LEGISLATIVE COUNCIL

Tuesday 24 May 2005

———

The President (The Hon. Dr Meredith Burgmann) took the chair at 2.00 p.m.

The Clerk of the Parliaments offered the Prayers.

The PRESIDENT: Order! I acknowledge we are meeting on Eora land.

ADMINISTRATION OF THE GOVERNMENT

The PRESIDENT: I report the receipt of the following message from Her Excellency the Governor:

OFFICE OF THE GOVERNOR
SYDNEY 2000

19 May 2005

Marie Bashir
GOVERNOR

Professor Marie Bashir, Governor of New South Wales has the honour to inform the Legislative Council that she re-assumed the administration of the Government of the State on 19 May 2005.

ASSENT TO BILLS

Assent to the following bills reported:

Crimes (Sentencing Procedure) Amendment (Existing Life Sentences) Bill
Crimes Amendment (Grievous Bodily Harm) Bill
Criminal Procedure Amendment (Evidence) Bill
Civil Liability Amendment (Food Donations) Bill
Electricity Supply Amendment Bill
Energy Administration Amendment (Water and Energy Savings) Bill
Environmental Planning and Assessment Amendment (Development Contributions) Bill
Photo Card Bill
Prisoners (Interstate Transfer) Amendment Bill

DEATH OF THE HONOURABLE JOE SLATER THOMSON, AM, A FORMER MEMBER OF THE LEGISLATIVE COUNCIL

The PRESIDENT: I report the death on 14 May 2005 of the Hon. Joe Slater Thomson, AM, aged 83 years, a former member of this House. On behalf of the House I have extended to his family the deep sympathy of the Legislative Council in the loss sustained.

Members and officers of the House stood in their places.

TABLING OF PAPERS

The Hon. Ian Macdonald tabled the following paper:

Report entitled "Implementation of the NSW Government's response to the Final Report of the Special Commission of Inquiry into the Waterfall Accident—Reporting period January-March 2005", dated May 2005.

BUDGET ESTIMATES AND RELATED PAPERS

Financial Year 2005-06

Copies of Budget Speech—Budget Paper No. 1, Budget Statement—Budget Paper No. 2, Budget Estimates Volumes 1 and 2—Budget Paper No. 3, and Infrastructure Statement—Budget Paper No. 4 tabled.

Ordered to be printed.

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Minister for Ageing, Minister for Disability Services, Assistant Treasurer, and Vice-President of the Executive Council) [2.09 p.m.]: I move:

That the House take note of the Budget Estimates and related papers for the financial year 2005-2006.

I seek leave to have the Budget Speech of the Treasurer, the Hon. Dr A. J. Refshauge, incorporated in *Hansard*.

Leave granted.

It is an honour for me to present my first budget as Treasurer—the eleventh of the Carr Labor Government.

Among its many objectives:

- securing the New South Wales economy;
- advancing Labor's goal of lasting social justice for the people of New South Wales.

There is one that stands out.

This is a budget that builds for the future by investing in our infrastructure.

This budget is a charter for economic growth and security.

- for development;
- for social equality;
- for the long-term needs of our State.

It puts in place the building blocks that will help us deal with the pressures of an ageing and growing population.

The New South Wales economy remains fundamentally strong.

And for that I pay tribute to my predecessor, Michael Egan, the longest-serving Treasurer in the State's history. And to my colleague the Premier, who tomorrow will surpass the record held by Neville Wran as our longest-serving Premier.

Thanks to their stewardship, it has been my good fortune to assume the Treasurership with the State's economy in solid shape.

- with employment growing;
- with business investment already strong and set to rise even further;
- with our triple-A credit rating secure.

And with general government sector debt—that $12 billion legacy left to us by the previous Liberal/National Party Government—all but eliminated.
Whatever difficulties we may face in the future, let no-one forget that astonishing record of economic recovery under Labor.

- ten years of sound economic management.

Reducing general government sector debt, and reversing the Liberal record of chronic budget deficits, has helped reduce the huge interest burden for New South Wales taxpayers by almost a billion dollars a year and allowed us to pay for government services and infrastructure.

Thanks to our reforms, businesses have already seen:

- cuts in payroll tax;
- the abolition of a range of other taxes;

Real reductions of up to:

- 20 per cent in electricity charges;
- 19 per cent in port charges; and
- 44 per cent in rail freight charges.

All of which have helped create new jobs and bring increased prosperity to the people of this State.

This is a budget that reflects the Government's priorities. As a Labor Treasurer in a Labor Government, I have no doubt where our priorities lie:

- securing a person's access to work;
- to the best possible education;
- to the highest standards of health care;
- to the safest streets;
- to reliable public transport; and
- a sustainable environment.

No government in the history of this State has devoted more of its energy and resources to strengthening the basic services and essential infrastructure on which our people rely.
Capital expenditure by the entire New South Wales public sector in 2005-06 will be at it its highest level ever in real terms.

- 52 per cent higher than the average of the 1990s;
- 68 per cent higher than the average of the 1980s.

Today I announce that investment in public infrastructure across New South Wales over the next four years will total **$34.7 billion.**

- A significant increase on the $26.6 billion spent in the four years up to 2004-05.

This increase will be funded by an increase in predicted general government sector debt of $1 billion and an increase in the predicted public trading enterprise debt of $2.5 billion.

For all its ambitious spending and investment plans, I believe this is a prudent budget.

- an economically responsible budget;
- with an eye to the challenges and difficulties, the risks and uncertainties confronting the economy at both State and national levels.

Over the next four years, we will be spending $34.7 billion on infrastructure, that is:

- $24 million dollars every day;
- ***A million dollars every hour.***

It will fund new projects and works already under way.

This investment alone will support around 113,000 jobs across the State.

One million dollars every hour, of every day, of every week, of every month for the next four years.

- creating and sustaining jobs;
- improving the social fabric and economic strength of the State.

In the coming year alone we will spend more than $8.2 billion on infrastructure—15.2 percent higher than in 2004-05:

- $3.8 billion in the general government sector; and
- $4.4 billion in government businesses and utilities.

Rail

The Carr Government recognises the importance of a safe, reliable public transport system.
For this reason, we will be investing $1 billion this year on new and existing projects to improve the safety, reliability and comfort of our trains.

New projects include:

- $268 million being spent over the next three years to buy 81 new outer suburban rail carriages;
- $1.5 billion to replace 498 older rail cars with air conditioned carriages;
- $15.5 million on resignalling between Oatley and Cronulla; and
- $8 million on vigilance control systems.

In addition to these new projects, work is continuing on our existing projects, including:

- $97.5 million to be spent as part of our $1 billion rail Clearways Program;
- $434 million being spent continuing work on our $2 billion Epping to Chatswood rail link;
- $59 million on the first tranche of our Outer Suburban Cars;
- $21 million on Hunter Fleet Rail Cars;
- More than $20 million on easy access upgrades at railway stations across the network; and
- $9 million upgrading our XPT trains.

Buses

In addition to our investment in rail, this year we will spend more than $83 million upgrading our bus fleet and depots.

State Transit will invest more than $137 million between 2005-09 replacing 268 standard buses.

A further $40 million will be spent this year to fulfil our commitment to buy 80 high capacity buses by 2006.

More than $7 million will be spent fitting existing buses with closed-circuit television cameras to ensure passenger safety.

An additional $90 million will be provided over the next three years as part of our expanded bus priority program.

A further $65 million will be available to be spent developing a Tcard that will eliminate the need for separate tickets for train, ferry and bus travel across the network.

Roads

The Government will continue to develop and maintain our roads infrastructure so that it will:

- meet economic and social needs;
- promote and improve road safety; and
- minimise the impact on the built environment.

Capital and maintenance investment in roads this year will total $2.4 billion.

Of the total $2.4 billion budget, more than $1.5 billion—or 62 percent—will be spent outside Sydney.

Major investments include:

- $130 million to continue work on the north-west transitway network;
- $176 million to continue work on the upgrade of Old Windsor Road;
- $18 million to continue work on the north Kiama bypass;
- $38 million for widening the Great Western Highway to four lanes between Katoomba and Woodford;
- continuation of our 10 year, $2.2 billion upgrade of the Pacific Highway.

Not only are we investing for today.

We are planning for tomorrow.

With the population pressures continuing to confront the residents of this State, we need to prepare for the future.

We need to make certain that we don't repeat the mistakes of the past Liberal/National Party Government when they released land in the north-west, without any adequate infrastructure in place.

That is why the Government is developing its Metropolitan Strategy.

It will help guide our future land release areas to ensure that the necessary infrastructure is in place as the new houses come on line.

I am pleased to announce that this budget provides $33.9 million for our newly established Growth Centres Commission.

Utilities

With our growing population, it is essential that we maintain our investment in our energy and water utilities.

Over the next four years, our public trading enterprises, including our energy and water utilities, will invest almost $19 billion in infrastructure.

This investment will be partly funded by an increase in net debt, $2.5 billion more than previously planned for the PTE sector over the next four years.

Electricity

Investment in our energy industries this year will total $1.8 billion.

Energy Australia will invest $504 million this year in network infrastructure, including:

- $33 million on substation equipment replacement;
- $10 million to replace switch gear and cabling equipment at Chatswood and Crows Nest;
- $11 million to construct a new zone substation, catering for high-load growth in the Green Square and Alexandria areas; and
- $18 million to replace infrastructure and increase capacity and reliability to meet increasing demand in Sydney's CBD.

Integral Energy will spend $361 million this year on projects that include:

- $82.9 million for capital refurbishments;
- $10.4 million for the high-voltage distribution network program;
- $9 million for underground residential development;
- $35.9 million on the establishment of the Bella Vista zone substation; and
- $18 million for the Hoxton Park airport zone substation.

Country Energy will spend some $446 million this year in capital works on a range of projects, including:

- the upgrade and expansion of the Ballina zone substation;
- a new substation at Lismore;
- an upgrade of the Griffith zone substation;
- upgrade supply to Wagga Wagga's CBD and commercial areas; and
- upgrade to Cudgen zone substation.

TransGrid will spend $192 million in the coming year to further expand and upgrade the high-voltage electricity network.

Work will include:

- $18 million for the Coffs Harbour substation; and
- $52 million for the upgrade of transmission lines, transformers and substations across the whole of New South Wales.
- A white paper on energy will indicate further direction of infrastructure expenditure**.**

Water

This year, capital spending by water businesses, excluding environment protection, is expected to be $406 million.

A $170 million increase on last year.

This increase is mostly driven by the Government's Metropolitan Water Plan, which was released last year.

The Sydney Catchment Authority will spend $199 million in 2005-06, primarily for the construction and renewal of assets used to collect, store and deliver bulk water.

Over half the program is devoted to projects included in the Metropolitan Water Plan and includes:

- $89 million to access deep water storages at Warragamba and Nepean dams; and
- $42 million on a new pumping station at Prospect Reservoir.

Sydney Water will also spend $361 million on environment protection related programs, including:

- $27.4 million for works to service new urban developments; and
- $47.6 million for the Government's Priority Sewerage Program.

Sydney Water will also invest $127.9 million on various projects designed to maintain, and upgrade its network.

State Water will invest $33 million on maintaining and upgrading its infrastructure, including major dams and weirs.

Hunter Water expects to spend $52 million on environmental protection programs, along with $10.5 million to upgrade its water treatment and distribution system.

Overall, $2.6 billion will be spent on water and energy infrastructure this year.

Health

There can be little doubt that health care costs are the biggest long-term issue confronting governments throughout Australia.

Increasing demands for services and an ageing population pose a continuing challenge for the budget.

Each year more and more patients are presenting at hospital emergency departments and being admitted to hospital wards.

At the same time, the costs of new drugs and health technologies, leading to new procedures and better outcomes for patients, are rising steadily.

New South Wales is meeting that challenge head-on with a record investment in health services in the year ahead.

- a total recurrent budget of just under $11 billion, and new capital investment of $2.5 billion over the next four years—$649 million in 2005-06.

That is an increase of 9 per cent in recurrent funding—or $901 million—more than last year's budget allocation.

Spending on health is double what it was when we came to office.

In all, we will be spending around $1.5 billion this year to meet the costs of elective and emergency surgery for patients in our public hospitals.

The highest figure on record.

The budget provides:

- funding for 322 new permanent hospital beds in addition to the 984 new beds announced last year;
- $25 million to provide an extra 57 intensive care beds for adults, children and neonatal care;
- $30 million over two years to further reduce waiting times for elective surgery; and
- an additional $300 million will be provided over four years to improve and enhance mental health capacity in our hospitals and community facilities.

This will mean, among other things, a total of 51 new beds for psychiatric patients at Campbelltown, Hornsby and Dubbo hospitals.

We will open another seven emergency psychiatric care units in selected hospitals across the State following the success of the units in Liverpool and Nepean hospitals.

Major works commencing in 2005-06 will account for $307.8 million of our four year $2.5 billion hospital infrastructure investment.

Projects starting this year will include:

- $236 million over five years to upgrade and redevelop Bathurst, Orange and Bloomfield hospitals;
- $44 million over the next three years upgrading Queanbeyan hospital; and
- upgrades costing $27.3 million over two years to improve facilities and equipment at metropolitan hospitals—including the Mona Vale Hospital emergency department and Manly Hospital's intensive care unit and Ryde Hospital.

The Carr Government takes a special pride in its contribution to the fight against cancer.

This budget provides an extra $30 million for the Cancer Institute of New South Wales, taking its total funding to $65 million for research, screening and preventative programs.

I am delighted also to announce an additional $10 million for the NSW Ambulance Service to recruit more than 100 new officers and lease 22 new ambulances in New South Wales.

Education

The recurrent and capital budget for education will this year exceed $10 billion for the first time—$440 million more than last year.

The budget confirms the Carr Government's commitment to public education and its determination to meet the challenges of the future.

We are ramping up our $476 million class-size reduction plan which has proved to be a striking success.

In keeping our promise to the people of New South Wales, next year, year 1 classes in New South Wales public schools will be reduced to a statewide average of 22 students.

While OECD reports show that literacy levels for 15-year-old students in New South Wales are up there with the best in the world.

- The same cannot be said for our Aboriginal students.

Despite the best intentions and goodwill, academic results for Aboriginal students are substantially below that of the mainstream student population.

That is why today I am pleased to announce $53 million will be spent over the next four years to trial new initiatives to improve Aboriginal education.

These initiatives were developed as part of a comprehensive Aboriginal education review.

From next year, a number of community schools will be trialled throughout the State where there is a significant Aboriginal student population.

All teaching appointments to these schools will be merit based, with the parent community represented on all interview panels.

Incentive packages will be made available to attract the best staff, with individual learning plans being developed for all students in participating schools.

These schools will become the centre of community activity, with their facilities being used all year round, including holidays, and provision for preschool care as well.

These measures represent a substantially different way of delivering education in our public sector.

- because to continue to do more of the same
- would only lead to the same results,
- and that is not good enough.

New South Wales already leads Australia with its investment in information and communications technologies in our schools.

We are providing a record investment of $942 million over four years in these technologies to:

- purchase 100,000 computers;
- provide 129 IT support staff; and
- improve internet bandwidth.

The budget will also provide:

- additional funding of $130 million over four years to improve support for students in special schools and special classes in regular schools, that includes employing more than 660 new teachers' aides;
- $538 million over four years for our State literacy and numeracy plan;
- $250 million over the next four years to increase the quality of teaching in government schools, enhance teacher professional development and ensure an adequate supply of teachers in key learning areas; and
- $73.6 million will be spent over the next four years on 20 new suspension centres, eight new behaviour schools and seven new tutorial centres where appropriately trained teaching and support staff will be available.

We will continue our considerable investment in upgrading our schools.

As part of our four-year schools improvement program that now will be costing $1.4 billion, more than $390 million will be spent in 2005-06 on the construction and enhancement of school facilities.

New schools will be built at Seconds Ponds Creek and St Marys.
Major upgrades will commence at:

- Ulladulla;
- Dubbo;
- Bulahdelah;
- Concord West;
- Raymond Terrace;
- Strathfield Girls High; and
- A school hall at Gunnedah South.

Skilled Work Force

In our TAFE colleges, we are planning for another 13,000 new places this year, taking the total in training to more than 520,000.

We are allocating more than $80 million to TAFE's capital works program for major refurbishment of facilities at 10 TAFE institutes.

New South Wales already offers the most extensive Vocational and Educational Training in Schools program in Australia—with 54 nationally accredited courses.

We have improved incentives for industry to take on apprentices through the introduction of special payroll tax exemptions.

This budget will provide funds for TradeStart—a 12-month pilot scheme in which 450 apprentices will be able to do their first year of TAFE training in 16 weeks before starting work.

We will provide a $100 rebate on the cost of car registration for first and second year apprentices as an added incentive for young people considering an apprenticeship as part of their career.

We will also provide additional travel support for the 5,000 apprentices from rural and regional New South Wales by doubling their overnight accommodation allowance.

And we will be investing an additional $1 million in group training to deliver an additional 800 apprentices for small business, rural, regional and disadvantaged communities.

Welfare Programs

I am proud to announce that this year's budget allocation for community services—to help children, young people and families in need—exceeds $1 billion for the first time, an increase of 12.2 per cent.

The budget provides an extra $186 million over four years to help fund more child protection caseworkers.

The budget also increases funding for aged care services and for people with disabilities by 11.8 per cent—bringing the total allocation to more than $1.5 billion.

The budget includes:

- $110 million over four years to increase support places for high-needs clients;
- $8.4 million over four years to support trials of alternative supported accommodation models; and
- $8.8 million over four years to provide more respite care.

An estimated $468.7 million will be spent on older people and their carers through the Home and Community Care Program, a joint Commonwealth-State initiative.

Housing

The budget will invest an extra $190 million in public housing over the next four years.

This year we are spending $657 million to provide assistance to some 500,000 people in New South Wales through a range of housing programs.

Rural and Regional

The Government has committed $360 million in 2005-06 to support our farmers and primary producers across the State.

The funds will deliver an important boost to agriculture, fisheries, forestry and mineral resources.

In the face of the worst drought in a century, this budget continues our support for drought-stricken farmers.

Since the drought, the Carr Labor Government has committed more than $160 million in drought-support measures.

And that support will continue as long as the drought itself continues.

This budget includes an initial allocation of $16.2 million to support on-going drought-assistance measures—but extra funding will be provided if the drought continues.

Public Order and Safety

The Government has exceeded its commitment to raise authorised police strength to 14,454.

The budget for the police has been increased by $111 million—or 5.8 per cent—to $2 billion.

New spending will include:

- $72 million over three years to build six new police stations at Campsie, Dubbo, Fairfield, Lismore, Orange and Wagga Wagga;
- $2.8 million for a new helicopter; and
- $1.3 million for additional counter-terrorism surveillance equipment.

Unfortunately, to cater for the expected growth in prisoner numbers, $257 million will be provided between 2005-10 to build a new correctional centre for up to 500 inmates and for the expansion of regional prisons at Cessnock and Lithgow.

Fire and Emergency Services

As part of the budget allocation for our fire and emergency services, we are providing $46 million this year for:

- more than 200 new bushfire tankers;
- 40 fire engines; and
- 39 SES response vehicles.

The Fire Brigades' budget is a record $489.5 million, which will include funding for:

- 52 extra firefighters; and
- 53 new fire engines and other vehicles and equipment.

Caring for the Environment and our Natural Resources

The Department of Infrastructure, Planning and Natural Resources will spend $319 million on natural resource management programs in the coming year, as well as $92 million on environmental planning programs.

The department will also support 13 catchment management authorities so that natural resource investment decisions totalling $436 million can be made locally.

The Government will continue our $52 million salinity strategy as part of the almost $400 million national action plan on salinity and water quality.

In addition, the Department of Environment and Conservation will spend $507 million on protecting and conserving the New South Wales environment.

$115 million in funding is being provided for the Living Murray Program over five years to return 500 gigalitres per year to the river.

$13.2 million will be spent by the Department of Lands to improve land information, including state-of-the-art mapping and aerial photography, to help firefighters, farmers and businesses.

Fiscal Outlook

The 2005-06 budget has been prepared in the face of a difficult fiscal environment.

- probably the toughest this Government has had to face.

And it is important that I put these difficulties in context.

To begin with, we face continuing hardship among our farmers, with almost 90 per cent of the State still in drought.

We are faced with higher public sector wage claims.

Our policy of 3 per cent increases annually, I believe, will provide fair wages growth for all public servants.

Then there is the cooling of the residential property market throughout Australia that has put pressure on revenues.

Finally, of all the difficulties confronting us in framing this budget, the worst is the shabby funding deal we receive from the Commonwealth. New South Wales has become the target of an unprecedented campaign of discrimination by the Howard Government. Much has been said and written about the GST deal for New South Wales. But nothing can alter the fact that New South Wales, while it contributed $13 billion to total GST revenues, received only $10 billion back from the Commonwealth.

Nothing can alter the fact that New South Wales taxpayers and families have been short-changed by $3 billion.

To make matters worse, the Howard Government has unilaterally terminated the existing National Competition Policy payments to the States.

- with New South Wales set to lose $270 million a year from 2006-07.

Before I turn to the budget result and the State's financial position, I wish to inform the House that today I am introducing a Fiscal Responsibility Bill, that updates the State's fiscal strategy.

New South Wales has been well served over the past decade by a fiscal strategy that has seen general government debt slashed at the same time as spending on government services has soared.

However, times have changed, and we need to ensure that our fiscal strategy keeps pace with the fiscal challenges that lie ahead of us.

The bill extends the range of fiscal targets and principles that have governed the conduct of fiscal policy over the past decade.

The new targets and principles will not only protect the gains that have been won over the last 10 years, but will build upon them.

Fiscal targets have been set for 2010 and 2015 that will further reduce the level of net financial liabilities in the general government sector.

We will aim to keep general government net debt as a share of gross State product at the level as at June 2005.

As gross State product increases so will the capacity of general government net debt increase.

Expenditure growth will be managed so that it matches the sustainable growth in revenue.

The Government's fiscal strategy puts in place a framework within which expenditure decisions can be taken that are sustainable, not only today, but for future generations.

Revenues

I turn now to our overall financial position, our revenue estimates and the forecast budget result.
The Government's revenues are expected to total $40.9 billion in 2005-06.

This is an increase of $2.2 billion, or 6.8 per cent, over last year's budget estimate.

These increases compare with an expected 7 per cent nominal growth in gross State product in 2005-06.

We are expecting the economy to strengthen following a recent period of somewhat slower growth.

Economic activity should continue its shift away from household expenditure towards business investment, as is suggested by the Reserve Bank and the Federal Government.

With all these factors in mind, it has been necessary to make some adjustments to our taxation measures.

From 1 January 2006, the Government will reintroduce a land tax threshold.

The threshold will be set at $330,000 with a marginal rate of 1.7 per cent on the unimproved value of land in excess of $330,000.

The land tax threshold will be indexed annually.

The Government has responded to community concerns that the changes announced in last year's budget were impacting on small land-holders.

This measure means that about 350,000 people will no longer be required to pay land tax next year.

- while a further 50,000 will pay less.

This measure is expected to be revenue neutral over the four-year period.

New South Wales now has the highest threshold exemption of any State in land tax and will continue to have the lowest top marginal rate for land tax in this country.

We will continue to help first home buyers with the most generous stamp duty concessions of any government in Australia.

Our measures have helped more than 41,000 first home buyers into the market in the last 14 months.

Vendor duty will remain in place to help fund our first home buyers plan.

The rate of stamp duty on general insurance will increase to 9 per cent from 1 September this year—a measure that is expected to raise an additional $120 million in 2005-06, rising to $185 million by 2008-09.

This brings New South Wales in line with most other States and Territories and back to where we were before the HIH collapse temporarily increased premiums.

It means a policy holder paying an $800 premium will now pay an additional 59¢ a week.

The exemption from mortgage duty for refinancing will be capped for loans above $1 million from 1 August this year.

This is expected to raise an additional $20 million in 2005-06, and $25 million a year thereafter.

Honourable members should also remember that this Government's tax measures have reduced the burden of State taxes, and even with these latest adjustments, it is still below the level of 1999.

This budget is the first to be presented according to new International Accounting Standards being introduced in Australia.

These standards result in some technical adjustments to our operating statement and balance sheet.

- however they mean no underlying qualitative change in our fiscal position.

More particularly, they will not result in any additional cash expenditure by the Government.

The budget result for 2005-06 will be an operating surplus of $303 million.

It will be the eleventh budget operating surplus of the Carr Government.

The operating result over the next four years is expected to contribute more than $2 billion to the State's net worth.

In 1995, the State's net worth amounted to $70 billion.

It now stands at $125 billion—the highest of any government in Australia, Commonwealth or State.

As a result of a budgeted cash deficit in 2005-06, underlying general government net debt will rise moderately by around $490 million during the coming year, but should decline after 2007.

General government net debt—which stood at 7.4 per cent of gross State product in 1995—now stands at 1.1 per cent.

The net financial liabilities of the general government sector—which stood at a massive 20.1 per cent of GSP under the Liberals—have now been reduced to 8.3 per cent of GSP and should further reduce to around 7.6 per cent by 2009 as we provide for superannuation payments.

This means, that New South Wales has one of the strongest balance sheets and overall financial positions of any government in Australia—State or Federal—with the notable exception of Queensland.

And Queensland has a better balance sheet only because of the massive subsidies it has received over many decades from New South Wales.

All budget funding to agencies is now tied to a results and services plan.

These plans—and the discipline entailed in framing them—help ensure that agencies are clear about the outcomes they must achieve.

I am grateful to my ministerial colleagues who are assisting me in a systematic review of the priorities and performance of departments and agencies.

This is helping to ensure better agency collaboration and a more efficient use of resources as we seek to cut back on waste and duplication in our government agencies.

The budget I have presented will safeguard and build on the remarkable achievements of the Labor Government over the past 10 years.

With our investment in infrastructure and front-line services, we will be:

- securing the future of the State's hospitals and health services;
- strengthening our public transport networks and roads;
- building new schools;
- upgrading freight-handling facilities at our ports; and
- improving electricity generation and water supply.

Yet never neglecting our responsibilities to the needy and disadvantaged:

- the disabled;
- the aged;
- the sick; and
- children at risk.

All those who look to Labor for support, for security, for a helping hand.

This is a budget that invests in our infrastructure.

It invests in our people.

It invests in our future.

I commend it to the House.

Debate adjourned on motion by the Hon. Michael Gallacher.

GENERAL PURPOSE STANDING COMMITTEE NO. 4

Report: Budget Estimates 2004-05

The Clerk announced, pursuant to standing orders, the receipt of report No. 12, entitled "Budget Estimates 2004-05", dated May 2005, together with answers to questions on notice, transcripts of evidence, correspondence and tabled documents.

The Clerk announced further that, pursuant to standing orders, it had been authorised that the report be printed.

The Hon. JENNIFER GARDINER [2.09 p.m.]: I move:

That the House take note of report.

Debate adjourned on motion by the Hon. Jennifer Gardiner.

STANDING COMMITTEE ON LAW AND JUSTICE

Report: Review of the Exercise of the Functions of the Motor Accidents Authority and the Motor Accidents Council—Sixth Report

The Clerk announced, pursuant to standing orders, the receipt of report No. 27, entitled "Review of the Exercise of the Functions of the Motor Accidents Authority and Motor Accidents Council—Sixth Report", dated May 2005, together with transcripts of evidence, tabled documents, correspondence and answers to questions taken on notice.

The Clerk announced further that, pursuant to standing orders, it had been authorised that the report be printed.

The Hon. CHRISTINE ROBERTSON [2.12 p.m.]: I move:

That the House take note of the report.

Debate adjourned on motion by the Hon. Christine Robertson.

AUDITOR-GENERAL'S REPORT

The Clerk announced, pursuant to the Public Finance and Audit Act 1983, the receipt of the report entitled "Financial Audits: Volume Two 2005", dated May 2005.

The Clerk announced further that, pursuant to the Act, it had been authorised that the report be printed.

LEGISLATION REVIEW COMMITTEE

Report

The Clerk announced, pursuant to the Legislation Review Act 1987, the receipt of the report entitled "Legislation Review Digest No. 6 of 2005", dated 23 May 2005.

The Clerk announced further that, pursuant to the Act, it had been authorised that the report be printed.

BRIGALOW BELT SOUTH BIOREGION

Production of Documents: Return to Order

The Clerk tabled, pursuant to the resolution of 4 May 2005, documents relating to the Sinclair reports concerning the Brigalow Belt South Bioregion received on 11 May 2005 from the Director General of the Premier's Department, together with an indexed list of documents.

PHOTO CARD

Production of Documents: Return to Order

The Clerk tabled, pursuant to the resolution of 3 May 2005, documents relating to the proposal to introduce a photographic card received on 17 May 2005 from the Director General of the Premier's Department, together with an indexed list of documents.

PATIENT ALLOCATION SYSTEM

Production of Documents: Return to Order

The Clerk tabled, pursuant to the resolution of 4 May 2005, documents relating to ambulance services received on 18 May 2005 from the Director General of the Premier's Department, together with an indexed list of documents.

Claim of Privilege

The Clerk tabled a return identifying those of the documents that are claimed to be privileged and should not be tabled or made public. The Clerk advised that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

CORRECTIVE SERVICES INDUSTRIES MANUFACTURE OF CURTAINS

Production of Documents: Return to Order

The Clerk tabled, pursuant to the resolution of 5 May 2005, documents relating to Corrective Services Industries received on 19 May 2005 from the Director General of the Premier's Department, together with an indexed list of documents.

NOXIOUS WEEDS REVIEW

Production of Documents: Return to Order

The Clerk tabled, pursuant to the resolution of 5 May 2005, documents relating to the Gledhill report received on 19 May 2005 from the Director General of the Premier's Department, together with an indexed list of documents.

DEPARTMENT OF EDUCATION AND TRAINING PUBLICATION "MAKING A DIFFERENCE FOR BOYS"

Production of Documents: Return to Order

The Clerk tabled, pursuant to the resolution of 5 May 2005, documents relating to the publication *Making a Difference for Boys* received on 19 May 2005 from the Director General of the Premier's Department, together with an indexed list of documents.

SCHOOL STUDENT ABSENCES

Production of Documents: Return to Order

The Clerk tabled, pursuant to the resolution of 6 May 2005, documents relating to student absenteeism received on 19 May 2005 from the Director General of the Premier's Department.

PETITIONS

Crown Land Leases

Petition requesting the withdrawal of changes to the rental structure of Crown land leases, particularly enclosed road permits, received from **the Hon. Duncan Gay**.

Freedom of Speech

Petitions opposing any legislation that would inhibit unencumbered discussion and freedom of speech regarding religion and introduce religious vilification in New South Wales, received from **the Hon. David Clarke** and **Reverend the Hon. Fred Nile**.

Unborn Child Protection

Petitions requesting legislation to protect foetuses of 20 weeks gestation and to make resources available for post-abortion follow-up, received from **the Hon. David Clarke** and **Reverend the Hon. Fred Nile**.

Anti-Discrimination (Religious Tolerance) Legislation

Petition opposing the proposed anti-discrimination (religious tolerance) legislation, received from **Reverend the Hon. Fred Nile**.

Cyanide Heap Mining

Petition praying that cyanide heap leaching mining be banned, received from **Ms Lee Rhiannon**.

Lake Cowal Gold Mine Project

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

Western Sydney Public Transport

Petition requesting the restoration of pre-November 2004 train timetables and the implementation of extensive improvements to public transport in western Sydney, received from **Ms Lee Rhiannon**.

BUSINESS OF THE HOUSE

Withdrawal of Business

Private Members' Business item No. 18 outside the Order of Precedence withdrawn by the Hon. John Tingle.

Private Members' Business item No. 160 outside the Order of Precedence withdrawn by Ms Lee Rhiannon.

BUSINESS OF THE HOUSE

Postponement of Business

Government Business Orders of the Day Nos 1 to 5 postponed on motion by the Hon. Tony Kelly.

Private Members' Business item No. 9 inside the Order of Precedence postponed on motion by the Hon. Don Harwin.

FAMILY IMPACT COMMISSION BILL

Second Reading

Debate resumed from 5 May 2005.

Ms LEE RHIANNON [2.26 p.m.]: It will come as no surprise to members of this House that the Greens strongly disagree with the bill. The Family Impact Commission would be an unrepresentative, unaccountable body that does not reflect the society in which we live today. The Greens can see no reason that public policy should unduly favour two-parent nuclear families. In a submission on the bill the Council of Social Service of New South Wales [NCOSS] stated:

> Government policy and legislation affects all members of our society in a range of ways—as individuals, as members of households, as family members, as communities of various kinds.
>
> We cannot accept the proposition that the family alone, especially as it is defined in the Bill, deserves the special consideration that is being argued for.
>
> We need to look at the social, rather than the family impact of legislation.

NCOSS has it exactly right. The traditional nuclear family is only one of the many societal and community bonds—a concept that the Christian Democrats seem unable to accept. However, the Christian Democrats are right in one respect: many nuclear families are healthy and happy, and they make a positive contribution to our society. But so are many one-parent families and other people living in non-standard family arrangements, and why should they be discriminated against? We have not heard Reverend the Hon. Fred Nile give any details about why others should be discriminated against, which clearly would be the outcome if, by any miracle, this bill became law.

By talking about the sanctity and unique sphere of authority of the family the bill appears to endorse and protect families that experience domestic violence or sexual abuse. In fact, many social groups have expressed concern that the bill could make it more difficult for those who offer protection to women and children at risk of family violence. The bill simply maintains the illusion that nuclear families and the Judeo-Christian ethic will solve our problems. Eulogising the family is not, and never has been, the solution to society's ills. Good parenting and stable households are only one component of a complex pattern of environmental influences that determine what kinds of citizens we are. We know that Reverend the Hon. Fred Nile has had this bill kicking around for years. The politics of the bill are all in its name: the Family Impact Bill. When we hear the word "family" uttered by Reverend the Hon. Fred Nile we know clearly what his agenda is.

Sadly, the word "family" has been misappropriated. I believe that the word needs to be defined in a much wider context. When Family First came onto the scene, it must have been galling for Reverend Fred Nile to see all his years of work being gazumped by the new kid on the block—I imagine there is a worry that will continue to be so. In spite of that, Reverend Fred Nile continues to be supportive of Family First—clearly, there is a common purpose.

I hope Reverend Fred Nile will detail in his reply how closely he supports the Family First version of "family". We know that when the religious right uses the word "family" it takes on a whole different meaning from the meaning that most of us understand. I do not think my family would qualify—as a single mum with three children, where does that leave me? I do not think my neighbours, a lesbian couple with a son, would qualify. I do not think that my elderly friend, who is now cared for by her son and his boyfriend, would qualify. I submit to the House that they are all families and are all supportive units that are doing their best to enjoy life and to give each other support and love as time passes. They should indeed be defined as family.

The Family First candidates made disgraceful comments during the Federal election campaign. On 15 October 2004 the *Age* reported that a Family First volunteer had said "Yes" when asked if Family First backed lesbians being burned to death. Ingrid Tall—a lesbian and the Liberal candidate for the Brisbane electorate—and the Liberal candidate in Leichhardt publicly supported gay marriage. They were the only Liberals running in the election who did not gain preferences from Family First. I think that that preferences decision is illuminating because the tactics reveal how Family First supporters define families. Their tactics remind us that any talk of family impact, as defined in the bill before the House, will be a setback for all. I submit to the House that that will apply particularly to children. I agree that children need to be raised in loving families, and that love needs to be inclusive and respectful. In that context, a family may be constituted by one adult who is not even a biological relation of the child. Just because people do not have their mum and dad does not mean that they cannot be raised in a loving and respectful way.

