LEGISLATIVE COUNCIL

Wednesday 11 April 2001

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

The President offered the Prayers.

TABLING OF PAPERS

The Hon. Carmel Tebbutt tabled the following papers:

Law Reform Commission Act 1967—Report of the Law Reform Commission entitled "The Rule in Pigot's Case", dated January 2001.
Public Defenders Act 1995—Reports of The Public Defenders for years ended 30 June 1998, 30 June 1999 and 30 June 2000.
Tweed River Entrance Sand Bypassing Act 1995—Tweed River Entrance Sand Bypassing Project, Summary of Contracts, dated March 2001.

Ordered to be printed.

PETITIONS

Woy Woy Policing

Petition expressing concern about the proposed loss of general duties police officers from Woy Woy Police Station and praying that the House seeks the assistance of the Minister for Police to reinstate those police officers, received from the **Hon. M. J. Gallacher**.

Genetic Engineering Freeze

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

LONG SERVICE LEAVE LEGISLATION AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

The Hon. J. J. DELLA BOSCA (Special Minister of State, Minister for Industrial Relations, Assistant Treasurer, Minister Assisting the Premier on Public Sector Management, and Minister Assisting the Premier for the Central Coast) [11.07 a.m.]: According to sessional order, I move:

That this bill be now read a second time.

The Long Service Leave Legislation Amendment Bill 2001 will amend long service leave legislation in New South Wales to remove the discriminatory requirement that a worker must have at least five years service "as an adult" before he or she is entitled to a pro rata long service leave payment upon termination of employment. Currently, when employment is terminated by the employer for any reason other than the worker's serious and wilful misconduct, or by the worker on account of illness, incapacity or domestic or other pressing necessity, or by reason of the death of the worker, an employee who has completed at least five years service "as an adult" will receive a payment for "pro rata" long service leave. The "full" entitlement to long service leave accrues once a worker has completed 10 years service. In this case, all service is recognised—whether it be as an adult or otherwise.

The New South Wales Government made a commitment to remove this discriminatory requirement. We have already done so in the Building and Construction Industry Long Service Payments Act 1986, with a 1998 amendment that removed similar discriminatory provisions. The proposal to remove the requirement for

service as an adult from the long service leave provisions was originally contained in the consultation draft of the Industrial Relations Amendment (Leave) Bill 2000 which was introduced and read for a second time on 22 June 2000.

The main purpose of this bill was to provide a basis for consultation with stakeholders concerning proposals to consolidate and simplify the existing New South Wales leave legislation. Extensive consultation has subsequently occurred. As a result of this consultation, the original leave bill has been withdrawn and redrafted for reintroduction in the near future. However, it is evident that an amendment to remove this discriminatory provision should not be delayed. The proposed amendment has received general community support and, as a result, is now being expedited in the stand-alone Long Service Leave Legislation Amendment Bill 2001. The bill will amend the Long Service Leave Act 1955, the Long Service Leave (Metalliferous Mining Industry) Act 1963, the Public Sector Management Act 1988, and the Teaching Services Act 1980 to remove references to "service as an adult". The amendment will apply to any termination of employment after the commencement of the Act, irrespective of past service. I commend the bill to the House.

Debate adjourned on motion by the Hon. J. H. Jobling.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders

The Hon. PATRICIA FORSYTHE [11.10 a.m.]: I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 79 outside the Order of Precedence, relating to the Community Services (Complaints, Reviews and Monitoring) Amendment (Application) Bill (No 2), be called on forthwith.

The House divided.

Ayes, 22

Mr Breen	Mr Harwin	Ms Rhiannon
Dr Chesterfield-Evans	Mr M. I. Jones	Mr Ryan
Mr Cohen	Mr R. S. L. Jones	Mr Samios
Mr Colless	Mr Lynn	Dr Wong
Mr Corbett	Mrs Nile	
Mrs Forsythe	Reverend Nile	*Tellers,*
Miss Gardiner	Mr Oldfield	Mr Jobling
Mr Gay	Mr Pearce	Mr Moppett

Noes, 13

Ms Burnswoods	Mr Kelly	Mr Tsang
Mr Della Bosca	Mr Macdonald	
Mr Dyer	Mr Obeid	*Tellers,*
Ms Fazio	Ms Saffin	Mr Primrose
Mr Johnson	Ms Tebbutt	Mr West

Pairs

Mr Gallacher	Mr Egan
Dr Pezzutt	Mr Hatzistergos

Question resolved in the affirmative.

Motion agreed to.

Order of Business

Motion by the Hon. Patricia Forsythe agreed to:

That Private Members' Business item No. 79 outside the Order of Precedence be called on forthwith.

COMMUNITY SERVICES (COMPLAINTS, REVIEWS AND MONITORING) AMENDMENT (APPLICATION) BILL (No 2)

Second Reading

Debate resumed from 28 March.

The Hon. Dr A. CHESTERFIELD-EVANS [11.18 a.m.]: I support this bill. It is extremely important that the Department of Community Services [DOCS] be monitored, particularly in its role with children. It may be known—it is probably an open secret—that my previous secretary-researcher was an ex-DOCS worker and told fairly horrendous stories about the way DOCS functioned. In trying to rebuild the DOCS function, it seems that the role of the Community Services Commission in its auditing—if that is the word—of DOCS and its functions is extremely important. The Crown Solicitor's advice that came out in November stated that in fact DOCS may not have held these powers in making a distinction between statutory functions and other functions, and this seems to have caused immense problems.

Last week the Government approached crossbench members—I presume it approached all crossbench members, but it certainly approached me—and said that there were overlapping powers, that many other bodies were overseeing DOCS now and that the Ombudsman could undertake this function. The point is that the Community Services Commission had built up this expertise whereas the Ombudsman had not, but had expertise in other areas. In any case, the Ombudsman had a very full plate in dealing with matters referred to it. The question was how quickly the response to the Crown Solicitor's advice could be put together by the Government.

The matter was before the Government from November. It might reasonably have been expected that the Government would have brought in legislation during the first session, but that has not happened. The Government actually asked the crossbench for time until this week, and the suggestion was even made that the Government would accept the Forsythe bill. The question was asked whether the crossbench would seriously consider that. The silence from the Government this week has been deafening. It has not accepted the Forsythe bill. It does not appear that the Government has another bill. Why should the Government be given more time to get its act together while the children of New South Wales are without the protection of having the Department of Community Services audited by the Community Services Commission?

I have been keen to have an inquiry into DOCS and the numbers have been very close on that issue for some time. People are very concerned about this issue. An inquiry may yet occur. Sadly, people are very worried about the operation of DOCS and what has been happening with the dismantling of some institutions. It would seem that inadequate family substitutes are being put in place, particularly for children who are highly at risk. The Government really has no-one to blame but itself for this bill being brought into the Parliament today. I think it is necessary that a body with the status and expertise of the Community Services Commission oversee DOCS.

I must confess that I was less than impressed that the previous commissioner was not reappointed, but the current Community Services Commissioner appears to be courageously fulfilling his role. Perhaps he is aware that he is vulnerable to non-reappointment, just as his predecessor was, and is willing to take that risk because of his commitment to the kids of New South Wales. If that is the case—and it would appear that it is—I believe that this is another case of a courageous person doing the right thing. I believe that honourable members in the House who are concerned about the kids should support the commissioner and the Community Services Commission in that endeavour, and that is what this bill is all about. I support the bill and I urge all other honourable members to do so as well.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [11.22 a.m.]: The Government does not support this bill and believes that the Opposition is mounting a spurious argument by attempting to present this bill as an amendment to correct a "drafting error" in the legislation that established the Community Services Commission. The Opposition says that the Government is doing nothing in relation to the jurisdictional difficulties faced by the Community Services Commission. But nothing could be further from the truth.

The Opposition has picked out bits and pieces of changes it wishes to make. The Government believes that the Opposition is moving far too quickly on this matter without understanding the full ramifications of the changes requested by the Community Services Commissioner. The commissioner wrote to the Minister late last

year seeking what he saw as minor amendments to legislation covering the commission's operations. On consideration of the powers requested by the commissioner what became quickly apparent to the Minister is that what is being sought are not minor amendments but, rather, a major expansion of the commission's jurisdiction. The bill is also seeking three significant changes to the powers of the Community Services Commission. These are: to extend its powers to include statutory functions as well as service provision; to make certain that the powers of the commission extend to the Children's Guardian; and to permit the commission to access records of other agencies.

Legal advice received by the Government states the following: that under its current legislation, the Community Services Commission has powers in relation to service provision but not, except its power to review the situation of a person in care, in relation to the exercise by an agency of its statutory powers. This can only be determined on a case-by-case basis. However, the separation of core government powers from operational functions undertaken by all service providers in a sector is not unusual. It is a legitimate means of separating tasks in other areas of government endeavour. For example, core government activities are not subject to competitive neutrality principles and the Trade Practices Act, whereas operational and business activities are. Similarly, the Law Reform Commission in its recent review of the Anti-Discrimination Act indicated that the Anti-Discrimination Board also is jurisdictionally limited to service provision and its jurisdiction does not extend to the performance of statutory functions.

It is generally agreed that administrative review is not intended to impose another layer of decision making but, rather, is to provide a check that decisions are being made in a proper manner. Indeed, the Coalition's then Minister in his second reading speech on the Disability Services Bill—which set up the Community Services Commission—said:

> I emphasise that although this bill establishes a new organisational framework for complaints, grievance resolution and monitoring of services, it is not the intention to promote a super bureaucracy …

They are the very words of the Coalition Minister's second reading speech. It is important to recognise that democracy requires that some governmental decisions are made by bodies that are ultimately accountable to the Minister, hence to Parliament, rather than to a body which can make decisions independent of both. This recognition is based on the need to link decision making with financial accountability. To extend the power of the commission to cover all statutory functions gives the commission power to substitute itself as the decision maker, notwithstanding that it has no financial or administrative accountability to Parliament for the consequences of its recommendations.

These are some of the possible consequences of what the Opposition has called minor amendments to its legislation requested in the Community Services (Complaints, Reviews and Monitoring) Amendment (Application) Bill. Let me list some of the other possible consequences of the proposed extensions of the commission's powers if this bill were passed. It could: make recommendations about the removal of a child or young person before the matter has been fully considered by the Children's Court; propose particular responses to a child or young person which may be contrary to the decision of the court; and substitute its opinion for that of a care plan resulting as a mediated compromise between the respective bodies involved with the child, young person and his or her family.

There are both clear precedents and justifications for the current demarcation of powers. Where judicial power extends to correct any excess use of the powers of the Executive, such judicial power is not used to substitute its own decision making for that of Parliament and the Executive arm of government. Similarly, the function of the Ombudsman, as set out by section 26 of the Ombudsman Act 1974, in broad terms is to consider aspects of the probity of decisions taken, rather than any aspect of the matter at all. Clearly what the Opposition is asking for in its so-called minor amendments means that no such parameters are placed on the commission.

Another component of this bill seeks to give the commission power to require service providers to provide information or produce relevant records for the commission. The commission already has the power to: inspect records as part of a review; request submissions as part of any investigation; require the production of records; make copies of any records; and request that a summons be issued to require the production of records. These are already very extensive information-gathering powers which are comparable to other similar bodies.

The bill's amendment to give the commission extended powers in relation to the production of records includes an unfettered power to specify the time and the manner in which a service provider is to produce information and records to the commission. It is possible that the commission may require multiple copies of the documents and impose the cost of this production and delivery upon community service organisations. That is

not a little cost when records held on any particular client may be voluminous and the cost could run into many hundreds of dollars. The commission's request to extend these powers appear to be moving it away from its guiding principle as set out by the then Minister for Community Services in his second reading speech. He stated:

> The guiding principle will always be the best interest of the client and of the individual. The commissioner has power to investigate, to promote and facilitate alternative dispute resolution procedures, to report upon complaints and to monitor the standards of service provision.

In fact, the Opposition said that it would have "as its first port of call, as its prime reason for existence, the resolution of dispute by alternative dispute resolution procedures". As we can see, the amendments that are being proposed to the commission's powers are taking it far beyond its original purpose. It is proposing to become another investigative body, such as the Independent Commission Against Corruption [ICAC], and not, as it was proposed to be, "a safety net" and a mechanism to motivate "all agencies to improve client responsiveness" or "a framework to assist in improving the relationships between service providers and their clients".

It is because of these major expansions in the powers of the Community Services Commission that urgent legal advice was sought from the Crown Solicitor. There is also concern that the commissioner has been operating outside of his jurisdictional power for some time. One of the important issues raised in the Crown Solicitor's advice to the Minister for Community Services is that the monitoring and review environment for the Department of Community Services [DOCS] has altered markedly since the establishment of the Community Services Commission. Since the establishment of the Community Services Commission the following bodies have been established: the Child Death Review Team, the Office of Children and Young People, the Commission for Children and Young People, the Children's Guardian, the Privacy Commission, the Disability Death Review Team and the specialist child protection function within the Office of the Ombudsman.

