, Gabrielle Kibble, agreed with the process. I have a clear picture in my mind of Gabrielle Kibble being questioned by the committee. I heard her say in the media that she supported the rezoning on social grounds. There are significant arguments in favour of this proposal and there are significant arguments against it. References by Government members to hypocrisy on the part the Greens are farcical. I am sure that we could spend quite a few private members' days debating the hypocrisy of the Government during its time in office and other issues that have influenced its attitude in recent years.

I am concerned this Government seems to be adrift. Because of the attitude of the planning Minister, Mr Craig Knowles, my relationship with the Government on planning matters has deteriorated. However, it is not appropriate at this stage for me to make a statement about that issue. I am aware that the development application, which went from Gabrielle Kibble to the Department of Infrastructure, Planning and Natural Resources and then to the Minister, received support. So it is appropriate for us to debate this issue. I have a great deal of sympathy for those who were employed at the centre, even though I have heard valid arguments about proper planning processes. This whole process seems to have been clouded because of cheap political attacks by the Government, which attempts to smear anyone who disagrees with it. That attitude will not serve the Government well in the long term. I conclude by saying that the Government should continue to advertise the policies of the Greens. It is much appreciated.

**The Hon. JOHN RYAN** [5.06 p.m.], in reply: I am proud that I introduced this bill. I am in no way ashamed of it, as was suggested earlier by a Government member. I have sought to do nothing other than what Diane Beamer should have done—that is, rezone the land to enable 400 people to keep their jobs, to ensure that 60 businesses are not wrecked and to let a facility that is clearly appreciated by the people of western Sydney continue trading. Those are the Opposition's objectives. I am disappointed that some Government members argued against that. They did so not with any level of logic but by generating personal smear—and that is regrettable. Many of their comments were about those who spoke rather than about what was said.

**The Hon. Jan Burnswoods:** Are you talking about David Oldfield?

**The Hon. JOHN RYAN:** No, I am talking about you.

**The Hon. Jan Burnswoods:** Did you actually listen to what David Oldfield said?

**The Hon. JOHN RYAN:** I listened to every word spoken by the Hon. Jan Burnswoods. Sadly, it was her usual poisonous and obnoxious performance. She criticised the people who spoke rather than what they said. I respect the fact that some members would have views contrary to the views that I have put and I am prepared to reply to those who put forward contrary views. The Special Minister of State logically outlined the Government's general argument against the factory outlets centre. The only problem is that the jobs co-ordinator has found only 20 full-time jobs for the 400 employees who lost their jobs. Not all 400 jobs were full-time or casual jobs. I recollect that of the order of about half those jobs were full-time, yet only 20 jobs have been found.

They might apply for other jobs but that does not mean they will get those jobs. These are only job opportunities, not real jobs, and these people will have to compete against many others for them. It is not possible in a place like Liverpool to find jobs for a massive number of people. It is particularly difficult to find jobs for semi-skilled female employees—which is what made the factory outlet so valuable. Much has been said about Mr Gazal. I can only tell members about how I found him. I have spoken on many occasions to Mr Gazal and to his family. At times Mr Gazal has been gullible. He was certainly proved gullible to have trusted members of the Labor Party. I may be proved wrong but I have not found him to be untruthful or manipulative.

I recall Mr Gazal telling me about the closure of the Viscount factory in which he was involved. Because of the failure of that business he spent millions of his own dollars paying out the entitlements of many workers who could no longer be employed. Various attempts have been made to try to smear Mr Gazal. Some clever person found the name "Gazal", and someone associated Mr Nabil Gazal with a person with the same name and who is associated with the Viscount caravan factory.

As I understand it, Mr Nabil Gazal's behaviour towards his retrenched employees was exemplary—the sort of behaviour that the Australian Labor Party would expect of any employer in the same position. Allegations have been made—particularly in another place—regarding the retail leases. One of the most disturbing comments I have heard is the suggestion that Mr Gazal has been unco-operative and is not prepared to give the parliamentary committee access to his leases. Mr Gazal has pointed out that there are a couple of problems involved with simply trotting out his leases in the Parliament of New South Wales and allowing them to become part of a parliamentary inquiry. First, the leases are not the property of Mr Gazal but shared agreements between he and his leaseholders. Mr Gazal would need to get permission from the tenants to make the leases available. That is an important matter of privacy that simply must be respected these days.

Secondly, much of the information in the leases is not germane to the terms of reference of the parliamentary inquiry and relates largely to the management of the retail outlet, not its approval and continuance. So in many respects the leases are not relevant. I think some members, in taking the opportunity simply to smear Mr Gazal, are seeking to run first through Parliament legal arguments that may be made in court—probably to the detriment of all parties involved. It is sad that litigation is likely with regard to the leases. Mr Gazal makes certain claims and some tenants—a minority—make other claims. The simple truth is that the best place to test those claims is in court, and certainly not in the highly politically charged atmosphere of a parliamentary inquiry.

Nevertheless, Mr Gazal has attempted to supply to the parliamentary inquiry whatever information he is able to provide. For example, he has supplied a form of the correspondence that he sent to all his tenants, regardless of whether they held leases. Some businesses moved into the retail outlet without signing a lease. They did so not at Mr Gazal's invitation or as a result of his advice but because they wanted to trade during the Christmas sales and so on. They elected to occupy their shops without signing a retail lease. A solicitor would have told them that that was not a wise idea but Mr Gazal chose not to interfere with their personal choice. In those circumstances there is no lease to show. Furthermore, as Mr Gazal pointed out to the committee, some proposed leaseholders have not completed the requirements for signing a lease.

**The Hon. Jan Burnswoods:** How many leases has he signed? Tell us how many leases Mr Gazal has signed with the tenants, whom he cares so much about!

**The Hon. JOHN RYAN:** I will go through the issues in a logical manner. I will not proceed in a harebrained fashion simply to deal with the interjections of the Hon. Jan Burnswoods.

**The Hon. Jan Burnswoods:** Go on, tell us. You won't answer, will you?.

**The Hon. JOHN RYAN:** I do not know, frankly.

**The Hon. Jan Burnswoods:** You weren't at the committee when we asked him over and over again. You are giving a very partial account of all the evidence we've heard.

**The Hon. JOHN RYAN:** It is no less partial than the account given by the Hon. Jan Burnswoods. The Premier misled the other House—possibly at the instigation of some of the Government members on the committee—when he said that the committee had voted against requiring Mr Gazal to table the leases. We did not do that, did we? We did not vote against it, because no motion was moved.

**The Hon. Jan Burnswoods:** Now you are admitting that there was a discussion.



**The Hon. JOHN RYAN:** I have no other choice when we have been verballed. We discussed the leases but, sadly, the Premier chose deliberately to mislead the other House by suggesting things happened during the inquiry that simply did not happen. The committee has accepted—so far at least—that Mr Gazal is attempting to co-operate with the committee so far as that is possible.