The Christian Democratic Party and Family First have a view of family that excludes many people, and their views are deeply flawed as well as very damaging. I contend that this Parliament should be promoting a diverse and tolerant society, yet that is what this bill and the ideas outlined by Reverend Fred Nile precisely will not achieve. The advisory committee that effectively will run the Family Impact Commission is constituted by no Muslim person, no indigenous person, no ethnic person, no secular institution's representative, no Buddhist person and no Hindu person. The advisory committee is another example of bigotry and it is tragic that in the twenty-first century such matters are being debated in this House. The advisory committee is run by, and for the interests of, the Christian church and that is not healthy. Having said that, I do not mean that we do not respect the Christian church, but it should not play such a dominant role in the function of a body that has an overarching interaction with children and their families.

The Hon. Dr Arthur Chesterfield-Evans: It is against the separation of church and state.

Ms LEE RHIANNON: I acknowledge the interjection made by Dr Arthur Chesterfield-Evans. It was spot-on. The dominance of the Christian church on the advisory committee is blatantly and deliberately unrepresentative. It is also deeply insulting to suggest that the neglected groups that have been left out of representation on the committee are unable to cherish, understand and participate in Australian family life. As the Uniting Church's Burnside group put it, "Churches do not have a monopoly on wisdom or knowledge about families, children and young people." I congratulate the Uniting Church's Burnside group on its comments because it reminds us that many Christian groups do not hold the viewpoints that have been espoused by Reverend Fred Nile. The Burnside group's comment also indicates that the Uniting Church is interested in achieving balance, values and respect, and is willing to work in an inclusive environment with people of different religious faiths, including those who do not have a god-centred belief.

Society needs mechanisms to assist economic rationalists in the Government to understand the social and environmental impacts of legislation. However, this bill does not serve that purpose. It does not go anywhere near serving that purpose. The bill is cumbersome and undemocratic. In no way can it be salvaged by amendments. The bill should be opposed outright. The best thing that could happen is for this bill to be voted down as soon as possible so that this House can move on to deal with much more important legislation that is able to address the real needs of communities across this State.

The Hon. Dr PETER WONG [2.35 p.m.]: I state my in-principle support for the Family Impact Commission Bill. The object of the bill is to provide the establishment of the Family Impact Commission. The commission will study and report on the moral, social and economic impact of legislation on New South Wales families. The commission will seek to uphold the value of the family. For the family and by the family, the commission will give wider protection and assistance to the family, partly by reinforcing the responsibility for welfare, education and property, and will endeavour to support the family in these valuable endeavours. No-one would object to the proposition that the family is the basic unit and the building block of our society. Families start small, but with love and care, grow strong enough that we can rely on them for comfort and safety.

The family unit gives the ultimate and best support to its members—support that is almost impossible to replicate outside the family. Furthermore, families play an important role in the transition of cultural notions and values, preserve the many social, moral and ethic beliefs that are central to our society, and protect and educate dependent children. Having a satisfactory family life also has a significant impact on crime prevention and mental health. As legislators, we have to seek all possible ways to preserve the families and maintain the integrity of the family unit. However, the high divorce rate and high cost of living in today's society bring certain pressures on the family unit. Parents are cash rich but time poor, and this raises problems such as time to communicate with each other and their children. Families are breaking down and are negatively affecting the stability of our society.

The bill enhances the authorities and responsibilities of the families, and provides for support for disadvantaged and dysfunctional families. It recognises that families are the most important institution for the stability of our society. The major aim of the bill is to put families in first priority when we study and assess recent government policies. Similar bills have been introduced in other parliaments around the world, including the United States of America. The bill seeks to preserve in legislation Article 16 (3) of the United Nations Declaration of Human Rights, which states:

> The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

We have to look at ways to support that principle. The bill has many problems that will need to be rectified at a later stage, and I point out a number of them at this time that I think are worthy of our consideration. I do so

because the bill would confer rather extraordinary powers upon a strictly defined and narrow group of individuals, including the power to search records and artefacts in any government office in the State under threat of prosecution, and the power to compel witnesses to give evidence. Alongside these powers, immunity is granted to the commission from prosecution should it slander, vilify or otherwise deride others. The commission can also choose to censor and withhold information from the public. These powers and immunities could be used to shock and awe groups that the advisory committee dislikes.

Given the rather fundamental and homogeneous group that will make up the advisory committee, I think these powers need to be clearly defined and representation on the committee should be expanded. For example, where is provision made for Aboriginal representation or representation regarding children in the care of the State? Both these groups have suffered serious and almost insurmountable harm at the hands of the very organisations that exclusively constitute the advisory committee. I note that most of those on the proposed advisory committee have apologised both to the Aboriginal peoples and State wards and survivors of the orphanages, but the reality is that such apologies are meaningless unless acted upon by those who have committed abuse. I would suggest that a way around this would be to have representation upon the advisory committee of Aborigines and people who have been in the care of the State as children.

These people are best placed to represent children in what could be called the "State family"—that is, children under the care of the Minister for Community Services. This might require some amendments to the bill, but should be easily incorporated. I cannot see any argument against this, for the individuals I am speaking of are, or as children were, in the care of many of the organisations that make up the advisory committee. Further, we have to recognise that a family for many Aboriginal people is something quite different from that definition in this bill. Family is much larger for them than the Judeo-Christian construct that this bill uses. I know that many former wards and care leavers are coming together as a status group and recognising each other as a family in a similar way to Aborigines. The sad reality is that not to do so leaves many without any concept of family at all. For them there is a fellowship that is now replacing the families that they lost as children.

Many of the organisations that will make up this advisory committee as defenders of family values played an instrumental role in destroying Aboriginal families and communities, and undertook similar methods of control over children in care, with similar effects. State wards, or adult former ward care leavers, and Aboriginal membership on the advisory committee will go a long way to ensure that this sad history will not be allowed to repeat itself, or at least not without the scrutiny and oversight of those who really understand the value of family, given the fact that they lost, or were denied, their families. I could only sanction this important bill given the ability for such people to partake in the commission's work, and ensure the safety of all families in New South Wales by doing so.

Debate adjourned on motion by the Hon. Dr Peter Wong.

CRIMES AND FIREARMS LEGISLATION AMENDMENT (APPREHENDED VIOLENCE ORDERS) BILL

Second Reading

Debate resumed from 5 May 2005.

Ms LEE RHIANNON [2.42 p.m.]: The Greens do not support the Crimes and Firearms Legislation Amendment (Apprehended Violence Orders) Bill. The Shooters Party motto is "Reclaim Freedom". That is the very thing women would like to do when faced with domestic violence, but it is difficult to do if the man they reside with is controlling them with a gun. In that situation, one tool that women possess to help them reclaim their freedom is to use the justice system and apprehended violence orders [AVOs]. Mr Tingle said in his second reading speech that his main concern is for licensed firearm owners. He said that he had received endless complaints from them; men who have had an AVO taken out against them and immediately had their gun licence suspended or revoked and their legally owned firearms confiscated, without compensation.

Mr Tingle is obviously keen to serve his constituents. But domestic violence is, sadly, prevalent in our society. Guns and volatile domestic situations make a very lethal mix. It is important when debating this bill to remember that the purpose of an AVO is to provide a person who, in the vast majority of domestic violence cases is a woman, with protection against violence. We must remember also that a person whose firearm licence is revoked has a right of appeal. In Mr Tingle's second reading speech he painted a very sympathetic portrait of men who owned guns. We were given the impression that those men were being duped by the frivolous and

malicious actions of women seeking AVOs, so we were not to rely on anecdotal evidence only; Mr Tingle told us that those men were also mistreated by our justice system. Everything Mr Tingle related was anecdotal, but anecdote alone is no basis for law reform. It leads to such sweeping generalisations as those made by Mr Tingle in his second reading speech. He said:

> It is a common understanding in the legal fraternity that in a marriage break-up a wife is likely to be told by her solicitor that she should take out an AVO against her husband.

I think it would be useful to spend some time looking at the research and statistics about domestic violence and AVOs. An indicator of the extent of domestic violence in New South Wales is the proportion of homicides that involve spouses and de factos. Of all homicide victims between 1968 and 1986, 43 per cent were killed by a member of their family. What is more, 54 per cent of those family killings involved a spouse or de facto partner. One study by the New South Wales Domestic Violence Task Force reports that in 28 per cent of the cases it examined, attacks had occurred over periods longer than 10 years. Studies suggest that the severity of domestic violence escalates the longer it continues. Of the women seeking AVOs, 23 per cent said they had received at least one death threat or shooting threat from their spouse. Many homicides in New South Wales are the end point of domestic abuse, as are a high percentage of serious assaults. Even though prevalence data is limited in this area, there are clear indicators that domestic violence remains a major problem in our society.

A 1999 research paper entitled "Femicide: An Overview of Major Findings" reported that of the women murdered in Australia each year almost 60 per cent were killed by intimate partners, 12 per cent by family members and 16 per cent by friends or acquaintances. In contrast, only 11 per cent of men were killed by intimate partners, 84 per cent of whom were female. In intimate relationships, about 90 per cent of women were killed as a result of altercations of a domestic nature, and 40 per cent of those were associated with desertion, the ending of a relationship or jealously. Mr Tingle is concerned about farmers in the context of this bill. He says they are particularly affected by the loss of a firearms licence and firearms. This may be so, but it is important to consider a New South Wales study that found that 27.4 per cent of spouse homicides occurred in rural areas, a figure disproportionately high for its rural population, which was 11 per cent at the time of the research.

International research backs this up, showing a higher proportion of domestic violence-related homicides in rural areas. A number of studies into rural and remote domestic violence have looked at domestic violence experienced by women living on stations or farms. Those women are particularly vulnerable because of the higher prevalence of firearms and the absence of domestic violence responses in those communities. Firearms are believed to play an important role in explaining the disproportionate number of domestic violence-related homicides in rural and remote areas. Isolation for women living on remote stations or farms has been identified also as a significant factor. Research reveals that violence against isolated women goes unseen and unpunished and that those women have few options for leaving.

Access to confidential forms of communication may also be difficult for those women, with many homesteads still using telephone party lines or some with no telephone at all. Isolation is one of the most prominent features of women's experience of domestic violence in rural and remote areas. For women subjected to domestic violence, escape to safety and assistance from family, friends and even police become much more difficult, if not impossible. Much of the research literature points to the threat or actual use of firearms as a significant reason why women did not risk fleeing or seeking help. The Domestic Violence Advocacy Service, in partnership with the Council of Social Service of New South Wales, has prepared some useful information that helps discount myths surrounding domestic violence and AVOs. Mr Tingle relied on some of these myths to support his bill. Some interjections I have heard indicate that members are relying on the same myths.

Mr Tingle said that AVOs are prolific and easily issued. AVO proceedings are similar to any other legal proceeding in that a complainant makes an allegation and the defendant is entitled to challenge that allegation before a magistrate. The test for the making of an AVO is that on the balance of probabilities, a complainant holds fears of violence, stalking, intimidation or harassment based on reasonable grounds. Complainants must establish their case in accordance with the test. Mr Tingle is right to point out that a defendant may choose to consent to an AVO without admitting the allegations. If a defendant does so, an AVO is issued. No conviction is recorded against the defendant and it is recorded on the court file that the allegations are not admitted.

Some of the criticisms that have been made are that AVOs may be made against defendants in their absence, thereby exposing them to the risk of criminal consequences for breaching them. Mr Tingle should be mindful that an AVO is not, of itself, a criminal conviction. However, a breach of an AVO is a criminal matter.

The offence of contravening an AVO is addressed by the courts on the criminal standard of proof. Mr Tingle said he is concerned that the AVO is set in train purely on the word of the complainant, making it too easy for vindictive, malicious or frivolous complaints to succeed. In his second reading speech he ignored the fact that a final AVO cannot be made in a defendant's absence unless the court is satisfied that the defendant has been notified of the proceedings. An AVO made in such circumstances is not enforceable until it has been served on the defendant. Interim AVOs may be made against defendants without their knowledge. Similarly, such an order is unenforceable until it has been served on a defendant. As I stated earlier, this bill has been built on anecdotal evidence.

While AVO laws may have been misused by a small number of people since their inception, it is not in any way a sufficient justification for tightening the laws or for making it more difficult for women to use AVOs as a way of gaining some protection from male violence. To do so would be to follow in the footsteps of a disturbing trend in our society by both major parties. That trend is to remove important rights and entitlements such as social security on the basis of a beat-up that many people are abusing the system. Mr Tingle made the point that men who have guns may not fully understand the consequence of an AVO on their gun rights. His bill includes measures to ensure that the court provides them with more information on this and other aspects of AVOs.

The Hon. Rick Colless: You have assumed it is a violent person.

Ms LEE RHIANNON: I acknowledge the member's interjection. I did not say that at all. The member knows that, as he has been listening to this debate. He is trying to distort what I am saying.

The Hon. David Oldfield: You do not think anyone should have a gun.

Ms LEE RHIANNON: That is not the case at all. The Greens support people being fully informed about the law and how it affects them. It may well be that defendants are not getting as much information as they need. I would not be surprised if women applying for AVOs were similarly impoverished when it came to information explaining the ins and outs of those AVOs. There is no need for a bill to help achieve that. The provision of information about the law is an administrative matter. It might be more useful if Mr Tingle lobbied the Attorney General for better information for all people who use apprehended violence laws, whether they are defendants or applicants. While we are discussing guns, the latest figures from the New South Wales Bureau of Crime Statistics shows that in 2003 23 murders involved the use of a firearm in New South Wales and 25 attempted murders involved the use of a firearm. The Greens believe that guns and violence is a critical issue in New South Wales today. We believe an inquiry is needed into the police management of apprehended violence orders against people.

The Hon. Rick Colless: To prevent the use of baseball bats, cricket bats and everything else.

Ms LEE RHIANNON: I acknowledge the member's interjection because it is so ridiculous. It shows that he is hard up for a sensible argument. Sadly, that is the case when it comes to debating this guns issue.

The Hon. Rick Colless: What is the percentage of murders committed by firearms?

Ms LEE RHIANNON: I do not have the percentage in my head but there are about—

The Hon. Charlie Lynn: Just make it up!

Ms LEE RHIANNON: I did not believe Mr Lynn would go that far.

The DEPUTY-PRESIDENT (The Hon. Amanda Fazio): Order! I remind members that interjections are disorderly at all times. If members with the call did not respond to interjections, those interjecting would not be encouraged and might desist.

Ms LEE RHIANNON: The Greens believe that guns and violence are a critical issue in New South Wales today. We believe an inquiry is needed into the police management of apprehended violence orders against people who own firearms, for example, to look into whether the current police response is effective in ensuring the safety against firearm violence of those who have taken out an AVO and the public in general; and, once an AVO has been revoked, to enable police to determine whether a person is fit and proper to own and possess a firearm. I believe we need a parliamentary inquiry to get to the bottom of such matters. That would be a real service to the community. One vital issue has not been addressed anywhere in Mr Tingle's bill. If we are to save lives, the trade, transfer and use of firearms must be highly restricted in this State.

The Hon. DAVID OLDFIELD [2:55 p.m.]: It comes as no surprise to anyone that the Greens are against guns of any kind. They do not even think the police should have firearms. So we should not be surprised in any way that Ms Lee Rhiannon made a plea in this Chamber that was nonsense rather than factually based in regard to removing guns or keeping them out of anyone's hands. Very few domestic violence issues are related to guns. In fact, the major level of domestic violence in the community comes from a particular sector of the community and no guns are involved at all. I will not name the community but I am sure all honourable members know what I am talking about. Murder with guns is very rare. As the Hon. Rick Colless pointed out earlier, most people are killed with knives and blunt instruments. In fact, some people are set on fire and, unfortunately, others are killed when entire buildings are set on fire. Perhaps Ms Lee Rhiannon could move to ban petrol. It is getting expensive so perhaps it will not be useful as a murder weapon in the future. Perhaps we could also ban knives and blunt instruments. Perhaps we could have apprehended violence orders [AVOs] on blunt instruments and knives and have them removed from the family home. Some husbands might be protected from certain levels of cooking—

[*Interruption*]

Some wives might also be protected from their husbands' cooking. The concepts put forward by the Hon. John Tingle are a good series of provisions. In particular, I like the fourth provision, which is to create an offence for the making of vexatious, frivolous or false applications or requests for apprehended violence orders. That is a particularly good provision because a great number of vexatious and frivolous claims are made. These are vengeful, vindictive and completely false claims, and they are made specifically with the knowledge that they will upset the person involved when he or she loses his or her firearm or access to a sport. It is particularly unfortunate that Ms Lee Rhiannon chose to bring up this domestic scenario of men murdering their wives and so on. We should remember the last instance when a family was murdered under these circumstances. A woman was the perpetrator of that murder. I place on record the fact that I was horrified by the terrible way in which that poor husband was treated by the media. He was named as being the murderer of his wife and family. After the unfortunate murder of this man's family at the hands of his extremely violent wife, who was armed with a firearm, there was no statement to the effect that he was completely innocent and no apology was given.

The Hon. John Tingle proposed a good series of provisions, so we should not be surprised that the Greens are opposed to them. The simple fact of the matter is that people are using AVO laws illegitimately, vexatiously, vindictively and purely for the purpose of vengeance. Honourable members might recall the most recent Olympic Games. I suggest that Michael Diamond did not win his gold medal on that occasion because of all the time he lost and all his difficulty relating to being able to qualify and practise for the Olympics. I suggest it was vexatious and vindictive that his guns were removed under exactly these sorts of circumstances—through an AVO. Essentially, such practices cost him the twilight of his sporting career in this area. It certainly cost him his third gold medal and it cost Australia another gold medal in the Olympics—a pure matter of a vexatious scenario and something about which we should all be concerned. That is just one specific incident of which we would all be aware because of the high profile nature of the victim in this case, Michael Diamond, a great Australian and a tremendous sportsman for whom we all have a great deal of respect.

Many people with no public profile suffer loss of access not only to their firearms but also to their recreational activities. People who are dealing with domestic problems and are either separated as a preamble to divorce or in similar circumstances must be permitted to pursue recreational activities that will take their minds off their difficulties, both in terms of work and their collapsing relationships. By allowing people to be vexatious and vengeful we are denying that opportunity to these poor men—in most circumstances they are men—who become victims as a result. I clearly support this series of provisions and congratulate the Hon. John Tingle on bringing them before the House.

The Hon. ERIC ROOZENDAAL (Parliamentary Secretary) [3.00 p.m.]: The Government has considered the Crimes and Firearms Legislation Amendment (Apprehended Violence Orders) Bill introduced by the Hon. John Tingle. The bill amends part 15A of the Crimes Act 1900 and its provisions in relation to apprehended domestic violence orders and apprehended personal violence orders. The bill proposes a number of amendments that represent a serious erosion of the protections that apprehended violence orders [AVOs] are designed to provide. As a consequence, the Government opposes the bill.

The effect of the bill is to change the emphasis from granting AVOs to refusing them. The Government is concerned that many of the proposals fail to appreciate the purpose of AVO legislation that provides protection against immediate and future violence. The Government recognises that there are always tensions between the need to protect members of the community and the rights of those from whom protection is sought.

AVO legislation is under regular review in an effort to balance the needs of, and minimise any potential for abuse of, the system. The recent statutory review conducted by the Law Reform Commission recommended some finetuning of the system but found that the legislation is adequate and effective as a means of preventing violence, intimidation and harassment. Importantly, the Law Reform Commission disagreed that apprehended domestic violence orders should be made more difficult to obtain. The commission described it as a retrograde step to make it more difficult for people to receive protection or to prevent isolated instances of abuse.

However, it has been discussed that a small proportion of people in the community may be making applications for apprehended personal violence orders that are without merit or when the matter could be dealt with more appropriately by way of mediation. Consequently, the Government has agreed to give further consideration to the honourable member's suggestion that the discretion to refuse to issue process may be strengthened with respect to apprehended personal violence orders only. I emphasise the Government's opposition to applying any such measures to apprehended domestic violence orders. Under the current law there is no discretion to refuse to issue process for an application for an apprehended domestic violence order. This is government policy. The objective of apprehended domestic violence orders is to provide a protective mechanism for people generally in fear of violence, intimidation or abuse. It is inappropriate to make this protection more difficult to obtain.

There is a second aspect to the bill that the Government has agreed to consider: the proposal that a court must not make an AVO with the consent of both parties unless the defendant was first given a written statement explaining the consequences of an AVO, including the defendant's ability to possess a firearm. These two issues will be considered in the context of other upcoming amendments resulting from the Law Reform Commission's statutory review of apprehended violence order legislation.

The Government cannot give its support to the remaining aspects of the bill, which, for the most part, are unnecessary or represent a serious erosion of the protections that AVOs provide. For example, the bill proposes to amend the test for determining whether to grant an interim order. The bill would require a court to refuse to make an interim AVO if the defendant was not advised of the particulars or given an opportunity to be interviewed before the complaint was made or the complaint was not investigated adequately. This proposal fails to recognise the reality of domestic violence. These applications are often made in urgent and extremely volatile situations when it would simply be inappropriate for the police to make further inquiries. The immediate protection of the complainant in these situations is, and must remain, paramount. The emphasis on investigation also assumes incorrectly that the police are involved in all matters and would lengthen hearings unnecessarily. Such provisions would shift the focus of AVO legislation from protecting the victim to protecting the defendant.

The Hon. John Tingle also alleged that it is common practice in the legal fraternity when a marriage dissolves for a solicitor to tell a wife to make an application for an AVO against her husband. Studies conducted into whether women take out AVOs inappropriately in order to assist family law proceedings, including the Law Reform Commission review, have found such allegations to be unsubstantiated. If members of this House are made aware of any instance where a lawyer suggests this course of action to his or her client without proper basis they should bring it to the attention of the Law Society for proper investigation and sanction.

The Government is deeply troubled by the honourable member's proposal to introduce an offence for making a complaint for an AVO that is later determined to be without substance. The introduction of such an offence may deter victims of violence from making legitimate complaints and undermine confidence in the system. It is well recognised that many victims of domestic violence find it difficult to report their abuse in the first place. The Government is of the strong view that it is completely inappropriate to criminalise the behaviour of domestic violence complainants. A court can always award costs against a party if it is found that an application lacks merit. On the very rare occasions when there may be numerous applications without merit, a charge of public mischief may be available. There are adequate protections for those occasions when there may be abuse of the system.

The bill also amends the Firearms Act 1996 and remove a range of protections designed to limit a defendant's access to firearms. The bill proposes to remove provisions that automatically revoke or suspend a defendant's firearms licence when an AVO is made and to allow a court to order that an AVO be disregarded for the purpose of being eligible to be issued with a firearms licence or permit or to be employed in a business dealing in firearms. Such a proposal fails to recognise that restrictions flowing from AVOs are designed not to punish a defendant for past conduct but to provide future protection. The 10-year prohibition on obtaining a firearms licence is a longstanding one. The Government recognises that there is a significant public interest in protecting people from serious harm and ensuring that licences and permits are available only to suitable people. The proposal to remove these safeguards undermines an important part of the overall process of protecting the community and ensuring the safety of persons who hold reasonable fears about a defendant.

The mere fact that an AVO may eventually be revoked does not necessarily mean that the grounds for making the AVO in the first place were not valid, and it certainly does not mean that the defendant should then be able to have access to firearms automatically. It is for the police commissioner to determine at all relevant times whether someone is a fit and proper person to hold a firearms licence. The honourable member said that he is well aware of the importance of protecting women from men who take advantage of their superior strength, but I wonder just how aware he is. In a single year police in New South Wales attended almost 100,000 domestic violence incidents. These resulted in more than 25,000 recorded domestic assaults in the crimes statistics. It is acknowledged that AVO laws cannot, and do not, eliminate violence in all cases but successive reviews have found that, in the vast majority of cases, the obtaining of an AVO has led to a reduction in, or cessation of, abusive behaviour.

Of course, the physical form of domestic violence is just one aspect that AVO legislation seeks to guard against. There are many persuasive yet destructive forms of domestic violence—such as intimidation and harassment—that encompass a range of behaviours that threaten the safety and wellbeing of many women and children in our community. The proposals in this bill lack insight into the real issues that are faced by persons in need of protection. The Government opposes the bill.

The Hon. MICHAEL GALLACHER (Leader of the Opposition) [3.07 p.m.]: I lead for the Opposition in speaking to the Crimes and Firearms Legislation Amendment (Apprehended Violence Orders) Bill and indicate from the outset that we do not oppose it. However, in discussing the bill, a number of Opposition members raised concerns about its wording. They argued that the bill could be interpreted as a step backwards in terms of legislation in this area. However, after re-examining and considering the bill in light of current practice, the Opposition believes the bill is at least a step forward in attempting to implement several measures that add some balance to the debate about apprehended violence orders.

I think it is fair to say that the practice of issuing court orders against a person needs to be reviewed continually. What we have in New South Wales at present is hardly best practice both in terms of the applicant and in terms of the person subject to a court order. The system needs to be reviewed, and it was disappointing to hear the contribution of the Hon. Eric Roozendaal on behalf of the Government. It appears that the Government is once again burying its head in the sand and pretending that there are no problems with current legislation: The Government will kick off the matter to another review and see about it some time in the future.

There are problems with the legislation, and the Hon. John Tingle is attempting to bring some balance to the debate in order to ensure that protections are in place to uphold the very fabric of this legislation. Every frivolous or vexatious complaint weakens the entire foundation of legislation such as this, but in the past nothing serious has been done in regard to them. Valid and reasonable arguments are put before the court in applications for apprehended violence orders so that the court can consider the seriousness of the complaints, and the likelihood of violence occurring.

There have been concerns about the language of the legislation, but having looked at it in depth I am confident that it is a progression in terms of the development of legislation of this type. It provides a court with opportunity to consider a matter and determine whether it is frivolous, vexatious or without substance. It is extremely important that we do all we can to ensure that those who seek to gain an advantage over others by using this type of legislation in an unsubstantiated, vexatious or frivolous manner are brought into line by the courts. This bill will ensure that in the future, cases of substance are dealt with and considered more seriously.

The bill provides an opportunity for some balance, for example, in regard to the return of firearms after a matter has been considered by the court. We have heard of cases in which a matter has been determined in favour of a defendant but the defendant's firearms have not been returned. The legislation also identifies a number of existing problems in the Firearms Act in regard to licence application, the non-automatic suspension of a licence and the restoration on revocation of the licence, as spelt out in the explanatory notes of this legislation. The Hon. Eric Roozendaal said this was important legislation. I would have thought the Minister for Justice would address it—I expected him to lead on behalf of the Government. The Hon. Eric Roozendaal made some sweeping statements, such as that a small proportion of people in the community may be making applications for apprehended personal violence orders that are without merit.

The Government recognises that it has a problem, but rather than agree that this is a progression to identify frivolous or vexatious complaints or complaints that are without substance, it announces another review. It constantly looks into mirrors and conducts reviews in order to find answers. Quite simply, this legislation is a step in the right direction towards identifying inequities within this area of the law, and at the same time it protects substantial complaints and removes frivolous or vexatious complaints from the system. No doubt the Government will conduct another review and wait until it is forced to do something.

Debated adjourned on motion by the Hon. Michael Gallacher.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) ENFORCEMENT AMENDMENT (X 18+ FILMS) BILL

Second Reading

Debate resumed from 5 May 2005.

Reverend the Hon. FRED NILE [3.15 p.m.]: I oppose the Classification (Publications, Films and Computer Games) Enforcement Amendment (X 18+ Films) Bill, about which a number of members have spoken. Following the contribution of Reverend the Hon. Dr Gordon Moyes, I reiterate the Christian Democratic Party's total opposition to this bill and call on all honourable members to reject it. X-rated videos have a long history in New South Wales. The most recent bulletin of the Eros Association provides an up-to-date report on this issue. It states that it hopes this bill is passed, and congratulates the Hon. Peter Breen on introducing it. It states also:

> The Rev Fred Nile is pretty smart. In 1985 he single handedly had X-rated videos banned in NSW. He outsmarted and out-witted the urbane Labor Premier, Neville Wran, just as easily as you please.

I suppose that is a way to get Labor people to vote for it: by attacking a very wise decision made by Premier Wran at that time. It states also:

> So the introduction of a new Private Member's Bill in NSW to legalise the sale of X videos … offers NSW politicians the chance to put themselves on the X rated morality scale. Do they line up with Fred Nile on one end or do they titter down the see saw to a more balanced position? Do they represent people in their electorates who support Fred Nile's position on morality or do they represent the type of person who might hire out an adult video to watch with their partner on a Friday night after the footy? …
>
> An Independent member in the Upper House, Peter Breen, has introduced the Bill.

We all know the jargon used to describe the topic we are debating. The X-rated video industry uses the term "adult videos", and those who sell them formed an Adult Video Association. We are talking about hard-core obscene videos that are normally associated with organised crime. When the Hon. Peter Breen introduced this bill he said he wanted to get rid of organised crime. He said there will be no crime if we legalise X-rated videos. I will inform the honourable member about those who run the X-rated video industry.

Four years after the Australian self-styled hard-core obscene pornography industry was legalised in the Australian Capital Territory in 1990, it was severely compromised by organised crime from the United States of America. This happened when Celina Sturman, the daughter-in-law of the United States prince of pornography and member of the mafia La Gambino family, Reuben Sturman, acquired an interest in an X-rated video retail business in the Australian Capital Territory.

I have details about that business. A copy of a declaration of trust dated 22 June 1994 shows that David Sturman acquired a business interest in Melhero Pty Ltd, the ACN number of which is provided, which had its registered office at 42 Hoskins Street, Mitchell, Australian Capital Territory. At the time Melhero was trading as Adam and Eve at 125 Gladstone Street, Fyshwick, Australian Capital Territory, and as the Mustang Ranch at unit 14, Molonglo Mall, Fyshwick, Australian Capital Territory, retailing pornographic materials. The term "Mustang Ranch" almost implies an involvement with prostitution. The declaration of trust was signed by Celina Sturman, who had power of attorney for David Sturman.

At that time David Sturman was serving a prison sentence in the United States of America. It clearly showed a link between organised crime, hardcore pornography and the Australian Capital Territory. Reuben Sturman, the father of David Sturman, was involved with organised crime in the United States of America. The American Internal Revenue Service had been trying to recoup more than US$30 million in penalties and back taxes owed to the service by Reuben Sturman. It is said that legalising X-rated videos will rid us of organised crime. However, if that happened, organised crime figures would be rubbing their hands with glee because that would give them protection for the sale of their products.

The mafia entered into the legalised pornography industry in the Australian Capital Territory, and must have been very surprised that they could operate legally and sell their product. Further, because of a loophole, they could use Australia Post to send X-rated videos from their shops in Canberra into all States that had banned X-rated videos. It was not just New South Wales but all States of Australia that had banned X-rated videos. By a loophole provided in Federal law, the Australian Capital Territory, having an independent Legislative Assembly, could pass its own laws, and it passed a law amending the legislation and enabling X-rated videos to be sold in the Australian Capital Territory.

I understand that the basic motive of the Government of the Australian Capital Territory was that this was an area that it could tax, and being very short of revenue it thought it could subsidise its budget by imposing a tax on X-rated videos. That is what happens in Canberra. Sadly, this opened the door for the distribution of X-rated videos through Australia Post. That is amazing. These videos are prohibited in New South Wales, yet an Australia Post postman carries and delivers these videos to letterboxes in New South Wales. I would have thought that Australia Post has a responsibility not to carry products into States that have prohibited those products.

The Hon. Peter Breen said in his presentation that, in his opinion—and I emphasise it was his opinion—some X-rated videos are being sold in Kings Cross and in George Street in the city, and therefore we should legalise the videos and regulate their control and sale. The honourable member said there was a problem. I acknowledge there is a problem. But my solution to the problem involves putting an end to the sale and distribution of these X-rated videos. These videos have been refused classification and are illegal, and therefore these illegal activities should be dealt with by the New South Wales Police Force. We all know that New South Wales had a very efficient vice squad.

However, it came to light in the New South Wales royal commission into police corruption that there was corruption in the Police Force—as far as I could tell, mainly in the area of prostitution. Some police officers had been tempted and allowed themselves to become involved in compromising associations with prostitutes. Instead of acting according to their role as a policeman, they were becoming associated with a prostitute and possibly taking bribes and payments. For those reasons, the police royal commission was very critical of the operation of the vice squad.

That led the government of the day to disband the vice squad. But that created a vacuum. NSW Police has squads that specialise in various areas, whether car stealing, housebreaking, drugs and so on. The vice squad was an elite unit that specialised in vice. They knew the laws regarding prostitution and pornography, and they knew the classification system. Even though it was revealed that there were some corrupt officers, I would hope that the majority were honest. With the disbanding of the vice squad we lost their skills and knowledge in policing these areas, particular illegal videos, which is rather complicated. Police need to know the law. Recently we heard about the controversy on the question of how child pornography was to be classified and the procedures to be followed to have that material classified, and even then there was some confusion. That demonstrates the need for specialised police.

Rather than passing this bill—which I hope will be defeated—and instead of legalising X-rated videos, we should be reconstituting the vice squad or a squad with similar expertise, perhaps known by another name. It may be advisable to have another name as the former vice squad had been compromised. It could be named a decency squad, but its officers would need special training in classification laws so that they could monitor illegal activities of video shops, especially those in George Street in the city and in Kings Cross, as well as in any other relevant places round the State. They must have that knowledge.

I have found over the years that, even though complaints are made at local police stations or to a local police officer, because the local officers are not skilled in this area they are very reluctant to take action. If they were too aggressive, perhaps they could be subject to criticism such as: Are you just anti-porn? Are you obsessed with this issue? Why are you laying these charges? You are just a general duties patrol officer, so why are you involved in charging people with pornography offences? As far as I can tell, most police officers adopt a hands-off attitude to pornography. That is why a special unit is necessary. If such a unit were set up, consisting of honest and knowledgeable police officers, this area of illegal activity would be cleaned up overnight.

What has been allowed to happen shows that organised crime has been involved and, on the evidence I have seen, is still involved in this X-rated video business, particularly on the production side. X-rated videos are not produced by the boy scouts or the Baptist Church; they are produced by criminals. Those people obviously are in this evil business for profit motives. Thus there is an overlap in the production of pornographic videos, the use of prostitutes, drug addiction and even child pornography. It is all part of an empire. As I have said, in the United States of America the group that was, and still is, behind the industry is in fact the United States mafia. We know that the American government has had long and historical problems with the mafia and its efforts to crack down on mafia families. In recent years, United States governments have been more successful than had past governments.

Organised crime has taken advantage of changes in the laws in the Australian Capital Territory, and to a lesser degree in the Northern Territory, to bring X-rated videos into this country from the United States of

America. They have invested a lot of money in this industry, and of course they want to make profits from it. In 1990 the Australian Capital Territory Government, which sadly was an Australian Labor Party government, passed the Business Franchise (X-rated Videos) Act, which for the first time in Australia legalised the duplication and distribution of X-rated videos. It allowed mail order companies in the Australian Capital Territory to distribute them to customers in other States where duplication and distribution was banned.

Some time later the Northern Territory enacted legislation similar to that in the Australian Capital Territory. It should be noted that the Australian Capital Territory and the Northern Territory are what I would call the two inexperienced legislatures. Usually, States like New South Wales and Victoria have more experience and knowledge and can see the potential dangers in legislation such as that passed by the Australian Capital Territory, a novice legislature that fell for the trap.