The Ageing and Disability Department has been set up to fund and monitor disability services, including those provided by the Department of Community Services. A parliamentary Standing Committee on Children and Young People has also been established, as well as the Legislative Council's Standing Committee on Social Issues. The legal advice received by the Government suggests that any proposed expansion of the powers of the Community Services Commission should be carefully considered in the light of all existing avenues of review, including these new agencies. As this raises broader legal and policy questions, the Minister for Community Services has requested advice from a whole-of-government perspective, and this is being co-ordinated by the Cabinet Office.

The Minister has been assured that the interim arrangements that are in place will not disadvantage anyone wishing to make a complaint. The Government wants to ensure that the Department of Community Services is operating in a world-class monitoring environment. However, we do not want a department so crippled with accountability and review bodies that it is unable to undertake its core functions. This is a very real scenario for the Department of Community Services. The Council on the Cost of Government's review of aspects of the management of the Department of Community Services in 1997 found that DOCS was accountable to a far larger number of external agencies than other government departments. Many of these external agencies are specific review and monitoring bodies of the community services sector.

Besides being accountable to those bodies which have a whole-of-government review capacity, a number of bodies have specific powers in respect to community services, including the following: the Child Death Review Team; the Children's Guardian; the Commission for Children and Young People; the Public Guardian; the Guardianship Tribunal; the Office of Children and Young People; the Protective Commissioner; the Ageing and Disability Department; the Disability Death Review Team; the Administrative Decisions Tribunal in its Community Services division; the Health Care Complaints Tribunal; the Community Services Commission Community Visitors; the Community Services Advisory Council; New South Wales Police; the Police Integrity Commission, in relation to DOCS staff on joint investigation teams; the Coroner; the Children's Court; the District Court; the Supreme Court; the Family Court; the Ombudsman in his Child Protection Division; the Legislative Council Standing Committee on Social Issues; and the parliamentary Standing Committee on Children and Young People.

Let me make it very clear that the Government wants a transparent, accountable and efficient system to monitor and review the work of the Department of Community Services. We want a system that is easily accessible and understandable from a consumer's point of view—a system that is accessible to even the most vulnerable users of community services. Until the Government has had the opportunity to consider the outcomes

of the review being undertaken by the Cabinet Office, the Government will not make a decision about the proposed extension of the Community Services Commission's powers. Consequently, the Government opposes the bill.

The Hon. I. COHEN [11.33 a.m.]: The Greens support the Community Services (Complaints, Reviews and Monitoring) Amendment (Application) Bill, a private member's bill introduced by the Hon. Patricia Forsythe. The bill rectifies a problem that was identified by the New South Wales Law Reform Commission in 1999 when it conducted its first five-yearly review of the Act. This five-yearly review is required by the Act. In November 2000 the Community Services Commission was advised by the Crown Solicitor's Office that the term "community service" as defined in section 4 of the Community Services (Complaints, Reviews and Monitoring) Act did not give the commission jurisdiction to handle complaints relating to the exercise of statutory functions or duties carried out by service providers, and in particular the Department of Community Services.

As the commission points out, this has drastically reduced the ability of the commission to handle complaints in relation to certain aspects of child protection and involuntary out-of-home-care matters. The commission has handled complaints in these areas since 1994. In a letter to our office on this issue the Council of Social Service of New South Wales [NCOSS] spells out the practical impact of this jurisdictional issue as follows:

> The Commission cannot investigate consumer complaints, which relate to the exercise of statutory functions or duties carried out by service providers …
>
> NCOSS is advised that this precludes the Commission from investigating complaints relating to a significant amount of child protection and out of home care functions, performed particularly by the Department of Community Services (DOCS). We understand that over 150 complaints and 13 investigations have been affected by this loss of jurisdiction to date.

The commission has written a background briefing paper regarding the jurisdictional issue, which is available on the Internet. The paper points out the kinds of matters which are affected by the loss of jurisdictions. The papers specifies that:

> The Commission is currently not able to deal with those matters defined as statutory functions. This excludes complaints in relation to such matters as a failure of DOCS to assess and investigate reports or notifications about the care and safety of children, the inadequate preparation or failure to prepare care plans for children or young people, the removal of a child from a family or carer, and certain aspects of involuntary out of home care placements.

Certainly this is serious loss of jurisdiction. As the Association of Childrens Welfare Agency [ACWA] has stated in a letter to our office regarding the issue, the individuals affected are some of the most vulnerable members of our community who require the highest level of consumer protection. ACWA and NCOSS support the bill introduced by the Opposition. The Greens are happy to support a bill which will reinstate the lost jurisdiction of the Community Services Commission and which will once again allow the commission to investigate complaints in these areas. I am pleased to support the bill.

The Hon. J. F. RYAN [11.37 a.m.]: I support the action of my colleague the Hon. Patricia Forsythe in bringing this bill before the House. The bill seeks to exercise something that all of us would normally have thought to be urgent and important. No issue is more urgent than child protection, particularly its oversight. I would not normally make crass politics of an issue such as this, but it is fair to say that since the Carr Government came to office the relationship between it and the Community Services Commission has not been a happy one. That relationship has been hung out to dry on more occasions than we can seek to number. The Government has not reappointed the commission's former commissioner. On many occasions direct brawls between its commissioner and the Minister were conducted in the pages of the morning newspapers.

The Government has starved the commission of funds and has not provided it with the resources it needs. Now, as a result of a report that conveniently gives the Government and the Cabinet Office the advice that they have wanted for so long—that it does not have to put up with the menace of the Community Services Commission looking at some of the most sensitive issues addressed by the Department of Community Services [DOCS]—the Government happily sits on its hands and leaves the situation as it is. Nothing the Minister said in her speech today gave me—nor, I suspect, any other member—the impression that the Government intends to do anything to change the situation that has emerged. The Government likes it the way it is; it does not want meddling bodies such as the commissioner looking at sensitive issues such as child protection. In fact, of any government that has had the responsibility of administering New South Wales, the Carr Government has one of the most sorry records for covering up the issue of child protection.

The Government has happily seen information on the numbers of complaints concerning child protection matters which have not been investigated, but it does not want that information known; it wants it

covered up. It is well known and well documented that there are serious problems with child protection. Even the recent attempt by the Government to paper over the problems with Helpline is an example of how the Government falls wildly short on the issue of child protection. One of the jobs of the Community Services Commissioner is to give governments, regardless of their political colour, information and reports that they do not want to receive. Such information and reports will always be politically embarrassing and politically difficult, because there is so much progress to be made in this area and most governments do not want to know about it.

In my view members of this Parliament need to listen hard when the Community Services Commission is in any way going to be interfered with by the Government. We thought that the Community Services Commission, a proud achievement of the former Coalition Government, had bipartisan support. There was never any intention, by the Law Reform Commission introducing the report, to nobble the functions of the Community Services Commissioner. As my colleague will point out in more detail, it was the intention of the Law Reform Commissioner that the Government would quickly rectify the situation with legislative change. But, no, the Government has told us that there is too much scrutiny of the Department of Community Services. I do not have the Minister's speech to hand but she gave a long list of oversight bodies that looked at the actions of the Department of Community Services. The only one she did not mention was the United Nations!

Some of the bodies that the Minister said have oversight of DOCS have no direct responsibility for or expertise in the sorts of issues a body such as DOCS, with a wide variety of functions, will interact with. There will obviously be an impressive list of people looking over its shoulder, but the one special feature of the Community Services Commission is it, above all those agencies, has special expertise, resources and networks which enables it to quickly come to terms with issues before it. The Government does not want a body like that looking over it, and we find that sad. If the Government has some other remedy for this problem it has not suggested that it is in any speed to address it. The Minister admitted in her speech that the Community Services Commission wrote to the Government last year and recommended a number of things that it wanted changed. We have not seen the letter and the Government is not prepared to tell us what the changes might be.

If the changes are more modest than the Opposition has proposed, we are happy to hear them but, as yet, even that modest report has not seen the light of day. There is every reason to believe that many features of child protection and statutory roles carried out by DOCS are in chaos. The Government is desperately spinning to make sure that no-one—certainly no-one independent like the Community Services Commission—is in a position to take action. That ought to concern every honourable member of this House. I can understand members of the cross bench taking the view that the Government needs time and we need to show patience, but sometimes that frustrates the Opposition. One thing we say is that we might extend that sort of consideration to the Government if it indicated that it intends to quickly take action. But nothing the Minister has said indicates that the Government intends to do anything.

The Minister has said that there is too much scrutiny of DOCS already and it does not need to step in and take action with all this other scrutiny. We know the history of the Carr Government and that it does not want any extra oversight over DOCS because it will have difficulty funding and resourcing the sorts of issues which become the subject of reports. The Government does not want that to happen. It is something that the Opposition is determined is not going to go without some statement. These issues need support and legislative action. The purpose of the Opposition in introducing this bill is to ensure that these issues get the attention they deserve. We urge honourable members to support this bill. If the Government finds anything objectionable in the bill it is in a position to fix it, but at the moment it is taking the view that nothing is broken and therefore nothing needs to be fixed. That is not the view of the Opposition, and it should not be the view of honourable members.

The Hon. P. J. BREEN [11.43 a.m.]: I support the Community Services (Complaints, Reviews and Monitoring Amendment) Bill. In an article in the *Daily Telegraph* earlier this year the Community Services Commissioner, Robert Fitzgerald, complained that the Government's decision to limit the Community Services Commission's [CSC] powers meant that complaints about child protection would not be independently investigated. The commissioner was also quoted in the *Sydney Morning Herald* as saying that the Government's action had placed the commission in a completely unacceptable position which could have been avoided if the Government had amended the legislation as recommended by the Law Reform Commission some time earlier.

Today the bill before the House has come about as a result of a letter sent by the Minister responsible for the Department of Community Services [DOCS] to the Community Services Commissioner, Mr Robert Fitzgerald, in November last year. That letter stated that the Crown Solicitor's Office had advised that the

Community Services Commission did not have, and in fact had never had, the power to investigate alleged breaches of DOCS' statutory duty. According to its 1999-2000 annual report, the Community Services Commission:

> … inquires into serious matters affecting the care, treatment or safety of vulnerable consumers of community service.

While I have reservations about the unfortunately widespread use of the term "consumers", the fact remains that the Community Services Commission performs an important task. This is conceded by the Minister, who stated in a recent note to crossbenchers:

> The Government is committed to the effective monitoring of public sector agencies, and the Community Services Commission plays a central role in the scrutiny of welfare agencies in this State.

The commission has played a pivotal role in the formulation of child protection policy in the State. In 1999-2000 the agency conducted a number of major inquiries and reports in the area. They included the substitute care inquiry, which considered the practice and provision of substitute care in New South Wales; an examination of the key characteristics, circumstances and placement details of 37 children and young people who were affected by service closures; and the production of voices of children and young people in foster care, a project that shed light on the experiences and needs of young people in the care system. The Department of Community Services web site features a lengthy analysis of the current problems facing the agency, written by Commissioner Fitzgerald. He points out that the agency was established to allow individuals to have their concerns dealt with, and of course solved, whenever possible.

The principal reason behind the establishment of the Community Services Commission, however, was to form public policy on child protection and related areas, with a view to improvements on the delivery of community services overall. According to the commissioner, the CSC operated in the belief that it had jurisdiction over all aspects of community service issues. In other words, the CSC did not focus on its different functions, duties, types of assistance or services, but looked at the sum total of its responsibilities in order to effect the best outcome for the individual client and the practice of community services. It is this overall view that will be jeopardised by the Minister's letter based on advice from the Crown Solicitor. The letter has meant that the commission cannot handle complaints or conduct investigations where allegations have been made in respect of the Department of Community Services' statutory functions.

According to the Community Services Commissioner, 20 to 30 per cent of the 2000 complaints received by the commission each year will be affected by the Government's instructions. The Minister has said that the Ombudsman can handle the complaints no longer able to be processed by the CSC. That statement, however, flies in the face of a debate that occurred in July 1998, when the Minister for Community Services explained a raft of bills to the Legislative Assembly. At the time, the discussion concerned the Commission for Children and Young People Bill and the Ombudsman Amendment (Child Protection and Community Services) Bill. Minister Lo Po' said that the Ombudsman Amendment Bill:

> Implemented an agreement made between the Ombudsman and the Community Services Commission about their respective jurisdictions. Those bodies have undertaken to negotiate an agreement that a class or kind of complaint will be dealt with by either the Ombudsman's Office or the Community Services Commission.

According to the Ombudsman's 1999-2000 annual report, the memorandum of understanding was signed with the Community Services Commission and with the Department of Community Services, and that memorandum established the respective roles, reporting responsibilities and information sharing. The Minister went on to assure the House in her second reading speech:

> The Community Services Commission will continue to handle complaints about community services provided to children, people with a disability, and the aged.

She concluded by promising that the Community Services Commission's functions, powers and budget would not be touched. So I ask myself: What are we doing here, less than three years later, debating the restriction placed on the Community Services Commission's powers by the same Minister who guaranteed that its powers would not be affected? It may appear that there are a lot of bodies established to safeguard children's rights. That we seem to need so many is, in my opinion, a sad indictment on society. With so many watchdogs, New South Wales should have an unblemished record in terms of children's rights and protection of their basic safety. Sadly, that is not the case. Until New South Wales has a record in child protection of which it can be proud, I am of the view that there needs to be an extension of the powers of watchdog bodies, rather than a restriction of the type achieved by the Minister's letter to the Community Services Commission.