**The Hon. Jan Burnswoods:** That's why his solicitor was there, is it?.

**The Hon. JOHN RYAN:** Mr Gazal's solicitor is coming. But apparently because Westfield is not available to appear before the committee on Wednesday it is unlikely that we will be able to meet—unless the Hon. Jan Burnswoods wants to attend a meeting to hear the evidence of a single witness. The simple fact is that many attempts have been made to smear Mr Gazal but not one of them is based on any concrete information. People have simply tried to take advantage of the unfortunate position in which Mr Gazal finds himself in that he is likely to become the subject of litigation. They have threatened to put his commercially sensitive material into the hands of a parliamentary inquiry—which would be absolutely stupid—from where it could well be leaked to his competitor Westfield. The bottom line is if the Office of Fair Trading believes Mr Gazal has done anything inappropriate with his leases, let it go its hardest. Interestingly, the Government has not exercised that option.

I can say only that I believe Mr Gazal has been straight with the committee. Unlike many Government members, at least he has been prepared to appear before the committee to give evidence, to be present at the hearings—day in, day out—and generally make himself available. That is more than can be said for Mr Knowles, Ms Beamer or certainly Mr Tripodi. This is a good piece of legislation that is designed to reduce the human carnage that is likely to occur as a result of the closure of these factory outlets. In my view this place can give a fair representation of what the community at large thinks about this matter. I have not yet met a single person other than a representative of Westfield or the Government who has told me that he or she disagrees with this action—not one. I am happy to put the bill to the vote in the House so that honourable members can reflect the views of the community. I commend the bill to the House and look forward to seeing what the Government will do when it has been passed and sent to another place.

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

**The House divided.**

**Ayes, 21**

Mr Breen	Mr Jenkins	Mr Ryan
Dr Chesterfield-Evans	Mr Lynn	Mr Tingle
Mr Clarke	Reverend Dr Moyes	Dr Wong
Mr Cohen	Mr Oldfield	
Ms Cusack	Ms Parker	<i>Tellers,</i>
Mrs Forsythe	Mrs Pavey	Mr Colless
Mr Gay	Mr Pearce	Mr Harwin
Ms Hale	Ms Rhiannon	

**Noes, 15**

Ms Burnswoods	Ms Griffin	Ms Tebbutt
Mr Catanzariti	Mr Hatzistergos	
Mr Costa	Mr Kelly	<i>Tellers,</i>
Mr Della Bosca	Mr Macdonald	Mr Primrose
Mr Egan	Mr Obeid	Mr West
Ms Fazio	Mr Roozendaal	

**Pairs**

Mr Gallacher	Mr Tsang
Miss Gardiner	Ms Robertson

**Question resolved in the affirmative.**

**Motion agreed to.**

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

## BUSINESS OF THE HOUSE

### Suspension of Standing and Sessional Orders

#### Motion by Ms Lee Rhiannon agreed to:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 115 outside the Order of Precedence, relating to donations by James Hardie Industries, be called on forthwith.

### Order of Business

#### Motion by Ms Lee Rhiannon agreed to:

That Private Members' Business item No. 115 outside the Order of Precedence be called on forthwith.

## JAMES HARDIE POLITICAL DONATIONS

#### Ms LEE RHIANNON [5.23 p.m.]: I move:

That this House calls on all political parties to redirect any donations they have received from James Hardie Industries into a trust fund for the victims of asbestos and their families.

I thank honourable members for agreeing to debate this urgent motion. All political parties should side with asbestos victims and not this slippery multinational that continues to evade its responsibilities. Paying the donations from James Hardie into a trust for victims would be a good first step to achieving justice that the victims and their families deserve. I have moved this motion as a matter of urgency because every day people are dying a dreadful death from asbestos-related diseases and they and their families need every cent they can possibly get. This issue has gained widespread publicity and generated widespread concern in the community. Every day that this matter is not debated the confidence the community places in politicians is further undermined.

As we now know, James Hardie Industries relocated its operations to The Netherlands in 2003, leaving behind grossly inadequate provisions to fund the compensation claims of victims of asbestos-related diseases. James Hardie left only \$300 million to fund claims relating to asbestos diseases caused by their asbestos products when it is estimated that up to \$6 billion will be needed to adequately compensate the victims and their families. This motion calls on all political parties represented in this House to redirect any donations they have received from James Hardie Industries into a trust fund for asbestos victims and their families.

On 1 July I called on The Nationals, the Liberal Party, the Labor Party and the Australian Democrats to put the \$244,000 in political donations they received from James Hardie over the past five years into a trust fund for asbestos victims. The Greens made this call because it is vital that all parties side firmly with asbestos victims, and not with this giant multinational that is exploiting people so severely. At that time I said:

It would be a welcome gesture of goodwill if all political parties paid these donations into a trust fund for asbestos victims ...

Political parties must put asbestos victims above the interests of the big end of town. Paying back the money from James Hardie would be a good first step.

Even after James Hardie relocated to The Netherlands it continued to donate more than \$176,000 to the four political parties that I have just mentioned. On 11 August—nearly six weeks after my original statement—there was a welcome move. The Leader of the Opposition, Mr Mark Latham, announced that the \$77,500 the Australian Labor Party had received from the James Hardie companies would be put into a trust fund for victims. I congratulate the Labor Party on this move. I understand that a member of the Labor Party will move an amendment to my motion, which I will accept, to acknowledge this development. That shows significant progress on the issue of political donations from the company.

This very much contrasts with the lingering distaste about the unsavoury behaviour of the other parties that have chosen to retain the donations they have received from James Hardie. This case has presented the people of New South Wales with a crystal clear example of the difficult moral position in which political parties place themselves by accepting large donations from corporations like James Hardie that have behaved unethically. It is vital that such donations are given to asbestos victims because of the uncertainty that the future holds for those people and their families regarding their ability to receive full compensation. I urge honourable

members to acknowledge the public perception that it is unethical for political parties to keep donations they receive from James Hardie when those donations are viewed in a climate of such mistrust and misgiving towards James Hardie.

The level of importance of this motion is highlighted by the actions of some James Hardie shareholders who, upon hearing of the shameful behaviour of that company towards the victims of asbestos diseases caused by James Hardie products, spontaneously began giving the dividends they had earned from their shares in this company to the asbestos victims fund. The actions of those shareholders indicate that members of the New South Wales Legislative Council could save face with the people of New South Wales if its political parties pledged donations they received from James Hardie to the fund for asbestos victims. In terms of the money needed for the victims of asbestos, the donations are not large. But this is not a symbolic gesture. The motion, if passed, will provide invaluable support for the victims of asbestos related diseases and their relatives, both financially—even though modestly—but particularly morally. I commend the motion to the House.

**The Hon. PETER PRIMROSE** [5.33 p.m.]: I support the motion moved by Ms Lee Rhiannon. However, I believe it is appropriate to expand the honourable member's motion, and therefore I move:

That the motion be amended by inserting at the end:

2. notes the Australian Labor Party has redirected donations received from James Hardie Industries to support victims of asbestos and their families;
3. calls on all other political parties to do likewise.