Non-compliance with, and avoidance of, the law and regulations has been the problem with the legalisation of the retail of X-rated videos since 1990. The Hon. Peter Breen has argued that if the retail of X-rated videos is legalised, distributors will have to abide by the laws and regulations. His reasoning is that those who make these types of videos are like little children and that they will obey all the regulations and the rules. Since 1990 a number of inquiries have focused on the sale of X-rated videos in the Australian Capital Territory. In 1997 the then Attorney-General said:

> A case recently arose in which a prosecution against an X film licensee, for allegedly possessing approximately 16,000 unclassified films with an intention of selling of the films, was dismissed on technical grounds associated with deficiencies in procedures followed when the films were submitted for classification by the prosecution to the Office of Film and Literature Classification. The end result was that a total of 16,000 films, some of which had been refused classification when submitted to the OFLC as part of the case, and others which were known to still be unclassified, had to be returned to the licensee.

The licensee, who had been checked out, applied for, and was granted, a licence to sell X-rated videos, but the business carried 16,000 unclassified films. Unfortunately, the prosecution of the licensee was unsuccessful because of various technicalities. The Office of Film and Literature Classification is a Federal office, and this can result in confusion when the State police are trying to work with a Federal authority that has State agencies. In 1998 the Australian Capital Territory Government Registrar of X Film Licences reported:

- That many breaches and offences are occurring undetected, or unable to be brought to prosecution due to lack of resources.
- There has been a significant level of unclassified, or refused classification, titles being sold or displayed for sale, or copied, in some licensed premises.
- The industry is not meeting the requirements of the Act.
- The industry still needs to achieve levels of compliance that the community expects.
- Breaches of the spirit of the classification laws require greater supervision.
- The industry needs to apply more time and resources to compliance.

The Hon. Peter Breen is naive to think that passing this simple bill will solve all our problems. Organised crime will continue to operate in the shadows and people who have a licence to sell X-rated films will continue to break the law and do everything they can to conceal their illegal activities. Another report details the operations of some of these organisations and their non-compliance, such as the Hill Group of Companies. Elements of the industry will try to blackmail politicians to vote in favour of this type of bill. In February 1994 it was revealed that prior to the 1993 Federal election two officials of the pornography industry threatened to out two Coalition backbenchers and a former senior Liberal for buying pornography if the Coalition went ahead with its proposed ban on X-rated videos. These operators will use any dirty tactic to protect their business.

We could spend a lot of time talking about the dangers of X-rated videos if they became legal. Once such videos are taken home by those who buy or hire them, they can be shown to anyone, including people who are underage. We must do as much as is humanly possible to restrict the availability of hard-core pornographic material. I will not detail for members the content of hard-core pornographic material; I hope members have informed themselves about it. This week in the Parliamentary Theatrette Mr Jim Wallace, the head of the Australian Christian Lobby, will speak on this matter and show extracts from hard-core pornographic videos. I realise the content of such videos is unpleasant and disgusting, but as members of Parliament we must be informed about what we are debating. This is not *Playboy* or girlie magazine stuff; it is obscene hard-core pornographic material. One of the ugliest and saddest aspects of pornography is that women are depicted as virtual animals, often sexually abused by not just one man but two or three men at a time.

The promoters of the material claim that the women who appear in the videos consent to this behaviour. But who knows what pressures are put on women to allow themselves to be the subject of such abuse. Over the years women have come forward claiming that they were forced and threatened to take part in the production of pornographic videos. The impact on those who watch X-rated videos is not the only concern. The circumstances in which they are produced are tragic. For the reasons stated we should support the wise decision of the Hon. Neville Wran, which was followed by all other States, to prohibit X-rated videos. Neville Wran is a civil libertarian, and if he can come to such a decision, so should we.

Debate adjourned on motion by the Hon. Ian West.

CRIMES AMENDMENT (PROTECTION OF INNOCENT ACCUSED) BILL

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

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

FAIR TRADING AMENDMENT (RESPONSIBLE CREDIT) BILL

Second Reading

Debate called on, and adjourned on motion by the Hon. Ian West.

DISABILITY PROGRAMS FUNDING

The Hon. JOHN RYAN [3.38 p.m.]: I move:

That this House:

(a) condemns Premier Bob Carr for attacking people with disabilities and their families who were protesting against the Government's cuts to the Adult Training Learning and Support [ATLAS] and Post School Options [PSO] programs in Wollongong on 7 September 2004, calling the demonstrators "rabble" and claiming programs of their protest was of "a 1960s mind set" that "would damage the image of the Illawarra region", and

(b) affirms its opposition to the Carr Government's cuts to the ATLAS and PSO programs.

There could have been no crueller cut by the Carr Government than the cut it made to the Adult Training Learning and Support [ATLAS] program and the Post School Options Program. I cannot comprehend how the Carr Government, even as tired as it is, has so wrong footed the community; it believes it can comfortably slash funding to essential programs for vulnerable people in our community and get away with it.

After the Carr Government's funding cuts in July last year, quite understandably people within the disabilities and services community tried to get their message across to the Government through public meetings and, in some instances, protests. After those cuts people within the disabilities and services community became aware that the New South Wales Cabinet was due to meet in Wollongong in early September, so they made very detailed preparations to confront the Carr Government in Wollongong to make their feelings known. They organised a very peaceful and orderly demonstration in Burelli Street, Wollongong, which is very close to the centre of the town. At that demonstration people apparently lined both sides of the street. As the Premier passed by in his vehicle he must have seen the demonstrators. Oddly enough, long afterwards when he arrived at a school to attend a function, he decided to issue a spray against them.

It would appear that the last thing the Premier did, other than observe that there were demonstrators present holding placards, was to notice that a good number of the demonstrators were in wheelchairs and were representing people who have disabilities. About six of the protestors who had gathered in Wollongong were protesting about an environmental issue, but the remainder of the 500 demonstrators were mums and dads, their children, young people with disabilities and other people with disabilities, who were making a point. That group believes that a decision by the Carr Government to cut funding for the Post School Options [PSO] Program for people with disabilities is wrong, yet the Premier issued a spray against them and referred to them as having a "1960s mind-set". Worse than that, he said that they were damaging the image of Wollongong.

Any suggestion that a collection of people who have disabilities and who were peacefully standing up for their rights could somehow damage the image of the Illawarra is unbelievably offensive. Eventually the Premier was forced to make a public apology in the *Illawarra Mercury*. The opportunity to draw attention to the Premier's comments in this debate should not be missed because clearly he got it seriously wrong on that occasion. Although the Premier apologised to the people who have disabilities, it was a qualified apology. The

Premier said that he did not mean to offend them, that had directed his comments to "the other demonstrators". But "the other demonstrators" amounted to all of five people! It is stretching credulity to suggest that the Premier would make strong comments about five people who were totally surrounded by hundreds of others demonstrating over an issue that should have been in the forefront of the minds of members of the Government. Moreover, in the apology eventually made by the Premier, not once did he indicate that he had taken cognisance of the issue raised by the people.

Given those factors, I believe it is appropriate for the House to condemn the Premier and other members of the Carr Government for their actions with regard to the Post School Options program and related disability services. To fully inform the House of the details, I refer to a report in the *Illawarra Mercury* on 9 September 2004 by Jenny Dennis, who wrote:

> The NSW Government was forced into serious damage control yesterday after Premier Bob Carr claimed that disabled people protesting at cuts in their funding were damaging the image of Wollongong … Mr Carr took aim at hundreds of demonstrators who lined both sides of Burelli Street.
>
> "Having a demonstration is a 1960s mindset," he said.
>
> What the Premier obviously failed to notice was that most of the approximately 500-strong crowd who turned out to heckle were people with disabilities and their carers. There to protest over flagged cuts to disability services, many were in wheelchairs.

These are not my words. This report is an objective observation in the *Illawarra Mercury*. I continue:

> Mr John Bilboe, whose son is disabled, was one of the 300 or more people who demonstrated about the cuts to disability services.
>
> "We just wanted the Minister—

at the time, that was the Hon. Carmel Tebbutt—

> to acknowledge us", Mr Bilbo said. We were telling our people to show the minister respect, but to tell her that we want some funding.

Lest people think that what I have read is biased reporting, I point out that none other than the secretary of the South Coast Labour Council criticised the Premier for his bad and insensitive behaviour. The article continues:

> South Coast Labour Council secretary Arthur Roberts said in the context of the disabled kids and their carers, the Premier's words were insensitive.
>
> "What the people who demonstrated did showed they had self respect and courage. It's unfortunate the Premier did not treat them on the same level.

I agree with that comment. It was most unfortunate that the Premier did not respond to them at the same level. On 9 September the Premier was reported in the *Illawarra Mercury* as having said:

> My comments (on Tuesday) were made as a heartfelt defence of the Illawarra's reputation.
>
> Some of the protesters (not, I stress, those who were there about disabilities) sent a message of old-fashioned strife and conflict. That's an antiquated image of a great region. An image totally out-of-date.
>
> I want to say to those people protesting about disability issues that no offence was intended and I am sorry that if any was taken.

In other words, what the Premier did in his so-called apology was repeat his comments and then suggest that the problem was not the words he used but that people took offence to them. I do not understand how that in any way could be construed as a proper apology. Interestingly enough, throughout the Premier's entire tirade, there is not a single reference to disability services. The remainder of his statement was about forests and expenditure in the Illawarra; not one single reference was made to the issue about which the demonstrators wanted him to take notice.

One would have thought that the Premier, having insulted the protesters and having acknowledged that they should not have been insulted, at least should have taken some notice of the issue that the protesters tried to get across to him. It goes without saying that the Premier's remarks were totally indefensible, and he has not accounted adequately for his actions. It is incumbent upon members of this House to send out a message that the Premier's actions are not supported. It was perfectly appropriate for the people involved in the demonstration to make their point, and this House should show some courage and acknowledge that the comments made by the Premier have no place in our modern democracy.

On numerous occasions the Premier has been confronted by demonstrations and I cannot recall his having acted so offensively on any of those occasion. It is unbelievable that the Premier would choose people who have disabilities as a starting point for making comments about the value of demonstrations. The incident at Wollongong has at its roots cuts that in July 2004 the Carr Government announced to the Post School Options and the ATLAS programs. As I said, I am unable to comprehend why, of all groups in the community, the Carr Government would target a disability program that supports young people with disabilities after they leave school. Without the Post School Options Program, the program's participants will be condemned to hanging around their homes, or their group houses in some cases. In other instances it will result in these young people having to remain in their rooms for virtually hours and days on end.

The Post School Options Program was established by a former Minister for Community Services in the Greiner Government, Jim Longley, when disability services was part of the Community Services portfolio. The program was intended to address the needs of dozens and dozens of young disabled people after they had left school. Governments used to keep them at school, and some were in their twenties before they finally left school. But after they left school they went home—to do nothing. The Coalition regarded that as unacceptable and established the Post School Options Program, which, believe it or not, 10 years ago was funded at a rate higher than that currently offered by the Carr Government for the equivalent community participation program. I reiterate: A program started by the former Liberal Government was funded at a higher rate per client than that now offered by the Carr Government for an equivalent program for people with disabilities.

It is obvious that the Carr Government has a problem with this program. One of its first actions on coming to office was to reduce the level of funding under the Post School Options Program, to rebadge an existing program and to name it the ATLAS Program. The Carr Government immediately accorded a $2,000 cut to the level of funding for each client under that new ATLAS program. In July 2004 the Government considered that such a cut was not sufficient and proposed to cut programs that, in some instances, were worth $19,000 per client per year. The Government cut programs worth a potential $9,000 per client per year. It was an extraordinary attempt to rein in the program.

Although the Carr Government would suggest otherwise, I am confident that what has driven the so-called reforms to the ATLAS Program and the Post School Options Program has not been any desire to make them better—although there are good reasons why they should be made better—but rather as a result of an order from Treasury, no doubt with the endorsement of the Premier, because the programs are costing too much. The Government intended to slash the programs with the consequence that people would have to make do as best they could. The impact of those cuts on families and carers has been enormous. As a result of the cuts to the programs by the Carr Government numerous family members have to stay at home on days they would otherwise be working, in order to care for young family members with a disability. That disrupts their work—

The Hon. Christine Robertson: Point of order: I acknowledge that this item is in order and outside the inquiry currently being undertaken by General Purpose Standing Committee No. 2 in relation to this issue. However, I point out that the Hon. John Ryan has included in his speech the terms of reference of the inquiry. He should confine his speech to the terms of his motion.

The Hon. JOHN RYAN: To the point of order: The second paragraph of my motion requests the House to affirm its opposition to the Carr Government's cuts to the ATLAS Program and the Post School Options Program. Nothing I have said thus far in my speech is outside the scope of my motion. The standing orders provide that, notwithstanding that this issue is being dealt with by a committee, this is the business of the House and, as such, takes priority of committee business when the House is debating a substantive motion. It takes priority over anything being discussed by a committee. In any event, for abundant caution I have largely avoided repeating evidence that has been heard before the committee. Currently I am referring only to historical matters. I do not believe there is a point of order. I understand, however, that there may be some sensitivity on the part of members opposite, who do not enjoy hearing about these matters. Notwithstanding that, debate on the motion should continue as there is no point of order.

The PRESIDENT: Order! The member should not discuss the direction in which a committee may or may not report. Nor should he refer to evidence taken before a committee that was not taken in public.

The Hon. JOHN RYAN: Notwithstanding that attempt to disrupt what I was saying, the impact of these cuts on families and the carers of disabled people has been very significant. Many family members have had to leave work to look after young people in their homes with disabilities. Of course, the cuts have meant also that some services provided to those people are not as intensive as they were previously. To provide the

services under the ATLAS Program and the Post School Options Program it was necessary to have clients in one-to-one situations with staff. Clearly because of the funding cuts those one-to-one training opportunities will reduce. Consequently clients will have less choice and will be involved in more congregate care settings—entirely contrary to the principles legislated by this Parliament in the 1993 Disability Services Act.

The funding cuts are enormously cruel and are having an immense impact on people who are not in a position to bear them. The House should oppose the cuts, because they will have an impact on the whole disability service system. Families will be placed under greater stress, because they will have to devote more time looking after family members who have significant disabilities and high support needs. As has been reported in the media, many will seek to find more respite hours to replace the hours they have lost in the ATLAS Program. In some extreme cases families will relinquish their adult children to the full-time care of the State. In fact, that has happened in one case. The *Sydney Morning Herald* reported that Jim and Maree Murphy gave up the care of their 24-year-old son, Daniel, who previously had been involved in an ATLAS Program for five days a week, to enable them both to go to work to fund educational programs for their other children. That was a happy circumstance for the whole family and involved a modest cost to the Government of about $15,000 a year.

> Unfortunately, as a result of the cuts, Daniel's service provider could offer him only 2½ days a week. Sadly, as a result of care being reduced to those hours, Daniel's parents had to make a choice between his needs and those of their other children. They elected to make what Jim described as the terrible decision of relinquishing their son to the full-time care of the State. The cost to the State of that decision is an additional $100,000 a year. However, because there are no vacancies in the supported accommodation system, Daniel Murphy is not taking up a vacancy in a group home; instead, he is taking up a place in a respite facility. Consequently, there are probably 30 or 40 families receiving reduced respite care because a young man is occupying a bed intended for respite care on a full-time basis.
>
> There is the resultant domino effect. Cuts to the ATLAS Program are passed on to the respite system and on to families who have people in their care. Who knows where that ripple effect will end! This decision makes no sense on social justice grounds and absolutely no sense on economic grounds. The likely result is that the Carr Government will have to pay more rather than less to provide necessary services. One good thing about the ATLAS Program and the Post School Options Program is that they are financially sound and offer good value for money in caring for people with disabilities. The programs develop their talents and their capacity to participate in the community while at the same time offer families useful respite.
>
> In my travels around the State in my role as the shadow Minister for Disability Services and, more recently, as a member of a parliamentary committee I have not found one person, one family, or one service provider who supports the Carr Government's cuts. The Government has been shamed into numerous embarrassing backflips. Backflip No. 1 was to exclude the participants in the Post School Options Program, because that created two classes of people with disabilities: those born before 1995 and those born after 1995. There is no real difference in the needs of those two groups, but people born before 1995 will receive funding up to $22,000 a year whereas people born after 1995 who are involved in community participation programs could receive funding as low as $13,500 a year. Generally both groups participate in the same programs at the same time in the same facilities, together. There is nothing different in the nature of their programs; there is very little difference in their needs. The only difference between the two groups of clients is their birth date.

Far from trying to improve disability services, every one of the Government's recent backflips has been about creating a political fix and burying the problem beyond the interests of the media. As I said earlier, the first fix was to buy the silence of 400 or so families who were making use of the Post School Options Program [PSO]. The Government then tried to buy off the Australian Council for Rehabilitation of the Disabled and larger service providers with an increase to the base level of funding for community participation from $9,000 to $13,500. The latest announcement by the Minister, which was made in a low-key fashion over the weekend, appears to be aimed at buying off former clients of the Adult Training, Learning and Support [ATLAS] Program. I am suspicious about the Minister's new announcements.

It is my understanding that the additional $6 million will not be enough to restore the former level of ATLAS funding to clients who entered school prior to 2005 and it will do nothing for the people who left school last year. It is likely that any new client in community participation will still receive funding fixed at $13,500 a year. About 500 clients will be affected this year. The Government will slowly strangle the scheme by grandfathering cuts and failing to index the high levels of funding to PSO and former ATLAS clients. In its time-honoured practice the Carr Government is now trying to spread the blame for its cuts so it has launched an attack on service providers. I imagine it is hoping that it can bully service providers into providing more service hours and a lesser level of funding, and its weapon for doing this is a scheme of competitive tendering.

Pursuant to sessional orders business interrupted.

QUESTIONS WITHOUT NOTICE

———

POLICE STATIONS BUILDING WORKS COMPLETION DATES

The Hon. MICHAEL GALLACHER: My question without notice is directed to the Special Minister of State in his capacity as Minister for Commerce. Is he aware that the budget that was handed down today indicates that projected completion dates for building works at Armidale, Muswellbrook and Thirroul police stations have blown out by two years? Is he further aware that projected completion dates for works at Griffith and St Marys police stations have each blown out by a year? Is he also aware that today's State budget fails to fund upgrades or new buildings at 21 locations identified in the 2004-05 State budget as being priority projects? Given that in the current financial year this Government has underspent the budget for important police station projects by a massive $18.77 million, how can these local communities have any confidence in the Government delivering on time and on budget for the limited number of projects announced today?

The Hon. JOHN DELLA BOSCA: The Leader of the Opposition said he was directing his question to me in my capacity as Minister for Commerce. It seems as though his question should more properly have been directed to the Minister for Police, given that the budget has already been handed down. Discharging functions relating to the construction or establishment of new police stations clearly comes within the portfolio of the Minister for Police.

[*Interruption*]

As the Leader of the Opposition said, obviously the Department of Commerce has a role to play. Currently the Minister for Police is conducting a high-level review of police properties.

The Hon. Michael Gallacher: But you would not trust him.

The Hon. JOHN DELLA BOSCA: I have absolute trust in him. I assure the honourable member of one thing. There is no question about the fact that the commitments made in today's budget in the Police portfolio will be delivered by the current Minister.

The Hon. Michael Gallacher: You failed in respect of last year's promises.

The Hon. JOHN DELLA BOSCA: The Leader of the Opposition is referring to an historical event. He asked me a question about today's budget. I state on behalf of the Government that I have absolute confidence in the ability of the Minister for Police to deliver on today's budget projections.

TRADESPEOPLE SHORTAGES

The Hon. PETER PRIMROSE: My question without notice is directed to the Minister for Education and Training. Will the Minister provide the House with an update on the initiatives that are being undertaken to deal with skills shortages in New South Wales?

The Hon. CARMEL TEBBUTT: The honourable member's question provides me with an opportunity to inform the House of how this Government is addressing the skills shortage, which is one of the most significant issues confronting the New South Wales and Australian economies. The New South Wales Government is giving high priority to reducing industry skills shortages, particularly in traditional trades. Since coming into office the vocational education system has been expanded through significant increases in TAFE places, new vocational courses in the Higher School Certificate and new partnerships with industry.

There has been an unprecedented expansion in TAFE with student enrolments jumping from 356,000 in 1996 to 508,000 in 2004. Enrolments for 2005 are on target to reach 520,000 this year. The Government has improved incentives for industry to take on apprentices and trainees through the introduction of payroll tax exemptions. The Government has also supported apprentices and trainees through increased public transport concessions for travel on New South Wales Government buses, ferries and trains for trainees and first-year, second-year and third-year apprentices. These initiatives have worked. In the past 12 months a record number of people have started apprenticeships—a 26.4 per cent increase on the figures for 2003.

TAFE has responded to this increase by, for example, establishing 23 new classes across the full range of skills shortage areas at the Hunter institute. In south-western Sydney the institute has doubled the number of

apprenticeship training places in light automotive and in Parkes the western institute has taken on an additional 48 students in metal and engineering. TAFE trains a large proportion of the work force on which the New South Wales economy relies and it is one of the biggest single training providers in the world. Today in the 2005-06 budget the Government has taken further action to keep TAFE at the forefront of training in New South Wales.

The Government is tackling the skills crisis head on with more than $84 million to upgrade and expand TAFE colleges to provide an additional 1,400 training places in the areas of skills shortages across the State. Capital upgrades will occur at Bankstown, Granville, Ultimo, North Sydney, Cooma, Griffith, Port Macquarie, Newcastle, Maitland and Tamworth. That is in addition to 17 other major projects that are currently under way. The upgrades will provide new facilities for training in children's services, age care, carpentry and joinery, digital sound and video, and automotive and electro-technology.

The expansion of online training is also part of this Government's commitment to enable people to access training when and where they need it. The initiatives in the budget deliver on the Premier's Securing Our Skilled Workforce Plan by introducing Tradestart which will train 450 apprentices in areas of skills shortage and link them to employers. New classes will start in the second semester across all areas of current skills shortages, including carpentry construction, plumbing, refrigeration, electronics, metal fabrication and welding, commercial cookery, baking, hairdressing furniture making, vehicle trades and automotive.

Students can access these courses on the Central Coast, in the Hunter and at Hornsby, Granville, Randwick, Dubbo, Mount Druitt, the Illawarra, Cootamundra, Campbelltown, Ultimo, Tamworth, Bankstown, Lidcombe, St George, Sutherland and Blacktown. In addition, the Government is funding group training companies to replace 800 new apprentices with employees in small businesses and in regional and remote areas. The Government understands that apprentices need additional financial support while they undertake their apprenticeships, which is why the Government introduced today a $100 car registration rebate for up to 25,500 first-year and second-year apprentices and doubled the rate of travel assistance for young apprentices. The increase will support young apprentices and trainees in regional areas who have to travel to undergo training and need to be away for two or more nights .

DEPARTMENT OF PRIMARY INDUSTRIES BUDGET

The Hon. DUNCAN GAY: My question without notice is directed to the Minister for Primary Industries. At a time when 90 per cent of New South Wales is suffering from extreme drought why did he let the Treasurer cut 19 per cent, or $84.398 million, from the Department of Primary Industries total expenditure budget in six months? Why has he cut average staffing within the Rural Assistance Authority from 42 in 2004-05 to 35 in 2005-06, a cut of seven vital positions, when we need them most?

The Hon. IAN MACDONALD: The Deputy Leader of the Opposition missed two things. First, he missed the impact of the mini-budget last year and its flow through and, second, he is confusing a couple of sets of figures. When the budget figures were compiled and released last year a number of one-off extraordinary items throughout the year could not have been predicted. One was the drought expenditure.

The Hon. Duncan Gay: Point of order: Is the Minister telling us that the drought is over?

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

The Hon. IAN MACDONALD: At least I was at the drought summit. The Deputy Leader of the Opposition was not. I see some others who were not there either. If the Deputy Leader of the Opposition wants to throw out comments like that, he can do so.

The Hon. Melinda Pavey: How long were you there for, Minister? In and out?

The Hon. IAN MACDONALD: I was there for two and a half hours and I talk to farmers every day of the week.

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

The Hon. IAN MACDONALD: I was in Wagga on the Thursday and Tumut on the Friday. I was out in the bush three times last week, meeting farmers and talking about the budget and the drought and making sure

they get their voices heard. I will give the Deputy Leader of the Opposition a little lesson in how to handle the budget. Last year the Government budgeted $5 million for drought assistance in our budget. But we said straight out—it is in the budget papers this time—that we will continue to fund all our programs until the end of the drought. We have said that over and over. Although we had a notional figure of $5 million for drought assistance in the budget last year, in fact the final expenditure of the Department of Primary Industries was $22 million.

The Hon. Duncan Gay: You are answering a question I didn't ask.

The Hon. IAN MACDONALD: You threw it in, you took a point of order about the drought. You do not like it but you have to cop it. There was $5 million in the budget last year but the actual expenditure of the Department of Primary Industries was $22 million—and that does not count the expenditures of a range of other departments that have programs within the broad framework of the Government's drought policy. That is one reason why the figure is different from the notional figure for our budget.

Secondly, we spent a lot of money on the locust eradication program. We spent $5.25 million on locust eradication and the industry is contributing $14 million or so. Because of our consolidation of four different departments into one, we also had a number of employee-related costs in the budget with regard to redundancies, which were one-off payments. If the Deputy Leader of the Opposition had thought more carefully about his question he would have noted all the riders in the budget papers with regard to drought expenditure. It runs through the Rural Assistance Authority—it says quite clearly that the figure is notional, dependent upon the course of the drought. If the drought continues—and, unfortunately, at the moment it looks like it will—the Government will allocate considerably more expenditure to this program in the course of the next year.

The Hon. DUNCAN GAY: I ask a supplementary question. In light of the Minister's answer and the fact that the Government has announced it has borrowed $10 billion for infrastructure, how does the Minister justify the pathetic result for his department, which has suffered a cut of 50 per cent in capital expenditure since last year's budget? That is a drop from $26.5 billion to $13.3 billion.

The Hon. IAN MACDONALD: Once again, I thank the Deputy Leader of the Opposition for his question. The plain fact is that past figures included expenditure on the Maitland building—the $20 million headquarters for Primary Industries, mainly Minerals. It is a very good contribution. If the Deputy Leader of the Opposition were to read the rider under these figures, he would see that the asset sales program will continue to fund a number of upgrades in our department in terms of new research facilities. The Deputy Leader of the Opposition has not read the full document. He does not understand the budget and he does not understand that built into last year's figures was a substantial amount of funding for the Maitland headquarters.

KHATER BOU-ANTOUN SENTENCE

The Hon. PETER BREEN: My question is directed to the Minister for Justice, representing the Attorney General. Is the Minister aware of an article in today's edition of the *Sydney Morning Herald* about the case of Kater Bou-Antoun, a convicted rapist, who told his victim that he would kill her if she went to the police because he would get fewer years for murder than for rape? Can the Minister explain to the House why the Director of Public Prosecutions allowed a plea bargain in this case, under which the offender avoided the possibility of a life sentence for the crime of aggravated sexual assault in company? Why is the Government so inconsistent in its application of the criminal law relating to life sentences?

The Hon. JOHN HATZISTERGOS: I will refer the matter to the Attorney General.

NSW FIRE BRIGADES COUNTER-TERRORISM CAPABILITIES

The Hon. IAN WEST: My question is addressed to the Minister for Emergency Services. Will the Minister inform the House about the major boost to equipment and training for the NSW Fire Brigades, which will improve the response to a terrorist attack on New South Wales soil?

The Hon. TONY KELLY: Since September 11 the security situation around the world has changed. Today I will inform the House about some significant improvements to the equipment that our firefighters can use to respond to a terrorist attack. None of us will ever forget the recent attacks in both Bali and Madrid. After such attacks, the speed of response from fire and other emergency services is absolutely critical. We know that if we can get rescue and hazmat experts on the scene fast, with the right equipment, we can save lives. Thankfully, the highly trained firefighters of the NSW Fire Brigades are equipped and prepared for such an event.

NSW Fire Brigades received $8.25 million in funding for a wide range of equipment, training and maintenance to improve its readiness for a terrorist attack. This forms part of a $187-million whole-of-government commitment to protecting the New South Wales community and the State's critical infrastructure. The equipment that will be purchased by the fire brigades this year will include protective suits; gas detectors; chemical recovery bins; hydraulic rescue equipment, including rapid intervention kits; stretchers; thermal imaging cameras; defibrillators on fire engines; emergency medical packs; and new breathing apparatus sets and cylinders. More than $500,000 has been allocated for the operational costs of the joint NSW Fire Brigades and NSW Police counter-terrorism helicopter to ensure it is always ready to respond.

Under a major four-year $4 million program, gas detectors will be installed on fire engines throughout New South Wales and all firefighters will be trained in atmospheric monitoring. Every fire station in the State—all 338 of them—will be equipped with these gas detectors. They will help firefighters to measure atmospheric conditions in a train tunnel or building after an explosion or gas release. Firefighters will be able to measure oxygen levels or determine whether the air contains explosive levels of flammable gases. The detectors will also identify carbon monoxide and hydrogen sulphide. This will assist firefighters in determining whether a train carriage or a train tunnel, for example, is safe. Once they know it is safe they can get people out so they can be transported to the hospital. If there is an alarm, as occurred a couple of years ago, firefighters will be able to identify the problem much more quickly.

Just last Friday I joined the Premier, Bob Carr, at a training exercise in a disused rail tunnel where we saw first-hand the expert training and equipment our emergency service personnel now have. I take this opportunity to thank the dedicated firefighters of the NSW Fire Brigades, under the outstanding leadership of Commissioner Greg Mullins. I am proud to say that the new gas detectors will be located at every single fire station in New South Wales. From Bondi to Broken Hill, our front-line firefighters will be the best equipped of any in Australia. The continuous investment of money for additional equipment and training for our firefighters is proof of the Carr Government's commitment to ensuring that we continue to have world-class fire and rescue services in New South Wales, ready to meet the challenges of emerging global terrorist threats. The threat of global terror is very real and we are not complacent but prepared, as the Special Minister of State has said.

HOTELS AND CLUBS SMOKING RESTRICTIONS

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: My question is directed to the Minister for Industrial Relations. Is the Minister aware that the Australian Hotels Association and ClubsNSW are trying to negotiate regulations that would allow smoking to continue in New South Wales after the belated total ban on indoor smoking comes into effect in mid-2007? Is the Minister aware that these negotiations relate to percentages of the total wall and floor areas so that covered areas can be defined as "outdoors"? Will the Minister guarantee that no roofed area will be defined as "outdoors"? Will the Minister guarantee that hospitality workers will not be exposed to tobacco smoke in covered areas due to loose definitions of "outdoor areas"?

The Hon. JOHN DELLA BOSCA: The best way to approach this question is to answer it in sequence. Yes, I am aware that the Australian Hotels Association and ClubsNSW are lobbying various views on how smoking should be regulated in areas external to licensed premises, and on the ban on all indoor smoking that comes in force in mid-2007. The second part of the question is leaping to a conclusion. Beyond the elements of the regulation, clearly there would be concerns about the need to identify percentages of wall and floor areas et cetera, about which I cannot provide a detailed answer. If the honourable member wishes, I will refer that aspect of the question to the Minister Assisting the Minister for Health Minister for clarification. As to the third part of the question, I cannot make any guarantees. As to the fourth part of the question, I can only say as Minister responsible for WorkCover that the general obligations of employers to the occupational health and safety of their employees, including passive smoking, apply regardless of any other provisions. They still have a duty of care to make sure that workers' health is not unnecessarily at risk because of passive smoking.

DISABILITY PROGRAMS FUNDING

The Hon. JOHN RYAN: My question is directed to the Minister for Disability Services. Will the Minister provide more details about his recent announcement that affects clients in the Community Participation Program? Will the level of funding fully restore all Community Participation program clients to the same level of funding and service hours they received under the former Adult Training, Learning and Support [ATLAS] Program? Over what period is the additional $6 million to be spent? Will the same new level of funding be extended to 2004 school leavers and future school leavers? Does the $6 million include or is it in addition to the $1.4 million allocated for clients with high support needs?

The Hon. JOHN DELLA BOSCA: The honourable member was speaking when I entered the Chamber just before question time. Together with some honourable members he is aware that I announced on the weekend that families of children with a disability participating in the Community Participation Program would be assured of at least three days of support. This year the Government provided an additional $5 million for post-school programs. In addition, the Government has now provided a further $6 million to alleviate pressure on families and to enable a major redesign of post-school programs. The recent injection of funding will ensure that young people with a disability who currently receive less than three days of support in this program will have their support increased; new participants to the program will receive a guarantee of at least three days, and people who currently receive more than three days will continue to receive this additional support. I think that answers the essential part of the question of the honourable member.

As honourable members are aware, consistent with the commitment made by the former Minister for Disability Services, my colleague the Hon. Carmel Tebbutt, I personally undertook a review of the effects the changes to post-school programs had on families caring for a son or daughter with a disability who had, in most cases, recently left school. When coupled with increases in costs levied by a number of post-school program service providers, many young people with a disability received fewer hours of support and this put pressure on families and carers. I congratulate those providers who increased their hours of support this year. However, some providers levied unsustainable price increases. Some standard Community Participation programs now cost double the median hourly rate, with the obvious result of the potential for lower service hours.

While this recent injection of funding will help alleviate pressure on families over the short term, the Government is also moving to ensure the arrangements with service providers are sustainable and provide the support that families need over the long term. Consequently, there will be a competitive tender for services commencing in 2006. The competitive tender will be designed to standardise costs to provide families the hours of support they need to maintain their employment and lifestyle and other issues. New program specifications will detail required outcomes for clients, allowing for their particular needs. The Government has listened to and understands the concerns of parents, carers and people with a disability. I am grateful to my colleagues in Government who have found the scarce resources at a time when the finances of New South Wales are constrained by an unfair Commonwealth-State financial arrangement. I remind the House that taxpayers in New South Wales pay $13 billion each year in GST, but the Commonwealth returns only $10 billion.

The Hon. John Ryan: Here we go again, a tired old line.

The Hon. JOHN DELLA BOSCA: I will keep saying it. You might not like to hear it but it is true. It is as true as the sun rising tomorrow.

The PRESIDENT: Order! There is too much chatter among members. Members who wish to engage in conversation should leave the Chamber.

The Hon. JOHN DELLA BOSCA: The missing $3,000 million would be of great assistance to New South Wales as it delivers frontline services such as health, education, police, public transport and disability services. The Department of Ageing, Disability and Home Care will contact parents and carers with information about its services as a result of the $6 million injection of funds. Additional hours will be available immediately, dependent on each provider's capacity to deliver services. These changes do not affect the Transition to Work Program. I am sure that parents and carers will welcome this new funding. I assure honourable members that I will be doing my utmost to give families the best value for the large investment the State makes each year to school leavers with a disability.

The Hon. JOHN RYAN: I ask a supplementary question. I seek clarification about what the Minister means by giving people at least three days of support. Will the new funding ensure that a family in circumstances similar to Jim and Maree Murphy, who were reported in the media as having relinquished their 24-year-old son into full-time State care after his ATLAS hours were cut to five days a fortnight, will be restored to their former level of five days a week?

The Hon. John Della Bosca: It is a different question.

The Hon. JOHN RYAN: It is not a different question. I am asking if someone had their hours cut from five days a week to 2½ days a fortnight will they get back 10 days a fortnight?

