

# LEGISLATIVE COUNCIL

Wednesday 30 August 2006

---

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

**The Deputy Clerk** offered the Prayers.

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

## PETITIONS

### National Art School Independence

Petition supporting an independent National Art School and opposing the amalgamation of two institutions, received from **the Hon. Penny Sharpe**.

### 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. Fred Nile**.

### Alcohol Sale Control

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

### Bowraville Bus Depot

Petition stating that Nambucca Shire Council allows a bus depot to operate from 53 Borefield Road, Bowraville, despite this activity not being permitted under council's local environment plan, and calling on the Minister for Planning to investigate its impact on local residents, received from **Ms Sylvia Hale**.

### Anti-Discrimination (Religious Tolerance) Legislation

Petition opposing the proposed anti-discrimination (religious tolerance) legislation and the introduction of heavy penalties that will prevent religious groups from speaking frankly and openly for fear of allegations of vilification, received from **Reverend the Hon. Fred Nile**.

### Barrington Tops Plateau

Petition stating that exploratory mining activities for rubies, sapphires and other gemstones within the Barrington Tops State Forest and conservation areas are likely to cause irreversible damage, stating that the area should be converted to national park status, and requesting an environmental impact statement for mining activities to ensure greater scrutiny by the public and relevant authorities, received from **Ms Lee Rhiannon**.

### Snowy Hydro Limited Sale

Petition calling for a plebiscite to be held at the same time as the State election in March 2007 to gauge public opinion on the sale of Snowy Hydro Limited, received from **Ms Lee Rhiannon**.

### Lake Cowal Gold Mine Project

Petition opposing the Lake Cowal Gold Mine Project, received from **Ms Lee Rhiannon**.

**BUSINESS OF THE HOUSE****Routine of Business**

*[During notices of motions.]*

**The Hon. Christine Robertson:** Point of order: Recognising that the Hon. Peter Breen has several notices of motions today, I believe it is more appropriate that they be read in full so members are made aware of the motions to be moved.

**The PRESIDENT:** Order! The standing orders allow for members to simply state what their notice of motion is about. However, if members wish a notice of motion to be read in full, it will be read in full. Do you ask that the notice of motion be read in full?

**The Hon. Christine Robertson:** Yes, I request that the three notices of motions of the Hon. Peter Breen be read in full.

**The PRESIDENT:** Order! The notices of motions are already available in printed form. Perhaps the Hon. Peter Breen could read in full his remaining notices of motions.

*Later,*

**The Hon. Peter Breen:** I have trouble with my eyesight as a result of what was called a micro vascular insult to a cranial nerve and it would be of great assistance if I could table the motion, bearing in mind that it is available from the Clerks if members would like to read it. There is nothing that is not in the same terms as the previous motion in the previous Parliament, and on that basis I ask that I be able to table the notice of motion.

**Leave granted.**

**UNPROCLAIMED LEGISLATION**

**The Hon. John Della Bosca** tabled a list of all legislation unproclaimed 90 calendar days after assent as at 29 August 2006.

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

**Business of the House Order of the Day No. 1 postponed on motion by the Hon. John Della Bosca.**

**STANDING COMMITTEE ON LAW AND JUSTICE****Reference**

**The Hon. CHRISTINE ROBERTSON:** I inform the House that on 28 August 2006 the Standing Committee on Law and Justice received the following reference from the Minister for Commerce, Minister for Finance, Minister for Industrial Relations, Minister for Ageing, Minister for Disability Services, and Vice-President of the Executive Council:

That the Standing Committee on Law and Justice inquire into and report on the incidence and impact of unfair contract terms in consumer contracts for the supply of goods and services of a kind ordinarily acquired for personal, domestic or household use or consumption, in particular:

- (a) whether consumer contracts contain terms which cause a significant imbalance in the rights and obligations arising under a contract, to the detriment of the consumer, including the incidence of:
  - (i) terms which allow the supplier to unilaterally vary the price or characteristics of the goods or services without notice to the consumer,
  - (ii) terms which penalise the consumer but not the supplier when there is a breach of the agreement,
  - (iii) terms which allow a supplier to suspend services supplied under the contract while continuing to charge the consumer, or
  - (iv) terms which permit the supplier but not the consumer to terminate the contract.

- (b) whether the use of standard form contracts has increased the prevalence of the above terms in consumer contracts,
- (c) the remedies available under common law and statute with respect to the above terms in consumer contracts,
- (d) the effectiveness of specific purpose legislation such as the UK Unfair Terms in Consumer Contracts Regulations 1999 and the Victorian Fair Trading Act 1999 (Part 2B - Unfair Terms in Consumer Contracts), and
- (e) any other relevant matter.

### TERRANORA QUARRY

**The Hon. JENNIFER GARDINER** [11.25 a.m.]: I move:

1. That this House notes:
  - (a) a development proposal relating to Terranora Quarry is fiercely opposed by much of the residential population of Terranora and Banora Point,
  - (b) even though the issue is a high profile one, the Minister for Planning, the Hon. Frank Sartor, did not take advantage of his visit to Tweed Heads in March 2006 to inspect the quarry site—

I do not think he has been there since March of 2006. He has not seen the site of the quarry—

- (c) the Minister's Draft Far North Coast Regional Strategy, March 2006, says it is to "Prevent development in places contained by coastal processes, flooding wetlands, important farmland, and landscapes of high scenic and conservation value",
- (d) local residents have been campaigning against the proposed development for several years and made numerous representations to the former Planning Minister, the Hon. Craig Knowles, as well as to the current Minister,
- (e) the Labor-appointed administrators of the Tweed Shire Council oppose the development,
- (f) the local residents are fearful of road safety implications of heavy truck movements, laden and unladen, through their peaceful residential area and along the narrow Terranora Road,
- (g) the local Roads and Traffic Authority office appears to already be under-resourced and unable to satisfactorily enforce road laws and regulations relating to truck movements,
- (h) traffic issues at the notorious nearby Sexton Hill bottleneck and blackspot remain unresolved,
- (i) local cattle producers must regularly move their herds across Terranora Road,

That means there are dangers to the cattle as well as to the people who traffic that area. It is a residential area with some rural land abutting it.

**The Hon. Jan Burnswoods:** Point of order: The honourable member is reading a lot of extra words and I just want to check whether they are in the motion or whether she is just interpolating things as she goes along.

**The PRESIDENT:** Order! Can the member clarify what she is doing?

**The Hon. JENNIFER GARDINER:** I am moving the motion as printed, except for an amendment to the motion that I am about to make. I continue:

- (j) flora, fauna and a local waterway are all potentially threatened by such a large scale development, and
  - (k) there are numerous other working quarries within 30 kilometres of Tweed Heads.
2. That this House calls upon the Minister for Planning to reject the development proposal.

I seek leave to amend the motion by omitting all words after paragraph (k) and inserting instead:

- (l) that shortly before this House was to debate this motion, and after the extent of community outrage was highlighted by Mr Geoff Provest, The Nationals candidate for the seat of Tweed, the development application was withdrawn, albeit with the applicant indicating that it would "still pursue a future application for the project", and
  - (m) that the Stop the Quarry campaigners have said "Ultimately we'll not rest until this is rezoned ... if they (Readymix) think that they can put it off until after the next State election that is coming we've succeeded with plan A but we also have a plan B and C".
2. That this House calls upon the Minister for Planning to reject the development proposal whenever it is submitted.

**The Hon. Henry Tsang:** Point of order: The Hon. Jennifer Gardiner should not move an amendment to her own motion. I object to the procedure.

**The Hon. JENNIFER GARDINER:** I sought leave to move the amendment.

**The PRESIDENT:** Order! Objection has now been taken and leave is no longer granted.

**The Hon. JENNIFER GARDINER:** Someone else can move it later. This is an important issue to the north-east corner of the State. It has been a source of aggravation to many people in the Tweed Valley for some years and the residents of Terranora and Banora Point have lived with the spectre of an expanded quarry being given approval to operate in their back gardens and near the district's main thoroughfare, which is the long, winding and beautiful Terranora Road. Residents of the area fear that the impact of noise, pollution and increase in traffic on safety and amenity will be substantial.

A number for members of this House are familiar with that part of New South Wales but I assure those who have not been to the Terranora-Banora Point area that it is one of the State's most beautiful residential areas. Many residents in that area have built their dream homes, be they substantial or modest, overlooking the Tweed Valley and Tweed River, and it is certainly one of the most beautiful landscapes in this country.

The proponent, Readymix, lodged a development proposal for the quarry at Terranora, which aroused fierce opposition in the district for some years because a large quarry development is incongruous with the landscape, including the built environment at nearby Banora Point. Community opposition to the project is widespread—indeed it is huge and unabated—notwithstanding the belated interest in it by the Labor member for Tweed, Mr Neville Newell.

**Mr Ian Cohen:** Napping Neville.

**The Hon. JENNIFER GARDINER:** The Hon. Ian Cohen refers to Mr Napping Newell, who did not take any interest in this issue and, indeed, was rude to constituents who approached him. It is interesting that the Federal Leader of the Opposition, Mr Kim Beazley, was in the Tweed, and when a *Tweed Daily News* journalist asked him why the Federal member for Richmond, Ms Justine Elliott, sits behind him in Parliament on sitting days, Bomber Beazley's unexpected response was, "She doesn't fall asleep". The *Tweed Daily News* says, "There is little doubt this was a carefully aimed barb at Tweed State Labor Party MP Neville Newell, whom Coffs Harbour MP, Andrew Fraser, famously nicknamed Napping Newell for his habit of nodding off in State Parliament during question time". That part of the *Tweed Daily News* was wrong. It was me who referred to—

**The Hon. Jan Burnswoods:** Point of order: Madam President, you would remember, as I do, the fact that when remarks were made some time ago about the former member for Camden and her habit of falling asleep, it was pointed out by members of the Liberal Party that she was suffering from sleep apnoea and there was considerable debate about this. Members of the Liberal Party continually took objection to anyone making any comment about this member. I ask the Hon. Jennifer Gardiner to withdraw the remarks she has made about the member in the other House and this sort of material. I find it the height of hypocrisy for members of the Coalition, having defended the former member for Camden, to now engage in this sort of smear campaign that they try to disown. I ask that the remarks be withdrawn, and that she cease attacking a member of the other House.

**The PRESIDENT:** Order! I remind the Hon. Jennifer Gardiner that the standing orders are very clear. Imputations and inferences against members of the other House must not be made, except by way of substantive motion. I ask her to withdraw the comments.

**The Hon. JENNIFER GARDINER:** I am quoting the *Tweed Daily News*. They say that Mr Beazley took a swipe at Nodding Newell.

**The PRESIDENT:** Order! The standing orders are quite clear and I have upheld them in a bipartisan way from the time I was elected to the office of President. Imputations against members of the other House or of this House are disorderly.

**The Hon. JENNIFER GARDINER:** I just want to make sure that the *Tweed Daily News* knows that it was me who made those comments in the first place and that they had been added to by the member for Coffs Harbour.

**The Hon. Jan Burnswoods:** Point of order: The Hon. Jennifer Gardiner is not only defying your order but she is misleading the House. After she said that she was quoting the *Tweed Daily News*, she then went on to make remarks quoting the notorious member for Coffs Harbour, Andrew Fraser. She is now misleading you, as well as defying your ruling, by denying or trying to pretend that she did not go on to make remarks of her own that had nothing to do with the *Tweed Daily News*.

**The Hon. Don Harwin:** To the point of order: There seems to be some confusion in the mind of the member taking the point of order because she has not pointed to any reflections that the Hon. Jennifer Gardiner has made and distinguished those from a newspaper article she was quoting from. What I heard was the Hon. Jennifer Gardiner quoting from a newspaper. If she has been asked to withdraw something, as per the point of order of the Hon. Jan Burnswoods, she should state what that is because I am not sure that the Hon. Jennifer Gardiner has made a reflection. I think it is the case that she was simply reading from a newspaper.

**The Hon. Peter Primrose:** To the point of order: I think my colleague opposite has made an important point, that is, the suggestion that if a member reads from a document they have not prepared which casts personal reflections on a member, that should be allowed to be in order. For instance, I can certainly refer to one of his colleagues not too distant from him on the back bench at the moment who has been subject to numerous reflections in the media, but I believe it would be most improper for me to read out all of those aspersions and that I would no longer be subject to Standing Order 91 (3). Accordingly, Madam President, it is my view that you undertook the right action beforehand and this matter should now be allowed to rest. The honourable member should continue with her speech but should bear in mind the provisions of Standing Order 91 (3) in that it does apply to using words from other documents and from third parties but that it should not be considered a reflection on a member.

**The PRESIDENT:** Order! The standing orders and precedent are about maintaining mutual respect between the Houses, and members should bear that in mind when seeking to use documents to make imputations against members of the other House. I ask the Hon. Jennifer Gardiner to withdraw her statements about the member of the other House.

**The Hon. JENNIFER GARDINER:** I withdraw the comments but simply say that most constituents in Tweed think that the member for Tweed is asleep at the wheel on the issue of the Terranora quarry. Shortly before the Parliament was due to debate this motion in the normal order of events, just before the prorogation of Parliament in order for this House and the other place to celebrate the sesquicentenary of responsible government, Readymix withdrew its development application but indicated that it would pursue a future application for the project. That intent was stated by the company's general manager, Mr Bruce Nicholson. That has led to a great degree of cynicism in the Tweed Valley about the Labor Party's handling of this important local issue, which has been a source of continuing aggravation and comment.

It is interesting that only recently the Iemma Cabinet was in Tweed. Apparently, the taxpayers of New South Wales funded a community Cabinet report on the visit to Tweed by the New South Wales Government. The document is interesting—the Government has ensured that the member for Tweed is not listed on the front page—because, although the Cabinet supposedly looked at local issues in the Tweed, a search of the document reveals not one reference to big issues such as the proposed quarry at Terranora. It seems that a Cabinet that purports to listen to local people conducts invitation-only meetings and then completely ignores these local but important issues in reporting back to the electorate, using taxpayers money in so doing.

One publication put out by the Government is the draft North Coast Regional Strategy, which refers to the environment in that part of the State as being particularly important in any State Plan or development proposal and states that it must be taken into account in developing planning strategies for the area. It is difficult for people in that beautiful part of the State to figure out how a government would allow a development proposal to go ahead with such a giant quarry. As has been pointed out in the motion, there are many other quarries within 30 kilometres of Tweed Heads. Indeed, at least one of those quarries was used in the building of the major motorway that cuts through the Tweed Valley, from Chinderah down to Yelgun. So there are ample supplies of blue metal for such projects.

The Nationals are of the view that those other options need to be examined in any planning strategy. Such options may be slightly more expensive for a business because they might be further away from the Pacific Highway, but the fact is that the amenity of this residential and rural area would be torn to shreds if a quarry were built there. The Nationals candidate for Tweed—and next member for Tweed—Mr Geoff Provest, did what the Labor member for Tweed had not done; he took the issue seriously. Indeed, the matter has been raised

in the Parliament, for example, by the Leader of the Nationals, Mr Andrew Stoner. Mr Stoner and I, and other New South Wales Nationals and members of the Liberal Party, have visited the quarry site and talked with the local community to get its assessment and to become familiar with the history of the issue.

As I said, unfortunately the Minister for Planning, Mr Sartor, has not taken up the cudgels, although in response to The Nationals in the other place he said he would examine concerns about the proposal—potential traffic noise and blasting—before making a determination. That is appreciated. However, the developer then withdrew the development application. That has led to cynicism in the area that that is simply being done for political purposes to get people through an election campaign, and people in the area expect the issue to come alive once again in the unlikely and tragic event that the Labor Government is re-elected.

Only after Mr Provest became The Nationals candidate for Tweed did the member for Tweed do anything but fob off electors concerned about this major issue. Indeed, he suddenly started to get active by sending out direct mail to electors in the area. I am happy to say that his direct mail efforts have been greeted with great scepticism. In May 2006 Mr Newell wrote to electors, congratulating them on the great news that Readymix Holdings Pty Ltd had withdrawn the development application to extend the Terranora quarry. The letter stated:

Readymix has stated the decision to withdraw their proposal was made after considering the feedback from more than 300 submissions lodged with the NSW Department of Planning opposing the quarry expansion.

Whilst Readymix does have the option to submit a new application in the future, they now know they will face the same powerful opposition from the community and myself as the Local Member.

In reality, it is highly unlikely that Readymix could ever find an acceptable proposal addressing the issues of community concern. Rest assured I will continue to fight vigorously for the preservation of your safety and amenity.

Most people simply laughed when they picked up their mail and read the letter because, of course, Mr Newell had not put up any powerful opposition on behalf of his constituents and he has not been fighting vigorously on this issue or on anything else relating to the Tweed, including the closure of the rail service—an infamous example. So for him to suddenly fight vigorously for the preservation of his electors' safety and amenity would be an extraordinary revelation and a turn in the course of Tweed political history. In fact, the member for Tweed has not raised this matter in the Parliament; his silence is deafening.

The Leader of The Nationals met with the residents in the Tweed area, and that liaison has continued. The Labor Party's current mail-outs, deluging electorates with all sorts of printed material, and Mr Newell's letters indicate that the Labor Party is deeply worried about its chances of retaining the seat of Tweed in the current political climate and in the face of strong challenges from Mr Provest and no doubt others.

The hypocrisy, the inconsistency, of the Labor Party in dealing with the core issues affecting the electors of Tweed are highlighted by the closure of the rail service and the current attempt by the transport Minister to make out that the rail service will be restored. No doubt we will talk about that later in the proceedings of this House. But the inconsistency of that issue, which is now an iconic issue in the Northern Rivers, with the Labor Party people who closed down that service now publishing material to say they are going to restore it, means that on many other issues like the Terranora quarry issue—

**The Hon. Jan Burnswoods:** Point of order: Item No. 4 on the business paper for today deals with the subject matter the honourable member is discussing. She has already broken numerous standing orders today. I ask you to direct her not to anticipate debate on the fourth item on today's business paper.

**The DEPUTY-PRESIDENT (The Hon. Amanda Fazio):** Order! I remind the Hon. Jennifer Gardiner that the motion before the House for debate relates to a quarry proposal and not a railway issue. She should confine her comments to the motion before the Chair.

**The Hon. JENNIFER GARDINER:** Thank you, Madam Deputy-President. If you had been listening you would have noticed exactly what I said.

**The DEPUTY-PRESIDENT (The Hon. Amanda Fazio):** Order! I was listening. If the member wishes to direct comments to the Chair, she should do so directly and not by turning her head away and mumbling.

**The Hon. JENNIFER GARDINER:** I will say it again, then. If you had been listening to what I said, that is exactly what I said—that we will be discussing that issue no doubt later in these proceedings.

**The Hon. Jan Burnswoods:** You are a liar!

**The Hon. Melinda Pavey:** Withdraw, you horrible person!

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

**The Hon. JENNIFER GARDINER:** I think the Labor Party people are the ones who are lying and telling people they are going to put back their rail service. They are the liars.

**The Hon. Jan Burnswoods:** And you think lying to the President is acceptable?

**The Hon. JENNIFER GARDINER:** I do not!

**The DEPUTY-PRESIDENT (The Hon. Amanda Fazio):** Order! I have already directed the Hon. Jennifer Gardiner to confine her comments to the matter before the House and not to anticipate debate on a matter that may be dealt with at a later hour.

**The Hon. JENNIFER GARDINER:** It is important to note that even though Readymix announced that it had withdrawn its application to the State Government for the extension of its quarry because of the large number of objections to the proposal, the general manager of the company said that it would still be pursuing a future application. The company said it would take into account issues raised by the Tweed community. It is important to note that this is an ongoing issue. One of the Stop the Quarry campaigners, who are doing a terrific job, Mr Kerry Plowright, said the only safe way for this matter to be finalised is for the area to be rezoned to rural or residential. That is the only way they think the area can be protected from a drastic change in the amenity of what is a rural residential area. The Stop the Quarry campaigners have said they will not rest until there is a rezoning. They do not believe that putting it off until after the State election is any solution at all. They want the matter to be dealt with in the meantime.

The extent of the objections they have gone to both the former Minister for Planning, Mr Knowles, and the current Minister for Planning are many and varied. There are those from residents in Terranora Road, like Mr George Kelly, who said that he lives on Terranora Road and believes it is unable to cope safely with the traffic that uses it now, without allowing quarry trucks in enormous numbers. In the development application there was no mention of the impact of truck-braking noise. He wrote to Minister Sartor to assure him that the sound of the trucks is very loud when they come around the corner just east of his house.

It is a winding road, as I said at the outset. It is a dangerous road. It is a beautiful road but with an increasing population in the area it is dangerous and, unfortunately, there have been some accidents during the time this matter has been on the notice paper of this House. For example, there was one head-on crash between vehicles and apparently it took more than an hour before the police arrived. Mr Kelly has brought the details of that accident to the attention of the Minister for Planning. He points out that a number of the houses have driveways that come out onto the road— [*Time expired.*]

**The Hon. HENRY TSANG** (Parliamentary Secretary) [11.55 a.m.]: With regard to the Readymix proposal to extend the Tweed quarry at Terranora in the Tweed local government area, I can advise the Hon. Jennifer Gardiner that Readymix Holdings withdrew its development application on 10 May 2006. The Hon. Jennifer Gardiner should have known that she is wasting Parliament's time by putting forward a motion on 23 May. She should have known that the application was being withdrawn yet she continued to put forward this motion. Therefore, she is wasting the time of the House. I advise her that the honourable member for Tweed issued a public statement on the same day saying that it was a big win for the local community. The honourable member said that he had lobbied the Minister for Planning to reject the proposal and was relieved that the proponent, Readymix Holdings Pty Ltd, withdrew its application. The Hon. Jennifer Gardiner should apologise to the planning Minister, because the planning Minister listened to the lobbying by the honourable member for Tweed.