**Amendment agreed to.**

**Motion as amended agreed to.**

## **BUSINESS OF THE HOUSE**

### **Postponement of Business**

**Committee Reports Orders of the Day Nos 1 to 6 postponed on motion by the Hon. John Hatzistergos.**

## **BUDGET ESTIMATES AND RELATED PAPERS**

### **Financial Year 2004-05**

**Debate resumed from 29 June.**

**The Hon. PETER PRIMROSE** [5.35 p.m.]: I am pleased to point to a number of items in this year's budget to indicate the achievements of the Carr Labor Government. In particular I welcome the reduction in crime rates in New South Wales. The State's record number of police continues to impact on every type of criminal activity. The record number of police in this State—14,450 police officers—is keeping New South Wales safer. I think it appropriate to refer honourable members to the latest figures compiled by the Bureau of Crime Statistics and Research as those figures confirm the positive results of the hard work of the Government and our police and law enforcement agencies.

The Bureau of Crime Statistics and Research figures reveal a number of statewide decreases in various crime categories. Robbery with a weapon not a firearm decreased by 19.7 per cent; stealing from a person decreased by 17.8 per cent; breaking and entering of non-dwellings decreased by 17.6 per cent; stealing from retail stores decreased by 17.4 per cent; stealing from motor vehicle decreased by 13.7 per cent; and fraud—that particularly nasty and pernicious crime—decreased by 12.3 per cent. I note the stunned looks on Opposition members. Yes, a decrease of 12.3 per cent in fraud. Indecent assault, acts of indecency and other heinous sexual offences decreased by a really significant 11.9 per cent; breaking and entering of dwellings increased by 9.4 per cent; motor vehicle theft decreased by 8.7 per cent; and stealing from dwellings decreased by 5.1 per cent. These are not made-up figures: these are statistics based on research, using appropriate methodology, undertaken by the Bureau of Crime Statistics and Research. This information is readily available in publications.

In order to achieve these sorts of results one needs not only high morale amongst the State's police officers, as well as effective governance, but also appropriate resources. That all of those resources are coming together is reflected in the valuable results I have just outlined. The resources provided to our frontline police

include new technological advances. For example, \$8.6 million has been allocated for in-car video programs, involving the installation of video cameras in 344 highway patrol vehicles. Yes, all 344 highway patrol vehicles have been, or are being, fitted with in-car video cameras under that \$8.6 million program.

The cameras will provide additional evidence against people who are charged with a crime, and will significantly increase the safety of our highway patrol officers, who are undertaking the extremely demanding task of traffic surveillance and other front-line police duties. I know that all honourable members will wish them well in their activities. Other state-of-art resourcing provided to front-line police includes \$4.4 million for the Polair 5 helicopter, the bearcat armoured rescue vehicle, three bomb disposal robots, a bomb containment vessel, mobile data terminals, 600 sets of pursuit-ending road spikes—a particularly valuable initiative—and 6,400 pairs of slash-resistant gloves.

**The Hon. Jan Burnswoods:** Hear! Hear!

**The Hon. PETER PRIMROSE:** I note the interjection from the Hon. Jan Burnswoods, who commends them.

**The Hon. Duncan Gay:** They will be handy in caucus for removing knives.

**The Hon. PETER PRIMROSE:** One of the things that always amazes me is how, in debates about police, The Nationals interject and show their lack of concern for the police force.

**The Hon. Rick Colless:** What rubbish.

**The Hon. PETER PRIMROSE:** The honourable member interjects, "What rubbish." It is outrageous that while I am trying to list some of the achievements of the police—

**Ms Lee Rhiannon:** You're reading *Hansard*.

**The Hon. PETER PRIMROSE:** —some members of The Nationals and the Greens are determined to attack the activities and the excellent efforts of front-line police. It is really disconcerting. I made a number of these points last night and I wish to make a number of further points about the Carr Government's March 2003 election commitments. I will move on from Police, given that it embarrasses The Nationals and their colleagues the Greens, to the Premier's Department. The estimated total expenditure in the 2004-05 budget for the Premier's Department is \$106 million, which includes \$3.2 million to establish the Office for Women within the department, \$2.5 million for the Redfern-Waterloo Partnership Project and \$2.2 million for executive development programs that are funded by consolidating training expenditure from across the public sector, including scholarships, the Australian New Zealand School of Government and the University of Sydney School of Government, \$500,000 for the Anzac Memorial Trust, and \$400,000 for additional security in Governor Macquarie Tower.

The Premier's Department continues to lead and co-ordinate a whole-of-government approach to major projects and issues, including acting as co-ordinator of State responses to counterterrorism and natural disasters. It is also responsible for funding and supporting the Premier's Office, certain Ministers' offices, the Leader of the Opposition's offices—whoever that may be at any particular time—offices of former office holders such as former Premiers, and services for the Governor's Office. In 2004-05 the department's capital program is \$3.4 million, which includes \$2.5 million for the records information management system and \$500,000 to replace obsolete information technology equipment: if only we could do the same with The Nationals.

The Independent Commission Against Corruption, which is an important arm of fighting corruption in the State, is responsible for promoting and enhancing integrity in public administration in New South Wales by investigating and minimising corruption through the application of its special powers. The commission applies the latest corruption prevention methods, and undertakes research and education into corruption prevention. Obviously I am really concerned about the ongoing attacks by The Nationals on the Independent Commission Against Corruption during my contribution. I will not acknowledge them because I believe, as the deputy chair of the ICAC oversight committee in this place, they are totally inappropriate.

**The Hon. Duncan Gay:** Point of order: The honourable member is misleading the House. Had he acknowledged the interjections it would be obvious that they were an attack not on the ICAC but on his own Premier. He actually failed to do that, and deliberately misled the House. I ask you to draw him back to the subject before the House.

**The DEPUTY-PRESIDENT (The Hon. Amanda Fazio):** Order! There is no point of order and the Deputy Leader of the Opposition knows it. Members should not seek to take a point of order to debate a matter.

**The Hon. PETER PRIMROSE:** Obviously it is very difficult to take part in such a serious debate with the constant stream of interjections opposite.

**The Hon. Duncan Gay:** Point of order: The honourable member continues to mislead the House and fails to tell the House that he is not delivering a speech, but reading someone else's speech in *Hansard* and the budget papers.

**The DEPUTY-PRESIDENT (The Hon. Amanda Fazio):** Order! I remind the Deputy Leader of the Opposition that it is not appropriate in this or any future debate for members to make debating points in the guise of a point of order.

**The Hon. PETER PRIMROSE:** Last night in the adjournment debate I made a short speech about the crime rate and police resourcing in New South Wales. I have been pleased to reiterate some of those points today and I look forward to reiterating more. Obviously I am concerned that some people are stung by the achievements of the Carr Labor Government in meeting the significant mandate it was given at the last election. But given the level of interjection in this place it is clear that those opposite do not wish that mandate to be met. However, I can assure them that it will be met.

Over the past five years the Independent Commission Against Corruption has incurred a number of expenses, which have increased from \$15.3 million in 1999-2000 to an estimated \$16.7 million in 2003-04. In 2001-02 a major restructure created a more proactive, strategic and integrated investigative capacity for the commission. We fully expect that the current inquiry by Justice Cripps will expand that capacity even further. The statutory responsibilities and functions of the commission have not changed significantly in the period covering the last budget.

In 2003-04 the commission sought to continue its focus on enhancing its capacity to strategically identify systematic and individual corruption risks, as the budget papers state, "on the effective management of an increasing number of corruption complaints and on the continual improvement and development of the commission's investigative capacity". Work will proceed through the ICAC on improving the commission's business processes, particularly in case management and performance tracking. The commission will continue to develop and deliver strategic research, education, and corruption prevention initiatives targeted at key sectors, including local government, government agencies in regional areas, the general public sector, and communities from non-English speaking backgrounds.