The Hon. JOHN DELLA BOSCA: I am in the hands of the House. I advise that Daniel Murphy is currently in the care of the Department of Ageing, Disability and Home Care. He has a dedicated caseworker

who liaises with his family. Daniel is a priority client to be considered for any group home vacancy. The reduction in hours that Daniel receives from his post-school program is regrettable. The House will be aware, as I said in the answer to the substantive question, that the Government has committed an additional $6 million to boost post-school programs to help alleviate the pressure on families and to enable a major redesign of the post-school program. The theme of the question of the Hon. John Ryan was for the Government to restore the 2004 funding, which was $57 million. The Government is spending $68 million, $11 million more than the 2004 funding. The Hon. John Ryan either does not understand the rising costs or he is misleading families.

DROUGHT ASSISTANCE

The Hon. CHRISTINE ROBERTSON: My question is addressed to the Minister for Primary Industries. What measures does the State Government have in place to assist New South Wales farmers during the ongoing drought?

The Hon. Henry Tsang: What about the Federal Government?

The Hon. IAN MACDONALD: What about the Federal Government? The Hon. Henry Tsang has asked a good question. I am told that he is interested in emus these days so he is a bit of a farmer like a lot of us. There is no doubt that this drought is proving a calamity for rural communities across the State.

The Hon. Duncan Gay: He is about as much a farmer as you are. That is the truest statement you have ever said.

The Hon. IAN MACDONALD: At Parkes I got a much better reception than Warren Truss did.

The Hon. Duncan Gay: You weren't there when he was there so you wouldn't know.

The Hon. IAN MACDONALD: I was told by heaps of people there, thank you.

[*Interruption*]

People let me know things. More than 90 per cent of New South Wales is either drought declared or marginal. With the continuing dry weather and little prospect for improvement many farmers are facing their toughest winter season yet. As a farmer myself, I know how difficult things are in the bush. I am out in the affected communities on a regular basis and hearing first-hand from farmers and other industry groups that rely on a prosperous agriculture sector. In fact, I am having a barbeque on Sunday at 1 o'clock. I invite the Deputy Leader of the Opposition to come up there.

The Hon. Duncan Gay: The road to Crookwell is too rough.

The Hon. IAN MACDONALD: Yes, it is unsealed for 11 kilometres. However, I understand that your new vehicle would be able to handle it quite easily.

The Hon. Duncan Gay: If it's in four-wheel-drive!

The Hon. IAN MACDONALD: It is really good to know that the Deputy Leader of the Opposition does not have to face the calamity of previous years. As the Hon. Charlie Lynn would recall, when the Deputy Leader of the Opposition was Acting-President of this Chamber he borrowed the Caprice from the Hon. Max Willis to take down to his farm and he put a few bales in the back. These days, with his new vehicle, he can move the whole shed-full in one go! The Hon. Rick Colless is interjecting, but the Deputy Leader of the Opposition knows the story. The Hon. Rick Colless had a sad year last year. Actually, I think I am on the ball with this particular issue. It has even brought a smile to the face of the Deputy Leader of the Opposition.

The Hon. Duncan Gay: There is not much to smile about in the budget.

The Hon. IAN MACDONALD: When I am talking he has such a crabby look on his face—that from a guy who usually wears such a beautiful smile. He does not like me telling the facts about the bush and how Country Labor is doing so well.

The PRESIDENT: Order! I call the Hon. Rick Colless to order for the first time.

The Hon. IAN MACDONALD: Straight out of one of the plays of some 11½ thousand years ago.

The PRESIDENT: Order! I call the Hon. Jennifer Gardiner to order for the first time.

The Hon. IAN MACDONALD: Right on cue!

The Hon. Jennifer Gardiner: So is Gwabegar.

The PRESIDENT: Order! I call the Hon. Jennifer Gardiner to order for the second time.

The Hon. IAN MACDONALD: Gwabegar is going to go really well! I will get back to the question, which is about our new programs. We have waived the fixed water charges for the Lachlan Valley irrigators for 2003-04, costing the Government around $4.2 million. This decision was made following extensive lobbying from an honourable member that I think the Premier said should be Chief Minister: the honourable member for Murray-Darling, Peter Black. He was tireless in his efforts to achieve an equitable outcome for those irrigators. We have extended the Drought Worker Support Program. We announced that there will be new programs at Hay and Goulburn, which were well received by those communities when the announcements were made. We have amended the criteria for the Drought Household Relief Program, which can provide cash grants to help farming families meet basic expenses. [*Time expired*.]

GENETICALLY MODIFIED CANOLA TRIAL

Mr IAN COHEN: My question is directed to the Minister for Primary Industries—to give him another chance! Has the New South Wales Gene Technology Advisory Council advised the Minister on more than one occasion that a full, independent study of the potential risks and benefits of genetically-engineered canola in relation to economic and market issues is necessary and should be carried out in New South Wales? What has the Minister done, if anything, to initiate such a study? Does the Minister intend to take the advice of his advisory council or simply ignore it?

The Hon. IAN MACDONALD: I am not fully aware that the advisory council has advised me to have such a study. I will check that out for the honourable member. I must admit that in recent times I have not had many communications from the Gene Technology Advisory Council, basically because due to the drought no-one wants to plant research crops.

OVINE JOHNE'S DISEASE PRODUCER GRANTS ASSISTANCE SCHEME AUDIT

The Hon. PATRICIA FORSYTHE: My question without notice is directed to the Minister for Primary Industries. Has the Minister obtained legal advice about the use of revenue raised through the transaction contribution scheme to pay the debt incurred under the previous ovine Johne's disease producer grants assistance scheme? If so, will the Minister table that advice? In view of the industry request passed at a meeting of the New South Wales Farmers Association executive council on 3 May for an independent audit of the previous regulatory program, will the Minister agree to the association's request? If so, when will that occur?

The Hon. IAN MACDONALD: This is really good stuff from the Hon. Patricia Forsythe! I am more inclined to know what is in the *Sydney Morning Herald* than what is going on in the Liberal Party. But let me say this: The transaction levy legislation was proceeded with on legal advice. The Government would not proceed to put legislation through this House without appropriate legal advice. We got that advice, which said what we were doing was legal. In terms of the figures—and I go on the advice of the industry advisory committee, chaired by the former Minister Mr Garry West, who has done a very good job—the advice to me was that we proceed with the levy, and that we look at in effect the program for the $2.4 million that was owing to around 500 farmers.

The Hon. Duncan Gay: Have you taken the advice?

The Hon. IAN MACDONALD: I am taking the advice. Any figures in relation to the payout to those farmers clearly will be made on a very transparent basis.

The Hon. Duncan Gay: Are you going to table the advice that you said you got?

The Hon. IAN MACDONALD: Which advice?

The Hon. Duncan Gay: The legal advice.

The Hon. Rick Colless: Ian Sinclair's advice.

The Hon. IAN MACDONALD: Ian Sinclair's advice? Forget it! I am not tabling anything. The legal advice was a full legal advice. I am not obliged to table anything you particularly want. I will not be tabling this privileged document. The honourable member can rest assured that the Government would not proceed with this legislation if it was not based on sound legal advice.

The Hon. Duncan Gay: Is it privileged?

The Hon. IAN MACDONALD: I will continue to take the advice of the advisory committee, set up under legislation, in relation to this matter, and I will not be yielding to the pressure from Alex Turner and a few others out there who are involved in a preselection battle in the Liberal Party, wrestling with problems that they are encountering from the Hon. David Clarke's svengali activities across the Liberal Party. It must be quite desperate out there for the Liberal Party—almost as desperate for them as the drought!

The Hon. Duncan Gay: Point of order: The Minister is deliberately not answering the question. The question was quite specific, and the Minister has strayed well away from the subject. I request that you direct the Minister to return to answering the question.

The PRESIDENT: Order! I remind the Minister that his answer must be relevant.

The Hon. IAN MACDONALD: I know the truth hurts! We all know, as someone said, there is a drought in western New South Wales, but there is also a drought of votes for the wets in the Liberal Party.

PRISON FACILITIES

The Hon. GREG DONNELLY: My question is addressed to the Minister for Justice. Will the Minister illuminate the House with the New South Wales Government's plan to meet the challenge of the State's rising prisoner population?

The Hon. JOHN HATZISTERGOS: Honourable members would be aware that, as a consequence of changes of policy resulting in an increase in prison population, the Government has carefully planned expansions of the State's prison facilities. Indeed, last year a total of 900 places were opened up in the State's prison system, including 500 places at Kempsey, 200 places at Dillwynia Women's Correctional Centre and 200 places at Parklea. The Government also delivered a number of expansions of other facilities, including 150 at the Junee Correctional Centre, the reopening of the Cooma Correctional Centre in 2001 with a capacity of 140, an increase of 75 beds at the Goulburn Correctional Centre since 1995, with Tamworth, Glen Innes and Oberon correctional centres all having 30-bed extensions, Broken Hill due to have an additional 30 beds, and Bathurst Correctional Centre an additional 19 beds. I also announced, together with the Premier, that an additional 1,000 beds would be added to the State's capacity, to be completed by 2010. There will be 250 at Lithgow and Cessnock, and a further 500 at a location yet to be determined.

The response to this announcement was interesting. The Opposition indicated, through its shadow Minister, that one would doubt that this was going to happen. He went so far as to say that it was a mirage, pointing out that the Wellington Correctional Centre, which is due to open in 2007, had not been built. It is interesting to note that last year he told the people of Wellington that the Wellington Correctional Centre was not going to proceed because the population had levelled off. He told the people of Bathurst and Lithgow that because Wellington was going to proceed their gaol would be closed, as would Grafton and Cooma. Recently Andrew Humpherson told people that the Wellington Correctional Centre was four years late, 40 per cent over budget and building had not started. However, he is entirely ill-informed because he did not know that the cost increase was because the original budget was 350 places and it is now 550 places. He did not mention that little bit of information.

The Hon. Duncan Gay: You have not started building.

The Hon. JOHN HATZISTERGOS: He is falling into the same trap. Some $9 million worth of infrastructure has been spent already. It must be a while since the honourable member has been to Wellington. The Government has a plan to deal with the increase in the prison population. When the Coalition was in office

it went shopping for shipping containers. The then Premier announced that the Coalition would reopen Katingal and it piled four prisoners into one cell. At the time Minister Yabsley encouraged the judiciary to put people on periodic detention instead of full-time custody.

The Hon. Rick Colless: What was the $9 million spent on?

The Hon. JOHN HATZISTERGOS: Do not worry about that. We have a strong and detailed plan to deal with the increase in the prisoner population when the Coalition has none. The Hon. Rick Colless asked what the $9 million was spent on—infrastructure.

The Hon. Rick Colless: Describe it.

The Hon. JOHN HATZISTERGOS: Site preparation. If the honourable member had a look at the site he would see that it needs roads and utilities. On the very same day that Andrew Humpherson said it was a mirage we awarded the contract for the construction of the Wellington Correctional Centre. The Government has a strong plan to deal with the increase in the prisoner population, which is a far cry from what the previous Government had.

LICENSED VENUES TOBACCO SMOKE

Ms SYLVIA HALE: I direct my question to the Minister for Industrial Relations. How many complaints have been received by WorkCover about tobacco smoke in licensed premises in New South Wales since the passage of the Occupational Health and Safety Act 2000? In light of the employers' absolute duty of care to maintain a safe workplace under the Act, in how many of these cases has WorkCover directed that tobacco smoke be eliminated from the premises?

The Hon. JOHN DELLA BOSCA: I do not have at my disposal the statistics relating to part one of the question. I will take that question and provide the House with an answer as soon as practical. In regard to the second part of the question, I am aware that in the past few years a number of improvement notices have been issued. I will get some details on some of those cases.

NORTHERN RIVERS REGION INCLUSION IN QUEENSLAND

The Hon. JENNIFER GARDINER: My question without notice is to the Special Minister of State. Is he aware of growing support in the Northern Rivers region of New South Wales for the region to be included in Queensland? Is he aware that the Queensland Premier, the Hon. Peter Beattie, would welcome a referendum on each side of the State border to determine this issue? Is the desire of many Northern Rivers residents to be included in Queensland a sign of growing frustration with the New South Wales Government's services in its border regions, especially New South Wales taxes?

The Hon. JOHN DELLA BOSCA: I am flabbergasted that the Hon. Jennifer Gardiner has asked a question directed at her Federal colleagues. The only reason there is any kind of discontent in the regions of New South Wales adjacent to Queensland is that a large part of the extra $3 billion the Commonwealth Government takes away from the taxpayers of New South Wales courtesy of the unfair GST system run by her Federal colleagues goes to Queensland to massively subsidise a range of services, whereas we have to raise our own revenue. I cannot understand the Hon. Jennifer Gardiner, but she might find herself in the same situation as some of her Liberal colleagues with preselection woes because of her inability to maintain solidarity with her Federal colleagues.

The Hon. JENNIFER GARDINER: I ask a supplementary question. Is the Minister aware that the mayors of Tweed shire and Lismore city have said that their communities would prefer to be in Queensland rather than in New South Wales specifically because of New South Wales' unfriendly taxes?

The Hon. JOHN DELLA BOSCA: She has done it again. The GST agreement is unfair to New South Wales. Not surprisingly, people speak in hyperbole about breaking away from the State and going to another State to get a fairer deal. The rort is at the Commonwealth level. The sooner those opposite help us to fix it the sooner we will solve the problems of the mayor of Lismore and a number of other mayors.

DEPARTMENT OF EDUCATION AND TRAINING BUDGET

The Hon. JAN BURNSWOODS: My question without notice is directed to the Minister for Education and Training. Will the Minister tell the House what the Government is doing to improve educational outcomes in our schools?

The Hon. CARMEL TEBBUTT: I am happy to provide information for the House about what the Government is doing to improve outcomes in our schools. The budget for the financial year 2005-06 contains record spending in our schools. The total Education and Training budget has increased this year to $10.1 billion, which is a $440 million or 4.5 per cent increase on the 2004-05 financial year. This record spending underlines our commitments to class size reduction, literacy and numeracy, improving educational outcomes for Aboriginal students and building school infrastructure, to name just a few of our commitments. I am pleased to inform the House that the Government is on track to meet its class size reduction program, with reductions across kindergarten, year 1 and year 2. We are looking towards a statewide average of 20 students in kindergarten classes, 22 students in year 1 classes and 24 students in year 2 classes by 2007. Last week I released a report showing significant improvements for teachers, principals, parents and students as a result of the first roll-out of our class size reduction program in kindergarten classes.

The funding in this year's budget will ensure that we meet that target with the money to be spent on employing more teachers and building more classrooms. This is a very important program for our young students. We all know the benefits of reduced class sizes on the schooling of our students, whether they be more attention for individual students, better classroom management, greater teacher morale or better teacher-student relationships. We are focusing also on giving children the best possible start to their education through our literacy and numeracy spending, which is another key area of this year's State budget. We have a strong focus on getting the best outcomes in the early years with programs such as Reading Recovery and Count Me in Too, which provides essential support in numeracy. The comprehensive review of Aboriginal education released last year confirmed that many indigenous students lag behind in key areas of learning. As I have outlined previously, this is a key priority for the Government. The Government is providing additional funding—$53 million over four years—to improve educational outcomes for Aboriginal students following that comprehensive review.

The funding, which will go towards targeted schools with a high proportion of Aboriginal students, will help fund individualised learning plans, teacher incentive packages, curriculum revision and extended student assessment and testing. We are committed to closing the gap for Aboriginal students. We will announce the locations of those targeted schools over the coming months. The budget provides a continued focus on enhancing teacher professional development. We have established the New South Wales Institute of Teachers and we are linking professional development to teaching standards. We are also strengthening support for students with special learning needs, with more than 660 new teachers aides to be employed over three years. Building school infrastructure is another one of our key commitments. The budget includes two new schools: one at Seconds Pond Creek in Kellyville and another in St Marys in Sydney's west. We are delivering essential infrastructure in the fastest-growing parts of the State in areas where the community demands it.

The Government is also providing support for students with behaviour problems. Construction will start on two new behaviour schools in Lakemba in Sydney's west and Wagga Wagga this financial year. In the 2005-06 financial year we will undertake 18 major new capital works programs across the State, including the upgrade of school facilities at Bulahdelah, Concord west, Mullumbimby, Strathfield and Ulladulla, to name a few. The Government is committed to achieving excellence in education and to giving students the best possible start in their schooling. It is about supporting quality teaching and our most disadvantaged students, and it is about building school infrastructure. [*Time expired.*]

FOUR-WHEEL-DRIVE VEHICLES AND SCHOOLS

The Hon. JON JENKINS: I direct my question without notice to the Minister for Roads. Recently a coroner recommended that four-wheel-drive vehicles not be allowed within 200 metres of a school. In view of subsequent comments by the Minister for Education and Training and by the Premier, will the Minister clarify any potential changes to the road rules applying around schools? Specifically, will any ban apply equally to vehicles that provide limited visibility of the rear, such as station wagons or people movers? Will a similar ban be placed on people of shorter stature because they have more limited vision from the front of a vehicle? Will a ban be applied during school times? How would it be applied to major roads—such as the Pacific Highway—which happen to pass by a school? Will the ban apply to teachers, approximately one-quarter of whom drive four-wheel-drive vehicles? How will any such ban apply to regional and rural schools, where the majority of parents drive four-wheel-drive vehicles?

The Hon. MICHAEL COSTA: The Hon. Jon Jenkins refers to a topical issue that should be considered in the context of recommendations resulting from an inquest into a tragic accident involving the death of a young child, Bethany Holder. I am sure that the sympathies of all honourable members are extended to her parents. It was a tragic incident. However, having said that, when the recommendations from the inquest are considered for implementation, it behoves us to consider practical recommendations. The first recommendation relates to the movement of vehicles inside school grounds. My colleague the Minister for Education and Training has already made some comments indicating that she will take responsibility for the activities within school grounds. This is not a new issue. Most schools have carried out risk assessments and in most areas there are procedures relating to vehicles access to school grounds. It is appropriate to review those procedures in the light of this tragic event.

I have already stated publicly the impracticality of some of the other recommendations. Members of the Greens are not in the Chamber, but I indicate that I will not accept any interjections. The recommendation that the question focuses on—a ban on vehicles within 200 metres of school entrances—is completely impractical and may put children at greater risk. If children are dropped off 200 metres from school entrances and there are roads between where they are dropped off and their school's entrance it will cause all types of problems. I believe that the recommendation pertaining to licensing is misplaced. In any event, it would have to be dealt with at a national level. I do not support the proposal and I will not be taking the issue forward. The question asked by the Hon. Jon Jenkins is valid because the implications are that we should start licensing individual classes of vehicles, such as Toyota Corollas or Ford Escorts. I do not think it makes sense to do so. I acknowledge that a problem exists. However, I believe that there is a much more sensible solution to the problem which could be applied not only to four-wheel-drive vehicles but also to vehicles such as people movers, to which the Hon. Jon Jenkins referred—

The Hon. Jon Jenkins: Station wagons.

The Hon. MICHAEL COSTA: —and panel vans and similar types of vehicles. The sensible solution to consider is a technological one. I think that proximity locators are the way to go. I have them fitted to my motor vehicle—I do not know whether the Deputy Leader of the Opposition has them on his motor vehicle—and I can say with confidence that they work. I will be pleased to take forward to the national level proposals for changes to the Australian Design Rules to have all the larger vehicles or vehicles without proper provision for visibility fitted with proximity locators. I think that is a much more sensible solution to the problem than the solutions proposed in the Coroner's recommendations. I do not wish to diminish the consequences of the accident or the deliberations of the Coroner, but I do not think the recommendations are practical. The Government will go forward with what I believe to be a much more sensible approach.

The Hon. JON JENKINS: I ask a supplementary question. In view of the important role of the Coroner on the one hand—to avoid death by preventable misadventure—and the totally impractical recommendations made by the Coroner on the other, will the Minister ask the relevant Ministers to express their full confidence in this Coroner protecting the people of New South Wales?

The Hon. MICHAEL COSTA: It is completely appropriate that the Coroner make recommendations.

The Hon. Jon Jenkins: Practical recommendations.

The Hon. MICHAEL COSTA: It is up to us, as those who have access to the experts in these matters, to assess whether the recommendations are practical—and the Government is doing so in this case. As I said, I do not think it is appropriate for me to ask for an expression of confidence in the coroner.

HOUSE FIRE DEATHS AND SMOKE DETECTORS

The Hon. DAVID CLARKE: My question without notice is directed to the Minister for Emergency Services, and Minister for Lands. Is he aware that his Government's figures reveal a doubling in house fire deaths in New South Wales and a decrease in functioning smoke detectors? What action has he taken to prevent this unacceptable trend?

The Hon. TONY KELLY: I thank the Hon. David Clarke for his question. I do not necessarily agree with his proposition that there have been a number of instances in which fire warning devices or alarms were not working, or an increasing incidence of their failure. I will check whether his propositions are correct. I will then provide him with an answer.

DEPARTMENT OF LANDS BUDGET

The Hon. KAYEE GRIFFIN: My question is addressed to the Minister for Lands. Will he provide details of the budget allocation for the Department of Lands?

The Hon. TONY KELLY: The Carr Government continues to implement important reforms to the management of the Crown lands estate. Our commitment to reform is backed up by the $236 million Lands budget for 2005-06. The Department of Lands is the steward for land and property information, spatial information and the Crown lands of New South Wales. The department's Crown Lands Division budget this year is $46.4 million. The Government has strong and detailed plans that underpin the most significant reforms to the Crown land estate in this State in almost 200 years. Our reforms slash red tape, provide greater flexibility and better returns to taxpayers, and consolidate and refocus crown land management. The Government is freeing up resources to focus on improving important public assets, such as our State parks, showgrounds, regional ports, lighthouses, walking trails, community halls and recreation reserves.

Changes such as the conversion of perpetual leases to freehold were long overdue and will allow the Government to manage crown land in the best interests of the ultimate owners—the people of New South Wales. The department has already received well over 3,000 applications for conversions. We are giving farmers and other regional landholders the opportunity to buy lands that they have held for many years under lease or permit. We have created more jobs in regional centres to fast-track these important reforms. Specific allocations under next financial year's Crown land budget include: more than $1 million for the minor ports program to provide commercial fishing and recreational boating industries with well maintained port infrastructure facilities as well as safe ports access; $1.1 million for our nine State parks to continue to offer recreational activities, such as camping, bushwalking and water sports; $500,000 for eradication of weeds and pests on Crown land; a further $500,000 for bushfire mitigation works on Crown land; some $7 million in funding for the ongoing maintenance and improvement of public reserves, showgrounds and caravan parks; and—for the information of Mr Ian Cohen, who is not in the Chamber—$5 million for the Tweed River sand bypass to continue to restore sand to the Gold Coast's southern beaches and improve navigation at the entrance of the Tweed River.

The department's Land and Property Information Division [LPI] is a government business that returns a strong dividend back to the people of New South Wales to help to fund our front-line services. LPI is leading the way in working with other States and Territories towards a national scheme for on-line registration of property sales. At present, each State has its own paper-based conveyancing system and the transactions are largely conducted off-line. Registration of conveyancing transactions in New South Wales is mainly conducted in the electronic land title register—a world's first established by the Wran Government in 1983. New South Wales remains at the cutting edge of property registration and will continue to be a driving force in providing a better service for families and businesses that are engaged in buying and selling property. The Carr Government will invest more than $13 million to improve land and spatial information, including state-of-the-art mapping and aerial photography to help our emergency response agencies, planners, farmers and businesses.

Much of this activity occurs within the Bathurst office of LPI, which will receive around half of this $13 million—another win for Country Labor. Country Labor and Soil Con go hand in hand. Finally, I am happy that the Carr Labor Government continues to recognise the key role played by the Soil Conservation Service, which provided almost $20 million this year. Soil Con is a trusted icon in the bush and this money will enable it to continue its invaluable work in tackling soil erosion and degradation and improving service delivery to rural and regional customers.

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

DEFERRED ANSWERS

The following answers to questions without notice were received by the Clerk during the adjournment of the House:

STATE RAIL ROLLING STOCK

On 5 April 2005 the Hon. Michael Gallacher asked the Minister for Roads, Minister for Economic Reform, Minister for Ports, and Minister for the Hunter a question without notice regarding State Rail rolling stock. The Minister for Transport provided the following response:

> I am advised the 20 per cent figure applies to the manufacture of the new air-conditioned carriages. The exact nature of this requirement is to be detailed in the Request for Detailed Proposals to be released during May 2005.

DENTAL HEALTH SERVICES

On 5 April 2005 Ms. Sylvia Hale asked the Minister for Ageing, and Assistant Treasurer a question without notice regarding dental health services. The Minister for Health provided the following response:

The Commonwealth Dental Health Program was introduced in January 1994. Its purpose was to reduce geographic and financial burdens that prevented timely and appropriate dental treatment. In its first year of operation NSW received $20.74 million and the following year $37.8 million under this program. In August 1996 however, the Australian Government announced that the Program would cease from 1 January 1997. NSW received half its annual allocation for the 1996-997 financial year—just $18.6 million.

On 4 April 2000, the NSW Government announced as part of its oral health reform package, major increases in funding to public oral health services. Over a three-year period from July 2001, recurrent spending on oral health programs in NSW was increased from $72.5 million to approximately $92 million per annum. In 2004/2005 the total oral health budget is $109.7 million.

In June 2002 the previous Minister for Health announced a further $5 million recurrent enhancement funding to be used for denture services ($2M), specialist oral health services ($1 M), aboriginal oral health services ($1 M), and to establish three rural and Regional Oral Health Centres ($1 M).

I am advised that in addition to funding dental treatment services, the NSW Department of Health has recently finalised the NSW Oral Health Promotion Framework 2010. Key strategies will be implemented to prevent dental disease and its related costs within the NSW community.

This progress is all despite the Australian Government ceasing the Dental Health Program in 1997.

The NSW Government has also demonstrated its support for dental health issues through the Teeth for Life project that has been implementing a range of oral health promotion strategies in the Mid-North Coast of NSW, particularly water fluoridation. This project has just had its funding extended for a further two years and the success of this project has led to interest in many other communities about having their local water supplies fluoridated.

I am advised that this has the potential to prevent many millions of dollars in dental disease costs to the NSW community, but also to impact on diseases with related risk factors, such as cardiovascular disease.

A strategic planning process is underway within the NSW Health Department to ensure targeting of services to the most at need and to further a population health and preventative approach in service orientation.

The Honourable Member will also be aware that an inquiry into Dental Services in NSW was referred to the Standing Committee on Social Issues by the Legislative Council on 7 April 2005.

HUMAN EMBRYOS RESEARCH

On 6 April 2005 Reverend the Hon. Dr Gordon Moyes asked the Special Minister of State, representing the Premier, a question without notice regarding human embryos research. The Premier provided the following response:

The Reverend Moyes' questions appear to be premised on a misunderstanding. The nationally consistent regulatory scheme, which includes legislation prohibiting human cloning and regulating research involving human embryos, continues to apply to all embryos created prior to 5 April 2002 and those created after this date.

In 2002, through the Council of Australian Governments (COAG), all jurisdictions agreed to a nationally consistent regulatory scheme to prohibit human cloning and to regulate research involving human embryos. This included agreement to a 3 year moratorium on the use, for research purposes, of embryos that were created before April 2005 and were excess to Assisted Reproductive Technology (ART) needs. The moratorium took effect from 5 April 2002.

A key purpose of the moratorium was to enable relevant legislation to be passed by all States, Territories and the Commonwealth, and to put in place suitable protocols to ensure embryos could not be created solely for research purposes. This regulatory scheme is in place now, the relevant Commonwealth legislation having been passed in December 2002, followed by all other jurisdictions. During 2003, in NSW, the following legislation was passed, the *Human Cloning and Other Prohibited Practices Act 2003* and the *Research Involving Human Embryos (New South Wales) Act 2003.*

SUTTON PUBLIC SCHOOL PRINCIPAL

On 6 April 2005 the Hon. Patricia Forsythe asked the Minister for Education and Training a question without notice regarding the Sutton Public School principal. The Minister for Education and Training provided the following response:

A response regarding the principal's position at the school was sent on 13 April 2005.

During the review period in 2004 and again in 2005, the principal position does not have teaching responsibilities.

The Department's School Staffing Unit, Relieving Principal and School Education Director will continue to monitor enrolments at the school throughout 2005. If enrolments remain below 160 students, the principal's position will be reclassified as a teaching principal position commencing in 2006.

CHILDHOOD DEPRESSION

On 7 April 2005 the Hon. John Tingle asked the Special Minister of State, representing the Minister for Health, a question without notice regarding childhood depression. The Minister for Health provided the following response:

I am advised that the prevalence of depression in under 5 year olds in Australia was not studied in the National Survey of Mental Health and Wellbeing. NSW Health has been unable to ascertain which media reports the Honourable Member is referring to.

I am advised by NSW Health that most treatment for depression in this age group occurs outside the public mental health sector, through general practitioners, paediatricians and private psychiatrists. As a result, NSW Health does not generally determine diagnostic criteria for use by these groups.

HURSTVILLE GROUP HOME VISITOR ACCESS

On 7 April 2005 the Hon. John Ryan asked the Minister for Disability Services a question without notice regarding Hurstville group home visitor access. The Minister for Disability Services provided the following response:

Access to the house by the particular resident's family is now occurring once per week with the continuation of the transport arrangements to the mother's home on the other night.

Departmental regional staff continue to meet with families on a weekly basis to address concerns. The group home continues to be monitored by regional staff. The communication protocols agreed with families are still in place.

UNION OFFICIALS INSPECTION POWERS

On 7 April 2005 the Hon. Dr Peter Wong asked the Minister for Justice, representing the Attorney General, a question without notice regarding union officials inspection powers. The Attorney General provided the following response:

Union officials do not act as officers of the Industrial Relations Commission.

There is no code of conduct provided under the *Industrial Relations Act 1996*. However, when entering premises under sections 296 to 301 of the *Industrial Relations Act* it is an offence for an authorised industrial officer to deliberately obstruct or hinder an employer or employee during working time and the Industrial Registrar can evoke their right of entry.

DENTAL HEALTH SERVICES

On 7 April 2005 Ms Sylvia Hale asked the Minister for Education and Training, representing the Minister for Health, a question without notice regarding dental health services. The Minister for Health provided the following response:

I am advised that a NSW Department of Health review of mobile dental vans recommended the phasing out of vans where possible due to a range of occupational health and safety issues as well as operational issues. There is a full-time Dental Therapist at the Pambula Child Dental Clinic, near Bega and the mobile van referred to at Bega has not been in use since 1998.

I am further advised that the Bulli Child Dental Clinic has not been closed and the Berkley Child Dental Clinic services were transferred to the Port Kembla Hospital Dental Clinic.

I am also advised that there have been no funding reductions or contraction of the child dental service in NSW. Most locational changes away from school sites have to do with factors such as age of buildings, occupational health and safety issues, and co-location in newer adult clinics and/or community health or hospital facilities.

The Carr Government continues its strong commitment to child oral health and is exploring ways to better use existing funding as well as new initiatives that may require further resources, particularly in the area of prevention, for example fluoridation of public water supplies.

SYDNEY WATER INFRASTRUCTURE

On 5 April 2005 the Hon. Dr Arthur Chesterfield-Evans asked the Minister for Local Government, representing the Minister for Energy and Utilities, a question without notice regarding Sydney Water infrastructure. The Minister for Energy and Utilities provided the following response and an explanatory letter according to Standing Order 66 (2) (b):

Mr John Evans
Clerk of the Parliaments
Parliament House
Sydney NSW 2000

Dear Mr Evans,

Please accept my apologies for the late lodgement of an answer to a question without notice, directed to me by the Hon Tony Kelly MLC on behalf of the Hon Dr Arthur Chesterfield-Evans MLC, regarding private investment in infrastructure, water recycling, reuse and the Every Drop Counts campaign.

Regrettably, Sydney Water's advice, which was required in order to provide a detailed response to the question, failed to arrive at my office in time for proper consideration and review. Consequently, I have asked for a full explanation from the General Manager of Sydney Water.
Yours sincerely

Frank Sartor
Minister for Energy and Utilities
Minister for Science and Medical Research
Minster Assisting the Minister for Health (Cancer)
Minister Assisting the Premier on the Arts

———

In the financial period 1999/2000 to 2003/04, Sydney Water has advised it has spent $2,534 million in capital expenditure to meet the ongoing water and wastewater needs of over 4 million people in Sydney, the Illawarra and Blue Mountains. More than 90 percent of this capital works program is delivered by the private sector.

Questions about investment in road infrastructure should be directed to the Minister for Roads.

Increased recycling of water is a key initiative of the Government's Metropolitan Water Plan, released in October 2004, and has been identified as an area of water service provision where there are opportunities for increased private sector involvement. These opportunities include public private partnerships and the potential for private sector funding. The Government is investigating these opportunities and will develop a framework for private sector involvement in the delivery of innovative recycled water schemes and identify packages of work available to the private sector.

As part of the Metropolitan Water Plan, the Government is undertaking a holistic investigation into the potential to maximise the use of recycled water in the greater Sydney area. This investigation will identify economically viable recycled water schemes for implementation, with a report due to the Government within the next few months.

For example, the Government is undertaking detailed investigations into the $560 million Western Sydney Water Recycling Scheme, which involves water recycling for new land release areas in Sydney's North-West and South-West, servicing up to 150,000 dwellings. The scheme would be a major public/private partnership that involves the recycling of up to 80 billion litres of water a year from both existing and new sewage treatment plants in Western Sydney for residential use in new land release areas, agricultural use and potentially for environmental flows.

A number of opportunities exist including recycling for large existing commercial and industrial users, recycling to agriculture, recycling for urban irrigation and recycling for new residential customers in redevelopment areas, including the potential for on-site recycling. On 5 April 2005 the Minister for Energy and Utilities announced the establishment of two working parties to implement re-use schemes at Caltex and Continental Carbon, and to examine the re-use of treated groundwater from Orica's reverse osmosis plant. These two initiatives are forecast to save up to 5.3 billion litres of water each year.

The Government has recently asked the Independent Regulatory and Pricing Tribunal (IPART) to investigate and provide advice on possible pricing principles and alternative arrangements, including private sector involvement, for the delivery of water and wastewater services in the greater Sydney metropolitan area (such as those proposed by Services Sydney Pty Ltd), with a view to making recommendations for providing these services in the most efficient, effective and sustainable way.

IPART has recently released an Issues Paper for public comment, and is due to report to Government on this matter by October 2005.

The Every Drop Counts (EDC) program is an ongoing initiative that includes components to improve residential and business customer water efficiency, address leakage reduction, and provide rainwater tank rebates, the retrofit program and water recycling.

As you are aware, the recent legislation, which enabled water and energy savings funds and programs to be implemented, will in large measure supersede the Every Drop Counts program and its future role will be fashioned accordingly.

For example, the Go Slow on the H_20 Campaign promoted outdoor water-saving products to gardeners through press and radio advertising, shopping centre displays and promotional offers.

Sydney Water continues to utilise customer account statements to promote water conservation. In particular, the envelope is used to communicate key messages and water saving tips such as 1 minute shorter shower today saves 9 litres for tomorrow.

MARINE PARKS AUTHORITY FINANCIAL REPORT

On 7 April 2005 the Hon. Jon Jenkins asked the Minister for Local Government, representing the Minister for Natural Resources, a question without notice regarding the Marine Parks Authority financial report. The Minister for the Environment provided the following response and the Minister for Local Government provided an explanatory letter according to Standing Order 66 (2) (b):

Mr John Evans
Clerk of the Parliaments
Parliament House
Sydney NSW 2000

12 May 2005

Dear Mr Evans

On 7 April 2005, the Hon Jon Jenkins MLC asked a question on the Marine Parks Authority Report. I took the Question on notice, to refer to my colleague the Minister for Natural Resources for a response.