**The Hon. Jennifer Gardiner:** You said Readymix withdrew the application.

**The Hon. HENRY TSANG:** Withdrew it in discussions held, knowing that the community was not supporting it. Readymix sensibly withdrew it. The Hon. Jennifer Gardiner should have known that and should not have put forward the motion, knowing that the community had won the battle. For the benefit of honourable members—and particularly for the Hon. Jennifer Gardiner—I will read from the statement by the honourable member for Tweed:

This is a direct result of strong pressure from the Tweed community ... including myself as the Local Member ...

Readymix has stated it withdrew its application after considering feedback from more than 300 public submissions on the proposal.

The public submissions raised concerns about the traffic ... noise ... blasting ... the dust and visual impacts of the proposal ...

Tweed residents are passionate about their local area and want to ensure future development is managed carefully.

The community voice was heard loud and clear in relation to the Tweed Terranora Quarry and this is a sensible outcome ...

I thank the honourable member for her interest in this issue but advise her that in future she should be aware that when an application is withdrawn she should not waste the time of this House. I question her ability to put forward motions of relevance, given that it is nearly four months since the application was withdrawn by the applicant.

**The Hon. MELINDA PAVEY** [11.59 a.m.]: I support the motion moved by my colleague the Hon. Jennifer Gardiner, which deals with an issue close to the heart of many people in the Tweed. This motion is reflective of the Government's approach to only listen at the last second. The reason the Government has listened now, before the coming election, is because of the incredible pressure that has been placed on it by Geoff Provest, The Nationals candidate in the seat of Tweed. Together with the Hon. Jennifer Gardiner, Geoff has worked incredibly hard to raise this issue in Parliament. Geoff encouraged the Leader of The Nationals, Andrew Stoner, to travel to the Tweed. Finally, all that pressure has culminated in action. The Minister for Planning said no, not yet.

**The Hon. John Della Bosca:** That is not action.

**The Hon. MELINDA PAVEY:** It is action because it means that the people of the Tweed can rest easy for a little while. But the only way they can rest easy completely is with the election of Geoff Provest.

**Pursuant to sessional orders business interrupted.**

## QUESTIONS WITHOUT NOTICE

---

### JOHN LEWTHWAITE PAROLE

**The Hon. MICHAEL GALLACHER:** My question without notice is directed to the Minister for Justice. As the Minister is aware, parents and local residents at Arncliffe are currently alarmed at finding out that child killer John Lewthwaite is living in their midst and despite being charged with yet another sex offence his parole has not been revoked. What does the Minister say to those parents and people who are concerned about the safety of their children?

**The Hon. TONY KELLY:** I can advise that child killer John Lewthwaite is facing tough parole restrictions following his recent arrest on a summary charge. The Department of Corrective Services has applied extensive conditions to Lewthwaite, including no drugs or alcohol and no gambling. Further, he is subject to urine analysis. He cannot be in the company of anyone under the age of 16 unless the child is accompanied by a responsible adult. He must subject himself to psychological counselling and assessment if required by his parole officer. He must report to the Probation and Parole Service once a week and to NSW Police twice weekly. This follows the recent arrest by NSW Police of the 49-year-old for wilful and obscene exposure. I am advised that he was placed on conditional bail and is due back in court on 14 September. It is totally appropriate that authorities take this course.

Of course, I was disappointed that bail was granted. Last week the Acting Commissioner of Corrective Services, Ian McLean, wrote to the State Parole Authority asking that it consider revoking parole following the

charge. I am advised that the State Parole Authority determined that given it had not received any adverse reports on Lewthwaite in the seven years he had been on parole it would stand the matter over until 29 September. Last week I wrote to the State Parole Authority expressing my concern about this offender and asking that the independent body consider reviewing its decision and bring forward the date of the parole review. I am advised that following my correspondence the State Parole Authority has moved the review to 15 September, the date after Lewthwaite's next court appearance.

### **PACIFIC HIGHWAY UPGRADE**

**The Hon. JAN BURNSWOODS:** My question is directed to the Minister for Roads. Will the Minister update the House with the latest information concerning the upgrade of the Pacific Highway?

**The Hon. ERIC ROOZENDAAL:** I thank the honourable member for her question and commend her for her interest in this matter. In just 12 months, the Iemma Government has invested a further \$178 million on the Pacific Highway. Over the last 10 years the New South Wales Labor Government has invested \$1.66 billion in the upgrade of the Pacific Highway, with the Federal Government kicking in \$660 million. In the next three years to 2009 the Australian and the New South Wales governments will spend \$1.3 billion upgrading the Pacific Highway. Forty-five projects have now been opened to traffic, and motorists now benefit from 233 kilometres of four-lane dual carriageway.

I am pleased to advise the House that this morning I announced the preferred routes for three major Pacific Highway upgrade projects: the F3 to Raymond Terrace, Oxley Highway to Kempsey, and Woolgoolga to Wells Crossing. This means as of August this year 380 kilometres of new highway are under construction, have been approved for construction or have a preferred route identified, and 610 lane kilometres have been resurfaced. So far the upgrades have sliced over an hour off the journey from Hexham to the Queensland border for families heading north on holidays and one hour and twenty minutes off the time for heavy vehicles, which is a boost to the New South Wales economy.

The New South Wales Government's investment to upgrade the Pacific Highway has made an enormous difference to the New South Wales economy, North Coast communities and road users in this State. People want and deserve certainty on the completion of the upgrade of the highway. The preferred routes give that certainty for the communities who live along the Pacific Highway. They provide the best balance for meeting the needs of the community, environmental protection and boosting the State's economy. I am determined to work co-operatively with the Federal Government to ensure the Pacific Highway is a dual carriageway as quickly as possible.

**The Hon. Duncan Gay:** Point of order: The Minister for Roads is misleading the House.

**The PRESIDENT:** Order! The Deputy Leader of the Opposition knows perfectly well that is not a point of order.

**The Hon. ERIC ROOZENDAAL:** It is a simple fact that the New South Wales Opposition should do more to call on its Federal Liberal counterparts for funding, which will see the upgrade of the highway done faster. Instead the member for Vacluse is out of touch. He does not understand what families in regional communities are going through. The preferred routes have been selected after considerable community consultation and field investigations. With the preferred routes now selected, it is important that community members provide comments on matters such as access arrangements, reducing the impact on the immediate environment, drainage infrastructure and noise management.

To ensure that the best possible outcome for the whole community is achieved, I urge members of the public to visit display locations and provide the Roads and Traffic Authority with their feedback on these very important upgrades. We will continue to work hard on the Pacific Highway. I have had a number of meetings with concerned community members on the North Coast—farmers, residents, hard-working business people, community leaders and environmentalists. Those people deserve a say on the route options for the Pacific Highway. I will pass the feedback from my recent visit to the North Coast to my Federal counterpart. The remaining preferred route options, Tintenbar to Ewingsdale and Wells Crossing to Iluka, are now being finalised and will be announced shortly.

### **GREATER WESTERN AREA HEALTH SERVICE HARASSMENT ALLEGATIONS**

**The Hon. DUNCAN GAY:** My question without notice is addressed to the Minister for Health. Is the Minister aware of allegations of bullying and harassment at the Greater Western Area Health Service [GWAHS]? If so, will he detail those allegations?

**The PRESIDENT:** Order! I cannot hear the question.

**The Hon. DUNCAN GAY:** Thank you, Madam President. It is unruly behaviour from the Government. Is the Minister further aware that the Chief Executive Officer of GWAHS has called an external manager, Vern Dalton, to address the allegations? What has the external expert found so far? Will the Minister make the report public? If so, when?

**The Hon. JOHN HATZISTERGOS:** The issues of bullying and harassment in New South Wales government departments and Health in particular are taken very seriously. When such issues are raised they are the subject of thorough investigation and appropriate action is taken. I would expect such action in relation to any complaint of bullying and harassment that exists in Health or any government agency.

### **NEW SOUTH WALES INDUSTRIAL RELATIONS COMMISSION POWERS**

**The Hon. PETER PRIMROSE:** I direct my question to the Minister for Industrial Relations. Will the Minister advise what changes the New South Wales Government is planning to put in place to improve the industrial relations system in this State?

**The Hon. JOHN DELLA BOSCA:** I thank the honourable member for his question and his ongoing interest in industrial matters. New legislation will be introduced in State Parliament next month to strengthen the powers of the New South Wales Industrial Relations Commission. As a result of the Howard Government's changes, the wage-fixing and test case roles have been removed from the Australian Industrial Relations Commission under WorkChoices. It is essential that State and Territory industrial tribunals have an effective alternative avenue to achieve consistent wage increases and to consider new community standards through test cases.

This new legislation will amend the New South Wales Industrial Relations Act to enable members of the New South Wales Industrial Relations Commission, for the first time, to jointly sit with other State and Territory commissions to hear industrial cases of national significance. In other words, under the changes the Government is proposing, the New South Wales Industrial Relations Commission and the other State and Territory tribunals will be able to step in and fulfil the roles and functions that have been stripped from the Australian Industrial Relations Commission by WorkChoices, which constitutes an abrogation of its responsibilities by the Federal Government.

Despite WorkChoices, about 500,000 workers in New South Wales and more than one million nationally still rely on State wage cases to determine minimum wage increases. Under the legislation it will be possible for commissions to hear evidence and submissions at a single hearing, rather than parties and witnesses being required to attend hearings in each State and Territory. This is in stark contrast to the Federal Government's WorkChoices legislation, which has gutted the role of the Australian Industrial Relations Commission. It has been replaced with the Fair Pay Commission, which does not have to consider fairness as part of its wage-fixing deliberations. Before WorkChoices, the Australian Industrial Relations Commission was required to consider the needs of the lowly paid when setting fair minimum wages in the community. It had to display standards of procedural fairness in the conduct of hearings and allow the presentation of evidence that was tested under cross-examination. Those criteria do not apply to the Fair Pay Commission.

The commitment of the Fair Pay Commission in hearing submissions on minimum wages was on display recently. Not one of the commissioners bothered to turn up for the consultation meetings in Wollongong. Instead they sent a team of public relations people. The attendance record of the Fair Pay Commissioners was ably matched by the New South Wales Liberals at the upper House inquiry into WorkChoices in Wollongong and Penrith in July. The Hon. Charlie Lynn and the Hon. Robyn Parker did not front to hear the concerns of Wollongong families, workers and businesses. In Penrith, the Hon. Charlie Lynn walked out of the hearings. These actions are consistent with the attitudes of the New South Wales Opposition towards New South Wales families, workers and businesses—they just don't care. This is despite the New South Wales Office of Industrial Relations receiving more than 80,000 calls from workers and businesses since the

introduction of WorkChoices in March. Many of these callers had their workplace conditions and entitlements, such as penalty rates and holiday leave, removed.

Despite the damage being done by WorkChoices, the member for Vaucluse is committed to handing over all New South Wales workers in the private sector to the Commonwealth if elected next year. If this were to happen, even more families would be denied access to the New South Wales Industrial Relations Commission and be forced to fend for themselves in this dog-eat-dog, sign-it-or-else workplace environment. The Iemma Government is also committed to doing what it can to protect hardworking New South Wales families and businesses from the ravages of WorkChoices. That is why it is spearheading a High Court challenge to have the unfair WorkChoices laws overturned and has introduced new laws to protect frontline public servants in the workplace.

#### **DOUBLEDUKE STATE FOREST DOG SHOOTING INCIDENT**

**The Hon. ROBERT BROWN:** I direct my question to the Minister for Primary Industries. Will the Minister enlighten the House about the recent incident involving a German shepherd-kelpie cross dog which was running loose in Doubleduke State Forest and which was killed by a licensed hunter?

**The Hon. IAN MACDONALD:** The State Government is taking the shooting of the dog at Doubleduke State Forest seriously. Both the Game Council and Forests New South Wales have responded to this incident and a full investigation has been conducted. This has included an on-site inspection and liaison with NSW Police and the RSPCA. The situation that led to the dog being shot is regrettable. I am advised the hunter apparently feared for his safety after being confronted by an unleashed, unaccompanied dog. I am told wild dogs are known to be present in Doubleduke State Forest. The community can rest assured that the hunter was licensed and accredited to use firearms. Let us not forget that hunting in State forests is not new; it previously occurred under the Forestry Act without the tough new controls that have now been introduced by the Game Council.

I am advised the hunter acted immediately by reporting the incident to Evans Head Police and the Game Council. The police have since advised that no action would be taken against the licensed hunter. I am also advised the hunter was concerned to learn the dog was a pet and did all he could at the time to assist the dog owner. In an effort to identify clearly areas that are part of the conservation hunting program, Forests New South Wales is erecting signs at vehicle entry points to 142 declared State forests. These are to inform the public and to explain the requirement for hunters to be licensed and to obtain written permission. The signs are not a statutory requirement and they are not intended to discourage people from visiting the forest. The signage program involves considerable effort, with more than 2,500 signs to be erected in the north east of the State alone.

These signs are part of the tough controls that have now been introduced by the Game Council. The controls allow licensed and accountable hunters to participate in conservation hunting. I am pleased to advise that this Government has received hundreds of letters supporting conservation hunting on public lands in New South Wales. Conservation hunters are already proving their value in helping reduce the estimated \$720 million in damage feral animals cause across Australia every year. The Game Council has already issued over 5,000 licences to hunt game and feral animals on private land. It has also issued more than 2,000 licences to hunters who are trained and accredited to hunt feral animals in more than 140 State Forests now declared for conservation hunting.

By July 2006 conservation hunters had culled more than 1,000 of the nation's worst pests such as pigs, goats, foxes and rabbits from our forests, and that figure is growing daily. The information hunters provide will also help with future management decisions in these areas. The House can be assured that I am closely monitoring the arrangements for conservation hunting on declared public land. As a result, I have directed the Game Council to add a special advisory notice in the written permissions issued to hunters. This is designed to provide further advice about features or issues that hunters need to be particularly aware of in forests; for example, the presence of school bus routes and the presence of other possible forest users.

The Game Council has also been asked to invite Mullion Creek residents to pioneer a bush alert system to report any illegal activity or breaches of safety at the Mullion Ranges State Forest. The council will assist the residents to establish this group and will provide a reporting template with contact details. In addition, the Game Council will continue to liaise with NSW Police regarding compliance and enforcement activities, and will specifically raise any issues that come to light through this new bush alert system. I intend for this bush alert system to be extended throughout New South Wales if it proves to be successful at Mullions Ranges State Forest.

The Game Council will also develop a \$250,000 publicity and marketing campaign to run from September 2006 until June 2007. Among other things, the campaign aims to improve the public's understanding of conservation hunting and the control measures in place to address public safety, compliance and animal welfare. Game Council New South Wales represents ethical, responsible and law-abiding game hunters. There is no doubt these trained, licensed, responsible hunters represent a significant resource for the control of feral animals in this State—and at no cost to the community.

#### LANE COVE TUNNEL

**The Hon. JOHN RYAN:** I direct my question to the Minister for Roads. Is the Minister aware that this morning on Radio 2GB Mr Ian Hunt, the Chief Executive Officer of Connector Motorways Pty Ltd, stated in relation to the Lane Cove Tunnel that, "The initiative for the narrowing of Epping Road was the Government's." Is he further aware that when asked whose idea it was to include these changes in the contract, Mr Hunt stated, "It was the RTA." Since the man the Minister recently appointed as CEO of the Roads and Traffic Authority [RTA], Mr Les Wielinga, also approved the contract for the Lane Cove Tunnel, including these changes on Epping Road, will he now admit that his backflip on surface roadworks is nothing more than a public relations stunt designed to save him from voter backlash at the next election?

**The Hon. ERIC ROOZENDAAL:** That question gives an insight into the depth of research undertaken by the Coalition: members opposite simply tune into the radio and run with whatever they hear. I am deeply disturbed that the honourable member has done no research about the development of the Lane Cove project. A number of people have been strong proponents of the surface road changes on Epping Road, including Kerry Chikarovski, Anthony Roberts and, of course, the Liberal-dominated Lane Cove Council. The local communities have run this campaign on Epping Road for more than 15 years. I find it astounding that the Hon. John Ryan thinks it is not reasonable for the people who live on Epping Road—which is basically a residential road with a high density of residences along it—to be entitled to any relief from the traffic congestion they have to endure. Anyone who has been on Epping Road would be well aware that it is a heavily utilised road. It is obvious that Sydney needs the Lane Cove Tunnel.

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

**The Hon. ERIC ROOZENDAAL:** The campaign to change the configuration of the surface roads is very important because it balances the interests of motorists, the local community, who have spent 15 years campaigning to have traffic taken off Epping Road, and public transport users.

**The Hon. Rick Colless:** They didn't want the road narrowed, you clown!

**The Hon. ERIC ROOZENDAAL:** It is interesting to hear the interjection, because when Kerry Chikarovski was the local member she insisted that Epping Road be narrowed. Anthony Roberts, as the Mayor of Lane Cove, also insisted that it be narrowed. That is clearly on the record. I draw the attention of the House to the recent parliamentary inquiry, which was ably chaired by Reverend the Hon. Fred Nile. Amongst its recommendations the committee noted the benefits of the Lane Cove Tunnel project, the expanded Gore Hill Freeway, and the additional ramps. At the same time, it noted the benefits that local communities would enjoy following the reconfiguration of Epping Road once the project is complete. Indeed, I was wrong: when the inquiry commenced, I thought it would be dominated by people with political interests of their own; but, under the careful guidance of Reverend the Hon. Fred Nile, the committee came up with some very sensible recommendations.

*[Interruption]*

I know the Greens would like to turn the whole of Epping Road into a cycleway and leave it at that. However, putting aside their obsession, which is to hate cars, and refocusing on the benefits of Epping Road, the parliamentary inquiry clearly said it is reasonable to transition changes to the surface roads to ensure that motorists have time to get used to the Lane Cove Tunnel, the expanded Gore Hill Freeway and the ramps. It is a \$1.1 billion project. It intersects with the road network in a number of places. More than 20 kilometres of new lines are being put in, and the reconfiguration of signals is taking place. It is a huge project, so it makes sense to ensure that benefits to the local community, motorists and public transport users are balanced in a safe and fair way.

I note that Kerry Chikarovski supported the Lane Cove Tunnel and the changes in Epping Road. John Brogden did the same, as did Anthony Roberts. So before members opposite throw mud, they should be aware that their party supported the project.

## BUSHFIRE DANGER PERIOD

**The Hon. CHRISTINE ROBERTSON:** My question is addressed to the Minister for Emergency Services. Will the Minister update the House on the level of bushfire danger around the State?

**The Hon. TONY KELLY:** I thank the Hon. Christine Robertson for her question and her continued interest in the State's emergency services. As we have seen in recent years, prevailing dry weather conditions have again led the Rural Fire Service to bring forward the start of the official bushfire danger period from 1 October in many areas of the State. The Rural Fire Service Commissioner has already forecast that we could be facing another potentially long and severe bushfire period this summer. Indeed, the commissioner today said that the Rural Fire Service had been advised by the weather bureau that last season's record number of extreme fire danger days could be surpassed. Experts are already talking about the heightened possibility of an El Niño over summer, which will mean significantly reduced rainfall. That is not good news, for either our bushland communities or our firefighters.

While there has been recent rain in some areas of the State, including Sydney, the persistently low levels of moisture in the soil and vegetation increase the risk of fire. Consequently, from 1 August the Rural Fire Service has required fire permits to manage fires lit in the Northern Tablelands and New England areas, specifically in Armidale Dumaresq, Walcha, Guyra, Uralla, Inverell, Glen Innes Severn and Tenterfield. From this Friday, 1 September, permits will also be required in the following 21 council areas: Bega Valley; Clarence Valley; Cumberland, comprising Blacktown, Fairfield and Penrith; Far North Coast, comprising Ballina, Byron and Tweed; Greater Taree; Hawkesbury; Hunter, comprising Cessnock and Maitland; Lithgow; mid North Coast, comprising Bellingen and Coffs Harbour; Northern Rivers, comprising Kyogle, Lismore city and Richmond Valley; Oberon; Shoalhaven; and Wollondilly.

This will be extended further in the Hunter Valley, to cover the Singleton and Muswellbrook council areas, from 15 September, and fire permits are required year-round in Kiama and Shellharbour. In all, fire permits will be required in 32 local government areas from the middle of next month. Fire permits enable fire authorities to regulate the use of fire, and are available for free from the Rural Fire Service and New South Wales Fire Brigades. Permits can apply conditions to encourage safer burning, and they ensure that fire authorities are aware of exactly where and when fire is being used. This means that authorities have more control over fire lighting during the bushfire danger period when fires are more likely to escape and become major bushfires.

It is important to remember that the start of the bush fire danger period does not prohibit burning completely. Landholders are encouraged to complete their planned hazard reduction works safely, but they must first apply for a fire permit. The Rural Fire Service also provides a free hazard reduction environmental assessment service for any landholder who thinks they might need environmental approval for their hazard reduction work. Landholders should contact the Rural Fire Service on its free hotline, 1800 NSW RFS—or 1800 679 737—to ask about a bushfire hazard reduction certificate.