The activities of the State Electoral Office will be of obvious interest as the new joint committee begins its work. As all honourable members would be aware, the State Electoral Office is responsible for a number of matters, three of which are the management and administration of parliamentary elections, by-elections and referendums; administrative support to the election funding authority, which is responsible for the public funding of election campaigns, and the management and administration of the political education fund; and, in accordance with the appropriate legislation, elections for local government, trade unions, statutory boards and registered clubs, and ballots for enterprise agreements on a full-cost recovery basis.

An examination of the State Electoral Office's expenditure trends and recent developments reveals that expenditure trends are related directly to the occurrence of general elections. New South Wales has a four-year cycle for State elections, but there can be any number of by-elections. Combined with current redistribution activities, these occurrences obviously will lead to increases and fluctuations in expenditure. Expenditure in the 2003-04 financial year reflected the conduct of the local government general election in March 2004, which was undertaken on a full cost-recovery basis. The 2003-04 expenditure also includes claims received for the funding of parliamentary election campaigns relating to the most recent State election in March 2004 and costs incurred in the current redistribution of electoral boundaries. As all honourable members are aware, that level of expenditure will continue in the current financial year.

In 2003-04 the State Electoral Office expended capital funds on upgrading the computerised accounting program used for Legislative Council and local government elections to incorporate changes made to the legislation in respect of the method of voting for local government elections. As part of the State Electoral Office's strategic directions, procedures and processes will be modified. I will quote a statement in Budget Paper No. 3, volume 1, page 2-11, because I think it is important:

The Office will examine the procedures and processes used at the 2003 State Election and 2004 Local Government elections with a view to achieving increased efficiencies and effectiveness for future elections and will continue to deliver services particularly in the areas of electoral education, election funding and research development.

I am confident that all honourable members wish the office well, and I thank them for nodding in acknowledgement. In relation to the 2004-05 budget, the State Electoral Office has estimated total expenditure at \$10.8 million for the current financial year. This sum principally comprises \$0.9 million in costs associated with the redistribution of electoral boundaries, \$2.1 million, which was expended on behalf of the Election Funding Authority, for payments to candidates, groups and parties, and \$3.1 million for payments to the Commonwealth Government under the Joint Electoral Roll Agreement. In the short time that remains for my speech, I wish to examine the budget allocation for the Ministry for the Arts. The ministry develops policy for arts and cultural development in New South Wales, works with the State's eight cultural institutions, administers a cultural grants program that supports a range of arts and cultural activities across the State, provides awards, fellowships and scholarships to individuals, and manages government arts projects, properties and capital expenditure. It is very clear that the Premier's Department does a great job.

**Ms LEE RHIANNON** [5.52 p.m.]: The Treasurer's 2004 budget certainly has some welcome components but, after his 10 years in the job, the people of New South Wales have the right to expect that the Government's projected figures will come close to what is actually spent. Treasurer Egan tells us that he does not let the Premier near his budget. A close examination of the budget blow-outs that have occurred in recent years also makes one wonder whether Treasurer Michael Egan is up to the job and whether he should be let near his own budget. An examination of the departments of Cabinet, the Premier, Arts, the Attorney-General, Community Services, Ageing and Disability, Education, Gaming, Health, Corrective Services, Juvenile Justice, NSW Police, Primary Industries, the Roads and Traffic Authority [RTA], Local Government, the New South Wales Fire Brigade, the State Emergency Service and Transport over the past two years reveals that the average department has blown its budget by 7 per cent.

Using figures in the budget papers, the Greens added together the average blow-out for each of these departments over the past two years and found that, if each department stays true to form, the deficit will blow out from \$379 million to well over \$1 billion. The departments with the biggest overruns were some of those closest to the centre of power. At the Cabinet Office, the difference between the amount budgeted and the amount spent averaged out at a 23 per cent increase over the past two years. The Premier's Department came in at 23.4 per cent. Mr Carr's Ministry for the Arts overspent by an average of 26.5 per cent. Treasurer Egan's financial mismanagement is particularly tragic because he is preventing the Government from adequately investing in much-needed services and infrastructure. In past years, the Government could hide the spending blow-outs behind booming tax revenues. But the property boom is winding down, and there will be no hiding this year. If the Government cannot get the budget under control, how will it ever be able to fix the problems in our rail, health and education systems?

The Greens share the concerns of the New South Wales Council of Social Services [NCOSS] and its many affiliates over this Labor Government's continual ignoring of housing poverty among low income households. Poverty is very real in this State. However, going by the 2004 budget, the Treasurer either is not aware of that or he does not care. Yes, Treasurer Egan has a lot to boast about, but scattered across New South Wales are Labor's forgotten communities—people who are marginalised because of a lack of services, and often with inadequate or no housing. NCOSS put 13 questions to the Treasurer about this year's budget. The forgotten communities of New South Wales deserve answers from Treasurer Egan. If he responds with openness and honesty, much of their disadvantage could be addressed.

The Department of Community Services overspent its out-of-home care budget by \$30 million in 2003-04. How will that department now deliver 1,000 extra places in 2004-05 with \$21 million less in allocated funds? Why is there no new funding in the budget—which is purportedly aimed at families and children—to increase the affordability of, and access to, community-based preschools in New South Wales? With the incidence of domestic and family violence increasing, why has the Domestic Violence Court Assistance Scheme had its funding levels cut by 4.5 per cent for 2004-05? With most health outcomes for Aboriginal people being much worse than those for the general population, why has this budget cut funding assistance to Aboriginal non-government organisations by 28 per cent compared to the budgeted figure for 2003-04?

With demand for community care services as much as 50 per cent higher than supply in many areas of New South Wales, why was the budget for the Home and Community Care Program underspent by \$24 million in 2003-04? With a rapidly ageing population, why has the Government cut \$800,000 from this funding area, which amounts to an effective cut of 21 per cent over two years? With increases in the Aboriginal population in

New South Wales and an increased focus on reducing the high early school leaving rates of Aboriginal young people, why are the numbers of Aboriginal students in New South Wales schools anticipated to decrease in 2004-05? That is absolutely shameful. I doubt that a Government member will have the courage to address that scandalous situation during this debate.

With 85,000 applicants on the New South Wales public housing waiting list, why has the Government reduced both the number of units in public ownership and the proportion of public housing stock in the market at a time when housing affordability is in crisis and Sydney's population is projected to increase by 1,000 people each week? Is the Government working toward phasing out public housing? The Government's track record is beginning to suggest that that is the case. With the highest recidivism rate among prisoners in Australia, why has this budget cut \$9.5 million from specialised rehabilitation services for inmates in New South Wales? Why is revenue from the parking space levy being used for the North West Transitway when the funds are supposed to be used for public transport infrastructure, such as bus-rail interchanges and car parks at railway stations?