The debate that occurred in the Parliament when the Commission for Children and Young People was established clearly shows that the need for the retention of specialist complaints bodies, such as the Community Services Commission, remained. This can be seen in the absence of the agency's complaint handling function. The Minister acknowledged that "responsibility for investigating complaints will stay with existing complaint bodies"—the Community Services Commission and the Ombudsman. The Commission for Children and Young People is largely irrelevant in this debate. In any event it does not possess the necessary experience even if it had the legislative authority to pick up on the Community Services Commission's now abandoned jurisdiction. The position is similar with the Children's Guardian. That the Children's Guardian also lacks the requisite experience and resources to meet children's needs is clear. Again, the legislation did not establish a complaint handling function. Although the body can assist to handle issues as they arise, its primary purpose is an accreditation and review body. Again, that position has only recently been filled and so the office has done nothing to date.

I am also not convinced that the 20 per cent to 30 per cent of cases can or should be properly picked up by the Ombudsman's Office. The body has been critical of child protection practices, particularly the non-government sector's low reporting rates for child abuse, its lack of expertise and training in investigation procedures, and the potential conflict of interest when agencies investigate themselves. Hopefully the non-government sector's practices are changing as a result of such criticism. However, notwithstanding the good work it has performed, the Ombudsman's Office approaches issues from a different perspective to that of the Community Services Commission. The effect of the Crown Solicitor's advice is that the complainant may now need to approach both the Ombudsman and the Community Services Commission to obtain a resolution of a problem. Both bodies could be investigating different aspects of the same complaint at the same time.

So what does all this mean for the so-called "consumers" of the Department of Community Services and associated non-government agencies? As the Association of Children's Welfare Agencies Incorporated has stated, the current split between the power to investigate so-called consumer complaints, but not the statutory activities of DOCS and its agencies, is "confusing, impractical and unacceptable". The Community Services Commission has also developed a profile in terms of child protection and welfare matters which the Ombudsman's Office does not yet have. This profile is far from perfect. As the commission's July 2000 report "Voices of children and young people in foster care" stated:

> Significantly for the Commission, very few of those consulted knew who we were. For those who said they had heard of us, most were confusing us with DOCS.

It is not acceptable that the majority of children and young people do not know to whom they can complain about abuses they may suffer while in "care". I wonder why the CSC has, by its own admission, failed to educate children and young people in care, service providers, juvenile justice and adult prison staff and parents, so that people at risk know precisely where they can complain, and most importantly, feel secure in the knowledge that that statutory body will be able to help. Why do people not know about the Community Services Commission, when it has been the prime watchdog in the area for more than six years? Notwithstanding this, I do not think that it addresses the issue to divest the CSC of powers and transfer them to the Ombudsman. How many children and young people are aware of and use that body?

An added confusion for complainants, especially children and young people in care, is that the Ombudsman requires matters to be put in writing—the CSC permits verbal complaints. Accepting verbal complaints would seem more "user friendly" to my mind, and encourage young people to use the service, rather than being put off by the requirement that matters be in writing. As we know only too well, most young people in care experience considerable educational disadvantage, and this added impediment to making a complaint would be keenly felt. To its credit, the Community Services Commission has recognised the problem and is seeking to enhance its profile by setting up an outreach program to people in care and service users.

I would hope that the Minister provides additional funding to enable this very important program to be implemented. In addition, as the Minister has recognised, the Community Services Commission has been "working to make its services more accessible to children and young people by employing child and youth liaison officers". I hope this continues. Funding also raises the question whether the Ombudsman's Office has the resources to pursue additional matters, even if it has the jurisdiction. In its 1999-2000 annual report the Ombudsman conceded that:

> The number of child abuse allegations made against employees of designated agencies has far exceeded our expectations.

Undoubtedly, the number of complaints also exceeded the agency's resources. What is the Minister doing to make sure that the Ombudsman's Office can handle its existing workload, let along the 15 per cent of additional

cases received from the Community Services Commission? I note that the New South Wales Council for Social Service, the Associations of Children's Welfare Agencies, the Law Society's Criminal Law Committee and the Intellectual Disability Rights Service have all called for, in the Law Society's words, a "clarification of the roles, responsibilities and powers of the relevant oversighting bodies". The Intellectual Disability Rights Service has endorsed the Community Services Commission's role and the service does not consider the Crown Solicitor's advice precludes the commission from acting. Most significantly, the Intellectual Disability Rights Service will continue to refer clients to the commission. In reality, we are arguing over a technical deficiency in the powers of the CSC. This bill goes some way to resolving the issues, and I commend it to the House.

The Hon. R. S. L. JONES [11.55 a.m.]: The bill addresses the anomaly that exists in the Community Services (Complaints, Appeals and Monitoring) Act 1993 which prevents the Community Services Commission from investigating matters defined as statutory functions. At present, the commission can examine consumer complaints about actual community services, which are provided by the Department of Community Services and non-government organisations, but it cannot examine the statutory activities that determine what assistance, if any, is provided to consumers and what child protection investigations are pursued. The Community Services Commission was established in 1994. The legislation was passed with the support of all political parties and with the support of the community services sector generally.

The commission was established to provide an integrated approach to improving the quality and standards of care within the community services sector, to provide an easy access point for complaints by consumers of community services, and to provide the body of expertise to deal with all community services delivered by both government and non-government agencies. Since its inception the commission has worked on the premise that there was no differentiation between statutory functions, duties or forms of assistance or services. For seven years the commission has investigated the various components of a community service transaction. To now separate functions and services creates a complex and confusing situation where some parts of a complaint can be dealt with within the commission's jurisdiction while others cannot.

The Government has been aware of the irregularity in the Community Services (Complaints, Appeals and Monitoring) Act 1993 for some time. After an exhaustive inquiry, which included 96 written submissions and seven public seminars, in 1999 the Law Reform Commission highlighted the jurisdiction problems and recommended that the Government legislate to remove them. The Government has not done so. This is the result. In some cases a portion of a complaint can be dealt with by the Community Services Commission, and another portion is handed over to the Ombudsman. The Ombudsman, however, does not have jurisdiction in respect of non-government agencies—other than in respect of allegations of abuse by employees against children. In those situations, the commission has told my office it will deal with complaints outside its jurisdiction "as best it can". Is this grey area acceptable? The bill has the support of the Association of Children's Welfare Agencies. That association said in its submission to members of the crossbench:

> The Commission's role, as it has been effectively exercised for the past seven years, has been strongly supported by ACWA and the wider NSW community welfare sector. Investigations of complaints and inquiries conducted by the Commission have been an essential part of improving service management and practice in childcare and protection in disability services.

This bill also has the support of the Council of Social Service of New South Wales [NCOSS], which told my office:

> NCOSS has written to the Minister for Community Services, earlier this year, seeking urgent Government action to rectify this unacceptable situation. We have had no indication that the Government will act appropriately.
>
> A fully functioning Community Services Commission, which remains a first in human services consumer protection in Australia, is a critical mechanism to improve the quality of service provided to vulnerable children, young people, families and people with disabilities in this State.

Since receiving the advice from the Crown Solicitor in November 2000 the commission has continued to seek amendments to its legislation to restore its jurisdiction to include all aspects of community services, including statutory functions as well as services. Commissioner Robert Fitzgerald says the current situation is:

> ... completely at odds with the objectives that underpin the CRAMA legislation. It leaves vulnerable consumers in a confused and unsatisfactory position. It damages the holistic and integrated approach enshrined by Parliament in the passing of CRAMA. In diminishes the consumer protection focus of the Commission.

Two weeks ago my office was told that approximately 200 complaints have been affected by the loss of jurisdiction and that the estimated number of cases that will be affected over an entire year if this irregularity persists is 1,000. The Community Services Commission's annual report for 1999-2000 says that last year the commission handled 1,850 complaints, a 74 per cent increase on the previous year; that 77 per cent of

complaints were about the Department of Community Services; and that the commission's inquiries into the performance and provision of substitute care in New South Wales affects 7,700 children and young people. The interests of those most vulnerable, the consumers of community services, will be damaged if there is a failure to resolve this issue.

One of the strengths of the CSC is its ability to immediately contact the service provider in question and attempt to resolve an issue as quickly as possible. The commission quite rightly promotes itself as an independent government watchdog for consumers of community services in New South Wales. It is important that the commission be given the power to investigate to its fullest capacity. The commission's role and its performance are held in high regard by the New South Wales sector and by key government and non-government organisations in the community services sector. If a person wishes to have his or her dealings with DOCS investigated, why should those issues not be dealt with by the commission? The Special Minister of State indicated that the Government is seriously committed to the effective monitoring of public sector agencies and resolving these issues as quickly as possible. This bill does just that. I commend the bill to the House.

Ms LEE RHIANNON [12.01 p.m.]: My colleague the Hon. I. Cohen indicated earlier that the Greens support this bill. What a sorry tale we have! We have a window into how this Government operates. We see a real lack of commitment to openness and a lack of commitment to constituents, in this case, the young people of New South Wales. Unfortunately, however, we have a commitment from this Government—and this is why this extraordinary situation is unfolding before us—to hold on to power. The Government wants to find different ways of doing things. It wants control and it wants to be able to doctor those areas where its performance is not up to scratch.

We have known for a long time that there are problems in this regard, irrespective of which party is in power. Labor believes that it is best for the people of New South Wales if it is in power, no matter what, and it therefore goes to extraordinary lengths to remain in office. That is what we are seeing unfold today. It is absolutely outrageous. When the Greens first became aware of this, our immediate reaction was an expectation that the Government would come to its senses or, rather than come to its senses, that it would amend the necessary legislation. Clearly, an error had been made. It seemed to be quite a simple thing to do.

A drafting error put the Community Services Commission in this extraordinary situation. We became aware of that, things started to unfold, and we got the feeling that the Government was not being fully open about this matter and that it had another agenda because the Crown Solicitor's advice was ignored. Obviously, the Greens, members on the crossbenches and Coalition members have discussed these issues. Many questions are just not being answered by the Government. When one tries to answer those questions one is left with an uneasy feeling about the Government's real agenda. Clearly, an anomaly must be corrected before the Community Services Commission is able to proceed with its work.

I refer again to the attitude of the Greens and members on the crossbenches in relation to this issue. We have been co-operative with the Government. We have given it plenty of time to sort out this issue. But the weeks have dragged on and there has been no action. As I said earlier, there are questions that need to be answered. Why was the Crown Solicitor's advice ignored? Why has the Government delayed for so long? While we have been waiting for the Government to take action we have been expecting it to come clean in relation to this issue. In the past week or so, I have heard talk in the corridors, particularly on the eleventh floor.

People are becoming exasperated with the current situation. Given the sensitive work of the commission, that could result in some embarrassment for the Government. I can only conclude that the Government has been less than open about its agenda. My concern was added to considerably when I heard the Minister's speech. I could not believe the words that she uttered. The Government shot itself in the foot. It is out of touch with life and with the needs of the constituency. The Government has totally lost the plot. I note that the Minister said earlier that we should not get bogged down in accountability. We should not get bogged down in red tape, but let us be clear about the fact that accountability is not red tape.

Earlier, the Hon. J. F. Ryan referred to another aspect of the Minister's speech. The Minister spoke about all the various levels of so-called accountability in the Department of Community Services. We certainly dispute that. Accountability never bogs us down; accountability is a safeguard so our institutions operate with transparency, and in the best interests of the people in this State. I was deeply concerned by that statement and by the way in which the matter was handled by the Government. I congratulate the Opposition on introducing this bill. As my colleague the Hon. I. Cohen said earlier, the Greens support this proposed legislation.

The Hon. A. G. CORBETT [12.06 p.m.]: The Community Services (Complaints, Reviews and Monitoring) Amendment (Application) Bill is being dealt with through a contingency motion to address some serious issues that have arisen in the jurisdiction of the Community Services Commission [CSC]. The

commission, which was established in 1994, had the bipartisan support of the Community Services (Complaints, Reviews and Monitoring) Act 1993. It was expected by the community and by the Parliament of the day—as evidenced in the speeches at that time—that the commission would have the power to fully investigate statutory and service breaches in Department of Community Services [DOCS] functions, non-government agencies and major inquiries.

However, in 1999 the Law Reform Commission report in regard to the CSC highlighted that there was a need for amendments to the Act to ensure that those powers, which were intended but not complete in legislation, were fulfilled. The Government was in receipt of that report. After the commission took a list of urgent requests to amend the legislation to the Minister in 2000, the Crown Solicitor gave the Government advice that the commission had no power to deal with statutory breaches of child protection services by DOCS or other service providers. This leaves DOCS without an independent overview of its child protection and investigation functions.