All landholders are reminded that fire permits are suspended during days of total fire ban. It is an offence to allow a fire to escape from one's property, and it is the responsibility of the landowner or manager to ensure that fires are not left unattended. I again urge people to safely complete their hazard reduction work, but ask that they contact their local Rural Fire Service for advice, permits and approvals. It is a drain on the resources, personnel and goodwill of our fire services, particularly our volunteer firefighters, to be repeatedly called out to fires that are lit unlawfully.

## ROADS AND TRAFFIC AUTHORITY EASTERN DISTRIBUTOR PROPERTY DAMAGE COMPENSATION

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** My question is directed to the Minister for Roads. What will the Minister and the Roads and Traffic Authority [RTA] do to make restitution to the house at 3 Charles Street, Redfern? Is the Minister aware that it was the home worst damaged by the construction of the Eastern Distributor by Leightons, and that there have been numerous reports and recommendations to repair the house with underpinnings at the RTA's cost? Is the Minister aware that there was a firm commitment to move the occupants out and to underpin and repair the house in August 2005, that this was reversed as being "uneconomical", but that the price offered by the RTA to buy the house was not enough to allow the occupants to purchase a similar house in a similar location? Why is it not up to the RTA to repair damage it causes, irrespective of whether it is marginally cheaper to demolish the building, or at least not to leave the unfortunate

occupants much worse off than before the tunnel was built? Will the Minister give an undertaking that restitution will be made to this house and its occupants?

**The Hon. ERIC ROOZENDAAL:** I am advised that the Roads and Traffic Authority has been negotiating with the property owner to purchase the property following a claim for compensation relating to the Eastern Distributor.

### PAROLE AUTHORITY

**The Hon. DON HARWIN:** My question without notice is directed to the Minister for Justice. After the government-appointed Parole Authority recently made the wrong decisions and allowed the release of killers like John Lewthwaite, Madison Hall and Nigel Boland, why will the Minister not use his powers to replace the Parole Authority with people who will make the right decisions?

**The Hon. TONY KELLY:** I have already answered this question. I pointed out that the Parole Authority is an independent authority.

### WATER FLUORIDATION

**The Hon. IAN WEST:** My question without notice is directed to the Minister for Health. What is the latest information on fluoridation of public water supplies in New South Wales?

**The Hon. JOHN HATZISTERGOS:** I welcome this very important question. I reiterate the Government's longstanding commitment to fluoridation, the effectiveness of which has been documented in scientific literature for more than half a century and is endorsed by the World Health Organisation and the National Health and Medical Research Council. Prior to the fluoridation of the water supply in New South Wales the incidence of dental care in New South Wales was the second highest in the world. Since the introduction of fluoridation dental care in areas where water supplies are fluoridated have declined by 60 per cent and children living in New South Wales now have one of the lowest decay rates of all groups in the Organisation for Economic Co-operation and Development [OECD]. That is why the Government funds the capital cost for local government areas to fluoridate their water supplies.

In 2006-07 we will be making this investment in at least seven council areas in rural and regional New South Wales. On 4 August I had the pleasure of opening the Moree Plains Shire Council fluoridation plant, and I take this opportunity to applaud the leadership of the Mayor of Moree Plains Shire Council, Councillor Tramby, and the Moree community. I am hopeful that other councils will follow their lead for the benefit of their communities. It will be of interest to members of the Opposition for them to hear that on 21 June I joined the local community at Yass, the Yass Valley Council and the Australian Dental Association in celebrating 50 years of fluoridation in New South Wales—a decision, taken quite courageously 50 years ago, by Billy Sheahan, the then member for Yass, who introduced legislation into the Parliament for the fluoridation of the water supply to be piloted in his area. He was then the Minister for Health and the holder of a marginal seat, and he wanted his community to be the first in mainland Australia to have fluoridated water. Beaconsfield in Tasmania was the first place in Australia to have fluoridation, but that system was certainly not as elaborate as that which Billy Sheahan put in place in his electorate.

Interestingly, the Coalition 50 years ago opposed fluoridation. The then Leader of the Opposition said that fluoride was poison, that it was the root of all evil. One member of Parliament actually said in debate at the time that "fluoridation was against basic human rights". I know that the Opposition's policies on these sorts of issues have evolved. I know the Hon. Catherine Cusack, for example, has been a passionate supporter of fluoridation in her community, and I commend her for that. But there are still pockets of opposition to this policy. Recently the Coalition endorsed as its candidate for Gosford Chris Holstein, who has described fluoride as "poison" and has condemned it. This is the guy the Opposition is taking to the next election! People's views do evolve. I accept the fact that people change their views at times. I acknowledge that many members of the Opposition—and I just acknowledged the Hon. Catherine Cusack—

**The Hon. Michael Gallacher:** Point of order: Government members have views as well. Carl Scully has been very strong in his position on fluoride.

**The Hon. JOHN HATZISTERGOS:** I used the word "people". I know that people change their position as information comes to light. [*Time expired.*]

### PRIVATE NATIVE FORESTRY CODE OF PRACTICE

**Mr IAN COHEN:** My question is directed to the Minister for Natural Resources, Minister for Primary Industries, and Minister for Mineral Resources. Given that the Minister has broken his promise and failed to deliver a code of practice for private native forestry yet again in what has been a blatant capitulation by Country Labor to vested interests in the logging industry, can the Minister guarantee to the people of New South Wales that no rainforest, old growth forest or wilderness will be logged on private land in New South Wales between now and June 2007?

**The Hon. IAN MACDONALD:** The Government appreciates the importance of forestry on private lands as a major resource for the native hardwood timber industry and an important source of farm income. The industry is estimated to contribute more than \$100 million per annum to the New South Wales economy. At the same time the Government recognises the importance of protecting the vast biodiversity and habitat values provided by private forests, particularly rainforests and old growth forests. I should point out that the majority of rainforests and significant areas of old growth forests are listed as Endangered Ecological Communities under the Threatened Species Conservation Act 1995 and, as a result, are protected anyway.

The Native Vegetation Act 2003 provides for forestry activities on private land, while ensuring that appropriate safeguards are put in place in respect of the environment. A draft code of practice for private native forestry is being prepared and will be adopted under a regulation to the Native Vegetation Act 2003. The code will need to set out silvicultural requirements to ensure sustainable production from healthy forests in the long term. It will also need to afford appropriate protection measures for rainforests and old growth forests. This will be a significant step forward for the private native forestry industry, the community and the environment.

There has been prolonged debate over the draft code, but this has not resulted in a code that is acceptable to all parties to the debate. It has been a highly polarised debate. The Government has recently invited public comment through a public exhibition process and has held community information sessions across the State. We have sought public submissions and have received in excess of 1,500 such submissions. What has become apparent through this consultation process is that industry and conservationists will not support the draft code in its present form. For the code to be workable it must have the support of the key stakeholders. For this reason I am handing the matter back to the Natural Resources and Advisory Council [NRAC], the membership of which comprises representatives from all key stakeholder groups.

The NRAC will have until the end of the year to bring back a new draft code. The departments of Natural Resources, Environment and Conservation, and Primary Industries, as well as the Premier's Department, will assist the NRAC in its deliberations. If the stakeholders themselves cannot reach agreement, the Government will refer the issue to the Natural Resources Commission and act on its independent advice. The stakeholders are on notice that if they revert to entrenched positions the Government will step in. They now have a chance to demonstrate that they can work together to preserve the environment and the interests of landowners, industry and workers in regional New South Wales. The Government will bring in a code, but, as I reminded honourable members earlier this year, we will not bring in a code that does not represent the best possible policy outcome for all stakeholders: landholders, industry, conservationists and the broader community.

Clearly, the ball is now squarely in the hands of the stakeholders, who have the opportunity to come up with a code that achieves the required balance between industry and conservation needs. The current exemption under the Native Vegetation Conservation Act 1997 that allows private native forestry to continue will be extended to 30 June 2007 to allow for detailed consultation. Implementation of the code will occur as soon as stakeholders reach agreement. Maintenance of the current arrangements will help to minimise disruption to landholders and industry, and continue to provide for sustainable forest management.

I point out to Mr Ian Cohen that when I launched the Native Vegetation Act on 1 December, having had three months of consultation after I assumed responsibility for the portfolio, I was able to get consensus because both Jeff Angel and Jock Lawrie were present when I made that announcement.

**Mr IAN COHEN:** I ask the Minister a supplementary question. Given the Minister's statements to the House, will he use his powers under the Native Vegetation Act to give a guarantee that there will be interim protection to rainforest, old growth forest and wilderness until a code of practice is in place? Why has the Minister lied to the House, given that the conservation movement accepted this code of practice?

**The Hon. IAN MACDONALD:** Mr Ian Cohen can say any nonsense he likes.

**Mr Ian Cohen:** You lied to the House. The conservation movement accepted the code of practice.

**The Hon. IAN MACDONALD:** It has not. If Mr Cohen reads the comments that have been made he will see he is wrong.

**The PRESIDENT:** Order! I remind the Minister that interjections are disorderly at all times.

**The Hon. IAN MACDONALD:** Private native forestry is not uncontrolled—a fact that Mr Cohen cannot get through his head—and is currently subject to a number of additional legislative requirements including the Threatened Species Conservation Act 1995, the Protection of the Environment Operations Act 1997, the Fisheries Management Act 1994, the Rivers and Foreshore Improvement Act 1948, the National Parks and Wildlife Act 1974, the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy No. 14—Coastal Wetlands, State Environmental Planning Policy No. 26—Littoral Rainforests and State Environmental Planning Policy No. 44—Koala Habitat Protection. So there are totally adequate protections.

### TWEED ELECTORATE HOSPITAL WAITING LISTS

**The Hon. JENNIFER GARDINER:** My question without notice is directed to the Minister for Health. Is the Minister aware that his department's own published figures show that the combined waiting list for elective surgery at Murwillumbah and Tweed Heads hospitals have more than doubled from 824 in 1995, when Labor promised to halve them right across the State, to 1,847 today? Is the Minister aware that when confronted with these shocking figures the Labor member for Tweed told the *Tweed Daily News* that the whistleblowers and others worried about the extent of the waiting lists in the Tweed Valley were "imbeciles"? Will the Minister now apologise to the extra more than 1,000 long-suffering Tweed Valley residents waiting for surgery because of the Government's dreadful neglect?

**The Hon. JOHN HATZISTERGOS:** The person who should be apologising is actually The Nationals Leader, Andrew Stoner, who attacked the doctors and nurses at hospitals in the Tweed in a press release on 17 August, describing their standards as Third World. He actually said that the waiting lists at hospitals in the Tweed had gone up since last year. No sooner had he done his ring around than he realised that he had the wrong year. He said it was from 2005. I notice the member then corrected himself and referred to 1995. A lot has changed since 1995. Yesterday the Opposition went on about waiting lists, but I make it clear that a number of things have changed. One such change as a consequence of this Government's decision has been the establishment of a surgical services task force comprising senior doctors to actually work on a waiting list reduction policy.

**The Hon. Jennifer Gardiner:** I am talking about the waiting list as per the AMA list.

**The Hon. JOHN HATZISTERGOS:** I will come to them in a minute. Over the course of January 2005 until July 2005 the task force saw a reduction in the overall waiting list of 12 per cent and a reduction in the long waiting list of 99 per cent. I know it galls the Opposition to hear about that level of achievement but that is what happened. As a consequence of the work of the surgical services task force, a policy was put in place to govern waiting lists, and that means that every patient will be assessed in accordance with national guidelines and will have a time frame for surgery to be carried out. If a doctor cannot carry out surgery within the time line, other alternatives will be explored, such as having the surgery done at another hospital, having another surgeon carry out the surgery or providing additional theatre time for the patient. But we will not have the situation in which waiting lists become parking lots for individual doctors who see patients if and when they choose. That is just not on.

It is interesting to be asked a question by the Opposition on waiting lists because the last time Jillian Skinner was asked about waiting lists she said, "I can think of a plan but I cannot tell you about it now. I will reveal it in due course." We are still waiting. She does not have a clue. She does not have a single idea. As I advised the House yesterday about Dubbo: one day Jillian Skinner decided that Dubbo would have two radiotherapy units but the next day she decided that Dubbo could not have even one, and said that the community was to blame because it did not fight hard enough for one. We still have not seen the Opposition's so-called waiting list reduction policy. I defend the hardworking doctors and nurses of the Tweed and around the State, who have worked magnificently to bring down surgical numbers at the same time as we have had increased demands across our system, particularly in emergency departments. At the same time as we have had increased demands, we have had improved performance.

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

## INVASIVE NATIVE SCRUB

**The Hon. TONY CATANZARITI:** My question without notice is addressed to the Minister for Natural Resources. What is the Government doing to learn more about the impacts of woody weed or invasive native scrub on farming land?

**The Hon. IAN MACDONALD:** The problems with invasive native scrub [INS] are well known in rural areas. That is why the Government has created the INS module to ensure that it is treated separately from any other kind of native vegetation. Three months ago we launched a review to strike the right balance and ensure we get it right. The recommendations of the review are now with the independent Natural Resources Commission [NRC] for consideration. The NRC will consult with stakeholders, including farmers, and develop a recommendation for the Government's consideration. I expect to be able to make more announcements on the module shortly. Today I am pleased to announce a major research study on INS to be carried out in the western region of New South Wales. A total of \$3 million will be spent on a project to scientifically evaluate the issues surrounding INS. The New South Wales Government will contribute \$1.5 million towards the project, with landholders and co-operating agencies contributing in-kind support of another \$1.5 million.

This project will directly benefit the Nyngan and Cobar communities and give us the scientific knowledge we need to defeat this pest. While those on this side of the Chamber know INS is a problem for farmers in western New South Wales, there is little actual scientific knowledge about its effects on the land and eco-systems and how best to get rid of it. We need to work together to find the best ways to combat INS. This new project will be managed at a local level by the Central West and Western catchment management authorities [CMA]. It will build on work undertaken more than a decade ago to significantly advance knowledge relating to the impact of INS on soil health and productivity and encourage best practice in the management of INS. The New South Wales Government has been updating legislation to allow for the management of INS. As I said earlier, more changes will be announced shortly, but further research is needed if we are ever going to be able to overcome this significant difficulty.

**The Hon. Rick Colless:** The research has been done. The Minister should read Geoff Cunningham's report.

**The Hon. IAN MACDONALD:** Do you not realise that the landholders want this? The problems with INS are well known but, importantly, this research project will draw on the significant experience of landholders, who are obviously the best placed to know about the issues, and combine this with hard science. The project has seven integrated components, which will be delivered with significant landholder input. The Hon. Rick Colless should be a bit careful. The components include \$700,000 to investigate the relationship between INS and soil erosion and soil function, as well as \$400,000 to examine the relationship between INS and fire as a management tool. Case studies on INS in the Namoi and western catchments and its impact on soil health will also be investigated. Obviously, local farmers will be playing a key role and we will be gathering the wealth of information landholders have about best practice management of INS, combining this with previous research results and adding in new knowledge from this project.

By collating all this information on INS we will be able to generate a best practice guide in the management of INS, and I expect it to be welcomed by all sides of the debate. The Central West and Western CMAs will work in partnership with the Department of Natural Resources, the Department of Environment and Conservation and the University of New England to implement the project. It will be driven by an advisory committee, which will include landholders in the Central West and Western regions of the State in addition to scientists. The \$1.5 million in cash has been allocated by the national action plan for salinity and water quality and around a further \$1.5 million in kind will be contributed by the participating organisations.

This Government takes the woody weed problem very seriously and is doing all it can to address this issue, with sound, practical, science-based initiatives—unlike the Opposition, who criticise without coming up with any concrete data. For instance, I remind honourable members of what the Leader of the Opposition was reported as saying last week in the *Land*. As usual the Leader of the Opposition was reluctant to go beyond vague promises. In relation to INS Mr Debnam said he would not be specific about the changes the Coalition would make to the native vegetation legislation or regulations if it wins government next year, and would not answer questions on whether he would reverse the Government's bid to end broad-scale land clearing. The Leader of the Opposition has made it clear that he will not come out with the sorts of wild statements that the—  
[Time expired.]

## GROWTH CENTRE LAND RELEASES

**Ms SYLVIA HALE:** I address my question to the Treasurer, and Minister for Infrastructure. Is the Government considering permitting developers to release land in the north-west and south-west growth centres outside the land release sequence set down by the Growth Centres Commission provided that the developer pays for localised infrastructure? Given that the viability of major infrastructure projects such as new rail lines is based on the planned staged timing of land releases, will allowing releases on an ad-hoc basis determined by developers undermine the timely provision of large infrastructure? What mechanism will the Government employ to ensure that developers actually build promised infrastructure? What will be done if they fail to do so?

**The Hon. MICHAEL COSTA:** The answer to the first part of the question is yes, the answer to the second part is no, and the third part is not relevant to me. It is an issue for the Minister for Planning, who has responsibility for the Growth Centres Commission.

## TOMAREE COMMUNITY HOSPITAL

**The Hon. ROBYN PARKER:** My question without notice is addressed to the Minister for Health. Is the Minister aware that Tomaree Community Hospital is relying on a single on-call doctor for after-hours health care, the same number of on-call doctors available 18 years ago when the area's population was 43 per cent less than it is now? How can the Minister justify changing the name of the facility from "polyclinic" to "hospital" when the Government has clearly failed to provide the services the community would normally associate with a hospital, particularly after-hours health care? What arrangements will the Minister put in place to ensure that this hospital is appropriately staffed to relieve the pressure on local general practitioners and ensure adequately resourced after-hours staffing, including doctors?

**The Hon. JOHN HATZISTERGOS:** Recently I met with the hardworking member for Port Stephens, John Bartlett, and the Chairman of the Doctors Committee at Tomaree Community Hospital, Dr Tony Plummer. At that meeting we discussed a range of issues relating to the running of Tomaree Community Hospital. It was agreed that the Chief Executive of the Hunter New England Area Health Service or his nominated clinician would work with Mr Bartlett and Dr Plummer to investigate training options for general practitioners in the emergency department. The meeting was constructive. I am surprised that the Hon. Robyn Parker, with her interest in this matter, has not said anything about it until this point. It was also noted that Dr Plummer would pursue the Federal Government, which has responsibility for some of the issues he raised.

**The Hon. Robyn Parker:** You changed the name to a hospital.

**The Hon. JOHN HATZISTERGOS:** Does the honourable member want to hear the answer to her question? The Chief Executive of the Hunter New England Area Health Service, Mr Terry Clout, has advised that there are several strategies in the area health care service's plan for 2006 to 2010 that relate to Tomaree Community Hospital and to community-based services in the Port Stephens, Raymond Terrace, Medowie and Tilligerry areas. For Tomaree hospital it is proposed to increase the role delineation of the hospital. This will increase access locally to specialist physicians and allied health professionals, and to minor surgery options that can be performed locally at the hospital. For patients who use these services, it will mean convenience in terms of access and time and elimination of the need to travel and associated issues. The area health service also proposes to support the increase in role delineation of medicine and surgery, provide on-site part-time pharmacy services and x-ray services, and increase bed numbers to assist in meeting the growing demands of an ageing and expanding population.

For community-based services, the area health service proposes to expand community services for Port Stephens by expanding services across a range of nursing and allied health services to support the provision of care at home. This will help to reduce unnecessary admissions to hospital, health stays and readmission rates, as well as assist older clients to maximise their independence. For Raymond Terrace, Tilligerry and Medowie, it is proposed to expand health services across the spectrum of care from children's services to aged care services to support early intervention.

**The Hon. Robyn Parker:** Point of order: The Minister is refusing to answer the question, which relates to after-hours service provision, and is simply waffling.

**The PRESIDENT:** Order! The Minister may make general remarks.

**The Hon. JOHN HATZISTERGOS:** As the honourable member is aware, managing demand is an important aspect of health. If we have community-based services that help people to maintain their independence and prevent unnecessary hospital admissions, obviously that will be of major benefit both to them and to the overall health system. As I said before I was rudely interrupted, for those three communities health services will be expanded across the spectrum of care from children's services to aged care services to support early intervention. The difference between the Government's approach and the Opposition's approach is simple. When the Coalition was in Government for seven dreadful years it closed or downgraded 30 hospitals. It just closed them! If there was thought to be a problem with staff at a particular hospital, the Coalition Government closed the damned thing! It did that 30 times! The Coalition should apologise to those communities for closing their facilities and forgetting about them.

#### SMALL BUSINESS ASSISTANCE

**The Hon. KAYEE GRIFFIN:** My question without notice is directed to the Minister for Industrial Relations. What is the Government doing to help small businesses in New South Wales?

**The Hon. JOHN DELLA BOSCA:** Small business is the engine room of the New South Wales economy. The Iemma Government has taken a number of measures to help small businesses get on with the job of doing business. In only the past 12 months we have reduced workers compensation premiums by 15 per cent, saving New South Wales small and medium-size businesses \$430 million a year. Some employers will see even further savings on their premiums as a result of improved occupational health and safety and injury management practices in their particular industries. These cuts reaffirm the Government's commitment to provide a fairer premium system that rewards employers for improvements in their occupational health and safety, injury management and return-to-work practices. These are real cuts and real improvements that we have delivered to businesses across the regions and cities of New South Wales. This is in contrast to the policies of the New South Wales Opposition, which has no practical plan to help businesses in New South Wales. In March this year the shadow Minister for Industrial Relations, Chris Hartcher—

**The Hon. Michael Gallacher:** He is everyone's friend. They were cheering him outside yesterday.

**The Hon. JOHN DELLA BOSCA:** They must have been a particularly gullible group of workers. Chris Hartcher, through a media release, said that the Coalition has "promised to investigate ... the possibility ... of premium cuts". Policy commitments do not get any more iron clad than that: a promise to investigate the possibility! The New South Wales Office of Industrial Relations also conducts numerous workshops and visits hundreds of businesses to ensure that they have a better understanding of their rights and responsibilities under New South Wales industrial relations laws. The workshops give businesses the information and skills they need to build more productive workplaces and create a healthier economy.