What evidence is there that Businesslink—which is a joint enterprise between the Department of Community Services, the Department of Ageing, Disability and Home Care and the Department of Housing—is making any savings in back office expenses that are being passed onto front-line services? Where are the details of the \$81 million in savings to departmental spending that were announced as part of the 6 April mini-budget? Given that the Carr Government allowed the projected 2004-05 budget deficit to rise by \$79 million, why could it not reinstate its highly effective Mature Workers Program and Skilled Migrant Strategy at an annual cost of just \$5.5 million? NCOSS rightly asks this simple question: If Treasurer Michael Egan's strategy is jobs and growth—and honourable members know how many times they have heard that claim being made—why cannot these people be included?

This budget needs to be assessed along with the quaintly titled mini-budget. Today we heard Labor members talk about stunts; but the mini-budget was the biggest stunt we have seen this year by the Labor Government. Justification for the mini-budget was always shaky, and now appears to be nothing more than a means to quarantine the bad news out of the budget itself. The enormous scandal of the mini-budget was the loss of 3,000 public service jobs; 500 jobs will go from the Department of Infrastructure, Planning and Natural Resources. A member of the Labor Left, Mr Peter Primrose, has spoken in this debate but nothing about jobs came from his lips as he read, verbatim, from *Hansard* and the budget papers—information that is on the public record. I hope that some of his Labor colleagues take up the issue of the loss of public sector jobs, because that is one of the great scandals that has not been fully exposed as yet.

While the Government denies that forced redundancies are occurring, there most definitely are forced redundancies in everything but name as people are forced to leave their jobs. When those jobs disappear people are treated in such a degrading way in so-called training programs that they realise that they have nothing better to do than to take the redundancy package that is offered. The announced amalgamation of Agriculture, Fisheries, Mineral Resources and State Forests into the Department of Primary Industries, with a reduction of the budget by \$37 million, has meant many public servants are uncertain of their employment future. Now the Treasurer and Ministers are trumpeting that there will be no forced redundancies, but for many workers those words are meaningless.

If public service jobs disappear and workers have to relocate, possibly at a lower wage, obviously many would take redundancy. That is another way that forced redundancies play out, despite the Government's denial that that is happening. The Government has become quite adept at induced redundancies, a sneaky policy that causes personal hardship and will reduce public services across the State. Another overlooked scandal of the mini-budget that was given the stamp of Government approval in the budget was the abolition of the Department for Women. That was a shocking move on top of the cuts to the Anti-Discrimination Board's funding in the last budget, and the cuts to other departments that have compromised services to women in this State. With one budget slash, Premier Bob Carr and Treasurer Michael Egan have ended the fine work initiated under former Premier Neville Wran. Under Premier Wran I had the opportunity to serve on the New South Wales Women's Advisory Council. At the time I thought there were shortcomings, and there probably were, but that council now stands out as a great achiever. The talk of the elevation of the department to an Office for Women in the Premier's Department is insulting spin.

The size of the budgetary cuts inflicted on the agency—\$2.5 million in the first year and \$4 million in the second year, out of a total departmental budget of around \$5 million—ensures that that office will be of purely token significance. The New South Wales Labor Government's treatment of women in this State is having the unfortunate effect of making the Federal Government look halfway reasonable in relation to women's

services and women's policy development. That is not something that I say lightly; I say it to highlight how absolutely scandalous this Government is when it comes to women's policy and to the playing out of women's affairs in practice in this State. Obviously, the Federal Government's track record is also appalling.

Another area to which the Government gives only lip service is developing its environment policy. The New South Wales Department of Environment and Conservation will lose approximately 300 positions—that is, a 10 per cent cut in its work force. Yesterday a number of those workers protested outside Parliament House because they are in a terrible situation. Personally they are set to lose their jobs, but we will lose all that corporate knowledge when they go. This Labor Government has lost its way. Premier Carr seems to be missing in action when it comes to leading the State. Public transport is another victim of the budget. After decades of neglect by successive governments, the Treasurer needed to take the lead and allocate money in this budget to fix our ailing rail services. Much of its infrastructure is more than 100 years old and, yes, it will be costly. This Labor Government has a responsibility to undertake those urgently needed upgrades.

The Government trumpets its plan to spend \$1.5 billion on rail, but that is entirely allocated to airconditioning for CityRail. No wonder people in rural and regional New South Wales are so cynical about the Labor Party specifically and politicians in general. Where is the money for rural and regional rail, where people are crying out just to get decent track and services, let alone airconditioning? How long can the Government continue to favour road over rail? In 1995 Bob Carr talked about the Los Angeles nightmare—now he is hell-bent on making that a reality. That was one of the fine speeches we heard when Bob Carr was in Opposition, looking for support. However, when he came to power the motorway madness gripped him and too many of his Ministers. Water and sewerage infrastructure also needs to be upgraded. Our population is growing rapidly, so the Government has clear responsibilities. Yes, that infrastructure has run down under successive governments, but clearly this Government will have to fork out a great deal of money to fix it. That is the Government's job, and it needs to budget for that.

Despite the Carr Government presiding over a huge increase in stamp duty revenue, it has dismally failed to improve infrastructure and services. Since coming to office in 1995 Treasurer Egan has spent \$8.2 billion in cutting debt, including \$3.4 billion from budget surpluses. This push to cut taxes and debt has put money in the pockets of banks and big companies, but has left the Government unable to make real improvements to public services. This is a colossal waste of public money that could have been used to give our State better rail services, better hospitals and better schools for generations to come. That is what being in Government is about: looking to the future and ensuring we do not rob services from future generations. Again, this Government has lost the plot. It is time the Government stopped peddling the myth that debt is bad. If debt is used for long-term infrastructure, it is a sensible economic tool. A decade of Eganomics has cost the community dearly. This budget does not adequately serve the people of New South Wales or the environment.

**Debate adjourned on motion by the Hon. Ian West.**

#### **ADJOURNMENT**

**The Hon. CARMEL TEBBUTT** (Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth) [6.09 p.m.]: I move:

That this House do now adjourn.

#### **HOME CARE SERVICE OF NEW SOUTH WALES AND MR AND MRS DAVIES**

**The Hon. JOHN RYAN** [6.09 p.m.]: On Meals on Wheels Day, I raise a matter involving the Home Care Service of New South Wales. In a letter to me from the Disability Advocacy Service, Hunter, concerns have been raised that because of a lack of Home Care Service funding a married couple, Mr and Mrs Davies, are worried that they will be separated from each other and not have the quality of life that they might otherwise expect. Mr Davies is a 66-year-old man with cerebral palsy and he uses a wheelchair. Mr Davies has many health problems, including angina, for which he receives blood transfusions, diabetes type 2, osteoporosis and thrombosis. Mr Davies' wife is his full-time carer. Mrs Davies is 72 years old and has a heart condition, for which she had open-heart surgery more than two years ago. Mrs Davies suffers from arthritis and her doctor says that she should take things a lot easier and should not be lifting her husband.

The only support that Mr and Mrs Davies receive is two hours a week domestic and home maintenance service through the Home Care Service. At Christmas 2003 Mrs Davies was hospitalised due to her heart condition and Mr Davies was placed in a nursing home. Mr Davies received personal care from the Home Care



Service in the mornings and nights, within his home, once his wife was discharged from hospital. At the request of Mr and Mrs Davies, the Home Care Service ceased providing that service as soon as Mrs Davies felt capable enough to continue taking on the care of her husband. However, she expected that if her condition deteriorated the personal care assistance would be resumed as soon as it was available. In other words, they took the responsible decision to not use a welfare service unless they absolutely needed it.