The Ombudsman, who does not have the necessary agency facilities to handle these extra functions and who can only take written complaints, has taken on some of the roles. This leaves the community with a difficult path to follow in finding which area of a single complaint is under whose jurisdiction for investigation. At best, this is a hindrance; at worst it is a strong deterrent to complaints progressing with expediency or with a whole-of-service viewpoint. This bill was introduced because so far the Minister has not produced a bill to correct the weaknesses that were reported in 1999.

The bill addresses the key functions that were apparently lost by the implementation of the Crown Solicitor's advice, but which were intended in the original flawed legislation. It also includes the jurisdiction to investigate the Children's Guardian, an office introduced by the Parliament in 1998. The bill extends the definition of "community services" to include statutory functions as well as service functions resolving the nexus of jurisdictional allocation. It likewise extends the definition of "service providers" to include, as mentioned, the Children's Guardian and authorised carers or agencies. Importantly, it also empowers the commissioner to require information and relevant records to be provided by service providers or DOCS during any commission investigation of a complaint.

The lack of this information-gathering power has, in the past, hampered a number of investigations by the commission. In all, the bill restores the functions lost to the Ombudsman with which the commission operated until last year, albeit in error due to flaws in the original legislation. It expands the powers slightly by allowing information provisions to be enforced during an inquiry—a necessary adjunct to complete investigations, and again one which was presumed to be present and found lacking in the implementation of the 1993 Act. As I said earlier, it also allows the new office of Children's Guardian to fall under the independent purview of the commissioner—another highly desirable situation for the investigation of complaints by an independent body.

I hope the Government will support the bill. I also hope the Minister will introduce further amendments to the Act when her studies on the deficiencies of the 1993 Act, as reported in 1999 and subsequent to the Crown Solicitor's advice, are complete. This bill at least addresses the most urgent deficiencies identified in that Act and, as such, it is worthy of support by all honourable members. I believe that this Government is doing something about child protection. I believe it is at the cutting edge in many areas, as evidenced by the support for the bill before this House. While the Minister's department is low on the totem pole of Cabinet priority—it is certainly considered to be a nightmare portfolio for any Minister who takes it on—a lot of the work that the Minister would like to do will continue to be hampered. However, on this matter the wheels of government have moved far too slowly, and the House needs to send a message by passing this bill that a sense of urgency is attached to the issue. I look forward to the Government's response in the coming weeks.

Reverend the Hon. F. J. NILE [12.10 p.m.]: The Christian Democratic Party supports the Community Services (Complaints, Reviews and Monitoring) Amendment (Application) Bill, a private member's bill introduced by the Hon. Patricia Forsythe on behalf of the Opposition. It provides for the resolution of complaints about community services provided by certain service providers. The object of the bill is to amend the Community Services (Complaints, Reviews and Monitoring) Act 1993 to extend the definition of "community services" to include functions exercised under community welfare legislation and functions exercised by persons and organisations under certain governmental arrangements; and to extend the definition of "service provider" to include the Children's Guardian, an acting Children's Guardian or unauthorised carer or designated agency within the meaning of the Children and Young Persons (Care and Protection) Act; and other consequential amendments.

As the Government indicated in its opposition to the bill, it is an unusual strategy for a bill dealing with the administration of government to be moved by a private member. Obviously the Government can and will be voting against the bill in this place. Even if it is passed, there is no guarantee that the bill will proceed in the other place, as it is a private members bill. From my conversations with members of the other place, particularly independent members, they find it very difficult to introduce business into the other place, particularly bills. So, it would not be difficult for the Government to stop the bill from proceeding in the other place.

However, the frustration is widespread: from the commissioner and the many organisations concerned about the welfare of children in the State to members of this House, including members of the crossbench, who were given the impression it was simply a matter of a committee of Cabinet bringing in a bill to resolve the matter, and that that would happen. That was the impression conveyed to the crossbench. But the Minister's speech today, unless we are misinterpreting it, seems to be quite clear—and the Hon. J. F. Ryan made this point: the Government is not intending to do anything. The Government is assessing how many bodies have an oversight role of the Department of Community Services [DOCS] and might reduce or streamline the number rather than support this approach to restore the powers of the Commissioner of Community Services.

The Government has confirmed the need for this legislation. Had it indicated that it had almost finalised drafting a similar bill for introduction on our return following the Easter break, we could perhaps have adjourned this debate, but it seems the Government has no alternative plan. Perhaps it's plan is to restrict some of the oversight mechanism. There was a strong suggestion throughout the Minister's contribution that, sure, people can make recommendations to do things but they do not have to work out how much it costs. In other words, there are financial considerations, and anyone can make recommendations but they do not have to find the money to pay for the implementation of those recommendations. Whereas the role of the Government is to govern, of course, as well as fund government operations, departments and subsidiary organisations, and pay compensation and court costs that can arise if there are failures within the system or if departmental officers fail to properly carry out their statutory duties. We all understand that.

It may be that the Treasurer and the Premier are looking at those factors. Balancing the budget is their prime concern. So, they are coming at this issue from a direction different from that taken by community organisations. I understand the Government has its budget but I suggest that issues relating to the welfare of children, and complaints, reviews and monitoring are of such importance that funding should be provided in the budget. In other words, if funding is limited, spending should be reduced in the less critical areas and increased for programs providing care and services for children and young people.

We realise that Commissioner Robert Fitzgerald, as an officer of the government, cannot become involved in a political debate on the matter, but we are advised that he is happy with the bill in the sense that it seeks to make three key changes to the Act, which he has been asking the Government to make. The Act needs substantial amendment. Currently, advice from the Crown Solicitor has restricted the commissioner's ability to do the job he has been doing for six years. It is not as though the commissioner is seeking extra powers; he understood he had those powers and he was using them. Strictly speaking, those powers were taken away from him. It has even been suggested that he did not have them in the first place.

These matters have been referred to the Ombudsman's Office. However, it is obvious to all members that that office does not have the expertise to deal with this matter. It would mean setting up a community services department within the Ombudsman's Office to address the issues—and that would be ridiculous and inefficient; a complete waste of taxpayers dollars. Therefore, we support the bill. It should be passed to restore the commissioner's position to allow him to get on with his job.

The Hon. PATRICIA FORSYTHE [12.17 p.m.], in reply: I acknowledge the contributions of all honourable members who spoke in the debate. I thank the members of the crossbench for their support. I thank my colleagues for recognising that the care and protection of children is and must be a priority of government. If the Carr Government is not prepared to give it a priority, we must shame it into doing so. We will do that by seeking the support of the community again to say to the Government that its actions in all of this are unacceptable.

I shall make some brief comments about the Minister's speech on this bill. Since November last year, when this issue came to light, members have been given excuses; they have been fobbed off with the advice that the Government was looking at the matter and it would only be a matter of time before it was dealt with. It is clear today from everything the Minister said that the Government has absolutely no intention to correct the

anomaly. Why? Because, as the Minister said today, the Government believes the Department of Community Services is subject to too much accountability and too many resources are tied up in its oversighting. In summary, that is what the Government has said. It does not want the department to be subject to the oversight of the Commissioner of Community Services. In fact, the Minister for Juvenile Justice concluded her speech by saying that all the suggestions contained in the bill are now being dealt with in a review by the Cabinet Office.

Let me make it clear to any honourable member who does not know about the workings of the Cabinet Office: If the Opposition had waited for the Cabinet Office to support and give approval to the Community Services Commission when the Coalition was in government, it would not have occurred because the Community Services Commission did not have the support of the Cabinet Office, nor the support of Treasury. The Cabinet Office and Treasury have always found ways to oppose the oversight role of the commission because that role takes up resources. But the resources are used for a very good reason. When the Minister says that the suggestions are subject to a Cabinet Office review, that is code for the Cabinet Office is being given the opportunity to find every reason and excuse for ensuring that we will never see the anomaly corrected.

The Hon. R. S. L. Jones: The Government is run by the Cabinet Office.

The Hon. PATRICIA FORSYTHE: But, from time to time, Governments have to directly say that the Government's policy is to do something about ensuring protection of children and ensuring that the department has an oversight role. Throughout all this, I remind honourable members that it was a report of the Law Reform Commission that brought the problem to light. The Law Reform Commission pointed out that the definition of "community service" and "service providers" should be amended to clarify the jurisdiction of the Community Services Commission, which includes all child protection matters for the purposes of its functions. It was that recommendation and some others that led the Government to get the Crown Solicitor's advice.

Since late last year, the Government has given every indication that it intended to fix the problem and that it would adopt issues raised by the Law Reform Commission. I conclude my remarks by again reminding honourable members that the Law Reform Commission said, when referring to the Community Services Commission, that its consultations revealed widespread community support for the Community Services (Complaints, Appeals and Monitoring) Act [CAMA] and the process and programs it established, except for some changes to particular provisions that were mainly to address an anomaly or omission that was brought to the Law Reform Commission's attention. The Commission recommended that the overall legislative framework remain intact. The view of the Law Reform Commission was that the problem should be corrected, but that the rest of the commission should be kept intact.

The Law Reform Commission also recommended that the Government continue to support the work of the Community Services Commission and the community visitors to ensure that they continue to perform their functions effectively. As so many honourable members have said today, the commission and the visitors cannot, and are not, performing their functions effectively because currently about one-third of investigations previously undertaken have been put on hold. Many of the investigations that the commission has been asked to undertake cannot proceed because of the anomaly found in the Law Reform Commission's report, which was identified and confirmed by the Crown Solicitor. This bill is designed to overcome that problem.

The bill is not about new powers, but it is effectively about restoring powers to the commission, as all honourable members of the crossbench have effectively recognised today. We have given the Government long enough on this: the Parliament resumes at the end of May and I hope that in the interim community organisations that have an interest in this matter will put continuous pressure on the Government to take up this bill in the Legislative Assembly and go forward with this amending legislation. The Government is losing out on this issue. The bill addresses a matter that is of concern to members of the community. The bill will send a very strong message to the Government that its actions are not supported and that its actions are in fact weakening what has been seen as a very positive safeguard for children and people with a disability in New South Wales. The bill represents a safeguard that we cannot afford to lose. That is why I urge all honourable members of the House to support the bill. I commend the bill to the House.

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

The House divided.

Ayes, 21

Mr Breen	Mr R. S. L. Jones	Mr Ryan
Dr Chesterfield-Evans	Mr Lynn	Mr Samios
Mr Cohen	Mrs Nile	Dr Wong
Mr Corbett	Reverend Nile	
Mrs Forsythe	Mr Oldfield	
Mr Gay	Mr Pearce	*Tellers,*
Mr Harwin	Dr Pezzutti	Mr Jobling
Mr M. I. Jones	Ms Rhiannon	Mr Moppett

Noes, 12

Ms Burnswoods	Mr Macdonald	
Mr Dyer	Mr Obeid	
Mr Egan	Ms Saffin	*Tellers,*
Ms Fazio	Ms Tebbutt	Mr Primrose
Mr Kelly	Mr West	Mr Tsang

Pairs

Mr Colless	Dr Burgmann
Mr Gallacher	Mr Della Bosca
Miss Gardiner	Mr Hatzistergos

Question resolved in the affirmative.

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 to 3 agreed to.

Schedule 1 agreed to.

Title agreed to.

The Hon. D. J. GAY (Deputy Leader of the Opposition) [12.34 p.m.]: We have just gone through a Committee process brought on by the Government when it had no amendments whatsoever to the legislation. The Chamber cannot go through such a process without comment being made. The Government is simply wasting the time of the House.

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

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders

The Hon. I. COHEN [12.37 p.m.]: I move:

> That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business Item No. 93 outside the Order of Precedence, relating to the censure of the Minister for Land and Water Conservation, be called on forthwith.

The Hon. JAN BURNSWOODS [12.38 p.m.]: The reason I seek the call is to once again place on record my objections to members of this House continually seeking to bring forward motions that are far outside the order of precedence. As I have said on other occasions in this House, I find such a practice to be offensive, given that it has occurred after a number of members have begun to realise the games being played and the inequities in this process. A few weeks ago this House dealt with some of the items that were very high in the order of precedence, perhaps the first two or three.

The Hon. J. H. Jobling: Point of order: The question before the House is the suspension of standing and sessional orders. The Hon. Jan Burnswoods is referring to matters that relate to private members' items on private members' days. I point out that today is a Government business day, and a suspension motion, moved according to contingent notice, affects Government business, if it affects anything. What is on the notice paper in relation to private members' notices, whether within or without the order of precedence, has nothing to do with the matter before the House.

The Hon. JAN BURNSWOODS: To the point of order: The point I was seeking to make is that in so many ways the forms and procedures of this House are being hijacked. The point I was particularly seeking to make—

The DEPUTY-PRESIDENT (The Hon. J. R. Johnson): Order! How can one deliberate when one cannot hear?

The Hon. JAN BURNSWOODS: Many honourable members of this House have been embarassed by departures from the norm, in which items outside the order of precedence are brought forward on private members' day, and today we are seeing Government business being hijacked a second time. That has already happened once this morning and this is another attempt. Essentially, small groups of people are getting into corners and backrooms and other places around the House and doing deals.