**The PRESIDENT:** Order! I call the Hon. Rick Colless to order.

**The Hon. JOHN DELLA BOSCA:** If the Leader of the Opposition is nothing else, he is certainly a monomaniac. The Iemma Government's efforts to help business are in stark contrast to the onerous requirements imposed by the Howard Government through its unfair WorkChoices legislation. Only this morning the front page of the *Australian Financial Review* reported that WorkChoices is tying the hands of bosses by giving them less control over annual leave. Under WorkChoices, employers can no longer require staff to take all their leave during the year, strip staff of unused leave and refuse leave without a good operational reason, or deem staff to be on leave without a good operational reason. Of course, they can sack a worker for no good reason and without notice, and the laws tip the balance of power too far into the hands of employers.

The *Australian Financial Review* article points out again that WorkChoices is bad for business because it is all about red tape and onerous compliance for no good purpose. In our view it is bad for workers, bad for families, bad for New South Wales and bad for Australia. The article comes after a MYOB survey that found that most small businesses believe that WorkChoices is unfair and damaging to their communities and customers. Only 9 per cent of those surveyed said that they planned to use any part of the legislation, and only 10 per cent believe that the laws would improve business productivity in any way.

Despite the mountain of evidence, the New South Wales Opposition, under the leadership of the member for Vaucluse, and with the full support of members opposite, is committed to handing over the thousands of businesses in New South Wales that choose to remain under the New South Wales industrial relations system to the Commonwealth's unfair system. Earlier I referred to an article in the *Australian*

*Financial Review.* I still hope that the Opposition will be able to produce a policy in the next six months before the election, despite failing in this task during the past 3½ years and failing to release an industrial relations policy at the last election.

### MENTAL HEALTH PATIENT DETENTION

**Reverend the Hon. Dr GORDON MOYES:** I ask the Minister for Health the following question without notice. Is the Minister aware of the case of Kylie Fitter, a 20-year-old girl who is currently detained in Juniperina Detention Centre and has been in custody for almost five years? Will the Minister explain why Ms Fitter has not been released from detention although since 2003 the Mental Health Review Tribunal has made a number of recommendations for her release? Will the Minister indicate what progress has been made, or whether any has been made, to reconsider provisions of the mental health legislation dealing with the executive discretion to release forensic patients in favour of judicially determined decisions, in light of the release of the discussion paper on the review of the Mental Health Act in July 2004?

**The Hon. JOHN HATZISTERGOS:** I am not in a position to comment on the individual case the honourable member has referred to. Decisions in relation to the release of individual patients under the Mental Health Act have, until recently, been with the Minister Assisting the Minister for Health, the Hon. Cherie Burton. She has had carriage of that matter. It has not come across my desk.

**Reverend the Hon. Dr Gordon Moyes:** Can the Minister take it on notice?

**The Hon. JOHN HATZISTERGOS:** I can look at the matter on notice and come back to the honourable member. The honourable member is quite correct: a discussion paper last year raised the broader issue of executive discretion in those cases. Recently the Minister Assisting made an announcement on a draft exposure bill in relation to a number of aspects for reform in the Mental Health Act. She also indicated that the Hon. Greg James, the President of the Mental Health Review Tribunal, would conduct a specific review in relation to forensics and release a consultation draft in the next couple of months canvassing a range of options, bearing in mind that the original discussion paper did not raise options. The consultation draft will put forward a number of options for handling this matter with a view to obtaining community input before the Government makes a decision in relation to which option may be the most appropriate.

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

### PRIVATE NATIVE FORESTRY CODE OF PRACTICE

**The Hon. IAN MACDONALD:** I wish to supply further information in response to a question asked earlier by Mr Ian Cohen. He said I had lied and the conservationists had accepted the code. I draw his and other honourable member's attention to a few statements that were made—and there are many more than this. In one instance Miss Russell, Vice-President of the North Coast Environment Council, said that if the wording is not tightened up, "it is not worth the paper it is written on". The director of the Total Environment Centre, Jeff Angel, said the long-awaited code clearly fails to protect the timber resources and important environment areas for the long term. He also said on 26 July that it was a farce.

Andrew Cox, executive officer of the National Parks Association, said, "Most threatened forest species and ecosystems in New South Wales still do not have enough habitat protected to save them from extinction so why is the Government waiting to act?" Cate Faehrmann, director of the Nature Conservation Council, said the code allows progressive clear-felling with no site inspections. So, I make it clear to the member that the code received substantial opposition from conservationists.

**Questions without notice concluded.**

[The President left the chair at 1.02 p.m. The House resumed at 2.30 p.m.]

## SELECT COMMITTEE ON JUVENILE OFFENDERS

### Report: Inquiry into Juvenile Offenders

#### Debate resumed from 10 May 2006.

**The Hon. AMANDA FAZIO** [2.30 p.m.]: I commend the report to the House. In doing so, I shall refer only briefly to the setting up of the Select Committee on Juvenile Offenders as I want to focus on the positives that came out of the inquiry. The committee was established as a result of the passage of the Juvenile Offenders Legislation Amendment Bill 2004. When the bill was being debated in this House on 9 December 2004 the Opposition's response to the second reading speech was exceedingly bizarre and bordered on the irrational. The Opposition moved that the bill be referred to a select committee prior to voting on the second reading. This was despite the shadow Minister having been quite positive about the impact of the changes in situ at Kariong. Reverend the Hon. Dr Gordon Moyes moved an amendment that was supported by the Government to allow for the passage of the bill and for the establishment of a select committee. I thank him for doing so.

The select committee operated in a professional and thorough way. I thank the chair for ensuring that, and I thank the committee secretariat, who worked very well in the often tense atmosphere that prevailed through the modus operandi of the shadow Minister, who served on the committee. The report includes 26 recommendations, only one of which was opposed by government members. That was recommendation 5. The fact that the two government members could agree on the other 25 recommendations shows that the issues before the committee were looked at in a fair and reasonable way and that the recommendations were formulated with the intent of suggesting positive changes to the Government about the administration of the juvenile justice system.

Further, the report notes that the change of administration of the Kariong centre from the Department of Juvenile Justice to the Department of Corrective Services had resulted in positive changes in the management of detainees and that the changes had been well received by the detainees. They are responding well to a more consistent regime and to knowing exactly where they stand. The committee was happy to acknowledge the Department of Corrective Services' unquestionable success in achieving the objective of restoring order and reclaiming control of the centre following a period of upheaval. In addition, the management of the centre has benefited enormously from the professionalism and cohesion of the officers who have been charged with implementing change at the centre.

The committee recognised a number of particular achievements made in the Corrective Services tenure. The committee met with the principal of the school and spoke to a number of individual teachers who expressed their satisfaction with the results of the transfer in relation to detainee participation and commitment in educative programs. They reported that not only was participation in educational activities at capacity, but additional places were being sought to satisfy demand for courses. Opportunities are provided for detainees who opt not to pursue educational qualifications, and places on these programs have been received enthusiastically by detainees. It is clear that a structured daily routine, which reinforces the need for education and otherwise productive use of detainees' time, is important to the successful management of the centre. It was evident to the committee that detainees who are fully occupied in a structured activity pose less of a security risk than those who are bored and frustrated.

The committee noted that the department has also instituted a buy-up system, which enables detainees to purchase canteen items weekly as reward for their participation in programs. The purpose of any incentive scheme is to foster and promote positive behaviour and performance from detainees in custody, to instil the importance of adhering to centre routines and management requirements. Having a successful and well-managed incentive scheme has been recognised by the New South Wales Ombudsman as essential for behaviour management. Also, the detainees themselves have expressed their satisfaction with the implementation of this scheme and the new level of consistency with which it is applied in practice across the centre.

As we have heard so many, many times in this House, the Kariong site has been long regarded as unsuitable for a maximum-security facility. Significant concerns relate to the poor design and inadequate physical security of the site, including multilevel residential units, irregular perimeter fences and the disrepair of security equipment. While these have been improved through upgrading of the closed circuit security system, basic procedures and lack of discipline and staff training at Kariong before the transfer appeared to undermine this progress.

The site visit to Kariong was most interesting and allowed us to develop an understanding of the impact that the change of management had had on the centre and the detainees. I was surprised at the poor design of the centre and must admit that all the bad things I had heard about the original design were confirmed. During the visit committee members spoke to staff and young offenders about the improvements in access to TAFE programs and programs assisting offenders with their Higher School Certificate and School Certificate. The committee met one young person doing an accountancy course and some of the indigenous students doing arts and crafts courses.

The Department of Corrective Services is required to provide similar programs at Kariong to those offered prior to the transfer, and the memorandum of understanding between departments includes an obligation on the Department of Corrective Services to provide certain programs, including education programs, alcohol and drugs counselling, anger management, personal development and team building. These are all being provided, as well as the young offender satellite program and anger regression and sex offender programs.

In relation to the often touted claim that no-one over 18 should be accommodated at Kariong, the committee found that affording some discretion to the courts in the sentencing of juveniles rightly recognises the limitations of any approach that relies on age alone as the principal determinant for classification and placement. The Children (Criminal Proceedings) Act 1987 demonstrates a rather more thoughtful approach to sentencing that provides protection to vulnerable young offenders who, despite their age, may be unsuited to the adult penal system. It also provides discretion to allow those who committed crimes under the age of 18 a chance for rehabilitation under the supervision of the Department of Juvenile Justice. It provides for more sophisticated assessments of a wide variety of factors, including the severity or nature of the crime, length of sentence, maturity, background and other risk factors.

The committee accepted, however, that the influence of older detainees need not necessarily be harmful to the rehabilitative prospects of their younger counterparts. Father Nuthall, a chaplain with the Department of Juvenile Justice, notes the potential benefits of the current system, where older peers are in a position to facilitate the personal development of younger detainees. The Minister for Justice also indicated that he felt that some clear benefits were to be derived from having some older detainees at Kariong. He stated:

The spread of ages impacts to some extent upon the success of the sentence in the sense that it can operate as a more maturing influence. I should make it clear that some of the detainees who may be in Kariong, and who may be in the adult system ultimately for a lengthy period of time, are not necessarily management problems. They are quite reconciled after a number of years to their sentences. They behave, they understand the routine, and they can act as a settling influence.

The parallel concerns associated with the presence of some young adults in adult prisons were also repeated in submissions to the Committee. A number of participants expressed their concern about the increased risk of assault and sexual assault in adult prisons for vulnerable young adults. The current system attempts to protect these young people from the potentially serious and traumatic consequences of transferring young adults into the adult corrections system. The risks associated with mixing children and adults relate to negative peer influence as well as high rates of assault and sexual assault in adult facilities. Younger detainees and people with intellectual disability or mental illness are especially vulnerable to these risks. Placing such a class of young adults in adult facilities exposes them to a range of significant risks. The Hon Catherine Cusack spoke about many reports—from the Auditor-General and the Bureau of Crime Statistics, for example—but she spoke little about the contents of this report. However, in relation to the evidence the committee received, she stated:

I would have to say it was frustrating to have had so much good evidence but to be unable to properly deliberate on sections of this report.

Every member of the committee had the opportunity to properly deliberate on the report, but some chose not to. On 21 July 2005 the Hon. Catherine Cusack and the Hon. Charlie Lynn walked out of the committee meeting and did not participate further because a motion moved by the Hon. Catherine Cusack to delete paragraph 9.115 was defeated. The paragraph states in part:

There has been a well-documented reluctance on the part of some staff to take on new responsibilities and adopt new working practices and the intransigence of some staff has been prominent in criticisms of the Centre. However, the Committee believes that staff understanding in directions and guidance and securing buy-in from all staff is essential in order to ensure that all policies and procedures are followed consistently and appropriately. We believe the Department's failure to encourage effective communication with its staff has contributed significantly to the widespread misunderstanding of its policies.

It is hard to understand why such wording would warrant a walkout until we look at some of the evidence the committee received. One former Kariong staff member told the committee:

We are responsible people in the community. The boys come to us and they see how we act, and this is the whole idea of the set-up: We are their role models. Come and have a look at our families. The good member over here, the Hon. Catherine Cusack, she has been to my place. She has seen my family and the way that we conduct ourselves, okay. And I take my hat off to Catherine for coming there and seeing what sort of individuals she is dealing with.

When a committee member becomes so close to witnesses at an inquiry and goes to the extent of visiting them at their homes, is it any wonder that objectivity flies out the window? I commend the report to the House and I urge all members to read it.

**The Hon. CHARLIE LYNN** [2.40 p.m.]: Before we can implement a new system, we should fully explore what is wrong with the old one. In this case, were the problems due to misplaced ideology about the detention of young offenders, ministerial neglect, or managerial incompetence? I contend that with the Kariong Juvenile Justice Centre it was a combination of all three. The Hon. Amanda Fazio said the Hon. Catherine Cusack had visited the homes of some of the whistleblowers. I commend the Hon. Catherine Cusack for that action.

I met with the whistleblowers when she brought them to Parliament House. They were a fine bunch of young men who were completely and utterly frustrated with the system. The only empathetic ear they had was that of the shadow Minister, the Hon. Catherine Cusack. She took a very keen interest in their concerns. Some of those concerns were related by Reverend the Hon. Dr Gordon Moyes and the Hon. Catherine Cusack in their speeches, and they were raised during the committee inquiry. Their concerns were indicative of the problems that existed at Kariong.

The media exposure of the problems at Kariong was not as a result of a reporter driving past Kariong one day and happening to notice that something was wrong. It was because of the diligent work of the Hon. Catherine Cusack in bringing the matters to the media's attention, and that exposure led to the inquiry. The Labor members, with their usual skill in committee inquiries, brushed the issues under the carpet and, tragically, did not allow a full examination of the problems at Kariong. In the detention, rehabilitation and retraining of young people, I believe there is heated agreement across all political parties. We do not want to see young people going to gaol or spending the rest of their lives as victims or criminals. We have a duty to ensure that they fit into society as law-abiding citizens. However, when we consider the background of many of these young people, it is a difficult challenge.

The media reported on a busload of elderly citizens who, looking for a place to get a cup of coffee, ended up at the Kariong centre where young offenders were being detained. The media reports about the lack of security and workplace management created widespread angst in the community. In another incident a rapist was caught on camera in a sex act with his girlfriend in a visitor's room while children were present. Many people were shocked by this outrageous incident and also the apparent freedom and lack of security in the centre. We heard reports of detainees receiving favourable treatment, such as being able to order pizzas, playing Xbox games and having free use of a swimming pool.

**The Hon. Tony Kelly:** Not any more.

**The Hon. CHARLIE LYNN:** I acknowledge the interjection of the Minister for Juvenile Justice. I commend him for taking such action in ensuring that such activities do not occur any more. The whistleblowers who brought these matters to the attention of the Hon. Catherine Cusack were professional and dedicated people working in the juvenile justice system for the right reasons. I have no doubt that they had the interests of the rehabilitation of the young offenders at heart. These young offenders come from a background of a lack of discipline. They have never been taught why they should or should not do certain things.

The inquiry highlighted the misplaced ideology of the Labor Left about the management of these young people. These kids are street smart and can play people off a break. For example, a detainee, after being chipped by a centre worker, king hit him and broke his nose. Following a report of the incident, the centre worker was made to apologise to the detainee because he had obviously said something to upset him. That represents a breakdown of respect within the system.

As a result of such incidents being brought to light and the diligent work of the Hon. Catherine Cusack, on 9 December 2004 this House passed a resolution to establish the Select Committee on Juvenile Offenders to examine the transfer of the Kariong Juvenile Justice Centre to the Department of Corrective Services and certain related issues. Following the report of incidents in the media, the Government had to act quickly because it was

clear that the then Minister was incapable of running the department and that the system was incapable of inculcating leadership and discipline.

The Government quickly transferred the responsibility of Juvenile Justice to the Department of Corrective Services. In her speech the Hon. Catherine Cusack said that one of the mistakes of the committee was its failure to discuss at what age a person is classified as a child or an adult. I believe another mistake was that the then Minister did not attend before the committee. If we are unable to ask the Minister why she allowed certain things to happen and did not do any thing about it, we are prevented from addressing the core problems.

As the Hon. Amanda Fazio said, the Hon. Catherine Cusack and I walked out of the last committee meeting. We did so because Labor had the numbers on the committee and glossed over certain issues, which they are good at doing. They would not address the issues that brought about the inquiry. The Government commonly uses the tactic or strategy of blaming the Federal Government or even the weather. It will blame anything rather than accept responsibility for its failures.

In this case the Government blamed the design of the building. Every building, including those built for a specific purpose, has faults. That is an unacceptable excuse. To blame the design of the building was a diversion. I believe the issues were as a result of the Government's lack of will to acknowledge the problems in the juvenile justice system and a lack of courage to publicly state that it had got it wrong. We should be working together. As I said previously, we would be able to reach agreement in many areas because we want to get it right for these young juvenile offenders.

That is why the name of the new prisons was changed to "Correctional Centres". It is about correcting attitudes and behaviours to achieve proper rehabilitation so that offenders will behave positively in society when they are released. The Liberal Party believes in that approach. However, that will not be achieved by running from the problem or by the Government refusing to admit that it has failed those people. The Government is failing them with its inappropriate ideology, which allows offenders to run their own system. The Government should be condemned for failing to address this issue. However, I commend the courage of the whistleblowers in drawing it to our attention and the courage and diligence displayed by the Hon. Catherine Cusack in bringing it before the Parliament. It is a pity the Labor Government has sought to bury it.

**Motion agreed to.**

## **GENERAL PURPOSE STANDING COMMITTEE NO. 2**

### **Report: Post School Programs for Young Adults with a Disability**

**Debate resumed from 10 May 2006.**

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS** [2.51 p.m.]: Carmel Tebbutt tried to discourage this inquiry because there was no more money available for disability services, and because, if there were, it should be spent on group homes. I think she was grappling with the fact that the changes were Treasury driven. As the committee delved into the origins of and reasons for them, it appeared that Treasury was indeed the driving force. We read lofty rhetoric in the Disability Services Act, but Treasury is not willing to support it with funding.

We have not generally acknowledged the increasing number of people with disabilities in our community resulting from the fact that we now live longer—but we must do so. Some are born with disabilities, some acquire them through brain injury or other reasons, even medical misadventure—perish the thought—and some acquire them as part of the ageing process. If everyone in our community is to enjoy a decent quality of life we must recognise the existence of two populations: the people who have disabilities and those who are lucky enough not to have them yet. Those of us who do not have them yet must look after those who do, because we could end up in that category at any time.

It is a poor show to rely on the capriciousness of private insurance. It is up to the Government to offer our community the maximum quality of life possible. The committee found that the changes to block funding were based on budgets increasing at the same rate as inflation. However, the number of people with disabilities is increasing much faster than the rate of inflation and as a result the funding available to each individual is decreasing. Many technological aids are being invented that can have a huge impact on quality of life and the Government must recognise that funding increases far exceeding the rate of inflation will be required to assist

people with disabilities. It must bite the bullet. The Adult Training and Learning After School [ATLAS] and the Post-School Options [PSO] programs were replaced by the Transition to Work and Community Participation programs in an attempt to save money. It is one thing to change the name and nature of programs, that is fair enough, but if the objective is to save money, it not good enough.

The New South Wales Council of Social Security [NCOSS] produced a budget statement listing the things it wants, including improved quality and adequacy of programs for school leavers and young people with disabilities with enhanced opportunities and appropriate and adequate supports for young people and families for skills development, ongoing learning and community involvement. It states that to maintain the standard of their services many providers have reduced the hours of service being offered, which, of course, transfers the load back to families. The committee heard abundant evidence that the services offered to people accessing the ATLAS and PSO programs had been cut. NCOSS stated that the cost of restoring those services is \$22.67 million recurrent, and I believe that figure.

I disagree with one of the inquiry's recommendations, which was that there should be a mixture of block funding and individual funding. The Australian Council for Rehabilitation of the Disabled, the lobby group representing institutions caring for people with disabilities, is keen on block funding because it believes a critical mass of money is required to provide staff and so on. On the other hand, if the money is given to individuals and an organisation does not get sufficient providers to offer programs, those individuals have the right to choose to spend the money in other ways. Having heard the evidence collected from British Columbia, I am a great believer in individual funding to ensure a fair go for people with disabilities.

**The Hon. JOHN RYAN** [2.56 p.m.]: It is a pleasure to participate in this debate, in which we are taking note of the committee report on changes to post-school programs for young adults with a disability. This report was completed in August 2005, but the debate has moved on because the Government has implemented some recommendations. However, it has not dealt with some of the most critical issues the committee was seeking to address. One of the most significant changes is that the Government has required all the agencies providing post-school programs, known as community participation, to reapply through a tender process. Despite the Minister's comments in question time yesterday and in the media, the tender process has been—to the best of my knowledge—an unmitigated disaster. One of the outcomes was that 20 per cent of the service providers and hundreds of clients were found to be working with ineligible providers.