I have since been advised that the Marine Parks Authority reports to both the NSW Minister for the Environment, the Hon. Bob Debus MP and the Minister for Primary Industries, the Hon. Ian Macdonald, and not the Minister for Natural Resources, the Hon Craig Knowles.

I have sought more detailed advice from the relevant Ministers on the Honourable Member's question, and I will provide a response shortly.

Yours sincerely
The Hon Tony Kelly MLC
Minister for Rural Affairs
Minister for Local Government

Minister for Emergency Services
Minister for Lands

———

The Marine Parks Authority's finances are currently managed by the Department of Environment and Conservation and the Department of Primary Industries. These Departments include a note in their annual reports regarding Marine Parks Authority-related expenditure.

The Marine Parks Authority, in consultation with Treasury, is considering arrangements for future financial reporting.

Questions without notice concluded.

GENERAL PURPOSE STANDING COMMITTEE NO. 4

Government Response to Report

The Hon. John Della Bosca tabled the Government's response to report No. 10, entitled "Closure of the Casino to Murwillumbah Rail Service".

Ordered to be printed.

NATIONAL PARKS AND WILDLIFE (ADJUSTMENT OF AREAS) BILL

Second Reading

The Hon. JOHN HATZISTERGOS (Minister for Justice, Minister for Fair Trading, Minister Assisting the Minister for Commerce, and Minister Assisting the Premier on Citizenship) [5.01 p.m.]: I move:

That this bill be now read a second time.

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

Leave granted.

INTRODUCTION

This Bill proposes the revocation of small areas of land in three national parks and one nature reserve. The need for such revocations arises from time to time, for example to correct reserve boundary errors or boundary encroachments. To achieve this, and to ensure that conservation outcomes remain a priority, lands reserved under the *National Parks and Wildlife Act 1974* may not be revoked except by an Act of Parliament.

Also included in this Bill is an amendment to the *National Park Estate (Southern Region Reservations Act) 2000*, to extend the deadlines for the road provisions in the Act for a period of two years.

The Department of Environment and Conservation carefully considers all alternatives to the revocation of land and their merits, before revocation of land from a reserve may be considered. Indeed, an outcome that ensures a conservation benefit for NSW has been a key priority in the assessment of the revocation proposals contained in Bill. The proposals contained in this Bill will result in a net benefit to the natural heritage of this State and an overall increase in the area of lands that are reserved.

Let me outline the proposals:

South East Forest National Park

It is proposed that several access roads be revoked from the South East Forest National Park. These revocations are required to correct errors that were made during the gazettal of this national park some years ago. In fact, this national park was reserved as a consequence of the *Forestry Revocation and National Park Reservation Act 1996*, which included a statutory provision for the identification of access roads that would not be reserved. An oversight in this process resulted in the reservation of three particular access roads, which are required by Forests NSW so that they can continue to legally access the adjoining State forest for commercial logging.

The revocation is required because the primary use of these roads by Forests NSW for commercial logging is not compatible with their inclusion in a national park. Once revoked, the roads will be vested in the Minister for the Environment under Part 11 of the *National Parks and Wildlife Act 1974* and their future management will be subject to agreement through a memorandum of understanding between the Department of Environment and Conservation and Forests NSW. This arrangement already exists for other roads within the area that are not reserved as part of the national park but are used for access by Forests NSW.

Botany Bay National Park

It is proposed to revoke two small parcels of land totalling 716m² from Botany Bay National Park. This revocation will enable the NSW Golf Club to construct a footbridge and to correct a small boundary error near the 5th tee.

The NSW Golf Club currently provides public access to the adjoining section of Botany Bay National Park at Cape Banks through its golf course. This access is via a dilapidated footbridge, which leads to a championship tee for the 6th green. To ensure public safety, the NSW Golf Club cannot rebuild a new footbridge on the current location because it is actually within the range of golfers using the championship tee. I'm sure you'd agree that the chance of park visitors being hit with golf balls is not an ideal situation.

However, owing to the fact that the Golf Club's Crown lease area is virtually surrounded by national park, they cannot relocate the footbridge and refurbish the 6th tee without encroaching upon the park. The Golf Club therefore sought approval to extend their leased area into the national park and a Review of Environmental Factors was prepared. Although the outcome of this process suggested that the activity could be conducted without significant environmental impact, the application was refused on the grounds of being deemed not permissible under the *National Parks and Wildlife Act*. The only legal mechanism to enable the expansion of the tee and relocation of the footbridge therefore is the revocation of this small section of land from the national park.

I would like to stress that the small area of land to be revoked has no natural or cultural heritage values. In fact it is highly disturbed land and is mostly covered with non-native grasses.

The revocation and subsequent construction of a new footbridge on this area will clearly benefit the public by improving both visitor safety and access to the park.

Kosciuszko National Park

The proposal is to revoke 184 hectares of land from Kosciuszko National Park to remove a number of developments associated with Talbingo Dam. The land includes major structures such as the dam wall, river inlet tower and outlet tunnel, the spillway and access roads, all of which are managed by Snowy Hydro Limited. These are facilities for which the Department of Environment and Conservation has no management or legal responsibility.

Kosciuszko National Park was gazetted on 1st October 1967, which coincided with the signing of the contract for the construction of the Talbingo Dam. The park boundary therefore did not account for the dam and associated infrastructure that was to be built, resulting in its inclusion in the park.

As you may well imagine, the land that is proposed for revocation from the park is highly disturbed, given the fact that it contains a dam and other major infrastructure. Indeed the land has little natural or cultural heritage value.

The revocation of this land from Kosciuszko National Park will result in a number of benefits. Firstly it will clarify current legal and management responsibilities for this infrastructure, and will enable the realignment of what is currently a very complicated park boundary. It will also enable the Department of Environment and Conservation to divest itself of highly modified land of low conservation value in return for compensatory land of high conservation value.

Lake Innes Nature Reserve

The final revocation is for a small area of land in Lakes Innes Nature Reserve. The proposed revocation will allow Hastings Council to construct an extension of Ocean Drive, which forms part of the Port Macquarie Ring Road Project.

Although the proposed revocation will be of great public benefit by enabling the construction of the Port Macquarie Ring Road, this proposal has been developed to ensure good conservation outcomes remain a priority.

Extension of special roads provisions

The final provisions included in the Bill do not involve the revocation of land but instead propose an amendment to the *National Park Estate (Southern Region Reservations) Act 2000*. The amendment is to extend the deadline allowed for public road boundary adjustments and declarations as to the status of other roads and tracks within new national parks and reserve. The extension is for two years, or until 31 December 2007.

The Government's Regional Forest Agreement Initiative aimed to secure a balance of land uses in forest regions, taking into account conservation values and industry needs. As a result, areas of State forest and Crown land have been transferred to the NPWS reserve system for the conservation of natural and cultural heritage values. These lands contain anomalous public road reserve boundaries and other roads and tracks that provide access to private property.

The extension of the deadline by two years will allow various Government agencies and local councils to address any unforeseen difficulties, for example undertaking survey work in rough terrain and extended negotiation time for the transfer of roads to the appropriate roads authority.

Compensation

Madam President, I would like to turn to the matter of compensatory land for the revocations.

Compensation is not required for the revocation of access roads from the South East Forest National Park as the revocations from this park are simply intended to correct boundary errors—in other words to remove lands which were not intended to be reserved in the first place.

Nor is compensation required for the extension of the deadlines for public road boundary adjustments and declarations that I have just outlined.

However, to ensure a net conservation gain, compensatory habitat is required for the other proposals.

In return for the revocation of land from Botany Bay National Park, an area of approximately 1,355 square metres of high conservation value land will be transferred to the Department of Environment and Conservation for reservation as part of the park. This land comprises valuable remnants of Eastern Suburbs Banksia Scrub, which is listed as an endangered ecological community under the *Threatened Species Conservation Act 1995*. In contrast, the area to be revoked is a combination of Hawkesbury sandstone outcrops and introduced grasses.

In compensation for the revocation from Kosciuszko National Park, Snowy Hydro Limited has agreed to transfer 146 hectares of land to the Department of Environment and Conservation for addition into Kosciuszko National Park. In return for the revocation of such highly modified land, the compensatory land is forested with undisturbed and high conservation value vegetation and will be a valuable addition to the park.

The revoked lands will not be transferred until compensatory lands are first transferred to the Department of Environment and Conservation.

Lake Innes Nature Reserve

This proposal involves the revocation of 2.89 hectares which includes the land needed for the area needed for the road and a small spur shaped fragment of land that would consequently be isolated from the rest of the reserve. The 3.98 hectares of compensatory habitat from Hastings Council will be added to the nature reserve. This addition will enhance the conservation value of the reserve as it contains greater conservation value than the land to be revoked.

The revocation proposal was prepared in agreement with a working group, which included representatives of the National Parks and Wildlife Service, Hastings Council, the local branch of the National Parks Association of NSW and the Koala Preservation Society.

Revocation of Land Policy

The revocation proposals contained in this Bill have been prepared consistent with the requirements of the National Parks and Wildlife Service Revocation of Land Policy.

The policy stipulates circumstances where revocation of land may be considered and where consultation with the National Parks and Wildlife Advisory Council and compensation may be required. In accordance with the policy, the Advisory Council was consulted on the Botany Bay National Park, Kosciuszko National Park and Lake Innes Nature Reserve revocations. Consultation was not required for the South East Forest National Park revocations as they are simply intended to correct some boundary errors. Nor was consultation required for the extension of time for the application of road provisions in the National Park Estate (Southern Region Reservations) Act.

Conclusion

The Department of Environment and Conservation has carefully prepared the revocation proposals contained in the Bill. The lands to be revoked are either highly modified, containing little by way of conservation values, or necessary for a public good, as in the case of the Lake Innes Nature Reserve. Indeed the compensation that will be received ensures that these proposals result in a conservation gain for New South Wales.

This is a sensible and necessary bill.

I commend the bill to the House.

The Hon. RICK COLLESS [5.02 p.m.]: The Opposition will not oppose the National Parks and Wildlife (Adjustment of Areas) Bill, which is very much a tidy-up bill. The bill makes a number of fairly minor changes to a very small number of national parks. Under the National Parks and Wildlife Act, land reserved as a national park may not be revoked except by an Act of Parliament. That is why we are debating this bill, but I find it rather incongruous that we are discussing revocations today. Usually the words "revocations", "compensation" and "New South Wales national parks" are not mentioned in the same breath. When it comes to national parks this Government is obsessed with gaining land at the expense of rural communities, rural export businesses and the wellbeing of the environment. I cannot stand here today talking to a bill on national parks without briefly mentioning the Brigalow Belt South Bioregion decision; as disastrous as it was.

Two weeks ago the Government made its long-awaited announcement on the future of that bioregion. Its disastrous decision was to remove 348,000 hectares from harvestable forests in the Brigalow Belt South Bioregion. The Premier and his conservation decisions are tearing the heart out of rural New South Wales. His latest decision will result in many timber mills exiting the industry and will ensure the demise of the towns that rely on the mills. The decision was not sound socially, not sound economically and certainly not sound environmentally. I will have a lot more to say about that as I am sure debate on that decision will go on for some time.

I note that the Minister for the Environment asserted in his second reading speech that as a result of the proposals contained in this bill there will be an overall increase in the area of lands that are reserved. Let us hope that they will be managed more efficiently than they are at present. As I mentioned earlier, a consistent theme runs through this legislation: that of compensation to be provided for any revocations made under the bill.

I will outline the revocations one by one. The first, which relates to the South East Forest National Park, corrects some boundary areas to allow roads to be used for commercial logging operations in the adjacent State forest. The roads will remain vested in the Minister for the Environment under part 11 of the National Parks and Wildlife Act 1974. As the shadow Minister for the Environment advised in his contribution to the second reading debate, no compensation is sought in this instance as this kind of boundary gazettal error arises in circumstances when no fault is ascribed. The roads will continue to exist, regardless of whether compensation is provided.

The second proposed change relates to the Botany Bay National Park. That park is always under scrutiny because of its proximity to the city and the number of competing activities that occur there. The bill revokes some 716 square metres of the Botany Bay National Park, which will be handed over to the New South Wales Golf Club to provide some degree of safety to golfers using the sixth green. Some 1,354 square metres of high conservation land will be added to the national park, which is almost a two-for-one swap. The National Parks Association has not indicated that it is opposed to the bill. The third proposed revocation relates to Talbingo Dam in the Kosciuszko National Park. Not too many people could object to the revocation of areas that were highly modified by the former Snowy Mountains Authority over decades.

The proposal is to revoke some 184 hectares, which includes 34 hectares of Talbingo Dam's water surface. The conservation value of the land is fairly minimal. The two parcels of land that will become part of the park as compensation total 146 hectares, which is slightly less than the 184 hectares to be revoked; but, again, 34 hectares of the dam's water surface will be transferred to Snowy Hydro Ltd. Most people would say that that is a sensible move by the Government and would not object to it. Certainly the National Parks Association has no particular problem with the proposal.

The final proposal relates to the Lake Innes Nature Reserve and involves the revocation of 2.89 hectares to allow Hastings Council to construct an extension of Ocean Drive, which forms part of the Port Macquarie Ring Road project. Often it is necessary to construct roads, and sometimes the only place to construct them is through a national park. We all understand that road infrastructure must be provided for the benefit of all people. Other proposals have passed successfully through this place to provide for exactly that eventuality. Some 2.89 hectares will be taken from the Lake Innes Nature Reserve, but another 3.98 hectares will be included in the nature reserve.

Working groups, including representatives from the National Parks and Wildlife Service, Hastings Council, the local branch of the National Parks Association and the Koala Preservation Society, have been involved in consultation about construction of the road. I understand that a fauna underpass will be built, particularly for koalas, to mitigate the impact on wildlife. Fauna underpasses and overpasses have been built elsewhere in New South Wales and the world. The shadow Minister in another place cited examples of very expensive overbridges in Canada, costing upwards of $Can1 million to allow bears to cross six-lane or eight-lane highways. The Opposition does not object to the proposal.

The next proposal is more contentious and relates to the extension of special roads provisions in the National Park Estate (Southern Region Reservations) Act 2000. This does not involve any revocations or changes to boundaries, but extends the time allowed for public road boundaries and adjustments and declarations as to the state of other roads and tracts within new national parks and reserves in southern New South Wales for two years or until 31 December 2007. The conservation movement is concerned that this does not provide a degree of surety over what has been preserved in the Act in these new national parks. I repeat: the Opposition does not oppose this bill as it is eminently sensible and meets an obvious need.

Mr IAN COHEN [5.08 p.m.]: The National Parks and Wildlife (Adjustment of Areas) Bill. makes boundary changes in certain areas of national parks. As a general principle, the Greens do not support the revocation of areas of national park except under extreme circumstances. There is a danger that if revocations are seen as a commonplace occurrence, landholders and agencies will see that land can be traded in return for any part of a national park which they wish to exploit for their own purpose. However, I acknowledge that in some circumstances boundary changes may be necessary. I will address each of the proposed boundary changes in turn.

The bill revokes three access roads from the South East Forest National Park. Apparently these roads were reserved by mistake in 1996. The purpose stated for their removal is incompatibility between their use as access roads primarily for commercial logging and their inclusion in a national park. I do not support the revocation of the three roads, namely, Coolangubra Forest Way, Nitens Road and two sections of Ben Boyd Road.

Some years ago I joined a protest in an attempt to protect Coolangubra forest, an example of magnificent old growth forest that has been horribly destroyed by major road works and the logging that followed. I have sad memories of a wonderful forest area that was not given the respect it deserved. The Forestry Revocation and National Park Reservation Act, which was passed in 1996, provided a mechanism for excluding roads from the national park that may be required for use by State Forests. A detailed consultation process was involved in coming to a decision as to which roads should be revoked. At the time State Forests agreed with the decision about which roads were to be included.

If the roads under consideration in this bill were omitted it does not automatically justify their revocation now. While the process in 1996 involved consultation, there has been no consultation in regard to the three roads with the regional advisory committee or the National Parks and Wildlife Advisory Committee. Any such consultation should have occurred prior to the proposed revocation, as required by the procedures adopted by the Government following a previous adjustment of areas bill in 2001. Many national parks visitors use that section of the Ben Boyd Road that is proposed for revocation. Further, if the proposed revocation goes ahead there is no provision for compensatory habitat.

The Greens will oppose the revocation of the South East Forest National Park and will move amendments to that effect. Two parcels of land in the Botany Bay National Park are to be revoked and added to the New South Wales Golf Club, and a compensatory parcel of eastern suburbs banksia scrub is to be transferred from the golf club to the park. The golf club currently provides access to the adjoining section of the national park via a footbridge to access the sixth tee. The revocation will allow for the construction of a new footbridge as the old one is in a state of disrepair. I understand that the areas planned for revocation do not have high conservation values and they are mostly covered with non-native grasses. The compensatory habitat is high conservation land—remnants of the endangered eastern suburbs banksia scrub.

The Greens will not oppose this adjustment of boundaries. This bill seeks to revoke 184 hectares of national park land containing Talbingo Dam and associated infrastructure that are managed by Snowy Hydro Ltd. The purpose of the revocation is to remove from park boundaries infrastructure for which the National Parks and Wildlife Service has no management responsibility. However, the revocation also includes forested lands west of the Tumut River from the national park. In my opinion adequate justification for the inclusion of those areas in the revocation has not been provided. The National Parks and Wildlife Act allows Snowy Hydro to continue to carry out its activities on land that is part of the national park.

I have consulted with environmental groups and I have not been satisfied that an appropriate alternative level of protection will occur if the revocation takes place. While we do not oppose the revocation of the area containing Talbingo Dam, the Greens oppose the revocation of areas surrounding the dam in Kosciuszko National Park; therefore we will not support the revocation of this piece of land from the national park. I will move amendments to omit that revocation. The adjustment to Lake Innes Nature Reserve would involve the revocation of 2.89 hectares from Lake Innes Nature Reserve to enable Hastings council to construct an extension of Ocean Drive, which forms part of the Port Macquarie Right Road Project.

Approximately 3.98 hectares of compensatory habitat would be transferred from the council to the nature reserve. I note that the construction of the ring road will have an adverse impact on animal movements and loss of habitat. While there will be some benefit from the compensatory habitat I presume that that habitat is already in existence, so there will be a net reduction of habitat and increased traffic flows. The amendment to schedule 3 proposes to extend the deadline allowed on the National Park Estate (Southern Region Reservations) Act 2000 for public boundary adjustments and declarations as to the status of roads and tracks within the national parks. The deadline would be extended to 31 December 2007.

The Greens will not support this extension. At the time of the passage of the Act environmental groups objected to the five-year period for finalising boundaries. A shorter time frame would have been preferred. Without prompt finalisation of boundaries there is a diminished commitment to the completion and prolonged uncertainty over the location of park boundaries. As a result, conservation values would be ultimately compromised. There has been more than enough time to resolve the issue at hand and no credible reasons have been given for the delay. The Greens will move an amendment to oppose the extension of the deadline. I reiterate that the Greens are concerned about the areas of adjustment in the bill. I acknowledge the need for the revocation of certain areas but I have continuing concerns about its timing and the lack of effective compensatory habitat.

Reverend the Hon. FRED NILE [5.15 p.m.]: The Christian Democratic Party supports the National Parks and Wildlife (Adjustment of Areas) Bill, which is an example of the Government dealing correctly and

properly with some of the practical problems relating to areas in the national parks. Those areas will be revoked for good and acceptable reasons. I thank the Minister for giving crossbench members a detailed briefing on the bill in March and for the sets of maps he provided showing the proposed adjustments. I also thank him for keeping us fully informed and for establishing that these simple and practical adjustments had to be made. As Mr Ian Cohen indicated, the Greens oppose some of these changes.

The Environmental Liaison Office sent the Greens' objections to all members on the crossbenches. It could only be said that the Greens are nitpicking. If they had the numbers in this House these adjustments would never pass through this Chamber. They do not accept any valid or practical reasons why it is necessary to revoke matters relating to the three access roads in the South East Forest National Park. This was necessary because of the decision of the Court of Appeal relating to practical changes to the Botany Bay National Park, Kosciuszko National Park and Lake Innes Nature Reserve. All those areas will have similar compensatory habitat transferred. The net result is often an improvement to the amount of land within national parks. The Christian Democratic Party is pleased to support this necessary bill.

The Hon. HENRY TSANG (Parliamentary Secretary) [5.17 p.m.], in reply: I thank the Hon. Rick Colless, Mr Ian Cohen and Reverend the Hon. Fred Nile for their remarks. Following today's budget more funding will be provided to manage this State's national parks—more than twice the per hectare funding provided by the former Coalition Government. Minor adjustments to the boundaries of the State's six million hectares of park are inevitable. I commend this necessary and sensible bill to the House.

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 to 4 agreed to.

Mr IAN COHEN [5.20 p.m.], by leave: I move Greens amendments Nos 1, 2 and 4 in globo:

No. 1 Page 2, clause 5 (2) (a), line 32. Omit "clauses 1 and 2 of".

No. 2 Page 3, clause 5 (4), lines 7-9. Omit all words on those lines.

No. 4 Page 7, schedule 2, clause 3, lines 7-22. Omit all words on those lines.

These amendments remove from the bill the revocation of the three roads in the South East Forest National Park. Amendment No.1 ensures that clause 5 (2) (a) is consistent with the other amendments. The Forestry Revocation and National Park Reservation Act was passed in 1996, providing a mechanism for excluding from the national park roads that may be required for use by Forests NSW. If the roads under consideration in the present bill were omitted, this would not automatically justify the revocation of those roads now. There was no adequate consultation regarding the proposed revocation and there is no provision for compensatory habitat if the proposed revocation goes ahead. I commend Greens amendments Nos 1, 2 and 4 to the Committee.

The Hon. HENRY TSANG (Parliamentary Secretary) [5.21 p.m.]: The Government is unable to support Greens amendments Nos 1, 2 and 4. The bill before the Committee proposes that three access roads be removed from the South East Forest National Park because they were reserved inadvertently as a consequence of the Forestry Revocation and National Park Reservation Act 1996. This bill, therefore, merely corrects that error. The three roads to be revoked from the park are required by Forests NSW to undertake legally approved commercial logging activities from surrounding State forests.

The use of these roads for forestry activities is incompatible with the uses allowed under the National Parks and Wildlife Act 1974. While these existing roads are needed for the forestry activities, they remain part 11 lands under the national parks Act, and the Minister for the Environment will therefore still be the landowner, not Forests NSW. In addition, the future management of these roads will be subject to agreement through a memorandum of understanding between the Department of Environment and Conservation and Forests NSW. If this part of the bill is not approved by Parliament, legally approved commercial logging activities will cease, at least insofar as they rely on these roads. The Government opposes the amendments.

The Hon. RICK COLLESS [5.23 p.m.]: The Opposition also opposes Greens amendments Nos 1, 2 and 4.

Reverend the Hon. FRED NILE [5.23 p.m.]: The Christian Democratic Party also opposes Greens amendments Nos 1, 2 and 4 for the reasons given by the Hon. Henry Tsang. If we support the amendments it will stop the roads being used for commercial logging activities—which is probably what the Greens would like to see. If that happened jobs would be lost, so this is a practical matter. For those reasons we do not support the amendments.

Amendments negatived.

Clause 5 agreed to.

Clauses 6 to 9 agreed to.

Schedule 1 agreed to.

Mr IAN COHEN [5.24 p.m.]: I move Greens amendment No. 3:

No. 3 Page 6, schedule 2, clause 1, lines 6-36. Omit all words on those lines.

This amendment removes the revocation of the part of Kosciuszko National Park proposed by the bill. The proposed revocation includes forested land west of the Tumut River. Adequate justification for the inclusion of those areas in the revocation has not been provided. Environmental groups have not been satisfied that an appropriate alternative level of protection would occur if the revocation were to take place. While the Greens do not oppose the revocation of the area containing the Talbingo Dam, the revocation of the area surrounding the dam in Kosciuszko National Park is opposed. I commend Greens amendment No. 3 to the Committee.

The Hon. HENRY TSANG (Parliamentary Secretary) [5.26 p.m.]: The Government opposes Greens amendment No. 3. The bill proposes that 184 hectares be revoked from Kosciuszko National Park to remove land that contains Talbingo Dam and associated infrastructure. This infrastructure is managed by Snowy Hydro Ltd and not by the Department of Environment and Conservation. The exclusion of infrastructure from the park is generally consistent with the recommendation of the Coroner's report on the Thredbo landslide. The department assessed carefully the conservation values of the area to be revoked from the park and found no rare or threatened species or cultural heritage values. The vegetation is regrowth and the land was highly disturbed by the construction of the dam. The conservation values of the forested area are considered to be very low and it is thought that a change in tenure would have a minimal impact upon these conservation values.

The proposed compensation for the revocation will be two parcels of land totalling approximately 146 hectares. This includes a 100-hectare lot comprising undisturbed high conservation value forest vegetation covering steep slopes and rocky outcrops, and a 46-hectare lot also comprising high conservation value forest vegetation. The Government believes it is beyond doubt that this proposal will result in a significant net conservation gain in this part of the State.

The Hon. RICK COLLESS [5.27 p.m.]: The Opposition also opposes Greens amendment No. 3.

Amendment negatived.

Schedule 2 agreed to.

Schedule 3 agreed to.

Title agreed to.

Bill reported from Committee without amendment and passed through remaining stages.

CIVIL PROCEDURE BILL

Second Reading

The Hon. HENRY TSANG (Parliamentary Secretary) [5.30 p.m.]: I move:

That this bill be now read a second time.

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

Leave granted.

The Civil Procedure Bill represents an important advance in how civil litigation is conducted in this State. For the first time, one set of rules will govern the general run of civil proceedings in the Supreme Court, District Court, Local Court and Dust Diseases Tribunal.

The bill will streamline and simplify procedures and remove unnecessary differences between the courts. It will lead to time and costs savings for the courts, the legal profession and the public. The bill will also create a platform upon which courts will, in the future, be able to avail themselves of new technologies such as electronic lodgement of documents by clients and more efficient court management practices.

The idea of having common civil procedures is not new. Over the years there have been various initiatives or attempts to produce common civil procedure rules for the Supreme Court, District Court and Local Court. However, none of those achieved any great success. Work on the present project began in 2003; and there were two main factors driving it.

In 2002 the Public Accounts Committee's report on court waiting times recommended the establishment of a working group to rationalise and simplify civil court rules in New South Wales.

In addition, the Attorney General's Department commenced developing CourtLink, the new computer case management system for the Supreme, District and Local Courts and the Sheriff's Office. It was important to have common and rationalised processes to underpin the new system.

A working party was established in early 2003 and is chaired by Mr Justice Hamilton of the Supreme Court. Its other members are:

- Judge Garling of the District Court;
- Magistrate Cloran of the Local Court;
- Michael McHugh, Greg George and Hamish Stitt, the Bar Association representatives;
- Peter Johnstone, a senior partner of Blake Dawson Waldron, the Law Society representative;
- Tim McGrath, Jenny Atkinson, Stephen Olischlager, Steve Jupp, Peter Ryan, Peter Shiels and Pam Wilde, the representatives from the Attorney General's Department.

The working party has been a highly effective partnership between the courts, the legal profession and the Attorney General's Department. It has met almost weekly whilst developing the bill and rules. On occasions it has met for a full week at a time.

The working party's aim was to consolidate provisions about civil proceedings into a single bill and develop a common set of rules, simplified where possible but without radical changes in substance or form.

The bill and rules largely reflect existing provisions and continue to use phrases that have a settled legal meaning. Where there is change, much of it can be attributed to the fact that drafting styles have changed over the past 30 years. Parties should not be arguing that a rule has changed because a modern drafting style has been adopted if the substance of the rule remains the same. This approach is designed to minimise unnecessary litigation about the meaning of a clause or rule.

Key stakeholders have been consulted during preparation of the bill and rules. An exposure draft bill was also released earlier this year. The working party has considered these comments and made necessary changes to the bill and rules.

I turn now to the bill itself. Part 1 deals with preliminary matters.

The bill and rules deal with civil proceedings. These are defined in clause 3 to mean any proceedings other than criminal proceedings. Criminal proceedings are defined to mean proceedings against a person for an offence, whether summary or indictable, and include committal proceedings, proceedings relating to bail, proceedings relating to sentence, and proceedings on an appeal against conviction or sentence. This definition is based on the definition of criminal proceedings included in the Criminal Procedure Further Amendment (Evidence) Bill 2005.

The bill and rules will apply to the general run of civil proceedings in the Supreme, District and Local Courts and the Dust Diseases Tribunal. However, clause 4 allows the bill and rules to be applied to other courts and tribunals exercising civil jurisdiction in the future.

There are some civil procedure rules that have not been moved from the court rules to the uniform rules. Time constraints prevented the working party from moving specialist civil rules, such as the probate rules and rules relating to appeals to the Court of Appeal, into the uniform rules. Work will commence on moving many of the specialist rules into the uniform rules after the commencement of the initial set of rules.

Some specialist rules, such as the Corporations Rules and the Admiralty Rules, will not be moved into the uniform rules because these rules are harmonised nationally.

The jurisdiction of courts is generally unaffected by the bill and rules. Clause 5 provides that the Supreme Court's jurisdiction is not limited by the bill and rules. This provision is important, as the Supreme Court has an inherent jurisdiction to deal with matters beyond those dealt with in the bill and rules, and this jurisdiction is not to be cut back.

Clause 5 also provides that the uniform rules do not extend the jurisdiction of other courts, except to the extent to which the bill expressly so provides. This means that if a court does not have jurisdiction to deal with a matter, uniform rules dealing with that

subject matter will simply not apply in that court. For example, a Local Court cannot make a charging order, and therefore the rules relating to charging orders will not apply in a Local Court.

There have been some changes to the jurisdiction of the District Court and Local Courts. In particular, changes have been made to the consent jurisdiction of these courts.

Section 51 of the District Court Act 1973 is amended to create a deemed consent jurisdiction. Parties are deemed to have consented to the District Court having jurisdiction to deal with proceedings where the amount of the claim is up to 50 per cent above the court's jurisdictional limit, if no objection to the extended jurisdiction is raised by three months prior to the trial.

A new section 66 will be included in the Local Courts Act 1982 to give a Local Court a general consent jurisdiction and a deemed consent jurisdiction up to 20 per cent above its jurisdictional limit.

The changes to the consent jurisdiction will allow parties to save costs and avoid the delays caused by having to transfer proceedings to a higher court, when it becomes apparent that the original court does not have the jurisdiction to deal with the proceedings.

The bill will repeal a number of Acts dealing with civil procedure, including the *Arbitration (Civil Actions) Act 1983*, the *Damages (Infants and Persons of Unsound Mind) Act 1929*, the *Judgment Creditors Remedies Act 1901*, and the *Local Courts (Civil Claims) Act 1980*. Provisions from these Acts have generally been moved into the bill and rules and the *Local Courts Act 1982*.

Clause 6 and schedules 4, 5 and 6 make consequential amendments to a number of Acts and deal with savings and transitional matters. Many of the consequential amendments relate to replacing references to the *Supreme Court Act 1970* or the *Local Court (Civil Claims) Act 1970* with references to the *Civil Procedure Act 2005*.

Part 2 of the bill deals with administrative matters.

Clause 8 establishes a Uniform Rules Committee. This committee will be chaired by the Chief Justice and is largely based on the model used for the Queensland Uniform Rules Committee. The Supreme Court, the Court of Appeal, the District Court, the Local Courts, the Bar Association and the Law Society will be represented on the committee. The committee will be able to make new rules and amend the rules that are contained in schedule 7. Its constitution and procedure are set out in schedule 2 and its rule-making powers are set out in schedule 3.

Whilst the aim of the project has been to create a uniform regime, it has sometimes been necessary to preserve differences between courts. This approach recognises the fact that not all proceedings are the same. Simple debt claims in a Local Court should not be subject to the same requirements as complex proceedings in the Supreme Court.

Some provisions and rules apply differently in different courts. For example, rule 6.2 states that an originating process is valid for service for six months in the Supreme and Local Courts and for one month in the District Court if the defendant is to be served within New South Wales. This rule reflects the different case management requirements of each court.

Clause 11 provides another mechanism for allowing necessary differences to be preserved between courts. It provides that the uniform rules will prevail over a court's "local" rules to the extent of any inconsistency, unless the uniform rules expressly provide that a local rule is to prevail.

The bill and rules generally refer to "the court" exercising a power. They do not generally state who may exercise power on behalf of the court. In practice, registrars will exercise a number of the powers of the court under the bill and rules. Clause 13 provides that the senior judicial officer of a court may, by instrument in writing, direct that any function of the court may be exercised by such registrars or other officers of the court, in such circumstances as are specified in the instrument. A person who constitutes the court under the Supreme Court Act 1970, the District Court Act 1973 or the Local Courts Act 1982 will still be able to exercise a function of the court, even if a registrar or other officer is also permitted to exercise that function.

The senior judicial officer of a court will be able to issue practice notes to deal with specific aspects of civil proceedings in a court. Clause 15 provides that the practice notes will be subject to the rules and they will be disallowable under part 6 of the Interpretation Act. Each court is currently reviewing its practice notes and expects to reissue necessary practice notes when the bill and rules commence operation.

Clause 17 allows the Uniform Rules Committee to approve forms for use in civil proceedings. The Attorney General's Department and representatives from the legal profession are developing simple, new common forms for use with the bill and rules. The new forms address a number of concerns that have been raised about the existing forms and will meet future e-filing requirements. The forms will be available on court web sites, at court registries and through legal publishers. The fact that one set of forms will be used in all courts, instead of three different sets of forms, is an important cost-saving feature of the scheme.

Court fees will continue to be set by regulation under clause 18. A new Civil Procedure Regulation is being developed to set fees in the Supreme, District and Local Courts. It is expected to commence operation at the same time as the main parts of the bill and rules.

The Civil Procedure Regulation will replace most aspects of the Supreme Court Regulation 2000, the District Court Regulation 2000, the Local Courts (Civil Claims) Regulation 2000, and the Local Courts (Transitional Fees) Regulation 2004.

The existing regulations also deal with matters related to criminal proceedings. It is intended that the Criminal Procedure Regulation 2000 will regulate these matters. Schedule 5 amends the Criminal Procedure Act 1986 to extend the regulation-making power to deal with these matters.

Part 3 of the bill deals with commencing and carrying on proceedings generally. It deals with matters including a defendant's right to cross-claim and set-off.

Clause 21 reintroduces the law of set-off, as recommended by the Law Reform Commission in report No. 94. Set-off is a mechanism that allows one party to apply a debt owed to him or her by another party to discharge all or part of a debt that he or she owes to the other party. This mechanism saves parties from having to bring separate proceedings with respect to each of the debts.

Parts 4 and 5 of the bill carry over the mediation and arbitration provisions currently contained in the Supreme Court Act, the District Court Act, the Local Courts (Civil Claims) Act and the Arbitration (Civil Actions) Act 1983.

Part 6 of the bill introduces a number of new provisions relating to the conduct of court proceedings. The provisions recognise the importance of case management as a tool for increasing the efficiency of the court system and for reducing the cost of litigation. They seek to strike a balance between protecting the interests of justice in an individual case and protecting the interests of justice for other litigants and the courts.

Clause 56 sets out the overriding purpose of the bill and rules which, in their application to civil proceedings, is to facilitate the just, quick and cheap resolution of the real issues in the proceedings. This clause is based on part 1 rule 3 of the Supreme Court Rules.