The DEPUTY-PRESIDENT: I would need further advice from the Hon. Jan Burnswoods as to why the point of order should not be upheld.

The Hon. JAN BURNSWOODS: I would certainly defer to your far greater wisdom in relation to the standing orders of this House. It is not a valid point of order because I am seeking to speak on the motion of the Hon. I. Cohen that standing and sessional orders be suspended. I have a right to speak on a motion that goes beyond the procedures with which we are dealing and changes our program for the day. I cannot see what the point of order has to do with my right to speak on the motion to bring this item on now.

The DEPUTY-PRESIDENT: Order! The motion of the Hon. I. Cohen is in conformity with the norms of the House, and I uphold the point of order.

The Hon. JAN BURNSWOODS: The Hon. I. Cohen has now kindly provided me with a copy of the motion. I thought I had made it clear that I am not arguing against the subject matter of the motion being brought forward. I am trying to make another protest, consistent with protests I have made on many occasions, that we come to this House with a program for the day, a speakers list and a whole series of items to deal with. We then find ourselves continually hijacked, first this morning by the motion of the Hon. Patricia Forsythe and now by the motion of the Hon. I. Cohen. Yet at other times we are criticised about sitting hours or Government business, whether there is Government business or not, and I am very tired of it.

The Hon. Dr B. P. V. Pezzutti: Point of order: The motion before the House is clear. The honourable member should restrict her words to whether this motion should have precedence. If she want to complain about what has happened—something that happens all the time in the lower House, where democracy rules, namely people with the numbers speak and order the business of the House—she should go and see Mr Whelan.

The DEPUTY-PRESIDENT: What is the point or order?

The Hon. Dr B. P. V. Pezzutti: The point of order is that the honourable member is straying from the motion before the House.

The Hon. JAN BURNSWOODS: To the point of order: I am a bit bemused by the point of order. I did not mention the lower House and I do not know why the Hon. Dr B. P. V. Pezzutti has done so. Perhaps it is because he is now sitting on the Government benches and he may have had a rush of blood to the head. However, I really do not understand his point of order. I would ask you to rule against it.

The DEPUTY-PRESIDENT: Order! We will soon dissipate any rushes of blood. There is no point of order.

The Hon. JAN BURNSWOODS: I will be brief. I made the point, to be consistent with points I have made on many occasions in this House, that these little deals done to bring on motions that usually have very little substance or importance—

The Hon. J. F. Ryan: Are you reflecting on a vote of the House?

The DEPUTY-PRESIDENT: There has been no vote yet.

The Hon. JAN BURNSWOODS: It is simply an attempt by the Hon. I. Cohen in this instance to win a few brownie points with a minute consistency in some wedge of politics out there. There are many honourable members in this House who support what I have said, and by no means all on the Government side, as was obvious from the "Hear! Hear!" and other comments that I have heard. I do not think that the motion of the Hon. I. Cohen should be supported.

The Hon. M. I. JONES [12.45 p.m.]: I oppose the contingency motion of the Hon. I. Cohen. I believe the detail of the motion is not a huge problem and censure of a Minister by this contingency motion is certainly not justified. The motion is more about conflicts within the Greens movement, heightened by Ms Lee Rhiannon's successful but futile censure motion against the police Minister which has increased pressure on the Hon. I. Cohen to perform. The urban Communist faction within the Greens is now overwhelming the environmentalists.

The Hon. J. H. Jobling: Point of order: I make the same point of order. What occurs within the Greens movement does not address the question whether the standing and sessional orders should be suspended. I ask you to bring the honourable member back to the matter before the House.

The DEPUTY-PRESIDENT: Order! The question before the House is very specific. I ask members to address the Chair on the matter that is before the House. I ask also that honourable members pay due obeisance whenever the occupant of the chair is on his or her feet.

The Hon. M. I. JONES: Given your ruling, Mr Deputy-President, I will not comment further. If the contingency motion is successful, I will address those matters during the course of the debate.

The Hon. I. M. MACDONALD (Parliamentary Secretary) [12.46 p.m.]: It is quite clear that some sort of deal has been done this morning in relation to the two matters that have been before the House. No wonder they all voted on the one side!

The Hon. Dr B. P. V. Pezzutti: Point of order: I take extreme exception to the Hon. I. M. Macdonald thinking that I have done a deal with the Hon. I. Cohen, who last evening made it very clear to this House that he does not do deals with anybody.

The Hon. I. M. MACDONALD: Whatever that was, he wants me to withdraw it?

The DEPUTY-PRESIDENT: Order! I advise the Hon. I. M. Macdonald that the Hon. Dr B. P. V. Pezzutti has requested he withdraw.

The Hon. I. M. MACDONALD: I want to discuss that. I did not accuse the Hon. Dr B. P. V. Pezzutti of making a deal with the Hon. I. Cohen. He is far too down the food chain for me to suspect that he did a deal.

The Hon. Dr B. P. V. Pezzutti: I take exception.

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

The Hon. I. M. MACDONALD: We want to discuss important matters such as the Parramatta Park Trust Bill and the State revenue measure before this House. This House started at 11 o'clock this morning, and it is now nearly 1 p.m. Private members' business item 79 outside the order of precedence on the notice paper has taken nearly two hours of debate and we are about to proceed with item 93 on the notice paper. The Government was extremely generous at the beginning of this session. There were six full days of private members' business and now we are trying to get on with the business of this Government and of this House—

[*Interruption*]

The Hon. I. Cohen must be getting old from the antics of Ms Lee Rhiannon, so much that he has lost a little bit of his gentility and he is becoming far too feral.

The Hon. J. H. Jobling: I raise the same point of order that I have taken twice so far: The Hon. I. M. Macdonald is dealing with matters irrelevant to the issue before the Chair. I ask that he be brought back to the matter being debated by the House.

The DEPUTY-PRESIDENT (The Hon. J. R. Johnson): Does the Hon. I. M. Macdonald wish to address the point of order?

The Hon. I. M. MACDONALD: No, Mr Deputy-President.

The DEPUTY-PRESIDENT: I suggest the point of order is valid.

The Hon. I. M. MACDONALD: It must be conceded that the rules of this House permit honourable members, when making contributions to debate, to respond to constant interjections. The Hon. I. Cohen made a series of interjections. I believe those interjections, though disorderly, warranted my responses.

The DEPUTY-PRESIDENT: Order! The appropriate way for the Hon. I. M. Macdonald to seek relief from the difficulty posed by the Hon. I. Cohen is to take a point of order.

The Hon. I. M. MACDONALD: I did not wish to delay the House by taking frivolous points of order. At the commencement of this session we had six days of private members' business, during which we discussed many items. Three of those days were extra days carried over from last year. This was a tradition established by the Coalition when it was in government: if, at the end of a session, the Government needed a number of days to finish the business of the House before Christmas, that number of days would be held over so that private members would not be disenfranchised by procedures at the end of the session. Already this session the House has had three extra private members' days. Private members have had six private members' days, three of which were extra days carried over by the Government. Now, private members want to deny an extra day to the Government, which has such a heavy program that the House should be concentrating on that program. Parramatta Park is very important, and we should be dealing with that issue.

The Hon. J. H. JOBLING [12.51 p.m.]: I will speak extremely briefly to support the motion moved by the Hon. I. Cohen. I remind those on the Government benches making that noisy claque that if they had read the daily notices put out by their own Whip they would have seen the notation: "The above program is for general guidance only and the business listed may be varied without notice". End of story!

The Hon. R. S. L. JONES [12.52 p.m.]: I support the suspension motion moved by the Hon. I. Cohen. If it were not for the outrageous and high-handed abolition of the Hawkesbury-Nepean Catchment Management Trust the House would not have to be debating the motion that the honourable member seeks to move. Private members have been denied their day tomorrow. This matter is urgent. We want it resolved right away.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 19

Mr Breen	Mr Gay	Mr Pearce
Dr Chesterfield-Evans	Mr Harwin	Dr Pezzutti
Mr Cohen	Mr R. S. L. Jones	Ms Rhiannon
Mr Colless	Mr Lynn	
Mr Corbett	Mrs Nile	*Tellers,*
Mrs Forsythe	Reverend Nile	Mr Moppett
Miss Gardiner	Mr Oldfield	Mr Ryan

Noes, 13

Ms Burnswoods	Mr Kelly	Mr West
Mr Dyer	Mr Macdonald	
Mr Egan	Mr Obeid	*Tellers,*
Ms Fazio	Ms Saffin	Mr Primrose
Mr M. I. Jones	Ms Tebbutt	Mr Tsang

Pairs

Mr Gallacher	Dr Burgman
Mr Jobling	Mr Della Bosca
Mr Samios	Mr Hatzistergos

Question resolved in the affirmative.

Motion agreed to.

[*The Deputy-President (The Hon. J. R. Johnson) left the chair at 1.01 p.m. The House resumed at 2.30 p.m.*]

BUSINESS OF THE HOUSE

Order of Business

The Hon. I. Cohen not being present, further proceedings relating the Private Members' Business item No. 93 lapsed.

STATE REVENUE LEGISLATION AMENDMENT BILL

Second Reading

The Hon. M. R. EGAN (Treasurer, Minister for State Development, and Vice-President of the Executive Council) [2.32 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 State Revenue Legislation Amendment Bill 2001 contains amendments to the Duties Act 1997, Health Insurance Levies Act 1982, Pay-roll Tax Act 1971, Taxation Administration Act 1996, and Unclaimed Money Act 1995. The amendments are further steps in the Government's ongoing program of improvements to State tax administration.

I will deal with the amendments to each Act in turn. First, I will deal with amendments to the Duties Act and the review of First Home Plus. In order to provide increased assistance to first home buyers in New South Wales, the Government introduced First Home Plus in last year's budget to replace the existing First Home Purchase Scheme. At the same time, the Government introduced new legislation to provide the first home owner grant as part of a national scheme to offset the effects of the GST. Subsequent administration of the two schemes has identified a number of inconsistencies between them, and some anomalies.

This bill therefore proposes a number of changes to First Home Plus to bring the two programs into greater alignment, and to remove some of the restrictions on access to the scheme. The old First Home Purchase Scheme only applied where the consideration for the purchase of the property was not less than the value of the property. This restriction was intended to exclude non-arm's length transactions, including sales to related parties. However, it also produces anomalies. For example, the purchase of a home valued at $170,000 would qualify for exemption if purchased for $170,000, but be subject to full duty if purchased for $150,000.

The bill will remove these anomalies by determining entitlement to First Home Plus on the greater of value or consideration, which is the same basis used for assessing stamp duty generally. This would also be consistent with the grant scheme, which effectively has no restriction on consideration. The scheme requires purchasers to occupy, or intend to occupy, the home on or before settlement, or "within a reasonable time after settlement", as the purchaser's principal place of residence. This subjective test gives rise to potentially inconsistent treatment of applications where the property is not occupied immediately after settlement.

Under the grant scheme, the applicant is required to occupy the home within 12 months, and the proposed amendments will apply the same test to First Home Plus. The scheme allows a person to apply once as a single person, and also as part of a couple, provided the other applicant has not previously owned land. This measure was intended to ensure that a married couple is not disqualified because one of them had received the benefit of the concession as a single person. However, this is not restricted to married or de facto couples, but applies to any two joint purchasers. It is inappropriate for a scheme that provides an exemption, as opposed to the original scheme's deferral or discount, to allow double dipping. It is also inconsistent with the grant scheme.

The bill therefore provides that an applicant cannot be entitled to receive the concession more than once. First Home Plus is not available for purchases by more than two people, whereas the grant scheme has no restrictions on the number of purchasers. As it is proposed to provide that an applicant cannot receive the concession more than once, the number of purchasers will be irrelevant. The bill therefore removes this restriction from First Home Plus. The definitions of single and couple refer to persons "residing alone" or "residing together", but this distinction was primarily directed at identifying the applicant's ability to pay. Ability to pay is no longer relevant, as the income test has been abolished. In practice, it is difficult to identify whether a sole purchaser is really residing alone or with another person without a potentially excessive intrusion on the applicant's privacy.

The bill therefore provides that the scheme will identify eligible persons by reference to the purchasers, not by reference to their status as "single" or "a couple". This will be consistent with the grant scheme. First Home Plus currently disqualifies a single person who has previously owned land, including vacant land, whereas the grant scheme only disqualifies a person who has owned land and a building suitable for use as a residence. The grant scheme provision more closely reflects the policy of applying to the purchase of a "first home", and it is proposed that this be adopted for First Home Plus.

A related problem arises where the lender requires a "guarantor", usually a parent of a first homebuyer who has a low income and minimal assets, to be added to title. In the past, these applications would be ineligible either because of the income test, or because there were more than two purchasers. Under the proposed changes, the application would still be ineligible because the "guarantor" already owns a home. The bill addresses this problem by providing a discretion for the Chief Commissioner of State Revenue to allow the concession where satisfied that the interest is acquired for finance purposes only. The bill also includes three new exemptions from duty. The first relates to the structure of legal practices.