Providers such as Sylvanvale and New Era at Sutherland, the Illawarra Disability Trust at Wollongong, St George Disability Service at Kogarah, The Ella Centre at Haberfield, WALCA at Bexley, Miroma at Vaucluse, the Fairfield Resources Centre, Response Training in Adamstown and West Gosford, the House With No Steps at Lake Macquarie, the Blue Mountains Disability Support program known as Eloura at Springwood, two sites operated by the Nepean Area Disability Organisation at St Marys and Lemongrove, Bridges Hawkesbury at Windsor, ASPECT—which is the new name of Autism New South Wales—at Hornsby, Croydon and Carlton, the Sunshine Home at Brookvale, Interaction Ltd at Castle Hill, the Housing Connection at Chatswood, Centrecare, Challenge at Tamworth and Gunnedah, On Track at Tweed Heads, the House With No Steps at Forbes, Challenge at Coffs Harbour, Bathurst Independent Living, Lambing Flat Enterprises at Young, Cooma Challenge, Griffith Post-school Options and the Griffith Centre at Albury are just some of the organisations which I found were providing services under this program when the committee did its report but which are no longer eligible to participate because they failed in the tender process or in some other fashion. Some 300 clients are now in programs from which they are being ordered to move. They are basically being frogmarched from one service to another.

I ask members to think back to when their children were going to school, for those who are past that experience. I ask them to imagine what would have happened if they were told their child's school was to close in six weeks. That is what happened to the people who were in these programs. They were told their children would be moved on to other programs because their service provider had failed to impress in the tender process. Many of these organisations are outstanding. Many of them have long-term experience in the provision of disability programs, and they will go on providing other programs. It surprises me that they are regarded as inappropriate to provide the community participation program.

The people whom that process affected the most are the families and clients who have had to leave services with which they were associated, or will have to leave in the future. Many of them will be leaving this week or next week. They will be leaving people they have befriended in those programs and staff with whom they have formed strong relationships. Members opposite, who rant on about WorkChoices, may be interested to learn that hundreds of staff will lose their jobs as a result of the reallocation of these programs to new service

providers. Some of them will lose entitlements they have accrued under long service leave, for example. That is all gone, because they will simply be ceremoniously dumped by this Government. As I said, the people who have the biggest problem are the families of clients.

If you are looking after a child with autism and you have settled them into a program, a certain amount of calmness finally establishes within the household. If the Government suddenly decides you have to move to another service provider because the Government no longer approves of it, this throws the family into chaos. During the last two months parents in their hundreds have told me this. When I say they have told me, they have physically rung me on my mobile phone and poured out their hearts to me.

The Minister spoke to some people from Sylvanvale, and they cried in his presence. Finally the Minister was moved to make something of a deal for them, but frankly he has been mealy-mouthed and has used weasel words to offer the relaxation of this tender process to many families. I will refer to one of them in a moment. Many of these families are at the same time undergoing a process of assessment. The clients are being assessed as to whether they fit into one of four categories of funding bands. From next year, the people in the higher levels of funding will again receive five days a week and those who do not qualify will receive four days a week. This assessment process is causing enormous stress for families. I wish to read a letter I received just this morning. The letter was sent to my colleague in another place the honourable member for Lismore. I will not name the lady who wrote the letter, but she told of her experience as follows:

I am exhausted by it and by my role in caring for a young man with profound multiple disabilities while holding down a demanding, high-pressure job and battling health problems of my own.

Ever since [my son] left school in 2002, I have been required to be reassessed and to submit a new application for [his] support funding **every four months**.

He gets some funding through the ATLAS/community participation scheme, and because this is inadequate to meet his needs I need to apply for interim crisis funding every four months to top it up—and this is never guaranteed.

You can't imagine the emotional toll of this constant uncertainty. It is such an inhumane way to treat people.

Despite the fact I am saving the State Government around \$100,000 a year by keeping [my son] with me, I have to go begging, cap in hand, every four months to secure the funding to care for him.

It is just plain wrong.

Now, because of [his] latest **clearly inaccurate** assessment, we are facing a massive cut which, if implemented, will mean I will either have to quit my job and go on the Carers Pension, as there will not be enough money to pay for [his] high support needs, or else I will be faced with placing [him] in institutional care.

Both scenarios fill me with dread and they would both negatively impact on [his] health and quality of life.

As I said, I have yet to investigate the issue the lady is speaking about. However, the letter illustrates how many families feel every time they are subjected to change and uncertainty. Some 300 of these families across the State have been subjected to change and uncertainty as a result of the Government's tender process for community participation, which it has just implemented across the State. Having made the decision to now allow parents to elect to stay with their existing service provider under an alternative program, the Minister has failed to confirm that promise.

Members will have heard yesterday during question time how I battled tooth and nail to get the Minister to utter the words of the promise he made in the media to the parents of children who attend the Sylvanvale disability service at Sutherland. But another service provider, which apparently was added at the last minute, the New Era Service, which is only a kilometre away, was told that it would get the same deal. The service provider has yet to receive the information in writing. Almost all the parents received phone calls from Department of Ageing, Disability and Home Care officers telling them they had to choose another service provider by Friday last week or they would be dropped out of the scheme and their funding would be cut. The parents have done that. But unfortunately the Minister, who apparently promised to allow them to undo that, has yet to tell them. So those families have endured yet another week of uncertainty and stress.

I urge the Minister to write to all the 300 families involved to advise them of their rights. Apparently the deal given to the parents at Sylvanvale—and advertised widely on the Alan Jones program and in the *St George and Sutherland Shire Leader*—is that clients and their parents now have an unfettered right to elect to stay with their current service provider, they will be funded in an alternative program that is very similar to community participation, and they can stay there as long as they wish until they elect to go somewhere else. I do not believe that is a perfect solution, but it is somewhat of a solution.

I cannot understand why the Minister is not promoting that solution, by telling the parents and advertising it widely in the media. I think I know why. The Minister wants to minimise the number of people who will take up that offer. The reason he wants to do that is that he will want to tell a committee in a few weeks time, when we question him about this, that the whole process has been an absolute success and very few parents want it to change. I know that that is not the case, and I ask the Minister to come clean and speak to these parents and tell them what their rights are.

**The Hon. CHRISTINE ROBERTSON** [3.06 p.m.]: Firstly I concur with the Hon. Patricia Forsythe's comments about the wonderful people we met during the inquiry. It was an extremely intense inquiry, and we engaged in personal contact with many people who spend much of their lives dealing with very difficult situations and many workers in the system who also spend much of their lives dealing with very difficult situations. Overall, it was an inspiring inquiry.

The Government has responded to recommendations in the report, and I am pleased that a number of these recommendations are consistent with the Government's new directions for post-school programs. I wish to speak about the deliberative meeting that was held by the committee in order to formulate its recommendations. It was an extremely intensive day and the group was very fairly chaired. Although during the inquiry there had been quite a bit of conflict between us—and I assure members there was a lot of heart in the deliberative meeting—I do not think any member of the committee felt his or her issues were not on the agenda or had not been reported in the recommendations. In all, it was a very successful committee activity.

There was wide community agreement that the previous Adult Training, Learning and Support [ATLAS] program that supported school leavers with a disability should be reformed. The Government introduced two programs to replace ATLAS: Transition to Work and Community Participation. These programs aimed to improve access to employment, and provide certainty of longer-term support for young people with a disability not able to make that transition. Following a review of the impact of the changes on young people and families, the Minister for Disability Services directed the Department of Ageing, Disability and Home Care to implement further changes to post-school programs. Improvements to these programs will continue, reflecting the importance of the programs for more than 4,000 people currently supported by them, and for future school leavers who will enter the programs in years to come.

First of all let me summarise the improvements to the Community Participation Program, which, in line with the emphasis of the inquiry, was treated as a priority. As a first step the Government committed an additional \$6 million to ensure that all participants in the Community Participation Program could receive 18 hours of support a week. This was the first time a commitment to service hours had been made. Since then the budget has been handed down and more funding for these programs has been implemented. The Minister also announced there would be a competitive tender for community participation services. We heard the Hon. John Ryan report that some people were not pleased with the outcome of the competitive tender process. However, it was done for a lot of good reasons and during the Committee's inquiry there were lots of demands for the right to competitive tender and for tenderers to prove they could do the job better than others.

The department then worked extensively with service users and their families, service providers and peak and advocacy bodies to develop and implement these decisions and introduce further improvements to the Community Participation Program. The tender for community participation services has been released and we now know that new services will commence on 1 July 2006 for all young people in the program. I am pleased that the changes introduced are built on wide consultation, have a strong evidence base and will increase the quality and capacity of funded services to meet the needs of people with a disability.

Consultation and feedback sought by the department through the development of the new directions has included regular meetings of the Community Participation Stakeholder Reference Group; the release in December 2005 of our proposals for change, inviting feedback from service users and families, service providers, and peak and advocacy groups; two consultation workshops with Aboriginal people to identify barriers to access and strategies to overcome these; and discussions with other States about service development and delivery, including visits to Victoria, Western Australia, South Australia and Queensland. There were representatives of Aboriginal persons from New England North West so I know there was a relatively legitimate cross-section of Aboriginal people there.

There are seven key features of the new and improved Community Participation Program. First, a clearer focus on services that develop everyday life skills and independence, provide learning and meaningful activities, expand friendship and support networks, and promote inclusion in local communities. This recognises

that young people with disabilities, like all young people, want to continue to develop and learn as they leave school and pursue their adult lives. The program has a sharp focus on assisting them to develop the living skills they require and supporting community integration. Achieving results for young people in these areas is how the success of the new program will be measured.

Secondly, new service types will be introduced to give young people and their families greater choice over their support options. There will be three service types or options, which will allow young people to choose between individually-focused activities and group-based activities—centre-based services with community access where young people primarily undertake services in small groups, individual community-based options where young people are helped to design their own program in community settings, and self-managed packages that will be introduced through two demonstration projects—giving young people and their families greater flexibility in the types of supports they access. There will be a much better choice than previously.

Thirdly, funding will be individual and portable for all young people. This enables easier movement between service providers as people's needs or aspirations change over time. This was something the Committee fought very hard to achieve. Based on an assessment, young people will be able to move between the Community Participation and Transition to Work programs, allowing people in community participation to pursue employment where they are able to do so. These new service types and funding arrangements promote choice for young people, allowing them to access the available service that best meets their needs. The changes are also consistent with the first two recommendations of the inquiry.

The fourth key feature is that all community participation service users will be able to receive at least 18 hours of support each week. This minimum requirement is now built in as a core program requirement expected of all service providers. This will provide a sustainable, long-term guarantee of three days of support each week for young people and families.

The fifth key feature of the new Community Participation Program is that funding will be linked to a person's assessed support need. This means people with the highest support needs will receive the highest levels of funding, ensuring that everyone can receive at least 18 hours of community participation services each week, regardless of their support needs. Previously, people had a blanket amount of hours for such services. There will be four funding bands. I have not got the accurate figures for the bands but they provide for moderate support needs, higher support needs, very high support needs, and exceptionally high support needs. There was a lot of evidence during the inquiry to indicate these funding bands were essential.

The funding bands were set after extensive reviews of existing funding data and other information, including results from the University of Wollongong's Cost and Classification Study of funding in other States. This is consistent with recommendation 9 of the inquiry. The Wollongong University study commenced in October 2005. Service data was collected for 730 service users and 17 providers across post-school and day programs. More than 29,000 hours worth of data was captured in the study, which identified four cost bands linked to a person's support needs. The university found the results were robust and could be used to inform funding decisions.

The sixth key feature is that there will be improved access for young Aboriginal people and young people from culturally and linguistically diverse backgrounds. Historically, there has been low representation of Aboriginal people and people from culturally and linguistically diverse backgrounds in post-school programs. The Government is committed to ensuring fair access for these eligible young people. All community participation services will be required to provide culturally appropriate services. This could mean consulting with families and communities about service needs, ensuring staff are trained in cultural appropriateness, or supporting individuals to observe cultural and religious practices.

In addition, for the first time, the department is also requesting tenders for Aboriginal-specific services and specific services for young people from culturally diverse communities. The department will monitor the effectiveness of this new direction with clear performance measures to ensure that fair access is achieved. This comprehensive approach incorporates and goes further than recommendation 5 of the inquiry. Finally, the financial stability of individual providers will be supported through the provision of a guaranteed minimum level of funding each year. This will be based on 75 per cent of the number of service users at the beginning of the calendar year. The change is designed to allow individual service providers to invest in service improvement by giving them greater predictability and security in relation to funding. The Government is doing its utmost to give families the best value for the very large investment made each year to school leavers with a disability. These improvements to the Community Participation Program will increase choice and opportunities, deliver

results for young people with disabilities, and provide sustainable supports for young people and their families into the future.

I turn now to the Transition to Work Program. This program provides eligible school leavers with skills development and support for up to two years to enable them to make the transition to employment, wherever possible. In order to improve this program, the department commissioned and published an independent report on Transition to Employment Pilot Projects. The pilot projects ran between 2002 and 2004 and tested innovative approaches to assisting school leavers with a disability to transition to employment. These pilots will inform the finalisation of the Transition to Work Program guidelines. It is important that young people who are ready to move from the Transition to Work Program to supported and open employment have the opportunity to do so. Supported and open employment is the responsibility of the Commonwealth Government. The Commonwealth Government has been contacted to increase the number of supported places that are available.

Many of the recommendations of the inquiry are in line with the Government's new directions for post-school programs. I am pleased that with the introduction of the new community participation services in particular a number of the recommendations in the report are addressed. The Government will continue to work towards achieving equity in this program.

**The Hon. AMANDA FAZIO** [3.16 p.m.]: I followed the conduct of the inquiry by General Purpose Standing Committee No. 2 into changes to post-school programs for young adults with a disability with great interest because for a long time I have had an interest in that area. I have been concerned about the way programs that were being inquired into developed. In 1986 I worked for the Commonwealth Government and managed the introduction of the Disability Services Act in New South Wales, which, again, was a time of considerable concern within the disability sector. There were three concerns—competing concerns in some cases. One was a concern from the Commonwealth Government to ensure that we introduced outcomes-based services that provided the greatest opportunity for young people with a disability.

The competing concerns were the concerns of parents who were worried about any change to the system of funding and to the service provision that they were used to. The third concern came from the existing service providers themselves who saw any proposed change as being an attack on the level of service they were providing. With any review of disability funding I think there is a certain degree of controversy because parents become very concerned about any changes that might interrupt or disrupt the way services are being provided.

The representations of this report are good in that they look at the whole range of issues, they recommend flexibility in terms of the way that the funding is provided, and they look at some of the concerns that were raised by inquiry participants in relation to uncertainty and wanting to have the right to appeal against assessment decisions that they are not happy with. Overall, for a very sensitive area where it is very easy for people to whip up community concerns and to play on the fears of people who are often in situations where their ability to cope is stretched to the limit, it is very hard for families with disabled family members to have the time to manage their normal family life as well as to find the time to participate in the management of services and in reviews and inquiries of this nature.

If one looks at the way the inquiry was structured, there were plenty of opportunities for people to have their say, including meetings with parents, consultations with people with disabilities who are service users, and ordinary public hearings comprising umbrella groups, advocacy groups and service providers. The recommendations are quite good. However, one of the contributions to the debate today merely comprised a litany of concerns that were whipped up in the local community, and that does no-one any good. There must be change in the disability area and we must ensure that the focus is on funded programs that maximise opportunities for people with a disability to participate in normal community life and work opportunities, if they are available for them, and if they have been trained properly.

In particular, the recommendations in the report about meshing together Commonwealth and State funding programs are worthwhile. I do not understand why the State Government signed the Commonwealth-State Disability Act, which created unnecessary delineation between the role of the State and the Commonwealth in terms of providing these services. The only thing that happens with that type of strict delineation is that the people near the edges of the definitions used by the respective governments have the potential to miss out on service provision. With those few words, given the difficult area that General Purpose Standing Committee No. 2 inquired into, the report is well structured and well balanced. Anything that contributes to greater opportunities for people with a disability to manage their own affairs, to participate in the community and to have meaningful work options is worth supporting.

**The Hon. PATRICIA FORSYTHE** [3.22 p.m.], in reply: I thank all honourable members who contributed to this take-note debate—the Hon. Dr Arthur Chesterfield-Evans, the Hon. John Ryan, the Hon. Christine Robertson and the Hon. Amanda Fazio. I thank, in particular, the Hon. Christine Robertson for the generous comments she made on my role as Chair in what was a difficult area to present fairly and in a balanced way for all participants and for all people with a disability. I thank also those members of the secretariat who assisted whom I did not mentioned previously, Steven Reynolds, the director, Madeleine Foley, and Tanya Bosch.

In summary, I acknowledge that the Government has indicated that it will take on board many of the recommendations of the committee and for that I am grateful. However, as we heard from the Hon. John Ryan, there is some distance to go. We are dealing not only with people with a disability but with people who are individuals with individual needs. It is about trying to find a balance between providing services in the traditional manner where there are services in place that give rise to block funding and individual funding. On the one hand, we have the need for diversity and choice to assist people and, on the other hand, the need for consistency in how the system is applied and the Hon. John Ryan was making the point that there is still a lack of consistency.

Sometimes the Government makes a rod for its own back in the way in which it seeks to interpret some of its own legislation and programs. The Hon. John Ryan gave an example of one particular service, which suggests that there are still problems in the way in which the adult education and community programs for people with a disability are being delivered in this State. However, having said that, I acknowledge that the Government has recognised that there are problems and that the cutbacks in funding and limit in choice are not assisting anybody. Indeed, this Minister has been prepared to look at this with his eyes open.

Next week we will have an opportunity during the estimates committees to test whether the Government is making progress in this regard, but if this report and changes to post-school programs for young people with a disability contribute in even a small way to moving forward on providing support for people with a disability over the course of their life beyond their school age, we will have made a valuable contribution. Again I thank my colleagues for their support in working together to reach positive outcomes. I look forward to the Government implementing other recommendations in the report.

**Motion agreed to.**

## **STANDING COMMITTEE ON LAW AND JUSTICE**

### **Report: Workers Compensation Injury Management Pilots Project**

**Debate resumed from 13 September 2005.**

**The Hon. CHRISTINE ROBERTSON** [3.26 p.m.]: I am pleased to commence debate on the motion that this House take note of the report of the Standing Committee on Law and Justice entitled "Workers Compensation Injury Management Pilot Project" tabled on 13 September 2005. This was probably another reference from Reverend the Hon. Fred Nile but it was very interesting. I am pleased to commence debate on the motion that this House take note of the report of the Standing Committee on Law and Justice entitled "Workers Compensation Injury Management Pilots Project", tabled on 9 September this year.

Between 1998 and 2002 the New South Wales workers compensation system underwent major reform, directed at ensuring that the system is fair and affordable for both workers and employers. The Workplace Injury Management and Workers Compensation Act of 1998, a key element in this reform package, was directed at improving injury management and return to work for injured workers. Injury management, in the context of workplace injuries, involves assisting injured workers to achieve a safe, prompt and durable return to work. Every year, workplace injuries impact on the lives of thousands of workers and their families in New South Wales. Effective injury management is crucial to returning these workers to meaningful work in a safe and timely manner.

Schedule 5A of the Workplace Injury Management and Workers Compensation Act was the legislative basis for an injury management pilots project aimed at identifying and promoting best practice in claims and injury management. Commencing January 2001, the pilots project ran for two years until 1 January 2003. As required under the Act, the effectiveness of the pilots project was to be evaluated by an independent body and the results of the evaluation were to be reviewed by the Standing Committee on Law and Justice.

The three main aims of the pilots project are to identify the critical components of injury management, to achieve measurable improvements in the areas of workers' health outcomes, to return to work for injured workers and service use and costs, and to establish benchmarks in integrated injury and claims management. The pilots project involved four pilots organised into two groups—an insurer group and a non-insurer group. The insurer group included two projects managed by licensed insurers, QBE and Employers Mutual Indemnity, which issue and administer workers compensation insurance policies on behalf of WorkCover. The non-insurer group included a project that operated in a specific region, that is, Central West New South Wales, and another project that focused on an industry, that is, private hospitals and nursing homes.

The QBE pilot targeted small-to-medium employers in south and south-west New South Wales to develop strategies such as early reporting of injuries, improved training of staff, the use of claims management staff with professional qualifications, and the introduction of technology to improve service use and costs. Employers' Mutual Indemnity Workers Compensation Limited formed a partnership with PricewaterhouseCoopers to manage its pilot project, focusing on certain employers in the Sydney area and utilising such strategies as financial incentives for earlier reporting of injuries, integration of injury and claims management, evidence-based injury management and cross-disciplinary review. The Central West Injury Management Service focused on the early reporting of injury, proposing a thorough approach to education in developing several safety net strategies to detect injuries not reported in the correct way.

The Warrakanji Care Integration pilot project involved a consortium of organisations including occupational health providers and an actuarial and insurance consultancy firm. The pilot targeted private hospitals and nursing homes, and planned to use a number of strategies. The pilot failed to deliver and the contract was terminated in August 2001. WorkCover ascribed the failure mainly to lack of adequate resources and appropriate systems to support the business activities that were attempted to be undertaken.

The evaluation of the four pilots was independent and exhaustive, involving the following elements: a quantitative analysis of performance of the pilot populations in 2001, compared to control groups in 2000 by Monash University's Department of Business Statistics and Econometrics, a qualitative analysis of satisfaction levels of a sample of employers and workers involved in the pilots by Jane Elkington and Associates, and a cost-benefit analysis and the potential impact on the WorkCover scheme by WorkCover's actuaries, Tillinghast-Towers Perrin.