When Mr and Mrs Davies requested the cessation of the Home Care Service they had no idea of the serious nature of Mrs Davies' heart condition. Since then they have needed the help of the Home Care Service but they have not been able to get it. They were concerned about that and they wrote to the Minister for Community Services, and Minister for Disability Services, the Hon. Carmel Tebbutt. She wrote back to them as follows:

Mr Davies was seen as eligible for Home and Community Care Program for assistance with personal care.

No doubt he was eligible. The letter continues:

Unfortunately, given the high demand for services in the greater Newcastle region and the requirement to prioritise allocations to those clients with the greatest relative needs, HCS is unable to offer any direct assistance at this time.

I accept that there is a need to prioritise allocations, but it has to be said that this is a dire need. The Minister went on to state:

Should Mr and Mrs Davies' needs and circumstances change in the future, I would also encourage them to contact the Referral and Assessment Centre, and request a further review.

That is the classic way in which the Home Care Service hides those who need its service. People apply, they do not get assistance and they are sent, like fish, back into the ocean. It is obvious that these people need care. There is no waiting list or record of the fact that these people ever needed this service. If I were to ask the Government how many people were in this condition and waiting for the service it would not be able to tell me. People get assessed and, if the service is not available, whether or not they need it, they are thrown back into the community while awaiting a change to their circumstances. Mr and Mrs Davies are concerned that they will not be able to live together if they do not receive this service. They are concerned that Mrs Davies' health will deteriorate because she will not have her partner living at home with her, or that Mr Davies will be permanently placed in a nursing home.

Increasingly our philosophy is to allow people to age at home. The Home Care Service is all about allowing people to age where they live. I imagine that we would assist married couples in particular because their relationships are important for their health. It has been reported to me—and this is another matter of concern—that since February the books of the Home Care Service in Newcastle for new entrants have closed, a decision made by the management of the Department of Ageing, Disability and Home Care. I do not think that the department will receive any additional allocation from this year's budget. As a result, people like Mr and Mrs Davies will continue to miss out on the care that they need. I appeal to the Minister to examine this and other cases. If the Newcastle area has people with this sort of need it must receive an additional budgetary allocation to ensure that people in this sort of condition are given the proper assistance.

### INDIAN COMMUNITY EVENTS

**The Hon. KAYEE GRIFFIN** [6.13 p.m.]: Recently I had the pleasure of representing the Premier at two events in the Sydney Indian community—the opening of an Indian fine arts school, and the World Cultural Festival. In late July I attended the official launch of Fine Arts and Cultural Themes and the open day for the Lalitha Kala Bharathi learning centre for Indian arts and the fine arts school. Fine Arts and Cultural Themes Sydney Ltd is a non-profit organisation that was established in 2000 to promote all forms of Indian fine arts in Australia. Since its establishment in 2000, Fine Arts and Cultural Themes Sydney Ltd has been organising cultural performances, releasing Indian classical music CDs and participating in international forums and festivals. From the end of August the school of fine arts will run full-time and part-time courses in Indian classical music, dance, Vedic studies, Sanskrit and instrumental music. The fine arts school open day marked an exciting new phase for Fine Arts and Cultural Themes Sydney Ltd. The courses in classical Indian dance, music, literature and Sanskrit will play an important role in developing a further understanding and knowledge of Indian culture and its people to the wider community.

The second Sydney Indian community event that I attended was the World Cultural Festival last month, which was hosted by Bharatiya Vidya Bhavan. The Bhavan, one of the largest non-government organisations in

the world, has 115 centres in India. The Sydney centre is its first in Australia, the first in the Asia-Pacific region and the seventh international centre. Since its Australian launch almost a year ago, it has been actively promoting a better understanding of Indian culture and the many other cultures that make up New South Wales. The Bhavan aims to maintain the best of Indian traditions and, at the same time, meet the needs of modernity and multiculturalism through conducting educational and cultural programs worldwide. Its cultural centres around the world facilitate intercultural activities and provide a forum for the understanding of Indian culture, multiculturalism and the fostering of closer cultural ties amongst individuals, governments and cultural institutions in those countries.

New South Wales is one of the most culturally diverse societies in the world and our cultural diversity is an asset. New South Wales has the largest number of people born overseas and the highest proportion of people born in a country where English is not the predominant language. New South Wales is the only State in Australia to have the principles of multiculturalism enshrined in legislation—the Community Relations Commission and Principles of Multiculturalism Act 2000. The Lalitha Kala Bharathi Fine Arts School will play a major part in providing opportunities for the Indian community to maintain and develop its cultural heritage and it will enable the wider community to gain a deeper knowledge of Indian culture and its many art forms.

During my eight years as mayor of Canterbury City Council, which called itself the city of cultural diversity, I did not have an opportunity to spend time with the Indian community or gain an understanding of Indian art and music. Attending these two functions helped me to improve my knowledge of Indian music and art forms. I now have a better understanding of some of the themes that these two groups wish to promote in New South Wales, not just for the Indian community but also for the wider community, thus giving people a much better understanding of Indian culture and art. I wish the teachers and students at the school every success and I congratulate Fine Arts and Cultural Themes Sydney Ltd for making such a positive contribution. I extend my congratulations to Bharatiya Vidya Bhavan and other community groups on their initiative in organising the World Cultural Festival. New South Wales continues to be enriched by events such as this festival. I acknowledge the powerful contribution of the Indian community to the development of our State.

## **DIVERSE SEXUALITIES REPORT**

### **DEATH OF MRS ELFRIDA MORCOMBE**

**Ms LEE RHIANNON** [6.18 p.m.]: Tonight I wish to refer to a function I attended recently: the launch of a report entitled, "Access and Equity Issues Facing Young People from Diverse Sexualities: Perspectives from Youth Service Providers in Western Sydney", which was commissioned by South Penrith Youth and Neighbourhood Services Inc. and funded through the metropolitan west region of the Department of Community Services [DOCS]. Dr Kerry Robinson wrote that report. I congratulate everybody involved in its production. It was a most impressive function and this report is outstanding.

This is an important project. A major focus of the project was the organisation of two forums. The aim was to explore and assess the equity and access issues facing young people from diverse sexualities in this region. There was also a focus on the role of the Department of Community Services in supporting local organisations in the region. A number of difficulties were identified. They included a lack of knowledge about existing services for young people of diverse sexualities, a lack of awareness amongst service workers of the issues facing those people, and heterosexism and homophobia in services. The work of DOCS was also referred to. Increased communication with young people and community services was identified as a major responsibility of DOCS in relation to this issue.

It was suggested that DOCS was generally unaware of what was needed in the region and that there should be a much higher level of community consultation between DOCS service providers and young people. Another role identified for DOCS by service providers was the provision of anti-homophobia and anti-heterosexist behaviour for youth service providers. Such training would facilitate and ensure a greater awareness and understanding of the issues, problems and needs faced by young people from diverse sexualities. Young people of diverse sexualities who are attending TAFE also participated in the forum and made an important contribution. They expressed concern about the discrimination, isolation and ostracism that they experienced. They identified that a remedy was needed for the lack of visibility of gay, lesbian, bisexual and transgender issues and available information and that DOCS should be involved in providing up-to-date information, resources and monitoring.