The Legal Profession Act 1987 was amended in 2000 to allow legal practices to be incorporated under the Corporations Law. Prior to these changes, solicitors could only practice as sole practitioners, or in partnership, or in a solicitor corporation formed under the Legal Profession Act. As a result of these changes, any existing solicitor corporations are now required either to incorporate under the Corporations Law or to revert to a partnership structure. The Duties Act currently includes an exemption for the transfer of dutiable property from a partnership of solicitors to a solicitor corporation. This exemption became obsolete following the above amendments.

The proposals in the bill will replace it with an exemption from duty on transfers from a solicitor corporation to an incorporated legal practice or to a partnership, as these transfers arise solely because of the legislative changes. The amendments to the Legal Profession Act gave effect to a competition principle review of that Act. The Attorney General introduced the amendments on the basis that the accountability of individuals for the management of the practice will be enhanced within a corporate structure, and that this is likely to lead to better delineation of responsibilities within firms and more efficient service provision.

The bill therefore extends the exemption from duty for transfers from existing practices to an incorporated legal practice. The exemption has been requested by the Law Society of New South Wales on the grounds that the absence of an exemption could be a major disincentive to incorporation of existing practices, as these practices may hold substantial dutiable property in New South Wales. Conversely, new incorporated legal practices could be established in New South Wales with minimal duty consequences. The exemption will therefore be limited to transfers of property arising from the incorporation of existing practices.

The second exemption relates to agreements under the First Home Owner Grant Act. To assist in the efficient and prompt processing of First Home Owner Grant applications, the Office of State Revenue has authorised agents to act in the collection and initial processing of applications. Only financial institutions are authorised at present, although these arrangements may be extended in the future to other persons who are involved in assisting persons to obtain a first home. To formalise this agency arrangement, the financial institution and the Office of State Revenue enter a deed of arrangement that attracts $200 duty. As these agents are providing a service to the Office of State Revenue, it is inappropriate to impose duty on these arrangements. Consequently, I approved of the Duties Act being administered on the basis that these deeds of arrangement are exempt from duty as from 1 July 2000. The bill will amend the legislation to give effect to this approval.

The third exemption relates to conditional motor vehicle registrations. The Roads and Traffic Authority [RTA] currently operates a system of unregistered vehicle permits to allow unregistered vehicles to travel on roads. These permits are intended to be used for limited periods, such as when a restored vehicle is being driven to an RTA office to be registered. However, many vehicles have operated with these permits for long periods, which was not intended when the unregistered vehicle permits system was instigated. For these vehicles, the RTA proposes to introduce a system of conditional registration. This form of registration will only allow limited road use according to the type of vehicle.

The RTA proposes to commence conditional registrations in the near future. As no duty is currently payable on unregistered vehicle permits, it is proposed to provide an exemption from duty for applications for conditional registration. The bill also contains three minor clarifications of the Duties Act. The Act currently prohibits the registering of documents that are liable to duty if they are not duly stamped. The increasing use of electronic technology will result in an increasing number of transactions occurring without a written document being executed, with registration taking place electronically. While these transactions remain subject to duty whether or not evidenced in writing, the enforcement provisions preventing registration only apply to written documents.

The bill will extend the enforcement provisions to prohibit registration of electronic transactions and instruments unless stamp duty has been paid. Where a business is conducted in both New South Walers and another jurisdiction, the Duties Act identifies the value of certain business assets, goodwill of a business, intellectual property and Commonwealth statutory licences, by reference to the proportion of sales of goods and services in New South Wales. The provisions refer to business assets with a connection with "the Commonwealth or another Australian jurisdiction". However, some businesses that do not operate in any other part of Australia also conduct business outside Australia. It is arguable that the legislation imposes duty on the non-Australian proportion of those businesses' sales.

The bill clarifies these provisions to ensure that New South Wales transfer duty is only payable on the New South Wales proportion of the value of business assets. Finally, a provision that allows a concessional rate of duty to be charged on certain transactions involving trustees and custodians of superannuation funds is amended to ensure that the concession is only available to transfers within the same fund, and not between different funds. This merely confirms the original intention of the concession.

I now turn to amendments to Health Insurance Levies Act. The health insurance levy is payable by health funds and is indexed each year in accordance with a formula, of which one component is the average weekly earnings issued by the Australian Statistician. The Australian Statistician issues a number of figures for average weekly earnings. The figure that has been used in determining the levy is the "average weekly earnings, original". The bill will amend the legislation to confirm that this figure is used in the formula. In relation to amendments to the Pay-roll Tax Act the bill makes two changes. The first relates to the taxation of wages under employment agent contracts. In general terms, employment agents are liable to payroll tax on wages and related benefits payable to workers under employment agency contracts.

However, an employment agent is not liable if the client is not liable for payroll tax, for example, if the client is exempt or pays wages which are below the threshold at which tax becomes payable, including amounts paid for the use of employment agency workers. However, if the wages paid by the client, including payments to employment agents, subsequently exceed the threshold, the client becomes liable for tax on future payments to the employment agent under the agency contract. The employment agent remains exempt for the duration of the particular contract. The bill amends the legislation to make it clear that once a client becomes liable for tax, the liability extends to contract payments made since the commencement of the current financial year. This is consistent with the general scheme of the Act, which imposes payroll tax on a financial year basis.

The second amendment clarifies the application of the reduced rate of payroll tax applicable in the current tax year. The Act was amended in 2000 to implement the Government's decision to reduce the tax rate from 6.4 per cent to 6.2 per cent with effect from 1 January 2001. When the reduction in the rate was announced, it was intended that a tax rate of 6.4 per cent would apply to

wages paid in the first half of the year and a rate of 6.2 per cent would apply to wages paid in the second half. As payroll tax is imposed as an annual tax, it is arguable that the Act as presently drafted requires that an average rate, of approximately 6.3 per cent, should be applied to annual wages. The bill therefore amends the Act to make it clear that the annual tax liability for the 2000-01 financial year is to be determined by calculating the liability separately for the two half-year periods, with the tax-free threshold of $600,000 being allocated for calculation purposes between the first and second halves on the basis of the number of days in each half year. An employer with wages below $600,000 for the full year will remain not liable to pay the tax.

I refer now to amendments to the Taxation Administration Act. Interest for late payment of tax is determined in accordance with the yield rate for 13-week Treasury notes. However, the Australian Office of Financial Management has ceased issuing 13-week Treasury notes with limited fixed-term maturities. The bill therefore proposes to change the basis for the calculation of the market rate component of interest for late payment by adopting the 90-day bank accepted bill average yield rate. This rate is a reliable indicator of the market interest rate for short-term loans or deposits, and is an appropriate rate to apply to overdue tax liabilities. The interest rate will continue to be determined annually. The 90-day bank accepted bill average yield rate published by the Reserve Bank for the month of May will be the effective market interest rate for the following financial year.

A taxpayer who is dissatisfied with the assessment of a tax liability has the right to have the matter reviewed by the Administrative Decisions Tribunal or the Supreme Court. Recent amendments to the Taxation Administration Act to allow review by the Tribunal also changed the right to appeal to the Supreme Court to a right to a review by the Supreme Court. Part 51A of the Supreme Court rules provides the mechanism for an appeal to the Supreme Court. The Supreme Court rules committee has advised that a review is separate and distinct from an appeal, and is therefore not subject to part 51A. The above amendments therefore inadvertently changed the appeal rights of taxpayers, as the intention is to provide the right of appeal as an alternative to a review of the chief commissioner's decision. The bill will restore the application of part 51A of the Supreme Court rules, which will avoid the need for new rules to be promulgated regarding reviews. Information obtained in the administration of a taxation law can be used by the chief commissioner in the administration of other taxation laws.

However, it is arguable that the chief commissioner cannot use this information for the administration of unclaimed money or the first homeowner grant as the Taxation Administration Act does not specifically authorise this type of use. The use of tax information can streamline administration of unclaimed moneys by identifying the current address of owners and enabling money to be returned. The information can also be used to check the validity of eligibility for the first homeowner grant. The proposed amendments will clarify the legislation by providing that the information obtained in the administration of a taxation law can be used for administration of unclaimed money and the first home owner grant.

The bill also authorises the use of information relating to land tax valuations. In accordance with the recommendations of the Walton report into the land valuation system, the Valuer-General now carries out all valuations for land tax purposes. However, some land tax clients will continue to lodge a letter with OSR, objecting to the valuation as well as to some other matter relating to the tax liability that is within OSR's administration. In practice, OSR would forward letters of objection to land values to the Valuer-General, but to do so might breach current secrecy provisions. Consequently, the bill adds the Valuer-General to the list of persons in the Taxation Administration Act to whom the Chief Commissioner of State Revenue can release information.

I now turn to amendments to the Unclaimed Money Act. The unclaimed money legislation provides that details of unclaimed money must be published in the *Government Gazette*. The legislation does not envisage publication by such means as the Internet. However, as a means of providing more accessible information to assist efforts to return moneys to their owners, unclaimed money information is now available on the Office of State Revenue's web site. To support this initiative, the bill will authorise the chief commissioner to determine the means of making the information public. This will allow both gazettal and Internet publication. The unclaimed money legislation provides that unclaimed money information is to be published where the amount of money held is greater than $50. With the use of Internet listings, OSR is able to efficiently provide information on amounts over $20, with little extra cost.

The bill therefore provides that unclaimed money is to be published where the amount of money held is greater than $20. Most State revenue Acts contain secrecy provisions preventing the disclosure of information obtained in the administration of the laws. However, as the intention of the unclaimed money legislation is to publish information to increase the chances of the money being returned to the owners, strict secrecy/confidentiality provisions would not be appropriate. In the process of lodging claims for unclaimed money, applicants are required to provide personal information sufficient to establish ownership of the moneys. It is desirable for all information provided to the chief commissioner in support of claims to be protected by confidentiality provisions preventing disclosures without the consent of the individual to whom the information relates.

At the same time, the chief commissioner should be able to use the information for the purpose of administering taxation laws The amendments proposed by the bill will prevent the disclosure of information obtained in the process of making, determining and satisfying claims, except where the disclosure is made with the consent of the individual or where the disclosure is in connection with the administration of a taxation law. I table a summary of the bill for the assistance of honourable members and commend the bill to the House.

The Hon. J. F. RYAN [2.33 p.m.]: The Opposition does not oppose the Government's State Revenue Legislation Amendment Bill. The bill, which involves a number of reforms, is mainly housekeeping legislation. The bill will amend a number of Acts dealing with payroll tax—the Taxation Administration Act, the Unclaimed Money Act and the Duties Act 1997. One of the important changes that the bill will make relates to the eligibility criteria for the State Government's stamp duty exemption for the First Home Plus Scheme, which operates in New South Wales and applies to people purchasing their first home.

The scheme is a reflection of the Commonwealth Government's scheme which was implemented last year by the Howard Government to assist in stimulating the economy. This legislation will extend that scheme to stimulate the economy at a time of economic pressure because of difficulties in the building industry and similarly because the Australian economy is under pressure from overseas markets. This bill will correct a

number of anomalies between the State Government's scheme and the Commonwealth Government's scheme and make those schemes similar. Obviously, the Opposition supports such a sensible scheme.

This bill also seeks to amend legislation which relates to the imposition of payroll tax—an interesting proposition. The Treasurer would be aware that just yesterday the State Chamber of Commerce released a new study on payroll tax which revealed that more businesses were paying payroll tax because the payroll tax threshold had crept over the $600,000 mark. The chief executive of the State Chamber of Commerce said:

> Small and medium size businesses are suffering because of escalating payroll tax liabilities in New South Wales, with some firms paying up to 200 per cent more in payroll tax than they paid five years ago when the Government first came into office.

The Carr Government has shown very little interest in solving the payroll tax problem in New South Wales. Normally, payroll tax is an important factor in determining whether or not businesses are able to start and operate in New South Wales. Our payroll tax regime in New South Wales is a great deal higher than the tax regime in some other States. As a result, undoubtedly some businesses in the bush and in the suburbs of Sydney will go to other States. The Treasurer's response to the claims of the State Chamber of Commerce is fairly lame. He said:

> The payroll tax revenue collected by the New South Wales Government has increased over the last decade, rising from $2.3 billion in 1991-92 to $4 billion now.

Doubtless those figures will increase. At one stage the Treasurer promised to reduce the New South Wales payroll tax rate to 5 per cent to match the rate in Queensland. On many occasions he has been called on to account for making that promise in the media. He made a fairly lame response to those claims. On one occasion he said that he did not make the promise. I simply say to the Treasurer: Did you refute that statement when it was published? When we are misquoted in the media we all know that the only way to show that we did not make the comment in the first place is to counter the media report at the time. The Treasurer did not confront the newspaper journalist or the newspaper and state that he did not make that promise at the time. He has not taken any action to confront the journalist or the newspaper that published the report. He let the record stand until he was challenged by the Opposition.

The Treasurer tells us that he cannot afford to do anything about payroll tax and he claims that it would cost $700 million to implement that promise. The question I ask is: Where has the money gone that he has collected? According to the report of the State Chamber of Commerce, payroll tax has increased by billions of dollars during the time that this Government has been in office. Similarly, stamp duty taxes have increased, in some instances, by more than $1 billion above the figure for which the Government originally budgeted. Given that the Government's revenue is significantly greater than it was when it came to office, the Opposition asks: Where has that money gone? It certainly has not gone into improving services for people in New South Wales.