Clause 57 deals with case management. For the purpose of furthering the overriding purpose in clause 56, proceedings are to be managed having regard to the objects of:

- The just determination of proceedings; the efficient disposal of the business of the court;
- The efficient use of available judicial and administrative resources; and
- The timely disposal of those proceedings, and all other proceedings in the court, at a cost affordable by the respective parties.

Case management is also dealt with in part 2 of the rules.

Clause 58 requires the court to act in accordance with the dictates of justice in deciding whether to make any order or direction for the management of proceedings, including orders for amendment or adjournment. The clause sets out the factors that the court must and may consider when deciding what are the dictates of justice in a particular case.

It is important to note that the dictates of justice will not be limited to the dictates of justice only as between the parties, which has been argued to be the effect of the majority judgment in one of the leading cases on case management—State of Queensland v J L Holdings Pty Ltd (1997) 189 Commonwealth Law Reports page 146.

Clause 59 requires the court to implement its practices and procedures with the object of eliminating any lapse of time between the commencement of proceedings and their final determination beyond that which is reasonably required for the interlocutory activities necessary for the fair and just determination of the issues in dispute between the parties and the preparation of the case for trial.

Clause 60 requires the court to implement its practices and procedures with the object of resolving the issues between the parties in such a way that the cost to the parties is proportionate to the importance and complexity of the subject matter in dispute.

Clause 61 sets out the court's power to give directions in relation to practice and procedure. Failure to comply with directions to take specified steps within a specified time is an important reason why proceedings can be delayed. Delays in one set of proceedings have a flow-on effect on other proceedings before the court. Clause 61 allows the court to impose sanctions if parties fail to comply with directions. Clause 62 sets out the court's power to give directions in relation to the conduct of a hearing.

The remaining provisions in part 6 of the bill deal with other powers of the court, proceedings involving persons under a legal incapacity and interim payments. They introduce some new concepts and terminology, and move some rules into the bill. Examples include:

- Clauses 64 and 65, which move rules into the bill in relation to amendment of documents and amendment of originating process after the expiry of a limitation period. This has been done to remove any doubt about lower courts' ability to make rules dealing with amendments to originating process outside a limitation period, as argued in Air Link Pty Ltd v Paterson (No 2) [2003] New South Wales Court of Appeal page 251.
- Division 4, which replaces the Damages (Infants and Persons of Unsound Mind) Act 1929, introduces the term "person under a legal incapacity" to replace a number of terms such as "disabled person" or "incommunicate person".
- Clause 86 deals with the court's power to make orders. In particular, it provides that the court can make all or any of its orders on terms, and that it can make any order on its own motion or on the application of a party or person entitled to make such an application. The inclusion of this provision in the bill means that it is no longer necessary to repeatedly refer to such matters in the rules.
- Clause 87, which is a new provision, extends the privilege against self-incrimination currently dealt with in section 128 of the Evidence Act 1995 to interlocutory matters.

Part 7 of the bill deals with judgments and orders. It incorporates provisions from the Supreme Court Act, the District Court Act and the Local Courts (Civil Claims) Act and the Supreme Court Rules.

Clauses 98 and 99 carry over provisions dealing with the court's power as to costs and its power to make costs orders against legal practitioners. Clauses 100 and 101 carry over provisions dealing with the payment of interest up to and after judgment.

Part 8 of the bill deals with the enforcement of judgments and orders. It incorporates provisions from the Attachment of Wages Limitation Act 1957, the Judgment Creditors Remedies Act 1901, and the respective court Acts and rules.

The opportunity has been taken to address issues of concern about the enforcement process including:

- Providing, in clause 108, for the issue of an examination notice, except in the Supreme Court, as the first step in the process of finding out about a judgment debtor's ability to pay a judgment debt. This procedure will allow a judgment debtor to provide information to a judgment creditor about his or her financial circumstances without having to attend court to be examined. The judgment creditor will still be able to apply for an examination order if the examination notice does not provide the necessary information.

- Streamlining the process for registering a writ at land and property information in clause 113 and in the amendments to the Real Property Act 1900 in schedule 5 to the bill.

- Making it clear in clause 122 that garnishee orders cannot reduce the net weekly income of a judgment debtor, that is, after tax and after deducting other sums required to be deducted under an Act, to less than 80 per cent of the standard workers compensation weekly benefit. Garnishees have sometimes misunderstood the existing formula, and have calculated the amount to be paid on a garnishee order with reference to a judgment debtor's gross salary. The effect of this approach can be that the judgment debtor is left with no income, once the tax on the gross salary is deducted from the standard workers compensation weekly benefit.

- Allowing a garnishee order against wages and salary to operate until the judgment debt is paid, instead of operating for four weeks, which is to be found in clause 119. The existing four-week limitation period forced judgment creditors to come back to court and apply for a new garnishee order just before the end of the four-week period. This provision will not prevent judgment debtors from applying to pay the judgment debt by instalments which, in most cases, will have the effect of allowing the judgment debtor to retain a larger proportion of his or her salary.

Part 9 of the bill deals with the transfer of proceedings between courts.

It carries over provisions from the Supreme Court Act, the District Court Act and the Local Courts (Civil Claims) Act dealing with the transfer of proceedings between higher and lower courts and between Local Courts.

Clause 149 is a new provision that makes it clear that a lower court has and may exercise all of the jurisdiction of the higher court in relation to any proceedings that are transferred to that court by the higher court. This jurisdiction includes jurisdiction to determine any question arising in the transferred proceedings.

As I mentioned earlier, the rules are contained in schedule 7 to the bill. Once the Act commences the rules will operate as a stand-alone instrument, and schedule 7 will be omitted from the Act.

The rules adopt a decimal numbering system similar to that used in the new High Court Rules. It is intended that a uniform rule will be referred to as rule 1.3 instead of part 1, rule 3, or part 1, rule 1.3.

The rules carry over a large number of the existing rules and generally follow the existing order of rules. However the opportunity has been taken to group like rules together where appropriate. For example, the rules in relation to parties to proceedings are grouped together in part 7 instead of being scattered throughout the rules.

Some new matters are addressed in the rules. These include:

- Part 5, which replaces the existing preliminary discovery rules with preliminary discovery and inspection rules that are based on the Federal Court Rules Order 15A. The new rules allow for more extensive preliminary discovery than is currently available under the Supreme and District Court rules. They apply in the Supreme and District Courts as well as the Local Courts. With the increase in its jurisdiction, cases are arising where it may be useful for a Local Court to make such orders.

- Rule 31.26, otherwise known as the hot tubbing rule, allows multiple experts to be sworn in one after the other. The rule is similar to the practice in the Land and Environment Court, which is said to reduce the time taken in court by examination in chief and cross-examination by half or more.

The bill will commence on a day or days to be proclaimed. At this stage it is expected that the provisions relating to the establishment of the Uniform Rules Committee will commence in June this year. This will enable the Uniform Rules Committee to approve the new civil forms and to deal with any amendments that need to be made to the rules prior to the commencement of the main provisions in the bill and rules. The main provisions are then expected to commence in July, subject to completion of related tasks, including:

- Preparation of the Civil Procedure Regulation,

- Preparation of amendments to existing court rules to delete rules that are moved into the uniform rules,

- Revision of the practice notes, and

- Staff training.

When they commence, the bill and rules will apply to all civil proceedings. This will save parties having to deal with two sets of rules for existing and new proceedings.

Important safeguards have been included in the savings and transitional provisions in schedule 6. Clause 5 allows the court to dispense with such requirements of the rules as are appropriate in the circumstances in relation to existing proceedings.

As I mentioned earlier, a regulation will be made under this Act setting the fees to be charged in relation to civil proceedings. A standard provision has been included in schedule 6 of the bill allowing regulations to be made dealing with savings and transitional matters.

With a package as large as this, I cannot hope to address all of the matters covered by the bill and rules. If honourable members want more information they can log onto the Attorney General's Department at www.lawlink.nsw.gov.au. The web site contains a

copy of the detailed information paper on the bill and rules, which I tabled at the beginning of this speech. It also contains copies of the new forms and comparative tables showing the links between the uniform and the existing rules.

The web site and a dedicated email address, uniformcivilprocedures@agd.nsw.gov.au, have been set up to facilitate the flow of information between the public, the legal profession, staff and the working party.

The law publishers are well advanced in preparing the new loose-leaf services on the bill and rules. This will mean that practitioners will have resources available as they start to operate under the new regime.

In closing, I acknowledge the support and efforts of a number of people without whom this project would not have been possible.

I thank the Chief Justice, the Chief Judge, the Chief Magistrate, the New South Wales Bar Association and the Law Society of New South Wales for their support and strong commitment to the project.

I acknowledge the enormous effort put into this project by the working party, in particular by Mr Justice Hamilton. They have put many hours into the project to bring it to fruition, much of which has been carried out in their own time. The legal profession representatives have given their time free of charge.

I also wish to acknowledge the support of the Parliamentary Counsel's office, in particular the work of the drafting officer, David Mills. This complex and time-consuming project has been made easier by the support provided by that office.

The changes being introduced by this bill will bring savings in time and costs in how civil proceedings are conducted in this State. It builds on the work carried out by the courts to manage proceedings and to reduce delays.

I commend the bill to the House.

The Hon. DAVID CLARKE [5.30 p.m.]: The Civil Procedure Bill, which is some 376 pages in length, is important because it will consolidate and establish one set of procedural rules in respect to court proceedings in the Supreme Court, the District Court, the Local Court, and the Dust Diseases Tribunal. It will replace the core provisions of the Supreme Court Rules 1970, the District Court Rules 1973 and the Local Courts (Civil Claims) Rules 1988. The bill has the support of the Opposition and is also supported by the New South Wales Law Society and the New South Wales Bar Association, both of which had considerable input into its drafting, as did representatives of the Supreme Court, the District Court and the Local Court.

Impetus for the bill was provided by the 2002 report of the Public Accounts Committee dealing with court waiting times, which recommended rationalisation and simplification of court process and procedures and also the work of the Attorney-General's Department in establishing and developing Courtlink, a computer case management system for the Supreme Court, the District Court and the Local Court. Currently, the civil procedure rules in these courts are derived from a series of Acts and instruments introduced at different times and establishing different and distinct procedures from court to court. The effect of this current state of affairs has been to make it difficult for litigants to utilise modern computer knowledge and technology for the creation, filing and service of court process and also making it difficult for courts to utilise available technology for efficient case management.

The bill will be beneficial because it will simplify current civil procedures without radical changes in substance or in form. This will result in time and costs savings for the courts, the legal profession and the public. Additionally, the establishment of this uniform procedure in civil proceedings will facilitate the ability to lodge documents electronically. Whilst the bill applies to civil proceedings in the Supreme Court, the District Court and the Local Court as well as the Dust Diseases Tribunal, it allows the rules to be applied to other courts and tribunals in the future. For the time being, because of their specialist nature, some civil procedure rules will not be incorporated into the new uniform procedures.

Other specialist procedures such as Corporation Rules and Admiralty Rules will not be affected because their procedures have been harmonised and integrated on a national basis. The bill clarifies that a court does not gain additional powers by virtue of the application of the uniform rules. I do not propose to deal with the detailed provisions of this rather lengthy bill as they have already been adequately detailed in the speech of the Attorney General. However, the objective of the bill is to simplify court process and thereby bring about worthwhile savings in time and cost. Accordingly the bill has the support of the Opposition.

Reverend the Hon. FRED NILE [5.33 p.m.]: The Christian Democratic Party supports the Civil Procedure Bill, whose purpose is to consolidate into one legislation as much as possible the law relating to civil procedure, particularly as it relates to the Supreme Court, the District Court, the Local Court and the Dust Diseases Tribunal, and to provide statutory support for uniform civil procedure rules. The bill is one of the most impressive I can recall dealing with in my 24 years as a member of this House. It comprises 376 pages of detailed printed text. Whether its provisions could have been presented as regulations rather than as a bill was a

decision for the Government. However, it has drawn civil procedures together in one bill to remove the uncertainty caused by the procedures being accommodated in different regulations. I support the bill because it will enable civil litigation to be conducted efficiently in this State.

For the first time we have one set of rules to govern the general run of civil proceedings in the Supreme Court, the District Court, the Local Court and the Dust Diseases Tribunal. Such streamlining has its advantages and will facilitate the electronic lodgement of documents by clients and will lead to more efficient court management practices. It would have been very difficult for clients to use such electronic equipment without this bill, which was prepared by a high-powered working party chaired by Mr Justice Hamilton of the Supreme the Court. The working party comprised Judge Garling of the District Court; Magistrate Cloran of the Local Court; Michael McHugh, Greg George and Hamish Stitt, as Bar Association representatives; Peter Johnstone, a senior partner of Blake Dawson Waldron, as the Law Society representative; and Tim McGrath, Jenny Atkinson, Stephen Olischlager, Steve Jupp, Peter Ryan, Peter Sheils and Pam Wilde as representatives from the Attorney General's Department.

Given such a wide representation on the working party, the bill has received support from members on both sides of the Parliament and from the legal profession. There has been no criticism of the bill or lobbying of the crossbench to either reject or amend the bill. I note the Legislation Review Committee stated:

> 16. The Committee will always be concerned to identify where legislation has a retrospective effect that may impact adversely upon any person.
>
> 17. To change the rules for proceedings already on foot may frustrate the legitimate expectation of those involved that the rules would remain consistent throughout the course of those proceedings.
>
> 18. However, given the apparent advantage of having the rules apply to all relevant proceedings and the courts' power to dispense with the new rules where appropriate, the committee does not consider that applying the new rules to proceedings already commenced trespasses unduly on person rights and liberties.

For those reasons the Christian Democratic Party supports the Civil Procedure Bill.

Ms LEE RHIANNON [5.37 p.m.]: The Greens support the Civil Procedure Bill. While civil procedure rules will never be perfect, this initiative reflects a positive step forward for justice and commonsense. Queensland has had uniform civil procedure in its three-tiered court system for years now. This has provided people pursuing matters in the court system and their legal representatives with greater clarity with regard both to the rules and to decisions interpreting them. New South Wales has been lumbered with various rules for civil procedures, and the differences between them, in the Local Court, the District Court and the Supreme Court, which I believe has been to everyone's disadvantage. Sometimes they vary quite considerably. That makes it difficult for lawyers and barristers to keep abreast of the differences between the various procedural rules of the courts. The court system is a mystery for the average person and no doubt sometimes for the average lawyer or barrister. Hopefully this bill will take away some of that mystery. The Greens have concerns about clause 59 as interpreted by the Attorney General in his second reading speech.

Clause 59 requires the practice and procedure of a court to be implemented in such a way as to minimise delay. It requires the court to implement its practices and procedures with the object of eliminating any lapse of time between the commencement of proceedings and their final determination beyond that which is reasonably required for the interlocutory activities necessary for the fair and just determination of the issues in dispute between the parties and the preparation of the case for trial. On the basis of the Attorney General's reading, this clause allows the courts to put to one side its traditional role of providing justice to the parties and look beyond that to the need to manage cases efficiently.

We all know that justice can be messy for an individual caught in the process. It would seem that the court's convenience is a poor reason for visiting an injustice on an individual in our court system. I would therefore ask that the Minister address our concerns about this clause when he speaks in reply to this debate. This is a particularly relevant matter because great injustices are being done to more and more in our society in the name of efficiencies.

The Hon. HENRY TSANG (Parliamentary Secretary) [5.40 p.m.], in reply: I thank the Hon. David Clarke, Reverend the Hon. Fred Nile and Ms Lee Rhiannon for their contributions to the debate and for their support of this bill. The Civil Procedure Bill represents a significant advance in how civil proceedings are conducted in this State and will bring benefits for the courts, the legal profession and the public. The bill will assist courts by giving a statutory basis to case management principles. The court will be given a set of guiding principles for conducting court proceedings.

The main objective is to facilitate the just, quick and cheap resolution of the real issues in proceedings. To achieve this objective, parties and their legal representatives will be under a duty to assist the court. The court will be able to manage proceedings with the aim of eliminating delays and resolving disputes so that the costs of the proceedings are proportionate to the importance and complexity of the dispute. The court also will be able to impose appropriate sanctions if parties fail to take steps within a specific time. The legal profession will save time and cost as practitioners will have to be familiar with only one set of rules and will need to maintain only one set of court forms. This will allow practitioners to develop an expertise across jurisdictions, even if they normally practise in a single jurisdiction.

The rules themselves indicate whether there are differences between jurisdictions, so practitioners are less likely to "trip up" by not being aware of the differences. Members of the public will be able to more easily locate information about how proceedings are conducted and will find it easier to prepare documents for filing in court. I again thank the Civil Procedure Working Party for their efforts on this project. The co-operation between the courts, the legal profession and the Attorney General's Department has been highly effective. There are other provisions in the bill, such as clause 58, to ensure the court must follow the dictates of justice. Case management is a longstanding practice in New South Wales courts. It is designed to eliminate any prejudice to parties occasioned by possible delaying tactics of opponents. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

GAME AND FERAL ANIMAL CONTROL AMENDMENT BILL

Second Reading

The Hon. HENRY TSANG (Parliamentary Secretary) [5.44 p.m.]: I move:

That this bill be now read a second time.

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

Leave granted.

Introduced species of animals are an important issue facing this state. Some types of introduced animals inhabit over 95 per cent of New South Wales. These wild game and feral animals include species such as foxes, feral pigs and rabbits that are well known for their agricultural and environmental impacts. These animals also include less well known species such as feral goats and wild deer. We are all aware of the damage that can be caused by introduced species of animals and birds. They eat native vegetation and damage sensitive environments. They destroy crops, pasture and fencing, and they can also spread parasites and disease.

To deal with this problem, the Government established a strong legislative framework to control the impact of these animals, for example, the Threatened Species Conservation Act 1995 with provisions to manage key threatening processes and help recover populations of threatened species and the Rural Lands Protection Act 1998 with provisions requiring pest animals to be controlled. One thing that has sometimes limited the capacity to address these impacts in the past, particularly in the case of species that cause widespread damage, was a way to better co-ordinate the use of responsible hunters as a resource to help control these animals.

The need to identify, train and license responsible hunters is addressed by provisions in the Game and Feral Animal Control Act, which also contains provisions to regulate game hunting. The objectives of the Game and Feral Animal Control Act are to provide for effective management of introduced species of game animals, and to promote responsible and orderly hunting of those animals, on both private and public land, and hunting of certain pest animals on public land. The Act established the Game Council to oversee these functions. The council provides advice to the Government on game management, and co-operates with other agencies on game animal control measures. The Game Council also works with government and responsible hunters to help restore natural animal habitat in New South Wales, and, when it is financially responsible to do so, will fund conservation projects on rural lands.

Another way in which the council carries out its role is through orderly licensing of game hunters to hunt wild game and feral animals. Programs being developed by the Game Council offer significant potential benefits to the State's native flora and fauna, and to farmlands. The council deserves the thanks of the House for the useful and important work it is doing. The council comprises 16 members, including some from hunting organisations and government agencies. The Game Council first met late in 2002 and since then has been progressively implementing the various requirements of the legislation.

Among other things, the Act requires the Game Council to manage the issuing of two types of hunting licences. One is the general hunting licence that covers hunting on private land, and the other is the restricted hunting licence that also allows hunting on certain public land in prescribed circumstances. General hunting licences first became available in early September 2004, and to date some 4,000 general hunting licence applications have been lodged. Hunters can be an effective tool to assist in feral animal control and the Game Council is now working with stakeholders on the declaration of appropriate public land for hunting,

particularly in areas where feral animal populations are high. A thorough risk assessment and consultation process is being undertaken to determine areas of public land where game hunting may become available in future.

Turning now to the bill before the House, the Game and Feral Animal Control Amendment Bill introduces two main amendments to the Act. These deal with the source of the council's funding and the items on which the council can spend its funds. The amendments will improve the operation of the council and the work that it engages in. The council has been closely involved in the preparation of these amendments. Funding for the council has primarily come from government grants, but the council aims to become self-supporting in the long term.

The amendments in the bill extend the range of funding sources to include the proceeds of fines imposed under the Act. This will cover offences created under the Act or its regulations and offences against the Game Hunting Code of Practice. At present, proceeds from fines paid under the Game and Feral Animal Control Act go into consolidated revenue. Under the amendments in this bill, as I have indicated, proceeds from fines would be credited to the Game Council itself. This will help the council move towards financial self-sufficiency and help to meet the cost of discharging its regulatory functions under tight budgetary constraints. While the Act clearly anticipates that training should minimise the need for harsher compliance measures, it also anticipates the need to penalise those who break the rules. It is reasonable that the proceeds from fines be used to help the Game Council enforce these requirements.

The Game Council has employed five game managers, and part of their duties will be to enforce these requirements. Various offences are prescribed under the Act that may be referred to a court, and there is also provision for penalty notices to be issued for certain offences. This approach to funding is not new. The Rural Lands Protection Act 1998 and the Local Government Act 1993 already provide for proceeds of fines to be credited to the relevant board or council. These Acts provide a fitting precedent for the proposals before the House. The second aspect of the bill is the amendment to section 13, which specifies how the council can spend its funds. Section 13 currently lists matters on which the council can spend its money. This list is too restrictive and needs to be expanded.

An amendment to section 13 will allow the council to spend money on other matters, as long as they are listed in the regulations. It is intended that the regulations will include the development of training courses and funding for research. For instance, the council has an opportunity to develop and deliver a new course on responsible hunting in collaboration with the University of Sydney. But at present the narrow scope of section 13 does not permit the council to do this. The council could also seek opportunities to fund research in areas where this may currently be lacking or where research may be improved in future, for example, interaction between game and non-game animals. While these are minor changes to the legislation, they will substantially improve the practical operation of the Act and the ability of the Game Council to meet its objectives. As such, I call on all honourable members to support the changes. I commend the bill to the House.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [5.44 p.m.]: The Opposition does not oppose the Game and Feral Animal Control Amendment Bill, whose amendments will help the 16-member Game Council fund its activities under the Act. That is typical of this Government. It will do anything rather than fund something itself; it seeks to outsource any task. The help includes providing for the effective management of introduced species of game animals, promoting responsible and orderly hunting on private and public land, and the hunting of certain pest animals on public land.

The Game Council also works with the Government and responsible hunters to help restore natural animal habitat in New South Wales and, when it is financially responsible to do so, will fund conservation projects on rural lands. I have been advised by a number of people who sit on and are connected with the Game Council that a great deal of consideration and consultation was involved in the formulation of this bill, and the Opposition certainly hopes that in light of this difficult and thorough work the proposed amendments will successfully improve the operation of the Game Council and the work it carries out.

The bill has two main objectives relating to the foundation of the council's funding and the items on which the council can spend its funds. Firstly, the amendments proposed in the bill provide that the proceeds of fines for offences under the Act will go to the Game Council. The proceeds of such fines currently go to Treasury's consolidated revenue. This new funding arrangement will help the council move towards financial self-sufficiency and help to meet the cost of discharging its regulatory functions under tight budgetary constraints. Frankly, this funding arrangement is not new. Under the Rural Lands Protection Board Act and the Local Government Act the proceeds of fines can be credited to a relevant board or council.

The Opposition does not oppose the second aspect of the bill, which provides for how the council can spend its funds. Section 13 of the Act currently lists matters on which council can spend its money. The Opposition shares the concern of the Government that this list is too restrictive and needs to be expanded. The proposed amendment to section 13 will allow the council to spend money on other matters, as long as they are listed in the regulations. The Opposition certainly hopes this amendment will help the Game Council fund the development of new courses in responsible hunting, as intended by the Government, and will enable the council to seek opportunities to fund research in areas where this may be lacking or where research may be improved in future.

The Opposition supports the amendments, which are intended to substantially improve the practical operation of the Act and the ability of the Game Council to meet its objectives. We look forward to the day

when, under the direction of National Parks, sporting shooters will be able to clean out feral animals from our mismanaged national parks in New South Wales. Their numbers are growing at an alarming rate, without any money to fund weed control and animal control in those parks. An enlightened government would work with the Game Council and National Parks to put together a plan, to be supervised by National Parks, to remove feral animals. No doubt a few people will bleat about my comments, but one always finds that sensible comments in this place attract predictable bleating. I support the bill.

Reverend the Hon. Dr GORDON MOYES [5.48 p.m.]: I speak on behalf of the Christian Democratic Party on the Game and Feral Animal Control Amendment Bill, which amends the Game and Feral Animal Control Act 2002 that centres on expanding the existing functions of the Game Council. The bill also allows for fines or penalties that are recovered under the game legislation to be credited to the Game Council account, rather than to go into the consolidate revenue of the State Government. Specifically, the Game Council will have additional functions of promoting, funding, developing or delivering educational courses regarding game animals and animals that interact with game animals, and promoting or funding research into issues regarding animals that interact with game animals. I commend the bill to the House.

In 2003 Dr John Wamsley received the Prime Minister's Award for Environmentalist of the Year. His work stemmed from a childhood dream. When he was seven years of age his father purchased 166 acres of virgin bushland and cleared 35 acres of it for an orchard. The surrounding bushland was full of wonderful Australian native animals such as pademelons, wallabies and potoroos. When John was 11 years old the first of the foxes and wild cats appeared in his bushland. By the time he was 14 all of the wonderful native animals were gone. This had a great impact on John as a child and it became his life work to save what he regarded as "his" wildlife. At 16 he left home to make his fortune and to follow his dream. He developed Warrawong Earth Sanctuary as a sustainable model for conserving wildlife and biodiversity in Australia. This model has been hailed around the world as a solution for saving threatened species. One major aspect of the model was to rid his sanctuary of feral pests.

Many would recognise Dr John Wamsley as the man with the cat hat. He wore the hide of a feral cat on his head to accept a major award for his tourism efforts. Although many may disagree with John's manner and methods, he has achieved much by protecting some of our most precious native animals and by communicating the value of our native wildlife. I abhor the killing of any animals for any reason other than for survival or food, but when it comes to a choice between predatory feral animals and our native wildlife I realised that we must clear out the feral animals. Introduced animals have had a great effect on ecosystems around the world, none more so than in Australia. Foxes, rabbits, goats and feral cats among other natural villains have done more damage to the natural environment and the agricultural industry than one could ever imagine. It must be said that many city dwellers may have a distorted view of feral animals. Many would not know that our domestic cats pale in size and nature compared to feral cats, the latter being massive, voracious, hissing machines.

The methods employed to rid our environs of introduced pests must be undertaken in a responsible manner. It is important to note that the United Kingdom's Hunting Act 2004, which banned hunting from February 2005, provides exemptions for situations similar to those we face. I note that 95 per cent of New South Wales has feral introduced animals, including cats, foxes, pigs, goats—probably the most destructive to the environment—and tens of thousands of camels in Western New South Wales, which have moved in because of the dry conditions in the interior. The Government introduced the Game and Feral Control Act 2002 specifically targeting the management and control of game and feral animals. The legislation promotes the orderly and responsible hunting of these animals, both of which are legal activities, although neither of which I would be involved with.

Other legislation has grappled with providing a holistic approach to the management and control of feral animals in particular. The Threatened Species Conservation Act 1995 and the Rural Lands Protection Act 1998 are two examples of such legislation. The Game Council of New South Wales was created under the Game and Feral Animal Control Act 2002 to oversee the functions of the Act. Soon after assent to the Act, provisions dealing with the Game Council became operative. However, the substance of the Act dealing with the licensing and control of hunting for game animals came into effect in mid-2004. The legislation provides the Game Council with a number of functions. For example the council represents the interests of licensed game hunters in matters arising under the Act. It administers the licensing system under the Act for game hunters and provides advice to the Minister for Primary Industries on game and feral animal control. Liaising with relevant bodies, such as the New South Wales Pest Animal Council and rural lands protection boards in performing their functions, also figures in its role.

It is important to note, as the Minister pointed out in his second reading speech, that the Act requires the Game Council to manage the issuing of two types of hunting licences. One is the general hunting licence that covers hunting on private land and the other is the restricted hunting licence that allows hunting on certain public land in prescribed circumstances. General hunting licences first became available in early September 2004 and to date around 4,000 general hunting licence applications have been lodged. It is easy to see that hunters may be effective in assisting feral animal control. The bill introduces two main amendments to the Act to deal with the source of the council's funding and the items on which it can spend its funds. The amendments endeavour to improve the operation of the council and the work in which it engages. The bill will extend the range of funding sources to include the proceeds of the fines imposed under the Act.

The Game Council has 16 members. Eight members are nominees of hunting organisations, one member is a nominee of the Rural Lands Protection Board, one member is a nominee of the Australian Veterinary Association, one member is a nominee of the New South Wales Aboriginal Land Council, and two members are to be wildlife management scientists. In addition the Ministers administering the Forestry Act 1916, the Crown Lands Act 1989 and the Game and Feral Animal Control Act 2002 will have one nominee each on the council. We must do all we can to uphold and support the environment in which we live. Unfortunately feral animals pose a threat to the viability of our environment and the sustainability of our native animals and birds. All must be done—and in a responsible way—to control them and to mitigate the damage they cause to our environment. The Christian Democrats commend the bill.

Mr IAN COHEN [5.56 p.m.]: The Game and Feral Animal Control Amendment Bill makes two amendments to the Game and Feral Animal Act. The amendments will provide that the proceeds of the fines for offences under the Act will go to the Game Council instead of to consolidated revenue to help the council fund its activities and to expand the range of matters on which the Game Council can spend its funds. It is intended that this will include the development of training courses on responsible hunting and research on game animals and their interaction with non-game species. The Greens support the concept, particularly the hypothecation of funds to areas of interest, so that money directed to the Game Council will go directly into a stream to help fund its activities. The Greens also support training people to hunt responsibly.

When the principal Act was assented to in 2002 environment groups lobbied widely on many aspects of the Act that were of concern, particularly the facilitation and control of hunting rather than the control of feral animals for conservation purposes. This is reflected by the fact that the Act requires 50 per cent of the membership of the council to comprise representatives of hunting organisations. Effectively this means that regulation of the hunting industry has been shifted largely to the hunting lobby, and this creates a fundamental conflict of interest because hunting organisations have now been given the role of both regulator and shooter. A greater balance must be achieved between the conservation and control of feral animals and hunting objectives.

An amendment proposed in the bill credits the Game Council account with money collected from fines and penalty notices under the Act. A fundamental problem with this proposed amendment can be found in the make-up of the Game Council and its representative capacity. Minister Hickey noted in his second reading speech in the other place that "this approach to funding is not new", and an analogy was made to other bodies that received the proceeds of fines collected under legislation. However, the analogy is misleading because the Acts referred to—the Rural Lands Protection Act 1998 and the Local Government Act 1993—establish bodies that are representative of, and chosen by, the community. Under the Rural Lands Protection Act 1998, the board is elected democratically by people living within the district who own land and who have enrolled to vote for the board. On the other hand the Game Council is made up largely of representatives nominated by hunting organisations.

Hunting organisations are sporting clubs and do not represent the wider community. Therefore the council should not have at its disposal funds that are collected from fines and penalties. It is not the hypothecation of funds that the Greens are concerned with; we are concerned about the representation of the Game Council's membership—a matter I have raised during previous debates in this House. In addition, bodies established under other Acts have greater accountability regarding the manner in which they operate and the manner in which funds are spent. Without wider representation of membership on the Game Council and strong provisions for accountability in the spending of funds, the Greens will have great difficulty in supporting this bill.

The bill proposes that additional functions of the Game Council will be set out in the Act. The additional functions will relate to the facilitation of educational courses and research by the council, but will be focused only on courses and research relating to game animals. If the Act is intended to contribute to the

eradication of feral animals for conservation purposes, that needs to be recognised in the legislation. The bill should provide for education and research into conservation, not solely for research into game animals. The bill should therefore include as functions of the council education and research regarding the eradication of feral animals, as well as provisions relating to game animals and animals that interact with game animals, to provide greater balance in the Act between the conservation goals of controlling feral animals and the goals of the hunting industry.

The Act currently states that the functions of the Game Council include "to represent the interests of licensed game hunters in matters arising under this Act". That clearly limits the role of the council to solely representing hunters. It does not allow for the representation of the interests of conservation or for the protection of native species from the impacts of introduced species. It would be preferable if the bill amended the original Act to ensure that the functions of the Game Council included, for the control of feral animals, representation of the interests of conservation organisations rather than just the interests of game hunters. The bill provides the Game Council with the proceeds of fines resulting from breaches of the Act. Therefore it will provide an additional source of funds for the council.

I have been told that thus far no fines have been issued, but it is foreseeable that this will occur if the legislation is properly enforced. However, one wonders whether enforcement will be effective when there are no penalty provisions as part of the Act and no culprits are detected in such a politically volatile area. The principal Act does not include sufficient mechanisms for accountability and transparency in the expenditure of funds by the council. I call on the Government to explain the level of funds that the Game Council has received to date and how the funding has been spent. I would also be interested to know how the council is held accountable for the manner in which its funds are spent. Without adequate provisions in the Act or this bill for holding the council accountable for its use of public funds, the provision of additional funds under the bill cannot be justified.

The Act currently provides for membership of the Game Council. Half of the 16 members are representatives who are nominated by hunting organisations, which represents an inherent conflict of interest given that their primary purpose is to control hunting. There is no representation from conservation groups, even though the Act is supposed to support the control of feral animals for conservation purposes. Given that the Act is intended not only for the facilitation of hunting but also for the control of introduced species, the membership of the council should reflect this goal. I suggest that this legislation presents an ideal opportunity to facilitate members of conservation organisations working with members of the Game Council to move toward the most effective ways of controlling feral animals. I agree with comments made by previous speakers during this debate, including Reverend the Hon. Dr Gordon Moyes, that controlling feral animals is a major problem in this State, this nation and throughout the world.

People have upset the balance in nature, resulting in major depredation caused by feral animals. For example, cats are very efficient killing machines. Escaped domestic cats present a significant danger to vulnerable wildlife, particularly mammalian species. As I understand it, New South Wales has the very dubious honour of having the highest rate of mammalian species extinction in the world, which is a very sad state of affairs. The objects of this Act should include conservation purposes and support the objects of the Threatened Species Conservation Act. The Minister for Mineral Resources, Mr Hickey, highlighted in his second reading speech the fact that the Threatened Species Conservation Act 1995 is aimed at managing the impact of introduced species. The Minister further stated that there is a need to "better co-ordinate the use of responsible hunters as a resource to help to control these animals". If the principal Act is indeed an attempt to complement the objects of the Threatened Species Conservation Act that should be reflected in the objects of the Game and Feral Animal Control Act. The objects of the Game and Feral Animal Control Act are currently:

(a) to provide for the effective management of introduced species of game animals, and

(b) to promote responsible and orderly hunting of those game animals on public and private land and of certain pest animals on public land.

Those objects should include reference to the promotion of the principles of ecologically sustainable development and the eradication of feral animals in New South Wales as well as a statement that the Act supports the objects of the Threatened Species Conservation Act. The impression given by the Government, particularly in the Minister's second reading speech in the other place, is that the goal of the Act is to assist in the control of feral animals. The Minister's speech refers at some length to the threats that feral animals and introduced species pose, to the impacts on agriculture and the environment, and to how the Threatened Species Conservation Act and the Rural Lands Protection Act require control of pest animals. The Minister stated that

there is a need to better co-ordinate the use of responsible hunters in the control of introduced species, and that the Game and Feral Animal Control Act "also contains provisions to regulate game hunting".