On another issue, I pay tribute to Elfrida Morcombe, who died earlier this year in her late eighties. Elfrida was a remarkable woman and I valued her friendship greatly. I believe if she had been born in more

recent times she would have become a very prominent public figure. Elfrida was an extraordinary community activist. She was active in the Frenchs Forest parents and citizens association, the Australian USSR Friendship Society, the Union of Australian Women, the Communist Party of Australia and the Australian Labor Party. Elfrida also gave evidence at the Petrov royal commission, which was the orchestrated Cold War inquiry established by Menzies to help him win the election in the early 1960s. I sometimes wonder whether that is what inspired the current Prime Minister to misuse the *Tampa* incident in such an obscene manner.

In 1963 Elfrida retired from the paid work force and enrolled as a mature-age student at Macquarie University. That is when I first met Elfrida. I was a young teenager active against the Vietnam War and I went to the university for what was called a "Vietnam war teach-in". There was Elfrida, a woman in her mid 50s. She was active in student politics and a member of the student representative council, on which she held many positions, including that of chair at one stage. At about the age of 75 Elfrida joined the Labor Party and was an active local member. At the age of about 80 Elfrida was a volunteer teacher with the University of the Third Age, teaching English, literature and Italian—she spoke many languages—and she continued to teach until she suffered a stroke at the age of 87. Her quirky sense of humour, wonderful storytelling and conversational ability were just some of her endearing and wonderful qualities. Elfrida is survived by Simon; his partner; two grandchildren, Nadia and Brendon; and a great granddaughter, Brianna. I miss Elfrida greatly and I offer my condolences to her family.

### TAIWANESE-AUSTRALIAN COMMUNITY

**The Hon. DAVID CLARKE** [6.23 p.m.]: A few weeks ago I had the honour of attending a function organised by the Taiwanese-Australian community in celebration of the inauguration of President Chen of the Republic of China (Taiwan). But there are other reasons for celebration within the Taiwanese-Australian community. First, the community's integration into the fabric of Australian society is understandably a matter of deep pride to the Taiwanese-Australian people. Their clearly established record of achievement and attainment in our nation's social, political, cultural and business lives stand as a testament to their initiative and hard work.

Secondly, Taiwanese Australians take much pride in the great advances made by their former homeland of Taiwan since 1949, when millions fled from Communist repression, tyranny and dictatorship on the Chinese mainland to seek freedom in Taiwan. Since those dark days Taiwan has developed into a prosperous society of some 23 million people. It is a society recognised by freedom-loving people throughout the world as one that is based on democratic principles and structures and one that through the free enterprise system has become a leading economy of the world.

It is a society that respects and allows freedom of thought and freedom of religion. In all respects the people of Taiwan live in a society that has the same democratic values and freedoms as we have in Australia. Taiwan, which in 1949 was a Third World society, has for many years been accepted as a First World society—a position achieved in the face of outside Communist threats, intimidation and provocation. Taiwan stands as a living example for many nations throughout the world. It is a living example to those nations that economic prosperity can be achieved concurrently within a framework of democratic political values and not at the expense of democratic values, as some in this world maintain and practice.

There is, however, one issue of deep concern to the Taiwanese-Australian community—indeed, it concerns people of goodwill everywhere—and that is the continued exclusion of Taiwan from any involvement with the World Health Organisation. The declared aim of the World Health Organisation is "the attainment by all peoples of the highest level of health". By continuing to exclude Taiwan the World Health Organisation is failing in its stated aim. By excluding Taiwan, with a population larger than most member nations, it is failing to a very serious degree. It is failing to utilise the facilities and resources offered by Taiwan, a society noted for its advanced standards of health, medical research and medical technology and a society that is ready, willing and able to play its part in the World Health Organisation's aim of bringing high levels of health to the people of the world.

Taiwan wants to play its part in sharing and exchanging health knowledge and expertise. By excluding Taiwan the World Health Organisation is placing the 23 million people in that society in a less favourable position with regard to receiving the medical knowledge and expertise that other similarly advanced societies possess and wish to share. The exclusion of Taiwan means that everyone loses, including the citizens of those very nations that lead the campaign to exclude Taiwan—the very nations that would benefit most from Taiwan's advanced facilities and knowledge.

I will refer briefly to a few specific examples that demonstrate why the exclusion of Taiwan from the World Health Organisation is the height of folly and foolishness and is fraught with danger. First, Taiwan is at the centre of a yearly movement of millions of inward- and outward-bound travellers. At any one time it is host to several hundred thousand migrant workers from elsewhere in Asia. Taiwan needs to be integrated into the World Health Organisation so as to monitor the possible transmission of diseases or the spread of infections through this mass human movement. To do otherwise is to place at risk the health and lives of millions of people. Second, Taiwan generates billions of dollars by exporting animal and vegetable products and foodstuffs and this mass trade movement needs to be similarly monitored.

Third, the rise and spread of the deadly severe acute respiratory syndrome, or SARS, on the mainland of China—made all the more tragic by mainland China's delay in detecting and alerting others to the outbreak—has had serious consequences for the world and for Taiwan, to which SARS spread from the mainland, resulting in the infection of large numbers of Taiwanese and several dozen deaths. Because of Taiwan's exclusion from the World Health Organisation's Global Outbreak Alert and Response Network, Taiwan did not receive life-saving information as quickly as it should have. What a bizarre and unsatisfactory position this is—and all because of political pressure to exclude Taiwan from the World Health Organisation.

I join the Taiwanese-Australian community and all sensible people in hoping that Taiwan is included in the World Health Organisation as a member, or at least an observer. I honour the Taiwanese-Australian community and express my admiration at the great achievements of Taiwan and its people. They have much to be proud of in a society of prosperity, democracy and freedom. Providence will ensure that Taiwan continues to overcome all adversity, provocation and intimidation as successfully in the future as it has done in the past.

### **POLITICAL ACTIVISM IN SCHOOLS**

**The Hon. DAVID OLDFIELD** [6.28 p.m.]: Yesterday during question time I asked a question about political activism in schools and the unfulfilled promises by the Minister for Education and Training to tackle the appalling use of our public schools for political purposes by the unscrupulous Teachers Federation. The Teachers Federation is unrepentant in its attacks on the Howard Government, the most outstanding feature of which is the blatant dishonesty that it continues to perpetrate. The crooked little bunch responsible for the federation's propaganda is so estranged from the truth that it is offensive in the extreme and a matter of serious public concern. Parents and society at large would hope one of the important values that teachers impart is honesty. But those who peddle the federation line subscribe to the view "Tell a lie often enough and it will be considered the truth." On 30 August the Teachers Federation journal announced:

The fact that the Howard Government has turned its back on the almost 70% of students, their parents and teachers who are part of the public education system is beyond dispute.

But that is not a fact, merely a dishonest and distorted view of education funding. Education funding cannot be considered purely on the Federal Government's contribution—it cannot be judged in isolation. Funding from State governments must be taken into account so that one can consider the overall package appropriately and accurately. When the issue is considered in context, it is clear that the Howard Government simply tops up the State Government funding missed out on by private school students.