Our train services are no better and our hospital waiting lists are longer. Public schools are still not able to compete with private schools. We are still experiencing difficulties in relation to our roads. In some respects our public transport system—and I instance trains and ferries—is in chaos. Where has the money gone? The Treasurer has collected more than he needs to provide some payroll tax relief. He promised to provide $150 million in the forthcoming budget towards State taxes generally. That amount is a small drop in the bucket when we compare it with the money that he has collected in recent years. There are good reasons why the Treasurer must start thinking about doing something to stimulate small businesses in New South Wales.

Australian Bureau of Statistics figures for gross State product show that growth in New South Wales was only 3.7 per cent, which is well below the 4.6 per cent average for the rest of Australia. New South Wales employment figures fell by some 40,000 jobs in the last six months. Even the pre-Olympic stimulus has not lifted New South Wales from a fairly poor fifth when compared to growth in other States and Territories. For example, Queensland has a growth rate of 6.3 per cent, the Australian Capital Territory, 5.9 per cent; Victoria, 4.6 per cent; and Western Australia, 4.6 per cent. New South Wales is becoming a rust bucket State. We are in grave danger of halting the progress that we have achieved up until now.

The Treasurer, instead of amending legislation to make it more efficient to collect payroll tax, should think about ameliorating the tax burden for New South Wales businesses because some businesses are on the march to other States. As I said earlier, this bill is simply housekeeping legislation. The Opposition is of the view that it should be supported.

The Hon. M. R. EGAN (Treasurer, Minister for State Development, and Vice-President of the Executive Council [2.44 p.m.], in reply: I thank the Opposition for its support for the bill.

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 to 8 agreed to.

Schedule 1

The Hon. M. R. EGAN (Treasurer, Minister for State Development, and Vice-President of the Executive Council [2.46 p.m.], by leave: I move Government amendments Nos 1 and 2 in globo:

No. 1 Page 7, schedule 1 [7], lines 3-6. Omit all words on those lines. Insert instead:

71 Eligible persons

(1) A purchaser or transferee under an agreement or transfer may apply under the scheme, but will be eligible only if the purchaser or transferee has not at any time owned residential property in Australia (either solely or with someone else) that he or she occupied as his or her principal place of residence.

(2) If there is more than one purchaser or transferee under an agreement or transfer, they may apply under the scheme, but will be eligible only if at least one of them has not at any time owned residential property in Australia (either solely or with someone else) that he or she occupied as his or her principal place of residence.

No. 2 Page 7, schedule 1 [8], lines 9-22. Omit all words on those lines. Insert instead:

(3) A purchaser or transferee under an agreement or transfer is not eligible if the purchaser or transferee has previously been a party to an application under the scheme and the application was approved by the Chief Commissioner.

(4) If there is more than one purchaser or transferee under the agreement or transfer, the purchasers or transferees are not eligible if any one of them has previously been a party to an application under the scheme and the application was approved by the Chief Commissioner.

(5) Despite subsection (4), the Chief Commissioner may determine that the purchasers are eligible if the Chief Commissioner is satisfied that the purchaser who has previously been a party to an application under the scheme that was approved is acquiring an interest in the property that is the subject of the current application solely for the purpose of assisting the other purchaser or purchasers in financing the acquisition.

The purpose of these amendments is to ensure that people are not able to obtain the benefit of the First Home Plus Scheme more than once. As the bill was initially presented, or as it is in its current state, it would have precluded people who had previously been home buyers from obtaining a benefit under the First Home Plus Scheme. In other words, if a couple were purchasing a property and one of them had previously been a home owner, they would not be eligible for First Home Plus. Under the amendments that I am now moving they will be eligible, as long as they have not benefited from this scheme on a previous occasion.

The Hon. J. F. RYAN [2.48 p.m.]: The Opposition has only just seen the Government's amendments. It is interesting that the Government seeks to introduce amendments of this nature. The Treasurer has just given the Opposition an assurance that these amendments will make the First Home Plus Scheme more accessible than it was in the past. Given the complexity of these amendments, it is difficult for members of the Opposition to determine whether or not that is the case. If that is not the case, it will be on the Government's head.

Given that this is a Treasury bill, the Opposition will give the Government the benefit of the doubt. However, if the Government attempts within the next six months to amend this legislation it will be on its head. A lot of young people want to build houses and they want to start using the generous concessions being given to them by the Federal Government. If this legislation in any way prevents them from doing so because of some muck-up in the State it would not impress us at all. On this occasion we will agree to the Government's amendments.

The Hon. R. S. L. JONES [2.50 p.m.]: I regret that I was not able to be in the Chamber earlier to consider either the legislation or the amendments. I was not able to cross the picket line outside because of a strike by members of the Public Service Association. I chose not to come into the Chamber. Other members joined me in not coming into the Chamber because they are opposed to the workers compensation legislation. I was not able to be in the Chamber earlier and, regrettably, I have not had an opportunity to satisfactorily consider the legislation or the amendments. However, if there are problems in the future, I am sure that the Government will amend the legislation.

Reverend the Hon. F. J. NILE [2.51 p.m.]: In the view of the Christian Democratic Party the Government's amendments to the State Revenue Legislation Amendment Bill clarify those aspects of the legislation which deal with an eligible person. For that reason we believe that the amendments should be supported. The Christian Democratic Party supports the amendments.

The Hon. Dr A. CHESTERFIELD-EVANS [2.52 p.m.]: The Australian Democrats support the legislation and the amendments. This is a machinery bill and the Democrats have no problem with it.

Amendments agreed to.

Schedule 1 as amended agreed to.

Schedules 2 to 6 agreed to.

Title agreed to.

Bill reported from Committee with amendments and passed through remaining stages.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders

The Hon. I. COHEN [2.54 p.m.]: I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business, item No. 93 outside the Order of Precedence, relating to the censure of the Minister for Land and Water Conservation, be called on forthwith.

The House divided.

Ayes, 21

Mr Breen	Mr Gay	Ms Rhiannon
Dr Chesterfield-Evans	Mr Harwin	Mr Ryan
Mr Cohen	Mr R. S. L. Jones	Dr Wong
Mr Colless	Mr Lynn	
Mr Corbett	Reverend Nile	
Mrs Forsythe	Mrs Nile	*Tellers*
Mr Gallacher	Mr Oldfield	Mr Jobling
Miss Gardiner	Mr Pearce	Mr Moppett

Noes, 14

Ms Burnswoods	Mr Johnson	Mr Tsang
Mr Dyer	Mr M. I. Jones	Mr West
Mr Egan	Mr Kelly	*Tellers,*
Ms Fazio	Mr Obeid	Mr Primrose
Mr Hatzistergos	Ms Tebbutt	Ms Saffin

Pairs

Dr Pezzutti	Mr Della Bosca
Mr Samios	Mr Macdonald

Question resolved in the affirmative.

Motion agreed to.

Order of Business

Motion by the Hon. I. Cohen agreed to:

That Private Members' Business item No. 93 outside the Order of Precedence be called on forthwith.

MINISTER FOR LAND AND WATER CONSERVATION

Motion of Censure

The Hon. I. COHEN [3.02 p.m.]: I move:

That this House censures the Minister for Land and Water Conservation, the Hon. Richard Amery, for the following reasons:

(a) the decision to wind up the operations of the Hawkesbury Nepean Catchment Management Trust which was taken without any consultation or notice to Trustees,

(b) the Minister's failure to demonstrate any valid reason for his decision,

(c) his ignorance of the work and role of the Trust and the unique position it holds in catchment management in New South Wales,

(d) his failure to recognise the important role the Trust has assumed in catchment management nationally and internationally,

(e) his abrogation of responsibility for the principles that underpin sound and responsible land and water conservation,

(f) his failure to give direction for the future management of the catchment currently administered by the Trust despite the vital importance of the catchment for the people and environment of New South Wales,

(g) the decision to substantially wind back the support for essential catchment management work within the State which sends a clear message to catchment boards, land managers and the wider community that the Minister is no longer interested in the conservation of land and water for future generations,

(h) the Minister's contempt for the important work performed by many people in the community who have supported and participated in the catchment management activities of the Trust.

This censure motion of the Minister for Land and Water Conservation relating to the Hawkesbury-Nepean Catchment Management Trust is extremely important. The Hawkesbury-Nepean catchment is one of the most important river systems in Australia. The river is vital to the people of Sydney, for both environmental and economic reasons. I have been on that river. I have gone out on days organised by various groups in association with the Hawkesbury-Nepean Catchment Management Trust. It is a magnificent river and it is a magnificent day out. Many people from the west and north-west of Sydney are fervently involved with the maintenance of the catchment in that area. It is inspiring to be out on the river with that community. It is impossible to deny that at present the river is severely stressed and is in a state of very poor health. It is hanging by a lifeline. One of the components of the lifeline is the Hawkesbury-Nepean Catchment Management Trust.

The trust has done excellent work in that area. Its establishment in 1993 was supported by many different groups in the community and by all political parties. The trust was given important responsibilities for the management of the catchment. This is a massive task covering an area of some 12,000 square kilometres and involving co-ordination of more than 400 organisations, including government agencies, community groups and local councils. The impressive work of the trust is so substantial that I can mention only a few examples to the House. I draw the attention of the House to a wonderful magazine, one of the pieces of material put out regularly by the organisation, the *riverpost*. Honourable members will see in it pictures of schoolchildren, winners of a competition organised within the community, going right through the education system, all part of involving the community in the concept of protecting this very special and vital waterway.

I raise this issue because the trust's main job is not digging holes in the ground or even planting trees; it is to administer communication throughout the community, to work with different government agencies and to operate as a facilitater to get adequate processes afoot to help maintain this vital catchment for Sydney. An article called "In the Flow" under the heading "In search of cleaner waterways" in the *riverpost* states:

> Newer research into catchment claims to trace the source of faecal pollution at two popular recreational waterways—Wentworth Falls Lake and the Hawkesbury River at Macquarie Park (Windsor). Both are well-known for poor water quality.
>
> In recent months the Trust has been collecting water samples from the two sites for the CSIRO to test and match with known sterol fingerprints. Sampling takes place in both wet weather and dry periods.
>
> It's hoped that results of these tests will show the proportion of waste from various species in the waterways so that the major source of faecal pollution can be identified.
>
> Once this data has been established, appropriate management steps can be taken to reduce the pollution.

The article goes on to talk about the Currans Hill Lake community day. It states:

> To coincide with the year's second Clean-Up Australia Day on August 13, a community day will be held in Currans Hill in Sedgewick Reserve.
>
> Narellan Creek flows into a lake there which is choked by the noxious salvinia weed.
>
> Residents are very concerned about the aesthetics of the lake, and the Trust aims to foster interest in catchment management and water quality.

The article has this to say about the vision of a great river walk:

> … the proposed 600-kilometre Great River Walk along the Hawkesbury Nepean River is likely to become a major attraction for tourists and local residents.
>
> Currently in the planning stages, The Great River Walk begins south of Goulburn at the river's source and ends at Broken Bay …
>
> The trail will focus on Aboriginal heritage and culture, colonial exploration, early settlement, remnant bushland and farms. It will create a focal point for educating the community about values of the river as well as catchment uses …
>
> A steering committee has been established to oversee the project and includes a range of stakeholders and is supported by the Hawkesbury Nepean Catchment Management Trust. The Trust has appointed a part-time project officer to promote the concept, develop partnerships and sponsorship as well as to initiate pilot projects.

Only a week ago the Minister for the Environment made a significant grant to the trust for a stormwater education program. Last month the Government issued a statement of joint intent that directs key agencies and the trust to implement a range of significant actions resulting from the Healthy Rivers Commission inquiry. The statement of joint intent was approved by the Cabinet standing committee on the environment. It set down a very significant role for the trust, including the development and oversight of a strategic plan managing the lower catchment of the river. I refer to the background paper dated June 2000 of the Strategic Plan for the Management of the Hawkesbury Lower-Nepean Catchment. It states:

> A Strategic Plan is being prepared to enable better coordination. The Strategic Plan covers the area shown on the map below. The area is about 12,000 km^2.
>
> The Strategic Plan will provide guidance to all that use and enjoy the catchment and river system. In particular, it will identify actions for government agencies and local councils responsible for management of the catchment.

The trust is vital to establish that point of communication with the community and government organisations. More than 400 organisations, government agencies, local councils, community groups and business groups are involved in some aspect of the management of the Hawkesbury-Nepean Catchment Management Trust. The list of organisations in this magazine is long and very impressive. If the trust is wound up and there is no independent body to oversee implementation of the plan, implementation of the Healthy Rivers Commission recommendations will be in jeopardy. Yesterday, in response to a question in the other place, the Premier accused the trust of financial mismanagement and failure to perform environmental restoration works. His accusations were spurious and misleading.