An examination of the Act reveals that it is mostly about hunting, as reflected in its objects, and it has few provisions relating to the control of feral animals or the protection of threatened species. One of the reasons why the Game and Feral Animal Act needs to be consistent with the objectives of the Threatened Species Conservation Act is that hunters may wish feral animals to continue to breed, rather than eradicate them, because that keeps the industry going and it keeps the opportunity for sport going. I understand that when it was proposed for deer to be listed as a threat to the process under the Threatened Species Conservation Act, hunters opposed the listing—presumably because threat abatement plans that had been developed to eradicate deer would have reduced their potential as game. Thus it is important that the Game and Feral Animal Act be consistent with the Threatened Species Conservation Act.

I have heard anecdotal stories about feral pigs in areas that are quite close to Sydney having torn ears, and I am sure that other honourable members have heard similar stories. Apparently the piglets' ears are torn by hunting dogs during capture. The game hunters catch the feral pigs alive and remove them to forest areas close to Sydney to create a reserve of hunting opportunities. Instead of hunters acting responsibly to control feral animals, they are actually maintaining them as a game resource for their own entertainment. If the Government can achieve consistency between the Game and Feral Animal Act and the Threatened Species Conservation Act while allowing hunting to continue, the Greens will support measures for the improvement of standards of responsibility through codes of conduct. According to the Minister's second reading speech, an amending provision of the bill will provide the Game Council with the opportunity to develop and deliver a new course of responsible hunting in collaboration with the University of Sydney.

While I support measures to ensure that hunting will be carried out in a more responsible manner, I do not support the Game Council using funds to promote hunting. One wonders what deal the Government struck with the Shooters Party to have this bill brought forward so quickly and for it to be pushed through without proper consultation or adequate time within which to consider it. In my opinion, this bill is somewhat unbalanced. It falls far short of providing adequate assistance in dealing with game animals in New South Wales. In many ways it is an instrument that promotes the use of guns and hunting as a solution to dealing with the feral animal problems whereas there are preferable scientific techniques that are able to deal with the control of feral animals in a more constructive manner.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [6.08 p.m.]: Many honourable members will recall the debate on the Game Bill 2002, which was renamed the Game and Feral Animal Control Act when it was proclaimed. At that time I referred to the ridiculous situation of the Game Council being controlled by hunters. A number of interest groups provide insight into how the Game Council operates, such as the RSPCA, the National Parks and Wildlife Service and Landcare, to name just three.

The Game and Feral Animal Control Amendment Bill enables the Game Council to get its hands directly on funds derived from licences and fines and to spend this money on anything that is listed in the regulations. As usual, we do not know what will be in those regulations, quite apart from the fact that the enforcement of the spending of that money will not be the Government's first priority. It would not be a shot in the dark to say that money is more likely to be used to promote hunting rather than on education, conservation or ways to control feral animals other than sending out a hunting party. As my colleague Mr Ian Cohen pointed out, there is little doubt that there is a need for consistency between the Threatened Species Conservation Act, the Companion Animals Act and this bill. During debate on the Companion Animals Bill I commented that the only group not looked after was people trying to conserve native animals.

The Companion Animals Act is illustrative—one can glean from each section which interest group has been given which section: the breeders of dogs, the lovers of cats, enforcers of local council rules and so on. Of course, the interest groups not at the discussion table were those trying to look after native animals. In effect, they lost out to the cat lovers, who did not want too many restrictions on cats. The idea that one can pass a law to prohibit cats being out at night and have a local council officer enforce that prohibition is, of course, as close to fairyland as one might get. In my contribution to debate on the Game Bill, which I began at 11.36 p.m. on 27 June 2002, I said that the bill was being rushed through in the middle of the night. I suggested that the bill was something of a payoff, perhaps a sweetheart deal between the Shooters Party and the Government.

The Shooters Party does support the Government on critical legislation and sometimes it may need a reward. It seems to me that this bill is political, rather than based on the best interests of people who are trying

to rid the State of feral animals. The bill assumes that the Game Council and hunters have the same interests in controlling feral animals as do conservationists. However, the conservationists do not get a say into what happens. It could be argued that Dracula is in charge of the blood bank. The Game Council represents people who shoot, and they need to have animals to hunt. Of course, there is a danger of release to achieve that aim. My colleague Mr Ian Cohen spoke about the release of piglets, about which I have no knowledge. One would have to acknowledge that the release of animals is a possibility because of the different interests of shooters of feral animals and conservationists who want an ecological outcome that is favourable to native species.

It is worrying that the Game Council will get more money rather than that money going to Consolidated Revenue. Profits may then have been invested in a more broad fashion. I am disappointed that the Minister for Primary Industries came to this political solution. I suspect that he is a master of political solutions. However, he should look critically at the realities in the areas in which he deals. I fear that the Minister deals in a framework of politics rather than with what is happening on the ground. A letter to all crossbench members from the Environment Liaison Office—which is composed of the Nature Conservation Council of New South Wales, Greenpeace, the National Parks Association of New South Wales, the Total Environment Centre, the Australian Conservation Foundation, the Wilderness Society, the Blue Mountains Conservation Society and the Colong Foundation for Wilderness—stated:

> Dear Members
>
> **Game and Feral Animal Control Amendment Bill 2005**
>
> Members of the Environment Liaison Office (ELO) have concerns with provisions of the *Game and Feral Animal Control Amendment Bill 2005* (the Bill). As currently drafted, the Bill amends the original Act, passed in 2002, to provide the Game Council with additional functions of funding for the Game Council.
>
> When the act was passed in 2002, environment groups strongly opposed many aspects of the Act which were of concern. In particular, the Act was seen as largely focussed on the facilitation and control of hunting, rather than the eradication of feral animals for conservation purposes. This is reflected by the fact that the Act requires that at least 50% of Council membership be made up of representatives from hunting organisations. Effectively, this means that regulation of the hunting industry has been largely shifted to the hunting lobby. This creates a fundamental conflict of interest in that hunting organisations have now been given the role of both the regulator and operator.
>
> Members of the ELO believe that the Bill should be amended to further the objectives of the eradication of feral animals for conservation and environmental purposes. These objectives have been emphasised during the second reading debate in the Legislative Assembly by both the government and the opposition. Additionally, the members of the ELO do not support permitting the proceeds of law enforcement to be directed to a Council dominated by hunters which aims to promote the interests of hunters.
>
> We would encourage you to support all the Green amendments.

That is a reasonable position. Presumably the environmental groups have drafted the amendments, of which the Greens have carriage, and they are reasonable. The Democrats will support the regulations. However, we will not support the bill unless the Minister can provide a copy of the proposed regulations and unless the Greens environmental amendments are passed.

The Hon. JON JENKINS [6.16 p.m.]: I am pleased to support the Game and Feral Animal Control Amendment Bill, which amends the Game and Feral Animal Control Act, especially as the amendments reflect suggestions I made on the first day I entered this House. Effective feral animal control programs in this State are an urgent priority to prevent extinction of native animals. The Act covers the general hunting licences on private land and the issuing of restricted hunting licences that allow hunting on certain public lands under certain circumstances. In February 2004 I asked the Minister for Justice, representing the Minister for the Environment, to report on any recreational groups involved with the National Parks and Wildlife Service. The availability of general hunting licences since September 2004 and the 4,000 subsequent applications received a strong indication of what I have been saying all along: community involvement is an effective tool for environmental assistance.

Again, I take the opportunity to call on the few Government members who are present to create a volunteer parks association, or a group with a similar name, in association with the National Parks and Wildlife Service to alleviate the major threat of feral animals to our coastal national parks. I again call on the Government to equip them, train them and supply them with the necessary infrastructure—no different from the volunteer rural fire service or the rescue association or the State emergency services. Why is it that the Government, the National Parks and Wildlife Service and the Department of Environment and Conservation continue to refuse to do that? Tens of thousands of people would gladly give up their weekenders or holidays to protect our native animals. Every other country has a volunteer parks association.

When I worked at universities in the United States of America I learned that people would give up their annual holidays to work as volunteers in national parks. We need to do the same in this country, because we cannot possibly fund that work. More than 40 per cent of the New South Wales coastline and 11 per cent of the State is declared a national park or wilderness area. The extremist ideology, which tries to keep the community involved in caring for national parks, is simply wrong. I again call on the few Government members who are present to encourage the Department of Environment and Conservation to instigate the beginnings of a volunteer park association, similar to what is carried out in every other area of government. We need to bring people into our national parks and allow them to assist with park maintenance.

The successful eradication of feral animals may become imperative for us to confront the growing incidences of global epidemics. Over the past decade epidemics such as severe acute respiratory syndrome, bird flu, mad cow disease and foot-and-mouth disease have been extraordinarily detrimental to the livelihood of millions of people and the sheep and cattle industry in the United Kingdom and Asia. Feral animals are potential carriers of some exotic diseases, and they are intrinsically difficult to locate and eradicate.

In the United Kingdom foot-and-mouth disease is an example of the threat to Australia's $5 billion or more meat and livestock trade. Deer can spread bovine Johne's disease. The parliamentary inquiry into feral animals found that the ability of cattle producers on the far North Coast of New South Wales to elevate their status from control zone to protected zone was limited to a lack of effective control of feral deer herds. A statewide program to develop and refine effective systems for countering outbreaks of exotic diseases in feral animals is required. Increasing areas of public land that are open to game hunting is a positive step towards incorporating a larger pool of people to resolve the outstanding issue of the destruction caused to land, the environment and threatened species by feral animals.

Introduced animals classified as pests cause economic and environmental damage. Under the Threatened Species Conservation Act pigs and foxes are listed as key threatening processes but research currently shows that cats are the most underrated of these pests. Cats could be worse than those other pests put together. Pigs eat and destroy native animals and plants. Most people do not realise that pigs are carnivorous; they think pigs are herbivores. Pigs are not herbivores; they will eat whatever they can find. Predation, habitat degradation, competition and disease transmission by feral pigs are listed as key threatening processes under the Commonwealth Environment Protection and Biodiversity Conservation Act. Feral pigs have a high reproductive potential and attain sexual maturity at approximately seven months. In a favourable environment they can reproduce quickly.

All species of cloven-hoofed animals are potential carriers of foot-and-mouth disease. Game hunting is an effective method of eliminating those feral animals where there is no other existing alternative method. I sound a word of caution here. One of the success stories of those who believe in biological control is calicivirus in rabbits. That had a devastating effect on our native wildlife. All of a sudden the main food source for foxes, wild dogs and cats disappeared over a short period. We can trace the numbers of native animals that disappeared as the calicivirus took effect in particular areas. Members of the media talk about biological controls and alternatives to hunting but we must be extraordinarily careful about upsetting the balance. We must think about that beforehand.

Other feral animals that can be effectively reduced through game hunting are red foxes. I emphasise that I am not advocating irresponsible individuals running riot through our public lands and shooting animals. I again call on the Government to instigate the creation of a volunteer association that is trained, equipped, educated and outfitted by it. It should be no different from other volunteer organisations. On the contrary, an educated and controlled issuing of licences to hunters with ongoing assessment of training and needs will fit into the recommendations of the parliamentary inquiry into feral animals that was conducted in 2002.

I note that not one of the recommendations of that inquiry has been implemented. It recommended the need for the development of a strategic integrated, regional feral animal control program. Furthermore, it recommended the use of hunters to eradicate pests to offset the risks to non-target species. Honourable members would be aware that in order to do that we would need access to remote bush areas to exercise such control. However, because a large number of roads and access tracks in national parks have been closed it would make this program less effective in those areas. I note with some disappointment the Minister's admission in his second reading speech about the effect of feral animals.

Mr Ian Cohen: He would be the only person in the entire State who did not think the closure of roads would make feral animals worse.

The Hon. JON JENKINS: Absolutely. I acknowledge the comment of Mr Ian Cohen. It makes their control a thousand times worse. We cannot get in there to control them. I am glad that that fact is on the record. I am somewhat wary of these funds. I said in respect of the water and energy fund that it is often wasted and it becomes a green slush fund that is effectively donated to extreme green groups. When the Act or regulation mentions conservation projects alarm bells go off as to where the money will end up. I hope that the Government means real hands-on pragmatic conservation projects and not extreme green propaganda. I quote from schedule 1, new section 9, which in part states:

> (f2) to promote or fund research into issues regarding animals that interact with game animals.

That is very clumsy wording. The words in the bill could have more clearly stated what the Government intends to do. That provision allows it to siphon off money to do anything. The other day I heard a quote that I thought was appropriate. The fundamentalist green lobby cares about the environment but the real environmentalists gets their hands dirty and care for the environment. To me that is the difference between an ideologue and somebody who wants to get in there and help. I take this opportunity to put some thoughts on the record about the calls for conservationists on the Game Council. I presume that those calls were for someone from the Nature Conservation Council.

The Nature Conservation Council and the National Parks and Wildlife Association are the same organisations that have as their policy the eradication of cattle and sheep from the Australian mainland. They class them as feral animals. I am sure that that extremist ideology would not be very constructive on the Game Council. I will make a deal with those bodies. The day those extremist groups allow reasonable representation for the main users of national parks, the recreational people in this community—bushwalkers, campers, kayakers, cyclists, horse riders and everybody else who uses national parks—on the National Parks and Wildlife Advisory Council and its committees I will agree to putting a person from the Nature Conservation Council on the Game Council.

The Hon. HENRY TSANG (Parliamentary Secretary) [6.26 p.m.], in reply: First, I shall respond to the comments made by Mr Ian Cohen about the behaviour of a few unscrupulous hunters and explain why the Game Council has moved to impose tight regulations on game hunters, including a mandatory code of practice reinforcing proper hunting ethics and lifting hunting standards. The new game licensing system provides traceability for hunters and penalties to enforce compliance with ethical standards. In regard to the comment made by Mr Ian Cohen about the consultation that has occurred in preparing these amendments, it is disappointing that certain groups purporting to support ecological ideologies fail to recognise the value to the environment and the Game Council of these amendments.

These amendments, which are minor, have arisen from the experiences of the first 2½ years of operation of the council. Consultation with key shareholders has been ongoing during that period. Nevertheless, there will be further consultation with all shareholders, including groups such as the Environmental Liaison Office, in developing any regulations that flow from these amendments. I must correct another point that was raised by the Hon. Dr Arthur Chesterfield-Evans. It is important to recognise that the regulation of game hunters under the Game and Feral Animal Control Act must be practical and enforceable to be effective. That is one of the key measures that will help to lift the standard of game hunting in this State. It is critical that hunters are properly represented in this process. Having half the council comprised of hunters is hardly disproportionate, given that requirement.

I thank the Deputy Leader of the Opposition for his comments. The Government has provided seed funding of $1.25 million to establish the Game Council. That has been supplemented by access to additional credit providers through the New South Wales Treasury. The ability to retain the process of fines merely acknowledges that there is a cost in implementing compliance measures. The revenue from fines will be modest and there is no intention that the Game Council will or should rely on that for its revenue base. I thank all honourable members for their contributions to debate on this bill. In New South Wales we have ongoing problems with feral animals. Species such as foxes and feral cats cause significant harm to our native wildlife. Other non-indigenous species, such as deer, are becoming an increasing hazard on our roads in various parts of the State.

All the non-indigenous species listed as game animals in the Game and Feral Animal Control Act create their own environmental problems from time to time. Therefore, it is important that such species be controlled effectively. It is equally important that they be controlled in a responsible manner. The creation of the Game Council of New South Wales has been a significant step forward in utilising the skills and expertise of responsible hunters to help the community achieve those goals. In a short time span the Game Council has

issued some 4,000 general game hunting licences relating to hunting on private land. These licences require compliance with strict conditions, which are prescribed in the Act and regulations, and with a related code of practice. The introduction of an obligation on licence holders to comply with such conditions is a major step towards more responsible hunting practices in the State. It is also important for the community to see the high standards that responsible hunters have set and, through this legislation, are now demanding of their peers. There are monetary penalties prescribed for non-compliance, in addition to the suspension or cancellation of the licence. This approach will foster a responsible attitude among the hunting fraternity, including any small minority that may be tempted to act irresponsibly.

The second phase of the licensing system involves arrangements for appropriately trained and licensed people to hunt on certain declared public lands. The Game Council is currently undertaking an assessment and consultation process in conjunction with relevant government agencies to identify areas where it may be appropriate to declare public lands. I remind honourable members that the Act excludes national parks from this process. While this would not necessarily prevent the Department of Environment and Conservation from working with the Game Council on specific game or feral animal management projects, I am not aware of any current proposals for this to occur.

The proposed amendments to the Act, although of a relatively minor nature, will assist the Game Council in carrying out its important work improving the standards of hunting in this State. The proposal to allow the Game Council to receive the proceeds of fine payments under the Act is consistent with the council's aim to become financially self-supporting in the longer term. The proposal to allow the council to spend some of its funds on additional matters prescribed in the regulations will further assist the progress towards more effective and responsible hunting. As was noted in the second reading speech, it is intended that the regulations will include educational programs relating to hunting and research into the nature and habitat of game and feral species. Although these are relatively minor changes, they represent real improvements to the Game and Feral Animal Control Act. As such, they should be supported by all honourable members.

Debate adjourned on motion by the Hon. Henry Tsang.

[*The Deputy-President (The Hon. Patricia Forsythe) left the chair at 6.33 p.m. The House resumed at 8.00 p.m.*]

STANDING COMMITTEE ON LAW AND JUSTICE

Report: Criminal Procedure Amendment (Pre-trial Disclosure) Act 2001

Debate resumed from 8 December 2004.

The Hon. CHRISTINE ROBERTSON [8.03 p.m.]: The Standing Committee on Law and Justice has proved to be very effective and its members work together very well on individual issues into which it is asked to inquire. The committee was asked to review the Criminal Procedure Amendment (Pre-trial Disclosure) Act 2001, which many members at first thought would be a somewhat dry topic. However, when we read the fervent debate that took place when the legislation was put together we recognised there was a major reason for the review. The information that came forward during the review process was very beneficial to us all, and I trust that the recommendations were also beneficial.

This is the second and final report of the Standing Committee on Law and Justice as part of the inquiry into the Criminal Procedure Amendment (Pre-trial Disclosure) Act 2001. The amendment Act introduced a statutory duty of pre-trial disclosure by both the prosecution and defence in complex criminal cases in the District and Supreme Courts where the court makes a pre-trial disclosure order. The amendment Act also introduced reforms to the way in which police officers disclose information to the Director of Public Prosecutions, the procedures relating to the indictment presented by the prosecution and the period of notice for alibi evidence.

The reforms were designed principally to increase efficiency in the conduct of complex criminal trials and to reduce court delays. The inquiry began in May 2002, when the Attorney General referred the provisions of the Criminal Procedure Amendment (Pre-trial Disclosure) Bill 2000 to the committee for inquiry. Of course, that was before the term of the current Standing Committee on Law and Justice. Initial investigations by the committee revealed that very few orders for pre-trial disclosure had been made under the new provisions, and it soon became clear that it was too early to assess the merits of the new provisions, and to adequately address the terms of reference—we did not have enough cases to look at.

The committee recommended in its first report, therefore, that the Attorney General refer the terms of reference to the committee in the next session of Parliament. The Attorney General accepted the recommendation and referred similar terms of reference to the committee on 30 July 2003. The committee then deferred the commencement of the inquiry until February 2004 in order to ensure the amendment Act had been in operation for a sufficient period to permit effective assessment of the reforms it introduced. The inquiry included a public call for submissions and a day of hearing with nine witnesses. This final report made five recommendations.

The terms of reference required the committee to examine the frequency and type of pre-trial disclosure orders made under the new provisions. The committee heard evidence that pre-trial disclosure orders have still only been made in a very small number of cases—eight at the time of finalising this report. Several reasons were presented to the committee as to why so few orders have been made. A pre-trial disclosure order can only be made if the court is satisfied that a trial will be a complex criminal trial, having regard to certain factors. Submissions to the inquiry identified an element of the statutory test for complex criminal trials that could be interpreted in two different ways. After examining the issues, including judicial interpretation of the provision, the committee has recommended a minor amendment to the Act to clarify the definition of a complex criminal trial.

The committee was also advised that the relative infancy of the pre-trial disclosure order scheme may have contributed to its limited use so far, with some practitioners still getting used to the new provisions. The committee was also informed that the success of methods of encouraging pre-trial disclosure amongst parties that have been implemented by the courts may be limiting the perceived need for formal pre-trial disclosure orders, so other changes were being made that also influenced the uptake of pre-trial disclosures.

The terms of reference also required the committee to examine the rate of compliance with pre-trial disclosure requirements. In this regard, the committee was advised by stakeholders that there had generally been a high level of compliance both by the prosecution and the defence, with the few orders that had been made to date. The amendment Act also introduced a regime of discretionary sanctions that can be applied to both the prosecution and the defence for non-compliance with pre-trial disclosure orders. As far as the committee is aware, neither the District Court nor the Supreme Court has applied sanctions in any trial in which a pre-trial disclosure order has been made. This accords with the fact that the orders have been largely complied with. The terms of reference also require the committee to examine the effect of the new pre-trial disclosure requirements on several aspects of the criminal justice system, including court delays, unrepresented defendants, the right to silence, the burden of proof and the presumption of innocence. Those issues were raised when the bill was debated in Parliament.

In relation to the impact on court delays and, as I said, the new regime for pre-trial disclosure orders introduced by the amendment Act was designed principally to increase efficiency in the conduct of complex criminal trials, and to reduce court delays, information provided to the committee about the few orders that have been made indicated that, in general, they have positively impacted on those trials. However, submission makers and witnesses were generally in agreement that, due to the small number of pre-trial disclosure orders made to date, the overall impact of the new scheme on court waiting times has been minimal. The committee therefore concluded that it is too early to determine the impact of pre-trial disclosure orders on court delays. The committee was pleased to note the improvement in court delays in the higher courts in New South Wales in recent years and acknowledges that the pre-trial case management mechanisms implemented by the courts themselves have had a significant impact on delays. Of course, it made a difference to the way that the committee assessed the effectiveness of the amendment, but it has been a positive step.

In relation to unrepresented defendants, the committee noted that a pre-trial disclosure order cannot actually be made where a defendant is unrepresented. In addition, the impact of unrepresented defendants being excluded from the pre-trial disclosure scheme should be minimal since the likelihood that a defendant in a complex criminal case would be unrepresented is very small. The committee is concerned, however, that once the orders are used more frequently the new scheme may have a negative impact on disadvantaged defendants because of increased pre-trial legal costs. While it is difficult to establish at this early stage the nature of this impact, the committee has recommended that any future review of the scheme incorporate an analysis of the impact of the orders on disadvantaged defendants.

With regard to the right to silence, the presumption of innocence and the burden of proof, the majority of inquiry participants expressed the view that the pre-trial disclosure requirements implemented by the amendment Act had little or no impact on these three doctrines. The committee is aware, however, that any

impact that the new scheme may have in relation to these doctrines is difficult to gauge at this stage due to the small number of orders made. The committee therefore did not feel that it was able to reach its own conclusions on this issue.

In addition to introducing the new regime for pre-trial disclosure in complex criminal cases, the amendment Act made changes to the requirements for giving notice of alibi evidence, the presentation and amendment of indictments and police disclosure to the prosecuting authorities. The amendment Act altered the Criminal Procedure Act 1986 to require that, if an accused person wishes to adduce evidence in support of an alibi, notice of the particulars of the alibi must be given at least 21 days before the trial is listed for hearing. If notice is not given within that time frame the accused cannot adduce evidence at trial in support of an alibi. This requirement applies to all trials on indictment and not just complex criminal trials.

While the committee did not have the opportunity to explore this issue in a great deal of detail, submission makers and witnesses raised sufficient concern about the change to warrant further investigation. The committee therefore recommended that the Attorney General examine this issue to establish whether the new time frame of 21 days is unreasonably impacting on the Crown and the police. The amendment Act altered the time frame for the presentation and amendment of indictments for all matters in the District and Supreme courts. An indictment must now be presented within four weeks after the committal of the accused for trial.

The committee noted that the amendment to the time frame for settling indictments has been identified by some stakeholders as one of the most significant aspects of the amendment Act. In relation to compliance, it appears that the Office of the Director of Public Prosecutions has been able to meet the new time frame with the assistance of the new Trial Preparation Unit funded for this purpose. There also appears to be some indication that the new time frame is having a beneficial impact on efficiency in the pre-trial process. The committee was pleased to conclude that this aspect of the amendment Act seems to be meeting its stated purpose of enhancing the efficiency and fairness of the criminal justice system.

The amendment Act also modified the Director of Public Prosecutions Act 1986 to formalise the existing duties placed on police officers to disclose information to prosecuting authorities pertaining to the investigation of offences. Evidence presented to the inquiry indicated that because the introduction of the statutory obligation of disclosure on police largely had the effect of coding existing rules regarding police disclosure, rather than imposing new obligations, the amendment has not had a significant impact on police or the prosecution at this stage. In the report, the committee has emphasised the importance of police officers understanding their statutory duty of disclosure and also their duty to protect relevant material that is the subject of bona fide claims of privilege, public interest immunity or statutory immunity.

The committee has therefore recommended that the Minister for Police examine the level of awareness among police officers of the changes to their pre-trial disclosure requirements brought about by the amendment Act, and whether there is a need for additional educational resources. In conclusion, the small number of pre-trial disclosure orders made under the new provisions made it difficult for the committee to gauge the impact of the new scheme on court delays, unrepresented defendants and the right to silence, presumption of innocence and burden of proof, as required by its terms of reference. The committee was, however, able to draw some conclusions as I have already described, and has made five recommendations to address those issues that have arisen. The recommendations identify small adjustments to the scheme to further enhance its aims. Notwithstanding the limited impact of pre-trial disclosure orders to date, the committee generally supports any initiative that has a positive impact on court delays.

The committee therefore considers that there is a role for formal pre-trial disclosure orders backed up by sanctions as implemented by the Criminal Procedure Amendment (Pre-trial Disclosure) Act 2001. I would like to repeat my thanks to my colleagues on the committee for their participation in the inquiry, and their bipartisan approach to the report and its findings and recommendations. The committee has also valued the input of various stakeholders including legal professional bodies and advocacy groups. The committee is aware of the considerable time and resources involved in preparing submissions. I also thank the committee secretariat, and in particular Rachel Callinan, who is on special leave at the moment, for their assistance in drafting this report and administering the inquiry, and for assisting with the drafting of my report to the House in this debate, armed with a full understanding of matters. I commend the recommendations to the House, and I trust that the Attorney General will find them useful in his deliberations.

The Hon. GREG PEARCE [8.16 p.m.]: I support the motion that the House take note of this report. The report is interesting in that it is a quite good example of the detailed work that committees of this House

undertake—work that can have quite profound implications for the administration of justice and the legislative framework that the State embraces. That is work that would not be done if this House did not have its committees and those committees did not take quite seriously the references made to them.

As the committee chair has already expressed, this report deals with a fairly narrow area of law and a number of fairly specific amendments to it. It really was a case where there had not been enough experience of the operation of the amendments on which to form conclusions on a number of matters. But, notwithstanding that, the committee took its role seriously and I think has come up with some recommendations that quite sensibly reflect progress in the system of pre-trial disclosure. What the Government has initiated is regarded by the stakeholders as a quite important, although narrow, area of the law.

The provisions of the Criminal Procedure Amendment (Pre-trial Disclosure) Bill 2000 and the system of pre-trial disclosure were referred to the Standing Committee on Law and Justice for inquiry. That is a very important process to adopt in that it provides for transparency, enabling the legislative system to ensure, from time to time, where legislation warrants such a referral, that there is in place a process that will examine fairly rigorously the operation of legislation. We see it in a number of other areas also, one of the most obvious for honourable members being the Motor Accidents Authority, which will be the subject of a later report.

The committee commenced its inquiry in May 2002, but it became evident that it was too early to assess the merits of the legislation because so few pre-trial orders had been made at that time. The committee asked the Attorney General, who agreed, to refer similar terms of reference to it on 30 July 2003. The committee then deferred commencement of the inquiry until February 2004 to ensure that the amending Act had been in operation for a sufficient period to permit an effective assessment of the reforms it introduced. The chair of the committee has referred to those recommendations, a number of the arguments, and some of the issues put before the committee. I will refer to only one or two of them. Chapter 3 of the report, which deals with pre-trial disclosure orders, states:

> A pre-trial disclosure order can only be made if the court is satisfied that the trial will be a "complex criminal trial"…

That issue was the cause of the greatest number of submissions to the committee and of considerable debate among committee members. The attention of the committee was drawn to a ruling of Justice O'Keefe in the case of *Regina v Munroe,* in which he favoured an interpretation of the relevant provision relating to the use of the word "and" and the word "or". The committee concluded that clarifying the meaning of the relevant section would be beneficial and would broaden the definition of complex criminal cases, which might lead to more use of pre-trial disclosure orders. The committee recommended that the Attorney General seek a legislative amendment to ensure that the relevant section reflected the interpretation given to it by Justice O'Keefe. This is a real example of a committee being able to consider legislation and the amendment as it applied in the courts, understanding the issues addressed by the judge—albeit a narrow interpretive point—and making a recommendation which, as the chair said, we hope the Attorney General will adopt and which, in turn, will improve the administration of justice in this State.

The chair referred to compliance and sanctions, and that concerned me. In response to one or two submissions the committee was advised that it should consider sanctions against legal practitioners under the Act. Although I do not wish to make a special example of legal practitioners in the administration of this Act, it was quite clear that there was insufficient evidence to support the proposition that new sanctions should be introduced. Fortunately the committee reached the sensible conclusion that there was not enough evidence to support such an approach. The committee received a number of submissions on the impact on court delays of pre-trial disclosure, which the Chair has adequately and sensibly dealt with. When a committee has the opportunity to consider the operation of new legislation it is important that it considers its impact on the rights that all of us and many before us have fought to ensure are enshrined in common law and legislation.

The terms of reference required the committee to consider the effects of the pre-trial disclosure requirements on the right to silence, the presumption of innocence and the burden of proof. The majority of inquiry participants expressed the view, and I think they are correct, that the pre-trial disclosure requirements permitted by the Act had little or no impact on these doctrines. However, the committee was aware that any impact it may have would be difficult to gauge at this stage because of the small number of orders that had been made. The committee made no recommendations in that regard. To sum up, this important report deals with quite a narrow issue, but it was an issue that was referred to the committee by the House for review. The House and its committees have an important role to play in ensuring that such issues and their impact on the administration of justice are investigated properly. Accordingly, I support the report, which I commend to the House. I join with the Chair in thanking the members of the committee secretariat, particularly Rachel Callinan, for their fine work.

Motion agreed to.

GENERAL PURPOSE STANDING COMMITTEE NO. 5

Report: Hunter Economic Zone and the Tomalpin Woodlands

Debate resumed from 4 May 2005.

Mr IAN COHEN [8.27 p.m.]: The inquiry into the development of the Hunter economic zone was an interesting exercise for me as chair of the committee. I found myself in the minority on the committee.

[*Interruption*]

How unusual! I am pleased to hear a few sighs from members on the Government side of the House. The Tomalpin industrial zone represented a clash of values, and this was reflected clearly by the views of representatives of the major parties in the majority and members of the Greens in the minority. The priority of conservation was very much opposed by both Coalition and Government members of the committee. So be it. History will bear out the importance of the Tomalpin site with its many endangered species and the significant impact that major industrial development will have on that site.

I believe that at this stage development of this site is inappropriate. Many environmental and cultural issues were adequately ventilated during the committee's hearings. In more recent times there has been much gnashing of teeth about greenie intransigence, if not greenie extremism, in dealing with such issues, but I think it is reasonable to say that a significant section of the community shares the concerns of the minority committee members. The challenge in today's world is to develop with a minimum of environmental damage, and environmental issues should not just be added on or become an afterthought.

The committee's task was difficult in parts. From the point of view of many people in the community, including developers, the committee's inquiry gave everyone an opportunity to raise issues that were on their minds and to engage in quite a rigorous debate. At times during the committee's deliberations that rigorous debate imposed quite severe limitations on the minority position with regard to where in the report the minority findings should appear and the degree of control exerted by the majority of members to style or craft a report that reflected the majority point of view. I stand by the recommendations of the minority members of the committee. A significant degree of what I would describe as relentless pressure was applied by the majority. The gap between the views of the minority and those of the majority equated to the great difference in perspective between different sections of the community.

The minority report will be available for the future. The secretariat did a fantastic job of dealing with what was often a very difficult situation. I have nothing but admiration for members of the secretariat who worked long and hard to produce this report and to organise public hearings and deliberative meetings. I am indebted to the secretariat for their efforts. I know that all committee members rely on their very professional support system.

The Tomalpin site is of very high conservation significance. The development of the Hunter Economic Zone [HEZ] has been driven by the local council and, at State level, by the Government. As the industrial zone comes into effect, I will be interested to see whether it is the success that it has been touted and whether the development will be worth the impact it will have on the surrounding environment. In ensuing years I will observe with interest whether this industrial development has the negative impact some people greatly dread or whether it will be a successful industrial development for the Hunter area. I fear that it will not be, but it will be a matter of time before conclusions can be drawn.

To say the least, the developers were enthusiastic. They carried out a vigorous and very professional campaign. They brought a number of submissions to the committee and participated at all levels in its inquiries. The community also had a fair say. The value of this report is that it sets out well the arguments of all participants in the debate, who were given plenty of opportunity to express their points of view and to make written submissions in support of their evidence. For those reasons, it has been a very valuable inquiry. I commend the committee's report on the Tomalpin development to the House.

The Hon. RICK COLLESS [8.33 p.m.]: I state for the public record some of the Coalition's views on the inquiry into the Hunter Economic Zone [HEZ] and place on the record some of the responses of the developers of the Hunter Economic Zone to the report that has been presented to this House. The inquiry was set up to review the actions of the director-general and the role of the National Parks and Wildlife Service [NPWS] in the environmental assessment processes associated with the Hunter Economic Zone. The report states:

> Representatives of all the government agencies who gave evidence to the Committee were asked if they had been subjected to pressure to change their advice with respect to the HEZ development or if they had made any concessions to the HEZ in terms of their role in any approval process. The response from all departments was that no officer had been directed to change their advice; no concessions had been granted; and all statutory requirements were fulfilled.

Therefore, the only formal recommendation in the report is a simple suggestion:

> When acting in this role in the future, the Director General [of the Premier's Department] should be mindful of any potential for misinterpretation of requests for cooperation by other government agencies.

Despite that recommendation, parts of the report question environmental approvals and processes that have been fundamental to the HEZ project. The report questions the appropriateness of the rezoning of 900 hectares for area 4 (h) and recommends that 60 hectares of deferred land in that area be kept permanently in conservation.

Ironically, some of the points referred to in the report appear to put pressure on the decision making of the National Parks and Wildlife Service. The dissenting statement and draft recommendations that were subsequently rejected by the committee were tabled by the chair of the committee, Mr Ian Cohen, and Ms Sylvia Hale, and are included in the appendices to the report. They have therefore been circulated in the public domain. If the doubts that are raised by dissenting points are allowed to grow and provide a platform for detractors, a signal will be sent to the community of New South Wales and to those who wish to invest in this State that even the most diligent developer is not welcome. The dissenting statement gives detractors the chance to perpetrate the stereotype that developers are after the fast buck and do not care about the community or the environment.