Despite that top-up, private school students still receive demonstrably and considerably less funding than public school students. If I were to use the Teachers Federation method of calculation and considered only State government funding when assessing the funding received by private school students, I would see that those students would appear to be the most poorly funded and most forgotten of our school students. But of course that would be just as dishonest as the propaganda of the Teachers Federation. The Teachers Federation journal also stated:

The Howard Government, the government for private schools, must be defeated. Public education cannot afford another Howard Government.

This is a repetition of the same drivel. The facts are that overall government funding produces \$5,857 for each private school student and a whopping \$8,391 for each public school student. Taxpayers' funds go overwhelmingly to public school students. The Teachers Federation also announced in its journal that it will produce:

... a glossy brochure for distribution by schools and associations to parents and bumper stickers for members and parents.

All, of course, to assault the Howard Government in the lead-up to the Federal election—assault it on a lie, a lie, a lie, told again and again. The journal also tells us:

... when the Federal election is called the federation's campaign objectives include seeking social policies which promote reconciliation between Indigenous and non-Indigenous Australians, the freeing of all refugees from all detention centres and respect of gay, lesbian, bisexual, transgender and intersex teachers and students.

Some might agree with those objectives, but many parents simply do not want that sort of material or anything else of a party political nature preached to their kids at school. On 17 March 2004 the Teachers Federation faxed the following to principals:

The Federal Government has clearly positioned itself as the government for private schools. All schools are urged to respond to this attack by undertaking some or all of the following activities:

- Staff/Federation meeting and letter writing
- P & C endorsed school newsletters that urge parents to lobby and protest

So we see the continuation of this federation-endorsed tactic of simply continuing to tell the lie to everyone it can reach. I repeat, taxpayer funds go overwhelmingly to public school students. The fax also stated:

NSWTF Council congratulates all members who rallied outside Mt Annan High School to protest against the visit of Brendan Nelson last week.

Not only did that dubious rally inappropriately occur in school time, but also it raises the question whether those in the rally knew they were protesting on the basis of a complete and utter lie, or were they as duped as the Teachers Federation would have us all? There is no doubt the hierarchy of the Teachers Federation expresses many weirdo and wacko viewpoints. However, it is not a matter so much of what they are saying but merely that they are saying anything. Political propaganda, regardless of its bent, should be kept out of schools!

### DEATH OF MR DOMENIC VITOCCO

**The Hon. PETER PRIMROSE** [6.32 p.m.]: I refer to the recent loss of a well-respected citizen of this State, Mr Domenic Vitocco. Like thousands of others I paid my last respects to Domenic at his funeral service a few weeks ago. But I admit that I felt closer to Domenic later when I stopped at the Narellan Town Centre for a cup of coffee. Domenic was not only an owner of the centre; he also built it and maintained it. On any day he would take great pleasure in painting and repairing the centre, adding special touches and taking the extra care that he always did to get things right. I remember one of my favourite stories from Domenic was the time that a police vehicle drove through the car park of the shopping centre and challenged the right of the handyman to park so near to the entrance to the building. The handyman pointed out that he could park wherever he wanted as he owned the car park. The police did not believe him and words were exchanged, but the result was a profuse apology from the local police commander to the handyman, Domenic Vitocco.

It was always impossible to walk anywhere quickly with Domenic. Quite literally, every few paces someone would greet us and want to talk to him. They did not ask for anything, and there were no forced pleasantries. People genuinely liked and respected Domenic, and they wanted him to know it. Domenic was not only incredibly hardworking and generous; he was also renowned for his honesty and even-handed approach to all people regardless of their position in life. Domenic received many honours during his life in recognition of his service to the community, including an audience with the Pope and being named as Man of the Year in Macarthur. He also received the Order of Australia medal.

Domenic came to Australia from Italy in 1955 with only a suitcase and the clothes he wore. Two years later he married Maria, and the couple had four children: Arnold, Lina, Diana and Elisa. In recent years Domenic became a devoted grandfather. The members of his family are loving and very close; I know they will miss Domenic most of all. I thank them for having shared him with us. Domenic was a completely devoted family man. There was nothing so important to Domenic as his family. There was nothing he liked better than to have his own family around him, and also the families of his friends, especially if those friends had children.

Domenic was well known in the community for his fundraising efforts on behalf of bowel cancer research. He raised in excess of \$1 million through various community fundraising events and this fundraising, particularly in the later years of his life, dominated his life. Domenic was constantly reminding his friends, and even complete strangers, that they should not ignore any minor ailments, but should immediately have them checked so that any serious illness could be treated early. This was Domenic's way of saying thank you to the

doctors who had saved his own life from bowel cancer. Domenic believed that he owed his life to the wonders of modern medicine and to God. Fundraising for bowel cancer research was his way of thanking both.

A few years ago I remember attending one of these famous fundraisers with Domenic and his family. I commented to Domenic's wife, Maria, how elegant she looked and she proudly told me that Domenic had had her dress specially made for her. Domenic laughed and told me that he and Maria had met when he was 16 years old. According to tradition he felt that he needed to present her with a gift before her family would allow him to ask her out. But because he came from a very poor family he had no money to buy a gift. So Domenic, who was completely transfixed by this beautiful young woman, went out and found himself a job digging holes with a pick and shovel for swimming pools so that he could make enough money to buy a gift, which he did. He bought Maria a watch and so felt that he was good enough to begin to court her. This story symbolises so much about Domenic Vitocco—his respect and love for his wife, his life, which was steeped in tradition and culture, and his commitment to hard work to achieve those things that were important to him. We will all miss Domenic Vitocco.

### **BUSINESS ENTERPRISE CENTRES**

**Ms SYLVIA HALE** [6.37 p.m.]: Small business is the engine room of the New South Wales economy. It is a crucial employer, but it faces increasing challenges from State and Federal legislation such as the National Competition Policy and the ongoing demands placed on collectors of the GST. In the current climate small businesses need more government assistance, not less. The Greens are dismayed that, like the Federal Liberal Party, Bob Carr and the New South Wales Australian Labor Party have turned their backs on small business and the jobs that it generates. Business Enterprise Centres [BECs] provide critical assistance to small business owners who may otherwise be isolated or in need of support. About 50 BECs across New South Wales will be scaled down to 18 super centres.

For example, there will be one in Coffs Harbour and one in the Tweed, but what are small business people in Port Macquarie going to do? They have to get in their cars and drive to Coffs Harbour and back. This takes four hours out of their day—and produces a lot of greenhouse gases. This is unproductive time that small business cannot afford. New South Wales Labor and Federal Liberal show a careless disregard for the effect of their policies on local communities, jobs and the environment. Not only has Federal Liberal entrenched fossil fuel use with the GST package; the State Labor Government is saying to small business, "If you want the face-to-face mentoring and advice the BECs used to provide, then get in your car and drive." On 6 August the *Port Macquarie News* reported the strong concerns of Hastings BEC manager Michael Jacobs about the impending loss of a BEC in Port Macquarie.

*[Time for debate expired.]*

**Motion agreed to.**

**The House adjourned at 6.39 p.m. until Thursday 2 September 2004 at 11.00 a.m.**

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