**Pursuant to standing orders business interrupted.**

## **DEATH OF MR MALCOLM WILSON**

### **Ministerial Statement**

**The Hon. TONY KELLY** (Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs) [3.30 p.m.]: Today I pay tribute to a respected member of the Australian Volunteer Coast Guard Association who died overnight after a lengthy illness. The late Malcolm Wilson was involved continuously in the management structure of the Coast Guard Association at all levels after joining the organisation in 1989 and shortly after being asked to take over the role of Flotilla Staff Officer. His contribution to the association and the boating community over the subsequent 17 years is widely recognised. Mr Wilson served three consecutive terms as Flotilla Commander and also served as Captain National Public Relations, Squadron Vice Commodore, Squadron Board Adviser, Squadron Commodore and Chairman of the New South Wales State council. His position at the time of his death was that of National Captain in charge of research and special projects.

In August 1990 Mr Wilson was invited to represent the Coast Guard as liaison officer to the maritime rescue advisory subcommittee to the State Rescue and Emergency Services Board. He was instrumental in developing the maritime rescue policy, which became an integral part of the overall State rescue policy, and over the years he continued to play a leading role in developing and refining policies for the State's volunteer marine rescue organisations. In 1994 he was appointed as the Coast Guard representative on the newly formed Volunteer Marine Rescue Council of New South Wales, and served for two years as its foundation secretary. He also was a founding member of the Sydney Northern Zone Emergency Management Committee; the Maritime Services Board's Hawkesbury-Brooklyn User Group; and the North Region Police Service Customer Council, representing waterways users for the region.

Mr Wilson made a significant contribution to marine safety not only in New South Wales but also at a national level. He represented the Coast Guard on the Volunteer Marine Rescue Association of Australia and contributed to the development of core competencies for recreational boat operators and recreational boat safety equipment. As well as pursuing his career in the superannuation industry and attaining the necessary qualifications and ratings for his Coast Guard activities, he also dedicated himself to securing a range of other qualifications and undertaking training in a number of related fields. These included disaster and emergency management, crowd control, first aid, search activities and charities management. He was also a Justice of the Peace.

In 2002, as New South Wales Squadron Commodore, Mr Wilson was nationally recognised for his efforts when he was awarded the Emergency Services Medal in the Queen's Birthday honours. This was a fitting acclamation of his enormous contribution to the safety of those who use our waters. He was further recognised in April last year when the Coast Guard bestowed upon him its highest honour of life membership. As an outstanding member with a long record of distinguished service to the boating public and the Coast Guard Association within New South Wales and Australia, Malcolm Wilson's passing is a sad loss. I am sure all members join with me in extending condolences to his widow, Norma, their four children and grandchildren, who are in our thoughts and prayers. The New South Wales emergency services community has lost a fine member of its family, and those on the waters today are poorer for that loss.

**The Hon. CHARLIE LYNN** [3.36 p.m.]: It is with sadness that the Opposition also acknowledges the passing of Commodore Malcolm Wilson. The Minister gave a detailed overview of Mr Wilson's achievements during his 17 years as a dedicated volunteer. The Australian Volunteer Coast Guard is operated and supported by a dedicated volunteer network, of which Commodore Wilson was a tireless supporter. He was a former member of the New South Wales Volunteer Marine Rescue Council. During his 17 years with the Coast Guard he moved through every tier of the volunteer Coast Guard, from his local flotilla to the national board. His close friend and fellow Coast Guard, national Commodore Chris Gillett, described Malcolm Wilson as a real go-getter and a person who was totally dedicated to the Coast Guard, so much so that when he entered Royal North Shore Hospital recently for cancer treatment he asked to be allowed to take his laptop with him to continue his work.

Commodore Gillett remembers his friend as a good listener but an even better talker. Boating, yachting and Coast Guard activities were Malcolm Wilson's life, and during his life he was a great friend. He was a teacher, a leader and, at all times, a volunteer. The Australian Volunteer Coast Guard offered him the highest accolade when it granted him life membership, and recently he was awarded the Emergency Services Medal for dedication to his work. The Opposition sends its condolences to Commodore Wilson's wife, Norma, and their four children and grandchildren. Our thoughts and prayers are with Malcolm Wilson's family, which has lost a fine man. The community has lost a fine man, who will forever be remembered as a role model for his work during his 17 years as a volunteer with the Australian Volunteer Coast Guard.

## TERRANORA QUARRY

### Debate resumed from an earlier hour.

**The Hon. MELINDA PAVEY** [3.39 p.m.]: As I said earlier, we finally have action. Readymix has withdrawn its application to the State Government for the extension of the quarry. However, the company has said it will pursue a future application for the project, paying attention to traffic and other issues raised by the public. I move:

That the question be amended by omitting all words after paragraph (k) and inserting instead:

- (l) that shortly before this House was to debate this motion, and after the extent of community outrage was highlighted by Mr Geoff Provest, The Nationals candidate for the seat of Tweed, the development application was withdrawn, albeit with the applicant indicating that it would "still pursue a future application for the project". And
  - (m) that the Stop the Quarry campaigners have said "Ultimately we'll not rest until this is rezoned ... if they (Readymix) think they can put it off until after the next State election that is coming we've succeeded with plan A but we also have a plan B and C."
2. That this House calls upon the Minister for Planning to reject the development proposal whenever it is submitted.

The amendment is important because while the campaign to this point has been successful, with Readymix withdrawing its development application, the future amenity and quality of life of the Terranora residents will depend on what happens after 24 March 2007. Residents believe that in the unfortunate and horrifying event that

the Labor Party wins the next State election, the Readymix development application will be before Frank Sartor quicker than one can crush a stone. This matter is of great concern to the residents, but they can be assured that they have many friends on their side, including Geoff Provest. I also commend the actions of the Hon. Jennifer Gardiner in bringing on this debate in the Legislative Council so we can talk about the events that have led to Readymix pulling its development application.

Although the Minister for Planning was in Tweed Heads in March 2006, he did not take the opportunity to look at the quarry site, despite the Minister's draft Far North Coast Regional Strategy of March 2006 stating that it would prevent development in places contained by coastal processes, flooding wetlands, important farmland and landscapes of high scenic and conservation value. Many residents of Terranora, where Readymix has an existing quarry, knew of the existence of the quarry when they built or bought their homes. However, it was clear to them at that time that there was no plan to extend the size of the quarry. Papers before council suggested that the lifespan of the quarry was only another seven years or so. Nevertheless, Readymix went ahead with the development application, and residents are concerned that post-March 2007 another development application will be lodged fairly quickly.

The residents are a mixed bunch of people but they have a community of interest at heart. That community of interest ranges from environmental concerns about the impact on native flora and fauna surrounding of the proposed extension to the quarry, to health concerns relating to the additional level of dust and pollution generated by any extension and the extra trucks that that will encourage. They argue eloquently that adequate developed blue metal quarries already exist within a reasonable distance of the area: Readymix has a site at Teven; Boral has sites at Teven and Burleigh; the Hymix Quarries site at Gaven has a life of approximately 100 years; the Oxenford Quarry at Maudsland has approximately 50 years of life; the Boral Resources quarry at Ormeau has approximately 30 years of life; the Readymix site at Beenleigh has 50 years to go; and the Pioneer site at Beenleigh has approximately 100 years of life. So there is no shortage of the resource that is available at the Terranora site. There are other clearly available options to ensure that local industry, business, building companies and road construction can continue to operate.

The environmental issues are immense, with noise from drilling, blasting and crushing. The dust-related health issues are serious for people with respiratory problems. If the quarry is extended the additional dust would have an enormous impact on the houses on the western side of the proposed area. The visual impact on beautiful, scenic Terranora will be huge. Imagine the nightmare of an open quarry crashing away for 30 years, with trucks using local roads every eight minutes or so. I have travelled on those roads and through that area frequently and I know it is not easy territory; it is not flat, open space. The roads are winding and the area is densely populated. There are many schools in the area. Terranora has many concerns and they have been expressed loudly and clearly to people like Geoff Provest, who has taken up the cause.

School safety issues are enormous for children cycling or walking on or near Terranora Road. There are four schools in the vicinity: Terranora Public, Bilambil Public, Banora Point Public and Lindisfarne Anglican school. As well, each week day students from Tweed River High, Kingscliff High, St Joseph's High, St James Public and some Queensland schools board and alight from buses in the vicinity of the proposed extension.

**Mr Ian Cohen:** How close is it to housing?

**The Hon. MELINDA PAVEY:** It is fairly close to housing. The quarry is below the ridge, within kilometres of housing. It is important that we debate this motion today. I support strongly paragraph 2 of the motion, which calls on the Minister for Planning to reject the development proposal whenever it is submitted. I am interested to see how members will vote on this motion and the amendment. The people of the community deserve to be congratulated on the way in which they conduct themselves and the way in which they conduct any campaign. Readymix has withdrawn its development application, but the future is not certain. It will be certain with the election of a Nationals-Liberal Government on 24 March 2007 and with Geoff Provest as the member for Tweed to give the Terranora residents the security and certainty they need.

**The Hon. AMANDA FAZIO** [3.46 p.m.]: I speak against this motion and particularly the amendment. Members heard an inflammatory speech from the Hon. Jennifer Gardiner when she moved her motion. I am astounded by the amendment of the Hon. Melinda Pavey. The original motion moved by the Hon. Jennifer Gardiner talks about local residents campaigning against local development for several years. That is fair enough, there has been a fair degree of local opposition to the quarry. But the amendment moved by the Hon. Melinda Pavey throws in the rubbish bin all the hard work of local residents, because it states:

- (1) that shortly before this House was to debate this motion, and after the extent of community outrage was highlighted by Mr Geoff Provest, the Nationals candidate for the seat of Tweed ...

The Nationals are claiming that the community campaign has not resulted in this change, but rather this unknown quantity, Mr Geoff Provest—who is the only candidate in that area for The Nationals because they strong-armed some poor old bloke into withdrawing from preselection—is responsible for all of this happening. They are deluding themselves. The amendment denigrates the people of the local community and the work they have done. It shows the arrogance of The Nationals towards local communities. They take for granted that any electorate outside the metropolitan area is theirs. I am surprised there is a Nationals candidate for the Tweed. I thought the Liberal Party would want to run up there; there are so many coastal Liberals these days.

**The Hon. Charlie Lynn:** We are a coalition!

**The Hon. AMANDA FAZIO:** A very disorganised coalition. I noticed at AgQuip last week that The Nationals had a shed sponsored by an agricultural company in Queensland. An agricultural company in Queensland bought the space and the shed out of which The Nationals operated. The Nationals are officially sponsored by an agricultural company in Queensland. Good on you! At AgQuip The Nationals had a shed and the Liberal Party had a tent. As usual there was no love and goodwill between the parties—or the Coalition, as referred to by the Hon. Charlie Lynn. It was fun at AgQuip last year, the first year the Liberal Party turned up. There was absolute fury and venom.

**The Hon. Charlie Lynn:** Point of order: The Hon. Amanda Fazio is misleading the House. I was at AgQuip last week and I enjoyed the hospitality of our good friends, The Nationals, in their tent.

*[Interruption]*

There were also some wild animals and ferals running around at AgQuip. I visited the Country Labor tent. I felt sorry for the Country Labor members because no-one else went near their tent. I had a great chat with the Hon. Amanda Fazio. There was a lot of goodwill at AgQuip last week.

**The DEPUTY-PRESIDENT (Reverend the Hon. Fred Nile):** Order! There is no point of order. The Hon. Amanda Fazio will return to the motion before the House.

**The Hon. AMANDA FAZIO:** I will not refer anymore to AgQuip or to the Hon. Charlie Lynn riding into our tent on a motorbike, scattering the hordes who wanted information on WorkChoices. I will return to the motion on the Terranora quarry. I will conclude my comments—not because I do not have more to say but I have a meeting to attend—by saying that when a local community takes up an issue, whether we agree with them or not, we must recognise their efforts. The insulting amendment moved by the Hon. Melinda Pavey wipes the contribution made by the local community.

**Mr Ian Cohen:** It does not wipe it, it adds to it.

**The Hon. AMANDA FAZIO:** It gives all the credit to an unknown person, Mr Geoff Provest. I do not support the motion, and I particularly do not support the amendment. It is a desperate effort by members of a party in its dying days to try to garner support and win back a seat that they thought was theirs for life. In comparison, the Australian Democrats are fading away gracefully. The Nationals should realise that they are irrelevant these days. I urge all members to vote against the amendment and the motion. If people want to talk to members who can help them, they should visit the Country Labor tent at AgQuip next year. We will still be in government and Country Labor in the Legislative Council will still have more members representing country areas than the Coalition will ever have. I do not regard people who live in Glebe and Redfern as coming from the country.

**Mr IAN COHEN [3.54 p.m.]:** I support the motion moved by the Hon. Jennifer Gardiner. For the life of me I cannot see a problem with the amendment to the motion. I was interested in the interpretation of the amendment by the Hon. Amanda Fazio. She said that it wiped part of the motion that acknowledged the local community. It clearly amends the motion by omitting all words after paragraph (k), which leaves most of the original motion, and then acknowledges The Nationals candidate. It is the first I have heard of him but, given the Government's recent role in the area, it is no surprise that The Nationals have a candidate for the Tweed.

Although I do not believe the Coalition will beat the Australian Labor Party at the next election—which has its downside—I believe that the seat of Tweed is in dire jeopardy. The local member has been

inactive for some time and has not inspired the community. The Opposition has an opportunity to stake its claim. If it succeeds, I will have many disagreements with it. Road and rail will be important issues at the next State election and the Tweed is a most marginal electorate. In an earlier speech the incumbent local member was called "napping Neville". I acknowledge the wit of The Nationals, who called him "the last sleeper on the North Coast". That sums up the presumption by Labor that it will retain the electorate. I am not in a position to make any statements, but it is clear from my discussions with local Greens that they are very reticent to recommend preferences because Labor has not performed in that area.

There has been considerable opposition to the continuation of this quarry, as evidenced by the extensive lobbying efforts of the group Stop the Quarry through letter writing and the media. The proposal is for the rock of the basalt mine to be drilled, blasted and stockpiled until it is carted away. The mine will supply concrete to Readymix for developments in the area and to Tweed Shire Council for road base work. If the extension is allowed, the mine will operate from 7.00 a.m. to 5.00 p.m. six days a week. It will have a massive impact on the local community. There will be 50 to 70 truck movements a day with 30,000 tonnes being trucked out per month. This will take place in the middle of a growing suburban area. It will have a considerable impact on the local community and it has the potential for danger.

Concerns have been raised about increased truck movements as a result of the expansion of the quarry. Those concerns especially relate to the safety of residents, and particularly children. I note that there are three schools in the area. I understand that Terranora has been included as part of the tourist drive of the Tweed shire. The quarry could have safety implications for tourists, who will have to compete with heavy trucks on the road and will experience noise pollution from the drilling, blasting and increased traffic. The Labor Government did not listen to community concerns about Broken Head quarry, which is located in an area near to where I live. That quarry has had a significant impact on very sensitive environments in the area. The working of heavy equipment on Terranora quarry site from 7.00 a.m. to 5.00 p.m. will have a massive impact on the people who live in the surrounding area. The sound of the obligatory safety beeps of reversing heavy equipment travels a long way. If work begins early in the morning that noise will also have a significant impact. Dust pollution is also a health issue, particularly for children and those suffering from asthma. We have witnessed a dangerous increase in the incidence of childhood asthma in recent years.

There will probably be an impact on Duroby Creek as a result of run-off from quarry activities. A basalt mine has been operating in the area for some time, but residents moving in were told that it was nearing the end of its life. Readymix's earlier proposal involved a massive 21-hectare quarry operation, but that has been scaled back to an area of less than five and a half hectares. Terranora is not the quiet, sleepy place it used to be. A great deal of development has occurred recently and the quarry will have an impact on the quality farmland that still exists in the area.

It is interesting to note the latest developments in this issue, but it is important to recognise that time and again industrial activities are impacted upon by changing land use in local areas. People and families move in and it is incumbent upon the Government to take note of that. Our reliance on these quarries and the presumption that industry has a right to quarry are a tragedy.

While travelling some years ago I noticed concrete pulverising plants on the outskirts of almost every town I passed in Germany. We must examine recycling building materials to a much greater extent and look beyond the fact that we have quarries providing raw materials at the cheapest and often the most destructive rate—both environmentally and socially. We must consider pulverising the concrete taken from demolition and building sites and reusing it to lessen the load on the natural environment. This motion is worthy of support and I support the amendment on behalf of the Greens.

**Ms SYLVIA HALE** [4.04 p.m.]: I support the remarks made by my colleague Ian Cohen and I commend Ms Gardiner for moving the motion. It draws attention to the contemptuous behaviour of the Department of Planning, which has a history of ignoring the community and community sentiment. The amendments to the Environmental Planning and Assessment Act demonstrate that the Minister has consistently drawn to himself more power to determine applications, whether they be for major developments, critical infrastructure, or designated developments. We have seen a consistent centralisation of power in his hands, often at the cost of local communities—and usually communities represented by a council. It is interesting to note that even the administrators of the Tweed Shire Council—who are Labor appointees—oppose this development.

Had the Minister approved this development, there would have been a similar scenario to that involving the development of the Ryde Rehabilitation Centre site. The Minister has approved developments despite

phenomenal community opposition. Like the quarry proposal, the development at Ryde will have major road safety implications because 80 per cent of the land has been sold for about 600 residential units. There will be a massive increase in traffic to Putney. In fact, the approval of the Ryde Rehabilitation Centre proposal has led to a 50 per cent increase in the number of residences in Putney.

As has been pointed out frequently in this debate, the electoral fortunes of the local member for the Tweed have been threatened and that situation would have been exacerbated had the Minister approved the quarry development. Of course, the same is true at Ryde. The Deputy Premier, John Watkins, is the local member and his seat was already fast becoming marginal. Considerable damage has been done to the Deputy Premier's electoral prospects as a result of Frank Sartor's approval of the Ryde rehabilitation site development, particularly because the Deputy Premier has failed to speak out against that approval.

It is significant that this proposal has been withdrawn prior to the election. Another designated development was withdrawn at Balmain last week. When a proposal involving the Independent Cement and Lime Pty Ltd bulk terminal was released for public comment it attracted 1,407 submissions in opposition. Significantly, that proposal has been withdrawn, presumably because of the imminent election. Whereas the alternative to the quarry proposal at Benora Point has not yet been made clear, significant rumours are circulating about the alternative proposal for the bulk cement terminal at Balmain. The suggestion is that what was called a 31-metre "dome", but which was in fact a silo, will be—presumably after the election—a 53-metre silo. That is the equivalent of a 10-storey building.

**The Hon. Peter Primrose:** Point of order: I do not wish to interrupt the honourable member in a time-limited debate, but I ask that she be drawn back to the motion, which is specific. I would have thought that honourable members who choose to speak would do so because they believed it was worth addressing the question before the House rather than dealing with other matters. Surely if the honourable member wishes to raise those issues for the umpteenth time in this place, it would be better to do so in an adjournment debate.

**The DEPUTY-PRESIDENT (Reverend the Hon. Fred Nile):** Order! I uphold the point of order. The honourable member will return to the motion before the House.

**Ms SYLVIA HALE:** Perhaps it is significant that until 2004-05, Readymix, the proponent, had never made a donation to the Labor Party, although it had made donations to the Liberal Party. However, in 2004-05 the Rinker Group, of which Readymix is a subsidiary, donated \$2,750 to the Labor Party's election campaign. I suppose one is entitled to wonder whether the withdrawal of this proposal and its undoubted reappearance after the March 2007 election will be accompanied by another donation to the ALP.

The issues that have been raised here capture the community's intense dissatisfaction with the way in which planning is either being done or not being done. It is important that these issues be brought to the notice of the Parliament so members are made aware of how deeply people throughout the State feel about their rights being overridden. They have genuine concerns about the amenity of the environment in which they live, make a living and raise their families, and these matters are threatened by so many of the decisions made by the Minister for Planning. As my colleague Mr Ian Cohen said, the Greens have great pleasure in supporting the motion.

**The Hon. JAN BURNSWOODS** [4.11 p.m.]: My contribution will be brief because the Hon. Amanda Fazio, in her excellent contribution, said much of what I wanted to say. I reiterate the points made so clearly by the Parliamentary Secretary the Hon. Henry Tsang. The major point is that this is one of the most gratuitous pieces of useless grandstanding we have seen in this House for some time. As the Hon. Henry Tsang said, the development application that is the subject of this motion was withdrawn on 10 May this year. Knowing that, the Hon. Jennifer Gardiner still listed the motion on the notice paper on 23 May. She could have changed some of the wording of the motion but, in the usual lazy and careless way, the wording was not changed. So we have this ridiculous situation where, almost four months later, the House is debating an issue regarding an application that has been withdrawn.

The House is debating an issue that Neville Newell, the local member, and—as the Hon. Amanda Fazio pointed out—local residents have campaigned about for a long time. So all the hot-under-the-collar noise we have heard today has been a desperate attempt to beat up a campaign on behalf of a Nationals candidate who was chosen in slightly dubious circumstances. I have no idea what was used to twist the arm of the person who was to be The Nationals candidate, but it is interesting to see that the rampant factionalism that has long bedevilled the Liberal Party is now evident in the war within The Nationals, as well as between the two parties.

The motion makes the point that local residents have been campaigning against the proposed development for years, but it conveniently ignores the point that the application has been withdrawn. I note that in her ramble today the Hon. Jennifer Gardiner failed to stress the point that she set out in her original motion—again, a fairly insulting point but one she chose not to make today, for obvious reasons—that is, her original paragraph (e), that the Labor-appointed administrators of Tweed Shire Council oppose the development.