The HEZ questions the validity of some of the points and the reasoning behind some of them. I will outline the more important points raised by the HEZ. The report focuses on the Friends of Tumblebee endeavouring to link questions about infrastructure, such as waste water treatment, environmental issues and issues associated with the swift parrot, to the recommendation for a reduction of the area of the 4 (h) classification to 200 hectares. The response from the HEZ is that the rezoning will be allowed for 900 hectares of 4 (h) land only after all the appropriate representations and assessments have been carried out. In relation to the preparation of environmental management strategies, the report states:

> With hindsight it appears reasonable to argue that approval of the Plan should have been deferred until the expected completion of the Management Strategies. If this had occurred additional information particularly with respect to Swift Parrot usage of the site would have been available.

The HEZ's response is that the finding uses unsubstantiated claims about the swift parrot incidence to question management strategies. With new species declared endangered on a time continuum, HEZ questions whether it is reasonable to argue that land should be sterilised from development because of a species that may be declared endangered at some time in the future. It does not appear reasonable to argue deferment of rezoning until all additional information is obtained, particularly when the former Director-General of National Parks and Wildlife said in evidence:

> It does not mean that we are not going to properly consider the issues that are raised and make sure that the threatened species requirements are appropriately considered as you move forward.

I will deal with the swift parrot habitat in a little more detail. The HEZ contends that a number of poorly substantiated statements have been used to question the validity of the rezoning and the local environmental plan. The report states:

> Had the rezoning of the land been deferred until this information was available—

That is, the significance of the 4 (h) land to the survival of the swift parrot—

> the current size of the 4 (h) zone would not have been approved.

The committee also accepted a claim from the Federal swift parrot recovery team and based the statement to which I have just referred on the Federal body's report, which states:

> "The development of the HEZ would result in the removal of Swift Parrot habitat within a priority area that is known to support 10 per cent of the total population in suitable seasons...

That is anecdotal evidence and certainly is not scientifically based. The HEZ response was to question how the report could use unsubstantiated information put forward by the swift parrot recovery team as a basis for

questioning the entire zoning. HEZ and its ecological consultant, Harper Somers O'Sullivan, have questioned the information in the swift parrot recovery team report, as have Ecotone, the ecological consultants that acted for Cessnock City Council and, in the past, the National Parks and Wildlife Service. The swift parrot recovery team report claimed that 10 per cent of the total bird population is present in suitable seasons. That figure is based on records and bird counts produced by one local bird observer; hence the anecdotal nature of the evidence. There is no documented evidence or report outlining the methodology used by that observer to count the parrots. Given the behaviour of the swift parrot, which tends to move around rapidly, the count can at best be taken as an amateur estimate only. Those records were reported for the first time just after the rezoning of the HEZ.

On the online database of the Department of Environment and Conservation those records received only a moderate rating for reliability. It is interesting to note that most bird observers register their observations within days of a sighting. In this case, the observer registered all sightings of this species, which he claimed happened over a 10-year period, in one submission in 2002. It seemed to many people at the time that those sightings were conveniently registered to coincide with the public plans for development at the HEZ.

In addition, the recommendation of the swift parrot team to reduce the size of the zone 4 (h) lands to 200 hectares conveniently coincided with a longstanding claim by the Friends of Tumblebee that zone 4 (h) lands should be reduced to 200 hectares. Again, this recommendation was based on anecdotal evidence. The swift parrot recovery team document did not provide scientific evidence to support, or any justification whatsoever for, that arbitrary recommendation. The HEZ response to the ecological constraints master plan was that the zone 4 (h) land was deferred for development and was not set aside, pending completion of further environmental studies to investigate whether there is habitat for certain species in other areas of the HEZ local environmental plan. The HEZ undertook studies, and the Department of Environment and Conservation is awaiting the study outcomes.

The ambit claim that 60 hectares should be locked up for the swift parrot is without any scientific basis; some of that deferred land does not contain suitable habitat for the swift parrot. With regard to the claim of interaction or intervention, or that pressure was brought to bear, Mr Somers pointed out in his evidence that the HEZ sought only to clarify the ecological requirement of the National Parks and Wildlife Service and to get consistent advice. The HEZ did not constantly seek to expedite the process, as the report states. A number of conclusions were drawn regarding interaction, intervention and pressure, and they are set out on page 89 of the report. The response of the HEZ was that there was no evidence to demonstrate that National Parks and Wildlife Service officers were encouraged to provide advice that supported the development. Such a statement was dangerous, as it left a question mark over the terms of reference of the inquiry and also contradicted the following earlier point in the report:

> The response from all departments was that no officer had been directed to change their advice; no concessions had been granted; and all statutory requirements were fulfilled.

The only recommendation from the committee on that point states:

> … when acting in this role in the future, the Director General should be mindful of any potential for misinterpretation of requests for co-operation by other government agencies.

The outcomes of the report were in the best interests of the environment, the best interests of the social aspects of the people of the area and certainly in the best interests of the economy of New South Wales.

Ms SYLVIA HALE [8.43 p.m.]: It was a very interesting experience to be a member of General Purpose Standing Committee No. 5's inquiry into the Hunter Economic Zone [HEZ] industrial development and the Tomalpin woodlands. The inquiry certainly aroused a great deal of interest amongst a fairly diverse group of people. Obviously there was great divergence of opinion as to the value or otherwise of the Hunter Economic Zone proposal. From my perception, when I read the report I am struck—as would any reader of the report be—by the amount of factual information included in the draft report that was subsequently deleted by a majority of the committee members. For example, minute No. 34 on 1 December 2004 states that the following paragraph was to be deleted:

> A major concern of the Friends of Tumblebee during the inquiry was that consideration of alternative sites to Tomalpin did not occur at any stage in the process of the creation of the Hunter Economic Zone.

The balance of that deleted paragraph continues on page 161 and onto page 162. It seems to me that basically that paragraph outlines a statement of fact; it gives the major concern of the Friends of Tumblebee, and the

report further discussed the basis for those concerns. To delete that entire paragraph and to assume that it was not a major concern distorts what the inquiry was designed to ascertain. Of course it is very difficult to switch from reading the report itself to reading deleted material while gaining some understanding of the draft report that was initially prepared. However, on a reading of the material that has been excised from the report, one is struck by the removal of a substantial amount of factual material, as well as a consequent analysis of the relevance or sustainability of the material. For example, on page 163 the Hon. Rick Colless moved that the following paragraph be deleted:

> There does appear to be a case for the removal of the Werakata National Park land from the definition of the Hunter Economic Zone. The Committee believes that the continued inclusion of a section of Werakata National Park within the HEZ boundary is confusing. This will become even more confusing once the proposed Crown Land additions take place at which time the HEZ boundary will bisect a contiguous section of the Park.

Indeed, one contention placed before the committee was that the inclusion of the national park in the HEZ was designed to promote a notion that somehow there was to be a larger area of land preserved for natural species under the HEZ proposal than would otherwise be the case. Obviously, that was not so in the example of the Werakata National Park, which was already in existence. Whether the HEZ went ahead or not would have no bearing on that issue. Similarly, on page 164, recommendation No. 1—one of the report's first draft recommendations—states:

> That New South Wales Government agencies henceforth do not include the Werakata National Park lands in formal or public statements or descriptions regarding the conservation areas of the HEZ zone.

That seems to me to be a perfectly reasonable requirement and recommendation by the committee. Why contribute to a false impression that somehow this national park was contributing to conservation areas for the zone? That paragraph was deleted. On page 165 paragraphs 3.8 to 3.10 of the draft report were deleted. Deleted paragraph 3.8 reads:

> The Friends of Tumblebee, in contrast, argue that some of the benefits have been over-stated:
>
> We believe that the HEZ lobbied to have the rezoning expedited in 2001-2002 using the information that a large company was interested in locating there. There is no sign of this large company 2½ years later. In all our FOI searches we have not found any letterhead from this company or any other.

Once again it seems to me that that argument was being advanced by the Friends of Tumblebee. If we delete reference to that in the report I believe we will seriously misrepresent the tenor of much of the evidence that was presented to the inquiry. Even though the HEZ is being promoted as something that will bring enormous economic and job-creating benefits to the Hunter region, to this day there is no evidence of any major industrial company being interested or making a firm proposition that it will create a substantial number of jobs in the area. On page 165 of the report is this reference to the Friends of Tumblebee:

> This was developed further in evidence:
>
> > They often claim—

that is, the HEZ proponents—

> that 10,000 jobs will be created by this, and that is good for the local area. We applaud the creation of jobs in the local area; it is a really good thing. This advertisement makes the claim that 15,000 jobs will be created. Where that comes from, I do not know. Our point is that this estate is very unlikely to create jobs. The manufacturing sector is actually employing less of the work force as time goes by, whereas the services sector is employing more. It is really not such a terrific strategy for Cessnock.

The report then states:

> In their submission the Friends of Tumblebee note that the five weeks after the land was rezoned—

I believe this to be is a critical consideration—

> the developer made a $100,000 donation to the ALP.

The report again ignores major considerations as to how effluent would be created once the economic zone was developed. The draft report initially contained a paragraph that states:

> There may be potential constraints associated with the discharge of treated effluent to the inland creek system...

The Hon. Rick Colless was successful in having that reference to "potential constraints associated with the discharge of treated effluent" removed from the draft report. The Hon. Amanda Fazio—a lovely combination of interest between Labor and The Nationals on this committee—removed draft recommendation 2, which states:

> That in the development of its regional strategy for the Kurri Kurri area, Hunter Water Corporation proceed on the premise that there be no allowance for effluent disposal or discharge to the inland creek system within the HEZ site. That the Department of Environment and Conservation ensure that no licence is issued which allows for effluent disposal or discharge into the inland creek system within the HEZ site.

I fail to see how anyone could object to such a recommendation. I believe it was quite sensible. It was hardly a radical proposal, but it was certainly a recommendation that was designed to ensure the inland creek system on which the area depended was not contaminated by effluent disposal. [*Time expired*.]

The Hon. ROBYN PARKER [8:53 p.m.]: As a Hunter Valley local and a Liberal member of the committee this inquiry was close to my heart for a number of reasons. The Hunter Valley, and in particular the area covered by the Hunter Economic Zone [HEZ], or the Tomalpin woodlands as it is known, requires a close balance between managing the environment and managing positive economic outcomes that can and will occur from the emergence of the Hunter Economic Zone. It was good to be involved in this inquiry because I was well aware of the nature of the community and the needs and types of employment opportunities offered by the Hunter Economic Zone.

The work force, traditionally a mining work force, in the Hunter Valley and in particular in the Cessnock-Kurri Kurri area, had skills that could be applied and utilised well in this sort of environment. It was a great way of using land that otherwise would not have been developed and would not have had the same sorts of economic benefits. This inquiry closely examined all possible environmental effects. The Hunter Economic Zone planning processes have been improved and will be a template for best practice when we are developing areas such as this in the future. In the development of the Hunter Economic Zone there were times when some government departments did not talk well to each other and at times the Cessnock local government area was left without the support and resources it needed to take on such a complex project. Nevertheless, those who were developing this project had a great deal of foresight and concern when planning for the environment.

On a tour to the Hunter Economic Zone we saw some of the initiatives they had undertaken to maintain the sensitive nature of the area. We also saw some of the planning and forethought they had applied to maintain as much of the environmental nature of the area as they could while still developing sensitive and appropriate processes. In last week's Hunter "Economic Business" newsletter I noted that three or four businesses were ready to go. One is a landscaping business and another will be supplying some of the contractors in the Hunter Economic Zone. Those businesses are already up and running and they are ready to go. I believe there will be some good employment outcomes. It is well and strategically placed close to the F3 and the F3 extension. I congratulate committee staff and all members of the committee on their participation in this project and the inquiry. I also congratulate all those members of the community who participated in the inquiry. Groups who were locked in battle in relation these issues came to the inquiry in good spirit and contributed comprehensive reports from the point of view of developers and environmentalists.

Locals who have been or will be affected or who have some perception of the likely effects of the Hunter Economic Zone also came to the committee in the spirit of co-operation. The committee addressed some concerns about open-cut mining raised by the residents of Pelaw Main, in particular. Committee members visited the sites, only a few hundred metres from residents' homes, where open-cut mining might occur. The report says that the committee cannot offer any guarantee to the residents of Pelaw Main that mining will never occur in the 7B zone but noted that there is no current proposal for mining and that any proposal that might occur in the future would be subject to assessment.

Indeed, the Department of Primary Industries takes the position that mining should remain permissible everywhere it is possible, including in residential areas in and around the Hunter Valley, due to the importance of mineral deposits. Mining rights in the area have not yet been extinguished, and mineral rights are generally attached to land as a matter or course. The Hunter Valley is a mining community, historically and currently. I note also that the land in question was purchased from Rio Tinto, one of the largest mining companies in the world. If mineral resources had been present it is likely that Rio Tinto would have retained the land, which suggests that mining will probably not occur in the area in the future. However, I acknowledge that that option remains open.

I must comment also on the adequacy of the local environmental plan [LEP]. The committee believes that if LEP zoning decisions had been based on comprehensive information the prolonged difficulties that

plagued the development applications would have been averted. There were many problems with the development applications. These were all not necessarily caused by a lack of information, but groups running interference and employing delaying tactics slowed the process and did not assist in achieving a clear and transparent result.

Pursuant to sessional orders business interrupted.

DUST DISEASES TRIBUNAL AMENDMENT (CLAIMS RESOLUTION) BILL

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

Motion by the Hon. Henry Tsang agreed to:

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

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

ADJOURNMENT

The Hon. HENRY TSANG (Parliamentary Secretary) [9.05 p.m.]: I move:

That this House do now adjourn.

PILLIGA COMMUNITYLINK CENTRE AND GWABEGAR COMMUNITY TECHNOLOGY CENTRE

The Hon. CHRISTINE ROBERTSON [9.05 p.m.]: Last week I had the privilege of representing the Premier at the opening of the Pilliga CommunityLink Centre. A year ago I had the honour of representing the Minister for Commerce at the opening of the Community Technology Centre in Gwabegar. Unfortunately, I was unable to report back to Parliament about that event as I was not here for a time. Pilliga and Gwabegar are small towns, respectively about 100 kilometres west and 130 kilometres southwest of Narrabri. They are old timber towns. Both Pilliga and Gwabegar are accessed by driving along unsealed roads and dirt tracks. Gwabegar and Pilliga are two of the more remote communities in New South Wales. In 1986 when I was in my first public health job—"Healthy babies"—the Aboriginal women of Pilliga taught me over a six-month period how little I knew and how powerful and knowledgeable they were. I have a long connection with Pilliga. The Pilliga CommunityLink Centre incorporates both a community technology centre and a rural transaction centre, which was opened by the Deputy Prime Minister, John Anderson. It was the day of the Parkes drought summit.

The Community Technology Centre [CTC] Program is funded jointly by the State and Federal governments and is yet another example of how great things can happen when the different tiers of government work together. There are 83 CTCs throughout New South Wales that connect remote communities such as Pilliga and Gwabegar to each other and with the rest of the world. The CTC Program is all about ensuring that small country towns have access to the latest technology and that rural and regional New South Wales is not left out of the information revolution. The CTCs provide a range of facilities and services, including Internet access, email, e-business and web site development, desktop publishing, online education and videoconferencing. The centres also run training programs in everything from how to use a computer or send an email to digital camera training for young people.

Many benefits flow from having a CTC in town, and both towns have already begun to realise some of them. Not only is it a great way of keeping up with the rapidly evolving world of information technology and communications by linking Pilliga and Gwabegar with the world but the CTCs are also providing important links with local, State and Federal services. A significant benefit of having a centre in town is ease of access to New South Wales Government on-line services, which are growing in number, day by day. Every CTC in New South Wales provides free access to *www.nsw.gov.au*, the New South Wales Government's gateway to online information and services. The web site is provided as part of the New South Wales Government's commitment to making it easier for people to access services where and when they need them. In particular, this will make it easier to obtain information such as family history, Higher School Certificate results, grants information, legislation and business licences. Partnerships have also been formed with the Hunter New England Area Health Service to provide a range of services to the local community.

In Pilliga the CommunityLink centre will also provide direct access to Federal Government services such as the Health Insurance Commission office. A couple of Gwabegar residents have made use of their centre to stimulate the sense of community in their town. One local, Kevin Tracey, volunteers his time and skills to publish the CommunityLink newsletter every month from the Gwabegar CTC, while Judith Hatfield is currently researching the history of the Gwabegar and Pilliga regions, with a view to publishing a book on their pioneering people. Local business partnerships also play an important part in the continuing viability of community technology centres. They include organisations such as TAFE North West and the New England Area Health Service. This was a celebration in the community. When I was in Pilliga last week the people were incredibly proud of their CTC, which they had worked hard to get. There most certainly was no political argy-bargy from the people; unfortunately, it came from some of the guests. It was an exciting time. I congratulate the people of Pilliga on their achievements.

LOCAL GOVERNMENT CULTURAL AWARDS

The Hon. KAYEE GRIFFIN [9.10 p.m.]: On Friday 6 May I had the pleasure of representing the Premier and the Minister for Local Government at the Local Government Cultural Awards 2005. The Local Government and Shires Associations of New South Wales initiated the awards last year in an attempt to reward and acknowledge advances and innovation in cultural development by New South Wales councils. Councils in New South Wales are responding to an increased awareness and community interest in cultural issues. The evening was an excellent opportunity for councils to showcase their efforts in managing cultural development in their areas. The entries showed various approaches by councils all over the State, with 47 councils entering the awards this year.

I noted on the night that a broad cross section of rural, regional and urban councils entered this year. It was encouraging to see that the entries were not limited only to large councils, but that a number of small and rural councils entered innovative projects. During the evening I took the opportunity to pass on the Premier's thanks to the Local Government and Shires Associations for the advice they provided when the Department of Local Government and Ministry for the Arts prepared the Cultural Planning Guidelines for Local Government last year. The guidelines help to explain the importance of local cultural planning and assist councils looking to develop cultural plans for their communities.

Local councils are amongst the largest and most generous contributors to cultural development in New South Wales. Their contribution and the important role they play has been recognised in the Local Government Act, amended in 2002 to determine that a council may be required to include in its management plan a statement on cultural matters. Increasingly, it is being recognised that activities by all levels of government can have social, environmental and cultural impacts. The entries for the 2005 Local Government Cultural Awards demonstrated a range of contributions local councils have made to the cultural development of their individual communities. They included organising festivals, providing museums, libraries and art galleries, public art exhibitions, designing and constructing public spaces, and working with particular groups in the community which may otherwise have limited opportunities to participate in cultural activities.

I take this opportunity to mention several of the projects that made the short list this year. The Outback Letterbox Library is a project undertaken by Broken Hill City Council by providing a valuable service to residents. The Outback Letterbox Library provides residents who live in remote areas with access to library books and resources through a partnership with the State Library of New South Wales and the Broken Hill City Library. Some library members in this local government area live more than 500 kilometres from their closest public library building. This program helps residents and families access library services that were previously inaccessible to such a geographically vast community.

Another innovative entry is the Camden Council Babies into Books [BIBs] Program. BIBs is an early literacy initiative developed by Camden Council's library service. It aims to promote the importance of reading and literacy to parents and carers of children aged 0-12 months. Since the project began, new babies born in the Camden local government area receive a free calico library bag, book, bib and booklist of recommended titles for parents and carers. This project is part of a long-term strategy to promote literacy and lifelong learning with the view of increasing high school retention rates. The project was started in 2002 and has progressed since then in three stages.

An entry that was of personal significance to me was the Canterbury City Council's respect, unity, peace multicultural street mosaics. This project began during my term as Mayor of Canterbury City Council and I was personally involved in its implementation. This entry won the Cultural Programs-Projects Award at the

end of the night, so it gave me great pleasure not only to see the project come to fruition but to be present when the award was announced. The respect, unity, peace mosaics have all been constructed with a distinct theme of multiculturalism, including multicultural icons, multicultural young people's experiences, Anzacs in a multicultural community, cultural diversity in community gardens, and cultural diversity in local history through recognition of our Aboriginal culture and heritage. The words "respect", "unity" and "peace" have a very important meaning for the residents of Canterbury, and I am proud that I was involved with the project and saw many of the plans to fruition.

The Local Government Cultural Awards was a great opportunity to publicly acknowledge and reward the excellent work being done in local government to enhance our cultural identity. I extend my congratulations to all the councils who entered in the 2005 Local Government Cultural Awards. I was impressed by all the innovative and creative projects that were showcased. I acknowledge the hard work and effort that goes into getting a new project up and running, and sustaining its long-term success. I congratulate everyone who participated in the awards.

BANKSTOWN CITY COUNCIL PRAYERS

The Hon. JOHN RYAN [9.15 p.m.]: I want to join in an active debate that is occurring in the Bankstown area—one we have had in this House—and express a view as to whether Bankstown City Council should re-introduce a regular prayer prior to its council meetings. Bankstown City Council, like almost every council in Western Sydney, used to have a prayer before its council meetings. The prayer was recently removed. Submissions to the Mayor of Bankstown, Ms Helen Westwood, asking her to consider restoring the prayer met with the following response:

> I don't think this is really a burning issue in the community. The separation of church and State is very important for Federal, State and local government as well. It's the role of the community's religious leaders to lead the community in prayer, not the council.

However, it is not true that we have a separation of church and state in Australia. It is an American concept brought about because most of the American founding fathers had escaped religious persecution in Europe and specifically applied that concept to their Constitution. In constitutions that descend from Great Britain—as ours does—the idea of having church and state separated gets somewhat compromised by the fact that our head of State, Her Majesty the Queen, is the head of the Church of England. It has not been our tradition to separate church and state in quite the same way as they do in the United States of America.

That is not to say that there is not a healthy reason for both sides of that equation to keep out of each other's business. Nevertheless, the total abandonment of prayer in councils and parliaments is the abandonment of an important part of our cultural life that most people find important. I understand that the councils of Ryde, Mosman, Warringah—when it was a council—Willoughby, Waverley, Dubbo, Port Stephens, Lismore, Shoalhaven, Canterbury, Wyong, Hawkesbury, the City Council of Adelaide, the City of Sydney Council and other councils in Western Sydney, such as Penrith City Council and Blacktown City Council, start their meetings with not only a short prayer but also with the singing of the national anthem. In 1991 Mark Latham, the former Federal Labor Leader, tried to remove Liverpool council's prayer and in 1993 community pressure caused it to be restored.

There is no compromise in the important division between church and state if there is a prayer at the beginning of council meetings. There is no compromise to that relationship if prayers are read at the beginning of council meetings, just as we do not compromise our independence on matters religious when we read a couple of short prayers before we commence. Prayers are an important standard setting for many people. Most people see prayers as acknowledging something greater than ourselves; very few people hold the view that there is no greater power or being than ourselves. Therefore, for a council not to have a prayer simply abandons the field altogether. There should be a modest statement of prayer at the beginning of the meeting. I accept, and have no problem with, a need to word these things carefully so that they are inclusive of multiple faiths.

Most Jews, Christians or Muslims for example would have no problem with the prayer that commenced this day's meeting of the House. They are happy to know there is some level of religious observance. It is not a matter of prayer being divisive. Most people find an act of prayer unifying and uplifting. It sets a standard, even in places like councils and other public institutions. Some community organisations, such as Rotary, and even a credit union that holds luncheons in these parliamentary premises, commence their meetings with prayer. So it is not an inappropriate expression. [*Time expired.*]

ARMENIAN GENOCIDE NINETIETH ANNIVERSARY

Reverend the Hon. FRED NILE [9.20 p.m.]: I would like to bring to the attention of the House a very important event that occurred on 24 April last. It was the ninetieth anniversary of the Armenian genocide. This commemorative event was held at the Willoughby Civic Centre, which was packed with mainly Australian Armenians, including some of those who survived the genocide that commenced on 24 April 1915. The commemorative program included the singing of the Australian and Armenian national anthems by the Armenian school children's choir, youth addresses in Armenian and English, moving violin music and an Armenian string ensemble.

Statements were made on behalf of the Prime Minister, John Howard, by the Hon. Joe Hockey; on behalf of the Hon. Kim Beazley by Mr Tony Burke, MP, recently of this House; and on behalf of the Premier, Bob Carr, by the Hon. John Watkins; MP, and by the Hon. John Brogden, Leader of the Opposition. The key address was given by Mrs Hilda Tchoboian, President of the European Armenian Federation. The closing prayer and blessings were given by His Eminence Archbishop Aghan Baliozian, Primate of the Armenian Apostolic Church of Australia and New Zealand.

Special mention was made that Ryde City Council had recently passed a motion marking the ninetieth anniversary of the Armenian Genocide. Ryde City Council passed the following motion, which was moved by an Armenian member of the council, Independent councillor Mr Sarkis Yedelian:

> That this Council:
>
> (1) acknowledges this year as marking the occasion of the 90th anniversary commemoration of the Genocide of the Armenians perpetrated by the then Ottoman Government between the years 1915 and 1922;
>
> (2) joins with the Armenian community of Ryde in honouring the memory of the 1.5 million men, women and children who died in the first genocide of the twentieth century;
>
> (3) recognises 24th April every year as a day of remembrance of the Armenian genocide;
>
> (4) condemns the genocide of the Armenians and all other acts of genocide committed as the ultimate act of racial, religious and cultural intolerance;
>
> (5) calls on the Commonwealth Government to officially condemn:
>
> (i) the genocide of the Armenians
>
> (ii) any attempt to deny such crimes against humanity.

On 24 April this year, on the eve of the ninetieth anniversary of the Anzac landings, Armenians the world over, including the many thousands of Armenian Australians living in Ryde, will commemorate the ninetieth anniversary of the Armenian Genocide. In 1915, in anticipation of the Allied invasion, the Ottoman Empire set in motion a plan to exterminate the entire Christian Armenian population living on their ancestral lands of eastern Anatolia, part of what is today the Republic of Turkey. This state-sponsored program resulted in the brutal extermination of some 1.5 million Armenian men, women and children. Councillor Yedelian, in moving the motion, said:

> As the first Australian Councillor of Armenian ancestry, and son of a survivor of the Armenian Genocide, I feel honoured to have moved this motion. The importance of this commemorative motion, however, goes beyond the Armenian-Australian community, many thousands of whom call the City of Ryde home.
>
> In stark contrast to post-Nazi Germany, which has acknowledged and sought to atone for the crimes of the Nazi regime, successive Turkish governments have refused to come to terms with their own history. The 'industry of genocide denial' by successive Turkish States has set a very dangerous precedent, which has already been relied upon by at least one mass murderer, Hitler, for his genocidal crimes, and cannot be left without redress.

As the City of Ryde has one of the largest and growing Armenian Australian constituencies, it is fitting that Ryde council has added its name to the growing list of multinational, national, State, provincial and municipal legislative bodies, including the New South Wales Parliament—as honourable members know, we have a memorial here in our parliamentary gardens—that have commemorated and reaffirmed the historical truth of the Armenian Genocide, and which have provided a resounding response to Hitler's self-justifying question in 1939, before he embarked on his genocidal deeds during World War II against the Jewish people and others, "Who remembers now the destruction of the Armenians?" That was the statement of Adolf Hitler, assuming he had won the war, to excuse what he had done to Jewish people. As with a similar motion passed unanimously by the New South Wales Parliament in 1997, the Ryde Council motion also calls on the Federal Parliament to add its voice to this important call. [*Time expired.*]

BRIGALOW BELT SOUTH BIOREGION

The Hon. JENNIFER GARDINER [9.25 p.m.]: Last week with my colleagues in The Nationals the Hon. Duncan Gay, the Hon. Rick Colless and Mr Ian Slack-Smith, the member for Barwon, I visited communities and workers affected by the Labor Government's recent devastating decision on the Brigalow Belt South Bioregion. I visited Gunnedah, in the Tamworth electorate, as well as Baradine, Gwabegar, Gulargambone, in Barwon electorate, and Coonabarabran in the Upper Hunter electorate. It was a very sad, but inspiring, duty to meet with many groups and individuals still in a state of shock at the State Government's decision.

Our visit followed a visit a few days earlier to Gwabegar, Pilliga and Baradine by The Nationals Federal leader and member for Gwydir, the Hon. John Anderson, who pointed out that those communities are trying to deal with the disastrous effect of the drought, which has been going on for four to five years in this part of the State, as well as the devastating news delivered in the Brigalow Belt South Bioregion decision by the State Labor Government. Mr Anderson highlighted the fact that Labor's tactics of imposing a moratorium on some timber milling for two years before announcing the final decision meant that vital overseas contracts had been lost to the timber mills.

The Brigalow Belt South Bioregion decision also affects jobs in Orange and Dubbo electorates, so its impact is very widespread. The Carr Labor Government has decided to lock up 348,000 hectares in the Pilliga, allocating that country to so-called permanent conservation reserves. Last Thursday's *Coonabarabran Times* front page tells part of the story:

> Gwabegar sawmill will close. Another nail hammered into the Cypress Pine coffin as a result of the BBSB decision.

That was the headline. Then there are statements by Mr Tom Underwood, the owner of the Gwabegar sawmill, whom we met at Baradine. He has more than 50 years experience in the timber industry, and has decided to shut down the mill and exit the industry as a direct result of the Carr Government's decision. He said that Cypress pine logging in the Pilliga will be unsustainable under this Government decision. He said further:

> I know the forest well enough to realise that the logging areas left are just not going to provide the quality and quantity of timber that is needed to maintain my sawmill operations, as well as those of the other sawmills in the region.
>
> I don't want to battle on here and go broke; the last two years of moratorium have been devastating on my business. If you cannot obtain good quality timber to fill orders you can lose money so quickly it is frightening, and I just do not want to continue for that reason …
>
> The workers are very sad about the whole thing …

I will never forget the look on the faces of the hardworking Australians at the Baradine mill, for example, as we left that place. Mr Underwood referred to the confusion among local timber workers as to the details of any restructuring package and tax liabilities that may be imposed upon them. Like everything else about this decision, Labor's decision-making process has been confusing, putting people in limbo. The Underwood family have been sawmillers in the Pilliga since the early 1920s. The Gwabegar sawmill plays a major part in the Pilliga economy.

The Hon. Duncan Gay: They are really fine people.

The Hon. JENNIFER GARDINER: They are very fine people. Mr Underwood said:

> I never thought that I would have to close the sawmill in this way. As far as I am concerned, there is no scientific reason for the Government to shut up this forest. It will be detrimental to the forest environment.

He explained that, although the timber industry has been offered 20-year contracts, he is unable to see how it would be sustainable for that period of time. Tom Underwood said:

> There is no doubt that there is not nearly enough good quality timber in the areas being offered to supply the mills into the future. I cannot see much future for Gwabegar when the mill closes. What have we got here without the timber industry to create employment? There might be thinning jobs, which the Government says are long-term jobs, but how long we just do not know. …
>
> If the State Government had chosen an option similar to BRUS—

which The Nationals and the Liberal Party have supported over a number of years, and still do—

> I would have kept the mill operating. But the decision process just took too long with an unsatisfactory result.
>
> Where are people going to get their timber from out here if we all close down? More mills could go in the future. … Cypress Pine is a renewable resource.

Our Nationals team inspected operations at Gunnedah Timbers, which employs 35 staff at its Gunnedah operation and a further 15 at Baradine, with logging contractors and additional subcontractors bringing that figure closer to 100 workers. We visited both mills, at Gunnedah and Barradine, and we also visited the Laceys Mill at Gulargambone. Gunnedah Timbers injects between $150,000 and $200,000 each month into the Gunnedah economy.

Literally scores of businesses in the Gunnedah and Tamworth districts do business with Gunnedah Timbers because they have a policy of buying all their supplies locally. Paddy Paul, a manager whom we met, said that on top of that expenditure the State Government generates a further $200,000 each month in royalties. He said that what was most puzzling about the Labor Government's decision was that most of the areas now closed to millers have been logged previously. It is my firm belief that this decision has been deliberately dragged out over a period of years with the aim of breaking not just the hearts of the people affected but also their spirits. Some of their spirit has been broken, but none of these decent Australians deserves to be suffering in the way they are suffering right now.

WESLEY MISSION AND MR EBENEZER VICKERY, A FORMER MEMBER OF THE LEGISLATIVE COUNCIL

Reverend the Hon. Dr GORDON MOYES [9.30 p.m.]: This month marks the centenary of an important event that occurred between Mr Ebenezer Vickery, a former member of the Legislative Council, and Wesley Mission, which I have had the honour to lead for the past 27 years. As a six-year-old boy Ebenezer Vickery arrived in Sydney with his family in 1833. As a self-made man in the colony of New South Wales Mr Vickery made a fine income as a merchant, manufacturer, mine and property owner, and pastoralist. He was to become an outstanding philanthropist in the colony. One hundred years ago this month Ebenezer purchased what was to be one of his most philanthropic legacies to the people of Sydney. For a long time Mr Vickery had wanted to erect for the Central Methodist Mission, now called Wesley Mission, a large hall to replace Centenary Hall in York Street, which had become too small.

Mr Vickery inspected Lyceum Hall in Pitt Street, which he purchased at the urging of my predecessor, Reverend W. G. Taylor, who said, "Never mind, you have got the money and can afford it. This is the chance of a lifetime." And so Lyceum Hall passed into Mr Vickery's hands. It had 70,000 square feet of floor space, two halls—the larger of which seated 2,500 people—130 rooms, an adjoining hotel and land running from Pitt Street to Castlereagh Street on which stood a notorious two-up school and two cottages which were used as brothels. The Central Methodist Mission soon developed Sunday night services for the congregation of more than 1,500 men without harming any of its Centenary Hall services. By the end of 1905 a change of venue for the Central Methodist Mission had become inevitable when a report to this Legislative Council named Centenary Hall as one of the most dangerous firetraps in the city. In May 1906 the Central Methodist Mission decided to sell Centenary Hall and centralise all of its work in the Lyceum property.

Before his departure from Sydney for London, Mr Vickery settled the Lyceum on four trustees who were members of his family. However, Vickery's death on 20 August 1906 in Leeds changed the situation. The trustees were then free to make the Lyceum available to the Central Methodist Mission free of any obligation. In 1979 I was appointed as the last trustee. The Central Methodist Mission would have a main hall to seat about 2,500, a second hall to seat 500 to 600, a block of buildings in Castlereagh Street, four shops, home and foreign mission offices, a presidential room, classrooms and other offices. Alterations were finally completed and they opened with a capacity crowd of about 1,000 attending the second evening service. Some had felt that Mr Vickery's donation of the Lyceum was a personal expiation for a lifetime as a hard employer, including his failure to take elementary safety precautions that caused the death of 95 mine workers at Port Kembla—Australia's worst mine accident. This event seems to have begun a philanthropic turnaround for Mr Vickery in his later years. Today one of the largest coalmines in New South Wales in the Hunter is named Vickery mine after him.

Mr Vickery was a benevolent person who purchased many other properties that were given to the mission, including a 14-room house in Woolloomooloo, which began the Wesley Mission's Dalmar Child and Family Care Service. Today that service cares for more than 4,000 children annually. Vickery was responsible for founding the YMCA and the YWCA. For many years he was a director of the Benevolent Society of New

South Wales. The old Lyceum burnt down in 1964, but out of the dynamic leadership of Reverend Alan Walker a new Lyceum theatre was opened, providing a well-equipped fellowship centre for the people of Sydney. In 1988 it was my privilege to lead a team of people who were responsible for demolishing the entire block—over two acres in size—going down 8 storeys and up 40 storeys and building one of Sydney's largest buildings of the time, which opened in 1991 at a cost of $320 million debt free. I named the building where the Lyceum once stood the Wesley Centre. It includes four venues for the 56 church services held every week for several thousand worshippers. I thank God for the original gift of this site through the generosity of a member of this House 100 years ago this month.

Motion agreed to.

The House adjourned at 9.35 p.m. until 10.00 a.m. on Wednesday 26 May 2005.