The residents have opposed the development for years, the excellent local member, Neville Newell, opposed it, and the administrators of the council opposed it. The application has been withdrawn, but for some reason or other members opposite seem to think that after a recess since June they should move this ridiculous, waste-of-time motion, in a desperate bid to pretend, as the Hon. Amanda Fazio pointed out, that this Johnny-come-lately Nationals candidate actually did something. The whole thing is pathetic.

The development application has been withdrawn, and the Minister for Planning therefore did not have to get involved because there was no application. The situation will be dealt with again, if it ever comes up again. As for the ludicrous attempts by Ms Sylvia Hale to throw in various other development issues—which, from what I could gather listening to her, she knows very little about—in another desperate piece of grandstanding, it is going to be a long time before the election.

**The Hon. JENNIFER GARDINER** [4.15 p.m.], in reply: I thank my colleague the Hon. Melinda Pavey and members who supported the motion. I wish to highlight that the Australian Labor Party is on the back foot on this matter. This is a very important issue. The fact that there was a large amount of business prior to the parliamentary winter recess did not mean that I, for one second, was going to ditch advocacy on behalf of the people of the far north-eastern corner of the State on an issue that is very important to all those who live in the Terranora-Banora Point part of the Tweed electorate.

As I and other speakers have pointed out, there was a great deal of cynicism about the withdrawal of the development application. I do not know why the Parliamentary Secretary, in his official comments on behalf of the Government, spoke about the role of the planning Minister. It is obvious that the Parliamentary Secretary did not have a clue what he was talking about.

The comments made by a couple of depressed and disaffected members of the Australian Labor Party add insult to injury to the people after the slack approach to this issue on the part of the honourable member for Tweed. Various campaigners, to whom I referred earlier—people like Mr George Kelly and Mr Kerry Plowright—have been relentless, along with the extensive and growing team of people who have opposed this development for a number of years, and continue to do a terrific job to keep their community alert to any future developments on this issue.

The existing quarry, which is proposed to be expanded, is located in a valley between the two ridge lines of Terranora and Banora Point. There are residential areas on either side and there is a dip, and the quarry lies at the bottom of the dip. One of the problems local residents have is that there is a creek running through the area and they are afraid that any development, such as a quarry, would have an effect on water quality.

The Nationals intend to continue to ensure we carry the baton on behalf of the local community on this issue. We will help them in any future campaign they need to resort to if this proposed development and expansion of the quarry reappears on the electoral horizon. I am very happy to have worn the "Stop the quarry" T-shirt in this House—even though I was chucked out by the Labor President. I have two of those T-shirts, and I intend to wear them quite often in the months ahead leading up to polling day. I commend the local campaigners. We in The Nationals are very happy to have taken up this issue. I again thank Mr Ian Cohen and Ms Sylvia Hale for supporting the motion, and I urge the House to support it, as amended by my colleague.

**Amendment agreed to.**

**Motion as amended agreed to.**

## **RESTORATION OF PRIVATE MEMBERS' BUSINESS**

### **Smoke-free Environment Amendment (Removal of Exemptions) Bill**

**Motion by the Hon. Dr Arthur Chesterfield-Evans agreed to:**

That, pursuant to Standing Order 159, the Smoke-Free Environment Amendment (Removal of Exemptions) Bill, interrupted by the close of the previous session, be restored to the stage it had reached in the previous session.

**Second reading ordered to stand as an order of the day.**

## **BUSINESS OF THE HOUSE**

### **Postponement of Business**

**Private Members' Business item No. 3 in the Order of Precedence postponed on motion by the Hon. Peter Primrose, on behalf of the Hon. Amanda Fazio.**

**Private Members' Business item No. 4 in the Order of Precedence postponed on motion by the Hon. Rick Colless, on behalf of the Hon. Catherine Cusack.**

## **NURSING FACULTY STUDENT PLACES**

**The Hon. JAN BURNSWOODS** [4.23 p.m.]: I move:

That this House:

- (a) opposes the closure of the Faculty of Nursing at Sydney University,
- (b) notes with concern that since the election of the Howard Government in 1996, 18,000 nursing applicants have been turned away from university because there are not enough places,
- (c) confirms that New South Wales needs more nurses, not fewer, and
- (d) calls on the new Federal Government to work with the New South Wales Government to address the shortage of nursing places in New South Wales universities.

I have great pleasure in moving this motion, which, from memory, has been on the notice paper since 2004 when the University of Sydney made the decision to cease all undergraduate nursing at the university. I will go into a little detail later about the distinction between undergraduate and postgraduate and what the university has done.

First, I pay tribute to the Hon. Henry Tsang in regard to this motion. When the University of Sydney made this decision Henry was one of the parliamentary representatives on the Senate and it was as a result of conversations with him that this motion was originally drafted and I had pleasure in putting it on the notice paper.

Apart from my concern about the long-term shortage of nurses and the specific actions of the University of Sydney, I did so because of my position on the board of the University of Western Sydney, other work I have done and things I have been aware of. I have become increasingly concerned at the lack of workforce planning—particularly in relation to tertiary education—on the part of the Howard Government, and the impact it is having on the supply of qualified people, not only in the health area but, worst of all, in the health area.

In a little while the House will have the opportunity to debate the report of the Social Issues Committee in relation to dental services. That report makes many comments about the shortage of dentists, the need to import dentists from other States and overseas, and the way in which the University of Sydney has cut the number of available student places. That experience in relation to dentists can be repeated across the board in relation to nurses and other roles in the dental profession. Because of the funding policies of the Federal Government, the University of Western Sydney has been forced to cease offering courses in podiatry—despite the growing demand with the ageing of the population—osteopathy, and other areas.

I believe that across the board in Australia and in New South Wales we are dealing with a serious shortage of qualified people in all sorts of areas of the health profession. That shortage is getting worse because in whatever sector one looks the average age is increasing and, therefore, the number of people retiring each year is, in general, greater than the number of people in training. In some areas the demand is growing, particularly in relation to the needs of the ageing population, which is increasing the stress on our health resources.

Despite the rhetoric and despite the demand—and I will say a little bit about the so-called priority places—Federal Government policies are reducing the number of people trained in our universities. The motion states that since 1996, 18,000 nursing applicants have been turned away from university because there are not enough places. However, I congratulate the Iemma Government on the effort it is making. In New South Wales we are making a massive effort to attract nurses back to the profession by various means: by advertising; by looking at the kinds of packages that make it possible, particularly for women who have left the profession, to rejoin it; and, where possible, by encouraging people trained outside New South Wales and Australia to join the profession. All of these things represent a difficult and uphill battle against the obvious fact that the shortfall in training is creating a growing shortage that applies not only to nurses but also to doctors, dentists and the ancillary areas of the health profession.

I turn to what has happened at the University of Sydney, which made what seems to have been the sudden decision in 2004 not to provide undergraduate nursing training and to end these programs in 2005. The process was, to some extent, staged in that the first step was to cease taking new people while those currently enrolled continued their studies. The first most people heard of the proposal was a report in the *Sydney Morning Herald* on 9 June 2004, which indicates that it was a sudden announcement with little consultation.

The University of Sydney decided to transfer places to the University of Technology Sydney, the Australian Catholic University and the Orange campus of Charles Sturt University. What worries most people with an interest in education—particularly those interested in tertiary education of some of the most vital frontline workers in health and education, particularly nurses and teachers—is that universities like the University of Sydney are rapidly moving out of the high-priority areas. They are doing so for a couple of reasons. One is the push to create a two-tier university system where universities like Sydney, Melbourne, Western Australia or a number of others try to set themselves up as high-fee paying universities with a strong research focus and with investment from business and others so that they become a leaped-level university, while they leave the important work of training professionals as nurses and teachers to other universities that they regard as having a lesser status. It is very clear that the decision taken by the University of Sydney in 2004 was more about the university's status than it was about the needs of the community or the profession.

The second reason that the university took this decision relates back to the non-role of the Federal Government, that is, the complex way in which the Federal Government funds university places, which means that universities in the end get less money per student than they do from other sources. The argument was put as recently as last month at the Council of Australian Governments meeting in relation to these problems. So, although this decision by the university was made in 2004, we are paying the price now and we will continue to pay. The implementation of the so-called national priority Higher Education Contribution Scheme [HECS] cap policy for nursing and teaching creates a disincentive for universities to bid for nursing places.

Although it sounds as though the Federal Government is protecting those places, that is not how it works. Due to the cost pressures that are impacting on them, universities have to disregard what was meant to flow from the cap and pass on the additional cost to full fee paying students, which will dampen demand, given the level of fees that must be paid, or they must absorb the additional cost. That limits the capacity of universities to offer more places. What happened this year in relation to the extra places that the Federal Government trumpeted is that although there was potentially a pool of 1,000 extra places for nursing undergraduates for 2007, universities in New South Wales—all 10 of them—applied for only 191 new nursing undergraduate places.

That is not because a university like the University of Western Sydney, for example, does not want to offer the places or because it is not proud of the graduates and does not recognise its obligations to the community—how can any community cope without teachers or nurses?—it is because of the way the Federal Government has structured HECS places, the caps and the rest of these quite complicated financial measures. It actually costs universities money for every place they make available in nursing and teaching faculties. We now have the situation whereby universities could have applied for 1,000 places for 2007 but they have only applied for 191. That 1,000 could still be an underestimate of the level of need. But let us assume that those 1,000 places are sufficient. If they are, less than one-fifth of them are going to be offered.

There is a real disincentive for universities to bid for places and in that context it is not surprising that a university like the University of Sydney, despite its long-term role in these professions, should have chosen to concentrate on the more high status, more expensive courses and, in particular, those that attract both local and overseas fee paying students. In the past couple of weeks most honourable members would have seen the news about the number of university courses that now cost more than \$100,000 in fees, despite all the rhetoric from

the Prime Minister some years ago that the changes he and Brendan Nelson made would not result in university courses costing \$100,000. Many courses now cost that much and, in fact, a handful of courses now cost more than \$200,000.

Work force planning and the provision of an adequately trained work force to provide the important health services that we need in New South Wales and across Australia are non-existent. They are non-existent because of the appalling planning record of the Howard Government, which is in total control of university funding and university places. The Prime Minister and Brendan Nelson, the recently departed education Minister, are far more interested in flagpoles, flags and other such fripperies than in getting down to the hard task of making sure that our community has the professionals we need in these various areas.

I reiterate a couple of figures in relation to the need for nursing places and the way in which the University of Sydney has opted out. It is estimated that New South Wales needs about 2,800 nursing education places. Of the 1,000 that I spoke about, some 320 were allocated to New South Wales. I turn now to the area of mental health, which we all know is suffering a particular work force shortage, and I congratulate the Lemma Government on taking action to address that shortage. In clinical psychology—another area of grave shortage—the Federal Government decided to provide 210 places; only 28 were allocated to New South Wales.

The number of places offered and the commercial decisions taken by the universities show that the needs of the community, and particularly the needs of patients in hospitals and other consumers of health services, have not been taken into account. Essentially, we have a number of commercial decisions at the university level and a lack of planning and thought about the future at the Commonwealth Government level. Earlier, I said that the New South Wales Government has programs in place over a number of years to increase the number of nurses available. Those programs, which relate to both recruitment and retention, have achieved a net increase of 9 per cent, which is 3,000 nurses, since January 2002, but there are still shortages. The increasing age of the nursing work force, plus the increase in demand for health services, will make the situation much more difficult.

A couple of small measures have improved the position of the University of Sydney slightly. Although in 2004 Brendan Nelson allowed the university to do what it liked in most respects, he insisted that the university continue with the small number of people in the indigenous nursing program. As I said, a small number of postgraduate places have also been provided. More recently, in 2006, the States and Territories pushed through the Council of Australian Governments [COAG] and elsewhere for a change in the way the Federal Government deals with these matters. Arising out of the COAG meeting in July, a memorandum of understanding has been developed, and that may make a difference. However, it is too soon to say how big a difference it will make to nursing.

A couple of issues relating specifically to the higher education contribution scheme need to be addressed. Although the supported places in nursing have a cap on them, the cap applies only to units of study within the nursing field. However, in many cases the courses include units that come from other schools, which takes the number of students over the limit imposed by the cap and increases the cost to students. For a long time the New South Wales Government has been trying to persuade the Commonwealth to address an issue relating to nursing scholarships—this applies to teaching as well. For some insane reason the Commonwealth insists on applying the fringe benefits tax to government scholarships within the health area, as it does to education scholarships for teachers. However, with a little goodwill and thought, and a lot less rhetoric from the Commonwealth Government, the situation relating to nursing and many other health and education areas could be improved.

I put this motion on the notice paper in 2004, following conversations I had with the Hon. Henry Tsang about the work that he and others had done in support of students at the University of Sydney and the arguments against these changes. Unfortunately, the situation that existed when the university made its decision in 2004 has got worse. More nursing applicants have been turned away; indeed, the total number during the 13 years of the Howard Government is much greater than the 18,000 in 2004. The shortage of nurses and the need to address recruitment and retention issues have got more serious. Perhaps there will finally be some light in relation to planning. Perhaps finally the Federal Government is beginning to understand that universities, higher education and professions that are vital to the community cannot be run entirely on a commercial basis. There must be planning, and thought must be given to enabling people who are not rich to study. Much thought must be given to how many people we need to become nurses, rather than allowing universities simply to make commercial decisions and go after students who can pay the most and offer courses that are the cheapest to operate. I commend the motion to the House.

**The Hon. JENNIFER GARDINER** [4.46 p.m.]: The Opposition believes that this motion is simply a case of the kettle calling the pot black. We oppose the motion moved by the Hon. Jan Burnswoods. Indeed, I move:

That the question be amended by omitting all words after "That" and inserting instead:

this House:

- (a) notes that the closure of the Faculty of Nursing at the University of Sydney did not result in a reduction of undergraduate nursing places with places transferred to the University of Technology and the Australian Catholic University,
- (b) commends the Federal Government for funding an extra 1,000 higher education nursing places and 420 new places in mental health nursing from 2007,
- (c) notes that only 36 per cent of registered and enrolled nurses in New South Wales work in the public health system, and
- (d) condemns the State Government's failure to address the critical shortage of nurses resulting in the closure of over 3,000 hospital beds across the State over the past 11 years and an increase in the elective surgery waiting lists.

That amendment is much more to the point. Indeed, it gives the lie to the notion in the motion that the closure of the Faculty of Nursing at the University of Sydney has resulted in an adverse net outcome, because the places were transferred to the University of Technology, which is in the same education precinct in the capital city, and the Australian Catholic University. There is no evidence whatever to suggest that the closure of the Faculty of Nursing at the University of Sydney has resulted in a reduction of undergraduate nursing places.

A range of universities in New South Wales, let alone elsewhere in Australia, offer nursing degrees, including Charles Sturt University, which has offered nursing degrees for years and currently offers three different courses. Nearby is the University of Canberra, which offers five nursing courses, and the University of New England in northern New South Wales offers highly regarded nursing degrees as well.

The Australian Government is funding 1,307 new Commonwealth-supported higher education places in New South Wales, as announced by the Prime Minister in conjunction with the recent COAG meeting. They are part of a whole package of health-related professions and places in tertiary education institutions. For example, 110 medical school places, quite a number of which will be allocated to the University of Newcastle and the University of New England, with new doctors being trained at Tamworth and Armidale, something I have been advocating in this House for some years. That is tremendous news from the Federal Government and builds on the fantastic work the Government has done in rural and regional health for many years, particularly under the leadership of John Anderson and Michael Wooldridge.

In addition, there are 326 general nursing places under that package, 110 mental health nursing places, 28 clinical psychology places and 278 other health-related places that the Prime Minister and the Federal Minister for Education, Science and Training, Julie Bishop, announced. That is an enormous injection of new places and will provide more students with more opportunities to study at university and boost Australia's work force in key areas, including nursing.

New places have been allocated to areas that have been shown to need more skills to fill a need—the clinical psychology issue is a case in point—and to meet student demand, particularly in regional and outer metropolitan areas. Work force studies have shown for some years that not only the more remote parts of Australia but outer metropolitan areas are in considerable need of a boost to the professional work force, and the Commonwealth Government has unstintingly allocated more specific resources to those areas. The strongest commitment is being made to the training of nurses with 436 places, health professionals 278 places, and doctors 110. There are additional Commonwealth-supported positions at the University of New England—20 bachelor of nursing positions at Armidale, and five more masters degree students.

The University of Newcastle, which has now forged a very good working relationship on health-related issues and education with the University of New England, will have another 66, with 80 at the University of Notre Dame. The University of Sydney's masters degree in nursing at Camperdown will have 60, as well as another batch at the University of Wollongong and further afield, at the University of Tasmania.

The Liberal and National parties in this House commend the Federal Government for funding an extra 1,000 higher education nursing places and 420 new places in mental health nursing from next year. The 2006-07 Federal budget provides new funding of \$268.8 million over four years for an extra 2,020 new Commonwealth-supported places in health disciplines, and increased funding to support nursing clinical

training. The Nationals applaud that because there has been a lot of debate about the best way to educate nurses. We support, as a matter of philosophy, the boost to clinical training of nurses as they are going through their very important tertiary education.

Some of the funding for new medical places will be bonded to areas of medical work force shortages, and the clinical psychology places are part of the COAG mental health package that was announced in April this year. That was a fantastic response from the Federal Government. The Prime Minister has taken a personal interest in the crisis in mental health throughout Australia, including here in New South Wales. The new places build on the more than 39,000 places the Federal Government is already funding up to 2009 as part of the \$11 billion additional funding for the package of higher education reforms that was called "Our Universities: Backing Australia's Future". That massive boost to university funding will help address skills shortages in the health work force and ensure Australians continue to have access to high-quality health services.

The Federal budget this year also announced help for full fee paying higher education students enrolled in both undergraduate and graduate studies, with both public and private higher education providers. That will be increased in both areas. The current limit of \$50,950 will be boosted to a maximum \$80,000 for all courses except medicine, veterinary science and dentistry. Those three areas of study will attract a maximum fee help loan of \$100,000. Those increases come on board from 1 January next year to eligible students regardless of when they commenced their studies.

The Opposition motion notes in paragraph (c) that only 36 per cent of registered and enrolled nurses in New South Wales work in the public health system. We know there are more than 98,000 registered and enrolled nurses in New South Wales, however only 36 per cent of them are in the public hospital system. There are many reasons for that, but the current health Minister in New South Wales does not seem to understand that unless the immediate working conditions of nurses are improved, new nursing graduates will continue to leave the profession within two or three years. That is a tragedy. The Minister's current campaign to recruit school leavers into nursing will not address the nurse work force shortage confronting our hospitals. Many of the 60,000 highly trained and qualified registered and enrolled nurses in this State who choose not to work in the public health system identified poor working conditions as the reason. The Opposition has been saying that for some years. It is a tragedy that the Carr-Iemma Government does not seem to get the message.

Nurses tell us they are overworked and are run off their feet. They are part of the culture of secrecy in New South Wales health. They are scared of the consequences, for their very jobs, if they speak out when they are not satisfied that patients are being properly cared for. That culture of secrecy is a major problem in the health system in this State. Nurses feel they lack support when they first take up positions and they also fear the career paths they might follow in the New South Wales health system.

The examples of how dissatisfied nurses are in this State rang true in July, just a few weeks ago. Nurses in the Greater Southern, the North Coast and the Northern Sydney Central Coast area health services moved motions of no confidence in the health restructure introduced by Mr Iemma when he was Minister for Health, and it has been an abysmal failure. I am happy to say that on election to government the Liberals and The Nationals will wipe it out. We are committed to more localised decision making, more local autonomy and local control and community participation in the way health services and community health services are run. We will be abandoning the Iemma disaster when we are elected to government.

As I have said previously, big is not necessarily better. There is no evidence that vast area health services produce better clinical outcomes for patients. In fact, there may be evidence to the contrary. With the Labor Government's restructure of health services, senior nursing management jobs were axed across the State. When the Liberals and The Nationals are elected to Government, we will introduce a nursing policy that concentrates on creating a working environment that is conducive to retaining staff and restoring senior nursing management positions. My amendment condemns the State Government's failure to address the critical shortage of nurses, which has resulted in the closure of more than 3,000 hospital beds.

**Pursuant to resolution business interrupted.**

## **ADJOURNMENT**

**The Hon. HENRY TSANG** (Parliamentary Secretary) [5.01 p.m.]: I move:

That this House do now adjourn.

**ATTENDANT CARE DISABILITY SERVICES****BLACKTOWN HEALTHWISE CENTRE**

**The Hon. JOHN RYAN** [5.01 p.m.]: This afternoon I raise two matters, one relating to disability services and the other to seniors. This week I received an email from Mr Andrew Hampsen. He obviously wrote it with assistance because Mr Hampsen has quadriplegia. Mr Hampsen, a 38-year-old man who sustained a spinal cord injury in 1990, requires full assistance for all of his personal care activities, including transfers in and out of a wheelchair, domestic assistance and preparation of meals. He says in his email that as a result of the circumstances of his accident he was not entitled to any financial compensation. However, since sustaining his spinal cord injury he has completed tertiary education and is currently employed at the University of Newcastle. In November 2005 Mr Hampsen moved into his own accessible accommodation. He says that now that he lives on his own he no longer has the unpaid physical assistance that was provided by his ageing parents.

Mr Hampsen says that he is currently entitled to 35 hours per week attendant care, which is the maximum allowed under the New South Wales Government Attendant Care Scheme. However, for a person with his disability living alone that amount of care is completely insufficient. Last week his home care service provider told him that he needs 43 hours of attendant care. The additional care costs \$36.90 an hour, which equates to nearly \$300 a week out of his own pocket. He points out in his email that a recent paper published by the State Government entitled "Lifetime care and support: assisting people with catastrophic injuries from motor vehicle accidents" recommends that the attendant care requirements for a person in his condition are a minimum of 12 to 23 hours per day. Mr Hampsen says:

I find it difficult to comprehend that one government agency clearly states that someone with my level of disability requires this amount of personal care, while another government department only entitles me to a maximum of 35 hours of attendant care per week.

Mr Hampsen outlines in his email his particular needs: 2½ hours in the morning for showering, dressing, breakfast, organising his day and household jobs; one hour for the preparation of and assistance with lunch; one and a half hours in the evening for dinner, a clean wash, attending to mail and so on; and 1 hour to prepare for bed. They are his minimal requirements. He writes:

Where possible, I am endeavouring to live as independently as I can. I do not receive the disability support pension, do not live in public housing and make significant financial contribution towards the cost of my ongoing medical costs and requirements.

I am writing to you to request further attendant care hours to enable me to continue to live in the community. I am facing a personal crisis if I am unable to get the additional help I need.

Mr Hampsen wants us to know about his situation. That is the reason I have read his letter onto the record of the Parliament. The State Government is kidding itself if it thinks that the battle for better disability services ends with its recent announcements on disability services.

In the remaining time I have, I draw the attention of the House to a unique organisation in Blacktown called the Healthwise Centre, which is operated by the Healthy Older People's Association Incorporated. The association operates a fabulous drop-in centre for seniors. Elderly people are able to drop in for social support and companionship and to participate in activities for mental stimulation and learning. The centre organises health talks, games, craft groups, scrabble, coffee and chat, canasta, walks, bus trips and other social events. Elderly people who are lonely at home can call in and have a chat with the many volunteers who operate this service. The centre at Blacktown needs \$15,000 a year for its operations. That is all the funding it needs. That money pays the rent, and every other aspect of the service is provided by volunteers.

The association has been told by the Department of Health that it has received its last government grant because it no longer meets the requirements of a particular program, even though it has been funded for more than 10 years. When the \$7,000 it has in the bank is gone the centre will close. I do not need to tell honourable members that Blacktown has a large number of disadvantaged people who need this type of service. Obviously, for \$15,000 this service works enormously hard. It would cost the equivalent of just one of the Government's recent wasteful advertising pieces to fund this organisation and keep it open permanently. I urge the State Government to meet the association's needs and provide the grant so that the centre can remain open.

## CIVIL DEFENCE TRAINING

**The Hon. Dr PETER WONG** [5.06 p.m.]: Just under a year ago I spoke about our vulnerability to natural and man-made disasters because of a failure by the Government to provide any civil defence training or infrastructure to the people of New South Wales. I raised this concern in the context of the devastation wreaked upon New Orleans by hurricane Katrina. One year has passed since that event and the horrible truth has emerged that New Orleans, which is located in the heart of the most powerful and industrialised nation in the world, is still in a state of chaos. It is timely that I again raise my concerns. We cannot sit and wait for a similar horrible event, natural or man-made, to occur before we cast our minds to providing a decent civil defence structure for our citizenry.

While members of all parliaments throughout the country have milked the fear of terrorism for all its political worth, I have not seen any initiatives that would lessen the threat of a terror event in this country. In fact, there has been a considerable failure to act. For example, the perimeter of this very building was unable to be secured for approximately six weeks because an external fire escape could not be closed. Given the failings of our security and intelligence forces to initiate a meaningful and inconspicuous system of control and co-ordination, we need to put in place proper civil defence infrastructure. In the event of an incident, the public will at least have a minimum of skills and infrastructure so that there is some level of safety and co-ordination instead of panic and flight.

A photograph on the front page of the *Sydney Morning Herald* summed up our readiness to deal with a major terror event. The photograph, which was taken at a meeting of our nation's police commissioners to discuss a terror response system, showed two policemen on their hands and knees checking under a car for bombs. They did not even have a mirror on a stick, which could be found in Third World countries for the purpose of running such checks. I can only hope that such mirrors have now been added to our response kits. Our airports are run on a system that is as fundamentally flawed and equally unprepared as was the procedure undertaken by the two policemen on their hands and knees. For example, people can book a flight on line, turn up at an airport, get an e-ticket and board an aircraft without so much as an identity check. Even worse, people can board a plane at a regional airport without even basic metal detection screening, let alone x-rays of their luggage. They can then fly to Sydney airport, walk straight into the domestic terminal and board a major jet aircraft without any hindrance, control or inspection of their hand luggage and, I suspect, their checked-in luggage as well.

**The Hon. Rick Colless:** No, they can't.

**The Hon. Dr PETER WONG:** I have been through it. It is simply outrageous and shows our nation's fundamental inability to confront a terror incident. What would happen if a dirty bomb went off in the central business district of Sydney or someone attacked a major chemical plant or refinery in the heart of Sydney or released a gas in the Sydney underground? What would the public do? Pop down to the local library and do a quick brush-up on how to respond to a terrorist incident? Perhaps they would start thinking of storing some food and water at home? Or should they simply wait for a probably non-existent government response team to come to a scene of panic and devastation to give them a quick lecture on how to escape and where to go, or to give advice on how to administer first aid to fellow victims? Although I am disappointed, I am not surprised. Since 9/11 we have all been continually challenged by virtual images of death, destruction and intolerance. Individual freedom and the need for tolerance and co-operation have given way to fear, insecurity and retribution.

As Australians we reject authoritarian beliefs and accept that we must take responsibility for our own lives and for the world in which we live. Our hard-fought gains as a nation and as a people are very quickly lost if we allow ourselves to be manipulated by politicians who have preyed upon and promoted the public's fear. With regret they have once again done nothing to moderate that fear. It is time that we gave some thought to the issue of civil defence in this State and country.

## PENNANT HILLS WEST PUBLIC SCHOOL

## PENNANT HILLS HIGH SCHOOL

**The Hon. JAN BURNSWOODS** [5.11 p.m.]: During the parliamentary break I was very pleased to have the opportunity to open new buildings at two schools in the Epping electorate on behalf of Carmel Tebbutt, the Minister for Education and Training. In July I was delighted to go to Pennant Hills West Public School, which is one of the oldest schools in New South Wales, to officially open a new hall and covered outdoor

learning area, and in August I went to Pennant Hills High School to officiate at the opening of a new building to house facilities for industrial arts, visual arts and other similar programs. That is probably the wrong terminology to describe the facility.

**The Hon. John Ryan:** It is called "design and technology".

**The Hon. JAN BURNSWOODS:** No, it was not called "design and technology". If the honourable member were to listen he would find out that it was partial because, of course, that building replaced the buildings that had been destroyed by the terrible fire at the school in 2001. Many people would be unaware that Pennant Hills West Public School is one of the oldest government schools in New South Wales. It was opened in 1850, and only a handful of schools in the Sydney area have been operating longer. Of course, when it was opened it was a small bush school. It is now a large and thriving school on a beautiful site. The school has none of its original buildings, nor does it have many old buildings. However, it does have some beautiful buildings. The new hall, which the school community has been anxious to have for some time, is a fine facility. The Parents and Citizens Association has done a great deal of fundraising for the new facility. The covered learning area and other additions have also made a huge difference to the school. A striking feature of Pennant Hills West Public School is the quality of its music education program. A highlight of the opening ceremony was the performance of two school choirs and the school band. The school has long been known for its music education program, as well as its fine achievements in a variety of other areas.

Approximately a month later I had the pleasure of representing the Minister for Education and Training at Pennant Hills High School at the opening of the new building and ancillary facilities, such as an elevated covered walkway connecting the old building to a new building and lifts to provide better access on this steep and complicated site. As I said, the new building replaces buildings destroyed by fire in 2001. The school coped well with the aftermath, and the Government and the Department of Education and Training should be congratulated on the speed with which arrangements were made after the fire. Some of the principals at the ceremony helped to accommodate the seven students displaced by the fire while the department arranged for demountables to be placed on the site. On one single day 70 cement trucks arrived to pour the major floor areas of the new building. The school paid tribute not only to Department of Education and Training staff but also to Department of Commerce staff who supervised the work, to the builders and, of course, to the parents, who raised so much money and who helped to steer the school through a difficult time. The school has about 1,300 students, and it would have been extremely difficult to cope after such an event.

I conclude by paying tribute to Andrew Tink, the retiring member for Epping, who also attended the opening at Pennant Hills High School. He deserved the credit paid to him for his efforts over the years as the local member. I pay tribute also to Melissa Collins, who has worked for me in the past and who is now working for Minister Orkopoulos. She is a well-known former pupil of Pennant Hills High School and is also well known to people in this place. It was a pleasant duty for me to perform.

### **JUNIPERINA JUVENILE JUSTICE CENTRE**

**The Hon. CATHERINE CUSACK** [5.16 p.m.]: The Minister for Juvenile Justice, the Hon. Tony Kelly, has said his department is a "downstream" agency. In other words, the Department of Juvenile Justice is at the receiving end of the justice process. By the time young people are in custody their lives have already gone off the rails; the crime has already been committed; and the courts have already considered the circumstances, reached a verdict and imposed a sentence. This is true only to a point. When the detainees are released back into the community, the Department of Juvenile Justice becomes an "upstream" agency. What happens post release is influenced by the success or failure of rehabilitation programs administered in the detention centre system and arrangements put in place to reintegrate young people in the community. On Monday during the estimates hearings I raised this issue of discharge and reintegration by asking questions about an incident involving a 17-year-old female who attended Campbelltown Children's Court on 26 April 2006 and who was unexpectedly released from custody. As a result she did not have her bag of personal effects at the court.

Juvenile Justice staff then arranged for the girl's bag to be packed by Juniperina staff and transferred to the Campbelltown office. The girl and her mother presented at the office the next day, collected the bag and returned to the mother's car. Inside the car the girl discovered that four medications belonging to another inmate had been placed in the bag. She began consuming the tablets, ignoring her mother's attempt to stop her. The mother ran into the Campbelltown office to seek assistance. Staff did provide assistance and sought to restrain the girl physically from consuming the medication. In the ensuing struggle, the girl became violent and

assaulted a staff member. Police were called and the girl assaulted an officer whilst being arrested and was removed in a paddy wagon.

Campbelltown Juvenile Justice staff then contacted Juniperina to find out what medication had been consumed by the girl. They were advised the drugs were powerful anti-psychotic medication, including Seroquel, Lithicarb, Akinetian and Lamitrin. The medication was not mislabelled, as suggested by the Department of Juvenile Justice on Monday. Campbelltown Juvenile Justice staff immediately contacted police, who then transferred the detainee to Campbelltown Hospital, where I understand she was admitted and treated for a possibly lethal drug overdose. We learned from the Minister yesterday that as a result of the incident the girl was convicted of assault and received an 18-month sentence with non-parole period of six months. On appeal the head sentence was reduced to 12 months.

This incident raises disturbing questions about the Juniperina Detention Centre's management of discharge from custody. I am also concerned by the department's typical evasions of any responsibility for what occurred. On Monday we were told any errors were wholly the responsibility of Justice Health. Yesterday the Minister blamed the detainee, who, of course, is accountable for her own actions. However, she cannot be held responsible for the medication being in her bag, which triggered the episode.

All I know about this detainee is what the Minister told Parliament yesterday; that is, that she has "all the excuses in the world to avoid responsibility for her violent attack on the member of staff". I interpret this to mean that the detainee has suffered severe abuse as a child. The detainee has paid a penalty for her behaviour. The Minister assumes that what he calls "excuses" were raised by her defence lawyer and properly considered by the court. I hope that is correct. However, I am unwilling to make any such assumptions.

The questions I raised on Monday related to how another detainee's medication could have been given to this girl by the department, and why the department was arguing that it bore no responsibility at all for the mistake. The Minister's response has been to characterise this female detainee as unworthy to have the matter raised in Parliament. He has canvassed her personal and criminal history in the House in order to avoid the legitimate questions I have raised about the system. I understand from what the Minister told us yesterday that the girl is still in custody in Juniperina.

I know that my role in asking questions was grossly misrepresented by the Minister yesterday—and today I have the opportunity to say so. But the female detainee is in custody and has no such opportunity. I am in no position to comment beyond pointing this out. I know nothing of this girl beyond what the Minister has told Parliament. All I know are the facts of an incident that has embarrassed the department. My questions related to the incident, rather than to the personal issues concerning the detainee.

I do not believe that Minister Kelly is a heartless or stupid man. Indeed, to the contrary. But the statement he made to Parliament yesterday was inappropriate. He used his privileged access to the personal history of the detainee in custody to shield the department from embarrassment. I believe the Minister has been very poorly advised on this issue. The ultimate irony is that the Minister and his department—whose core role is to make young people face the consequences of their actions—are unwilling to apply this philosophy to themselves.

## DEATH OF DON CHIPP

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS** [5.21 p.m.]: I would like to mark in this House the passing of the founder of the Australian Democrats, Don Chipp. Don had a huge influence on Australian politics. He transformed the political landscape by showing that a third force could influence the decisions made by Parliament and shape the Australian way of life for the better. Don Chipp was born in 1925 and stood for all that was good in Australian society. He was a fighter for the underdog and a staunch believer in liberal democratic principles and the right to a fair go for all.

Don Chipp formulated his political ideas during the 1930s Depression. He studied commerce at the University of Melbourne and began his political career as a local councillor. He was a professional athlete: he played cricket, he played for the Fitzroy Lions VFL team, and he ran in the Stawell Gift, being narrowly defeated in his heat by the eventual winner. He was secretary of the organising committee for the 1956 Olympic Games.

Don Chipp moved to Federal Parliament in 1960, when he became the Liberal member for the seat of Higginbotham. He served under Prime Ministers Menzies, Holt, Gorton, McMahon and Fraser. He was appointed Minister for the Navy in 1966 and then served as Minister for Customs and Excise from 1969 to 1972, when he relaxed silly censorship laws. He resigned from the Liberal Party in June 1977, after considerable disagreement with Prime Minister Fraser, who put him on the back bench.

Although labelled a rebel for his actions in 1977 in resigning from the Liberal Party he had served for 16 years, he did not see himself as such. He was a small "I" Liberal in the true sense. He firmly believed in his right to dissent from the policy straitjackets imposed by big political parties. His politics were socially progressive, and his early speeches reveal a commitment to overseas aid, social reforms in the welfare sector and a foreign policy that was anti-war. In our own region, he believed we should have protected the interests of Timor rather than those of Indonesia.

He and others in the community who were frustrated by the political process formed the Australian Democrats as the third force in Australian politics because, in his words, he became "disenchanted with party politics ... [as] the parties seem to polarise on almost every issue ... and I wonder whether the ordinary voter is not sick and tired of the vested interests which unduly influence the present political patterns and yearn for the emergence of a third political force, representing the middle of the road policies which would owe allegiance to no outside pressure group".

Don Chipp energetically led the Australian Democrats to their first national election in December 1977, when the Democrats won two Senate seats. He led the party until his retirement in 1986. In the early 1980s Don was a leader in the battle to save the Franklin River. He established the Senate committee that found the dam was unnecessary, and he introduced a bill to ban it. The battle was won. In 1992 Don was awarded the Order of Australia. In 2003, in his honour, the Don Chipp Foundation was established. The foundation is an independent research body that fosters and sponsors research on issues related to the promotion of social and economic justice within the Australian community. Sid Spindler, a well-known Victorian Senator who is now retired, wrote:

Don Chipp's unique place in Australian history is secure—he led a parliamentary party formed to advance the common good rather than the economic interests, religious beliefs or desire for personal aggrandisement of its members and backers.

Personally compassionate and sensitive in his dealings with all around him, Don extended his belief that everyone was entitled to a "fair go" to all people and remained ever ready to go to bat for them. I can't think of another leader choosing to go to an election with the slogan "You can change the world!" as he did in 1984.

Importantly, Don Chipp's belief in the unique identity and personal autonomy of every human being also found expression in the Democrats' constitution giving every member the right to have a direct say on policies and the right to elect leaders and office bearers, a practical expression of democratic principles rarely seen in the political arena.

Don was at his most passionate in his uncompromising opposition to nuclear arms and his fervent advocacy for the environment, both at the centre of his concern for the future of our children and grandchildren.

He should be remembered less for the "keeping them honest" slogan, a quixotic endeavour at best, than for the substance of these and other policies he so insistently and courageously took into the public arena.

Many of his priorities were ahead of that time in the eighties when he secured a bridgehead for the Australian Democrats, advocating unpopular causes like a capital gains tax, a place for women in Australian politics, drug law reform, justice for Indigenous Australians, sitting down with their leaders for three days in Alice Springs, long before the term "reconciliation" was coined.

I was one of several Australia Party members who had urged him to have a go at "changing the world" and having a go he did. Later, when I worked with him on a daily basis I came to respect him for his honesty, his sincerity, his passionate belief that the impossible could be achieved. He came close to it.

Sid Spindler was Don Chipp's senior adviser from 1981 to 1986 and Victorian Democrat Senator from 1990 to 1996. Don is survived by his wife of 27 years, Idun Welz, and his children, Juliet, Laura, Greg, John, Melissa and Debbie. Don Chipp's vision changed the Australian parliamentary system forever. He helped breathe new life into the Senate through his work with the Australian Democrats. Most importantly, he fought, as he quipped, to "keep the bastards honest" and to build a society based on the principles of honesty, tolerance and compassion. Don Chipp was a great man, a visionary. He advised me and helped me personally, and I am proud to be a Democrat and to carry on his legacy.

## PUBLIC SECTOR STAFF NUMBERS

**The Hon. PETER PRIMROSE** [5.26 p.m.]: The Leader of the Opposition is on record as saying that he will slash the New South Wales public service by 29,000 over two years in the unfortunate event he is elected Premier next year. I will quote a few of the things he has said. On Radio ABC Riverina on 16 March he said:

The 29,000 came about because of our calculation of the number of bureaucrats.

On 22 February the *Sydney Morning Herald* quoted the Leader of the Opposition as saying:

Our broad strategy is to cut the 300,000-strong public service by 10 per cent.

On 23 February the *Sydney Morning Herald* stated:

Mr Debnam repeated his claim that he would cut 29,000 jobs.

New South Wales already has a relatively low number of public servants compared with other States, and the back-office numbers are falling. Now the Leader of the Opposition claims he can reduce public sector staff by 29,000 with the flick of a pen. But then he adds the fine print: that it will only involve back-office staff; front-line workers will be excluded. The Leader of the Opposition also says the cuts will not apply in rural and regional New South Wales; they will apply only to Sydney-based agencies. Therefore he is obviously going to target services in areas such as Menai and Camden. Again, that drains even further the pool from which the Liberals can draw those 29,000 scalps.

The Premier's Department undertakes an objective yearly survey of the New South Wales public sector work force, which details every agency and every position in the State. The latest survey shows there are 252,000 full-time equivalent public servants in New South Wales. Of those, about 49,000 are considered back-office positions, the remainder being front-line workers such as police, nurses and teachers. Of those back-office positions 33,000 are located in Sydney. So the Leader of the Opposition wants to cut 29,000 Sydney-based back-office positions from the New South Wales public sector, but there are just 33,000 Sydney-based back-office positions from which to do it.

A cut of 29,000 would leave just 4,000 people to perform the work previously performed by 33,000 public servants. In other words, almost every agency in Sydney would be left without clerical staff to process payrolls, fix computers, file records, and perform the multitude of other tasks that take the pressure off front-line staff. But things get even more bizarre. The Leader of the Opposition did not promise to sack them all at once; he promised to meet his target through attrition. The problem is that back-office staff have an attrition rate of around 11 per cent per year. At that rate it would take eight years to reach his target of 29,000 and, as I said, that would leave just 4,000 people to perform the work previously performed by 33,000 people. Even in the weird world of WorkChoices that would be a completely unsustainable burden to place on public servants.

If the main source of savings to fund his election commitments will not come on line for eight years—that is, two terms of government—how does the Leader of the Opposition propose to fund his \$20 billion catalogue of promises? The answer is obvious: he will have to target the whole public sector in order to cut 29,000 staff within two years. That is the only way it can be done in that two-year time frame. On that analysis, that would mean terminating 3,500 nurses, 1,500 police officers and 6,000 teachers. There would be widespread devastation in the public sector. Either the Leader of the Opposition sticks to his original proposition of cutting 29,000 back-office Sydney-based staff—in which case it will take more than eight years and leave 4,000 people to do the work of 33,000—or, the more likely outcome is that he will cut 29,000 positions across the board. That would slash front-line services and jobs from local communities. Either way, it is a recipe for fewer nurses, teachers and police.

## FLOODPLAIN CATEGORISATION

**Ms SYLVIA HALE** [5.30 p.m.]: Small landholders in both the north-west and south-west growth centres are justifiably concerned about flood zones being manipulated to suit large land owners and powerful developers whose land has been zoned for development while that of small landholders has been categorised as flood prone. The State Government's Floodplain Development Manual of April 2005 now defines "flood liable land" as all land that is subject to flooding up to and including the Probable Maximum Flood. A Probable Maximum Flood is likely to occur once in every 100,000 years. Land previously considered not flood prone is now deemed to be flood prone because of the risk of it being flooded once in every 100,000 years.

*[Time for debate expired.]*

**Motion agreed to.**

**The House adjourned at 5.31 p.m. until Thursday 31 August 2006 at 11.00 a.m.**

---