The trust is a co-ordinating body; it is not responsible for carrying out these works. It exists simply to facilitate actions by other government agencies, community groups and the private sector. It has had outstanding success with this huge task. To do this work, the trust employs approximately 70 staff who go out in the community. I was concerned to find that in answer to a question from the Leader of the Opposition, Kerry Chikarovski, Premier Carr condemned the trust's activities. He said that the trust has an annual budget of $3.588 million and also draws money from the Natural Heritage Fund, local councils and other sources. He further said that the total budget reaches $4 million to $5 million a year, amounting to $28.7 million for the period 1993 to 2001. In 1999-2000 the trust spent just under $69,000 on grants for actual on-ground works. Out of a budget of millions of dollars, the trust spent only $69,000 on on-ground works.

The Premier is targeting the trust, saying that it has not spent enough on on-ground works. However, it is clear that the trust should not be undertaking on-ground works. The trust is spending $105,000 on education. What is wrong with that? The Premier has condemned the Chief Executive Officer, Mr Davies, for receiving a wage equivalent to the wage he received when he was employed by the Department of Land and Water Conservation. It was incumbent on the trust to pay that wage to employ Mr Davies, who has management of a considerable staff. Mr Davies is working on a broad spectrum of issues, and he is receiving a reasonable wage for the job he is doing. Also, the chair of the trust receives an allowance of $30,000 a year, plus a car. He drives many hundreds of thousands of miles each year to undertake the job at hand. The trust employs about 20 staff and has a budget of $7 million.

However, the Premier, who is at odds with his environment Minister, condemned the trust, which carries out an effective role. The trust raises community awareness and co-ordinates activities. It must prepare a

strategic plan, review the plan annually, co-ordinate implementation of the plan and consult government agencies. That is where the money and the effort are going, and it is reasonable for the trust to go in that direction. The trust has about 7,000 volunteers working on activities. If their work is calculated at a value of $15 an hour, we get considerable effort and value for money in regard to the functioning of the trust. The academics and professors who work as volunteers could command salaries of about $200 an hour, yet they are working for nothing for the trust, which is supporting, and is supported by, the community. The trust has placed itself in a foremost position both nationally and internationally in respect of catchment management.

I turn now to the Minister's ridiculous proposition. If the trust must undertake more on-ground works, the regulation under which the trust was established must be amended. And the regulation was set down by this Government. On-ground works are undertaken by the Environment Protection Authority, Sydney Water, the National Parks and Wildlife Service, local councils and the Department of Urban Affairs and Planning. The trust has never sought to do this work; it is the role of those government instrumentalities. The trust is simply doing vital work to deal with a river in crisis. It also receive a huge amount of support from people who have provided voluntary assistance for those trust projects.

People have devoted thousands of hours of unpaid community work to the trust's activities. The Government is showing utter contempt for the efforts of these people if it does not acknowledge that the trust plays a vital role in rostering and fostering the activities of those people. The Minister has not provided them with a proper explanation for his decision. Until the Minister's announcement last Friday, the political and community support for the work of the trust seemed secure. Today is simply the start of a long campaign to overturn this ridiculous situation. I have received a letter from Riverwatch, in which the proponents of Riverwatch call on the people to act against the closure of the trust. The letter states:

> The clock is being turned back 50 years by an action which shows total contempt for the aspirations and efforts of the community, as well as for the dedicated work of the staff of the Trust and the Trust Board.

The letter further states:

> We can have no confidence in the capacity of the Department of Land and Water Conservation to fill the gap that will be left by the Trust. We have only to look at the Department's sorry record in protecting native vegetation. It has been alleged that the 1997 *Native Vegetation Conservation Act* has been breached more than 380 times yet DLWC has failed to mount a single prosecution. Who would want to entrust the future of the River to their hands?
>
> Here are some of the reasons why the Trust must continue.
>
> --- Unlike government agencies such as DLWC, it is an independent body which can recommend policies and actions and be critical of the policies and actions (or inactions) of others without fear or favour.
>
> --- It has worked closely with local councils to assist with the implementation of REP 20 and the delivery of a variety of on-ground projects.
>
> --- It has developed a national and international reputation in the field of catchment management and provides a successful model for similar bodies to adopt.
>
> --- It has just completed a uniquely comprehensive Strategic Plan for managing the River system and has been given the role by the Government of monitoring and auditing the implementation of the Plan.
>
> --- It has established a close working relationship with the community which is highly valued by the latter; unlike government agencies, people feel that they are in a genuine partnership with the Trust.
>
> --- It has made important contributions to planning decisions within the catchment.
>
> --- It has assembled a small team of expert staff dedicated to the task of returning the catchment to a healthy state.
>
> --- It has a budget of less than $4m, a very modest sum given the size and complexity of the catchment. The quality of its work has attracted grants of more than $7m from a range of other bodies: A remarkable achievement and a tribute to the high standing of the Trust.
>
> --- It has taken a great deal off weight of the shoulders of community groups such as THREPS: If the Trust disappears it will once again be entirely up to community groups, with their very limited resources, to do battle on behalf of the River.
>
> --- Above all, it speaks with a single voice as a protector of and advocate for the River system and its environs: This never happened before and will be silenced if the Trust goes.

It must be remembered that the Minister has simply announced that the trust will be disbanded. The trust was established under a regulation and, therefore, cannot be disbanded without repeal of the regulation. The Greens will continue to work in this place and with the community to secure the future work of this important body. I

commend my motion to the House. How much did it cost the Government and the community to produce the final report relating to the independent inquiry into the Hawkesbury-Nepean river system dated August 1998? Does the decision mean that such investigations and studies will simply go to waste? That is what will happen if the Government achieves its move to disband the trust, and that will be a great shame.

As honourable members know well, the Government is undertaking conservation initiatives and working for the betterment of our environment. My colleague Ms Lee Rhiannon and I support that. However, at the same time, the Government is acting in a reactive way against legitimate environmental projects. If the Government disbands a trust of such high order in our community it deserves the condemnation of all independent-minded members of this House in respect of its so-called green credentials. I commend the Greens' motion to the House.

The Hon. E. M. OBEID (Minister for Mineral Resources, and Minister for Fisheries) [3.19 p.m.]: I speak today in defence of my ministerial colleague the Minister for Agriculture, and Minister for Land and Water Conservation, Richard Amery. Honourable members may be aware that last Friday, 6 April, the Minister announced changes to the management of part of the Hawkesbury-Nepean catchment. He announced that the work of the Hawkesbury-Nepean Catchment Management Trust would be integrated into the Department of Land and Water Conservation [DLWC]. This will ensure a more cost-effective approach to administrative arrangements for the river system. It will free up money for on-ground works.

Since its inception in 1993 the trust has done a good job, but its focus has been on community education, strategic planning and the development of publications. The department has been providing the trust with an annual budget of $3.588 million. The trust also draws money from the Natural Heritage Trust Fund, local councils and other sources. Its total budget therefore reaches between $4 million to $5 million a year, which has amounted to approximately $28.7 million from the financial year 1993-94 until now. But in 1999-2000 the trust spent just $69,285 on grants for actual on-ground works. I think that many members of the local community may agree with me when I say I do not regard that as value for money.

The majority of the trust's income—about 60 per cent in 1999-2000—was spent on salaries and wages. The chief executive officer was earning more than $130,000 a year and the chairman was receiving an allowance of $30,000 a year, plus a car. Ten of the other 19 trustees were also excepting annual sitting fees of $5,897. I cite some figures from the 1999-2000 annual report of the trust: $78,654 was spent on rent; $38,310 was spent on cleaning; $31,400 was spent on postage; $69,834 was spent on meetings; $37,033 was spent on insurance; and $23,936 was spent on publications. Those figures should be compared with the fairly modest sum spent on grants for actual on-ground works in 1999-2000, which was just $69,285.

Recently the trust requested an increas in its funding of $600,000 to pay for increases in salaries and other operational costs. Planning and publications are all very well, but now it is time to move on and actually implement more of those plans. This Government can implement those plans effectively without the need for another layer of bureaucracy. Let me assure all honourable members that there is no reduction in the commitment by this Government to managing the health of the Hawkesbury-Nepean river system. Not only is the Department of Land and Water Conservation continuing to do extensive work in the valley, but also it was a major player in some of the trust's work on sediment control and stream bank erosion along the river. Sydney Water is also working to improve water treatment plants in the area. The Sydney Catchment Authority is aiming to improve water management and quality in the Hawkesbury-Nepean valley.

The Environment Protection Authority provides grants to local councils for stormwater management. The Department of Urban Affairs and Planning is working on local planning issues impacting on the Hawkesbury-Nepean valley. New South Wales Agriculture is working with farmers to improve irrigation practices and other sustainable farming methods. Several other organisations have also been established to involve the community in the management of the Hawkesbury-Nepean. A Hawkesbury-Nepean reference panel has been established as a joint venture of local councils, industry groups and the State Government. This will work to ensure that on-ground remediation activities are carried out in priority areas in the valley and to ensure that the joint venture focuses on natural resources through stream bank revegetation, gross pollutant traps and other measures.

The Hawkesbury-Nepean forum has also been established to advise the Government on environmental flow rules for the river system. Also, the Coxs River Catchment Management Committee, the Coxs Water Committee and the Wollondilly Catchment Management Committee are looking after their respective sections of the valley. In conclusion, I assure the House that on-ground activities to which the trust has been committed

will be honoured. That includes projects funded under the Natural Heritage Trust and State and local governments, as well as private enterprise sponsorship and support for important community programs. All current trust staff will be allocated to relevant Department of Land and Water Conservation programs to enable their work to continue. These new arrangements went to the Executive Council yesterday and will become effective from the publication of the proclamation in the *Government Gazette*.

The Hon. D. J. GAY (Deputy Leader of the Opposition) [3.25 p.m.]: I support the motion before the House. I indicate that the Hon. J. F. Ryan has the carriage of this debate for the Opposition: Because of time constraints, he has allowed me to speak first. I indicate that it was not a difficult decision for the Opposition to support this motion, nor was support from the Opposition arranged by deals or anything else. The Opposition took an instant decision because that was the right thing to do. For me to be the first member for the Opposition to speak in support of a motion moved by the Hon. I. Cohen is not unheard of, but it is unusual. I do so because I regard this motion as very proper and one that should be supported. That is why I have asked to be able to stand in this Chamber and support it.

Frankly, the Hon. I. Cohen tested the Opposition's ability to support the motion because he was trying to be all things to all people. He was not in the House to move the motion earlier today because he was out playing games with picket lines. But the moral is that, even though the Opposition had to make a difficult choice whether to support the motion being called on, frankly, when it is the right type of issue to discuss there is really no choice. If honourable members vote strictly on the merits of issues, Parliament will continue to do the right thing by the people of this State. It is quite clear that what the Government has done in this situation is just appalling.

As I indicated earlier, the Opposition's support for the motion moved by the Hon. I. Cohen is an unusual situation, but it is not one with which I am at all uncomfortable, bearing in mind that the honourable member for Hawkesbury has moved a similar motion in another place. This Government should be squirming. Earlier it said it is unassailable at the polls, but any government as arrogant as this Government is certainly assailable at the polls. As one of my colleagues indicated earlier today, governments lose as often as oppositions win. Taking into account the degree of arrogance exhibited by this Government in its treatment of the Parliament and the people of New South Wales recently, which is highlighted by its actions addressed in this motion, I believe that this is the first stage of this Government's departure from the Treasury benches.

The Hon. J. F. RYAN [3.28 p.m.]: The House is debating a motion relating to one of the most disgusting acts of the Carr Government this year. This Government has dispatched without trial one of the icons of western Sydney, the Hawkesbury-Nepean Catchment Management Trust. The trust was one of the proud achievements of the 1993 Coalition Government and very much the life work of my colleague in another place the honourable member for Hawkesbury. The trust changed the environmental face of western Sydney. People throughout New South Wales, certainly those in western Sydney, were accustomed to headlines about algal outbreaks closing the Hawkesbury River to swimming, and to reports indicating that toxic metals were filling the Hawkesbury River almost to the point at which they could be mined.

Similarly other very damning reports stated that the river was full of such parasites as giardia and cryptosporidium. This was the state of the river. But it was changing, partly because of the work of the Hawkesbury-Nepean Catchment Management Trust. The fact that the Government had to dispatch the trust without any consultation is an indication that the Government expected that there would be strong and deep community reaction to its decision. This was not going to be a popular decision otherwise the Government would have given notice of in advance to give the community an opportunity to speak to it.

The Government has smeared the work of the trust—the Premier did so in the lower House and the Minister for Mineral Resources, and Minister for Fisheries did so in this place a moment ago—by saying it does not do anything on-ground river works. I dare them to test that in the community. There are very few people in the community of Western Sydney who have not seen the stormwater mapping plan, or at least the outward face of the storm water mapping plan, with signs all over drains warning people that everything that they put in their gardens, in their gutters and on council strips outside their homes winds up in our rivers. The trust has changed public thinking that everything that runs off our gardens and away from our homes runs into our rivers and destroys them. That could never have been replicated by any government departments; no government department could have done what the Hawkesbury-Nepean Catchment Management Trust has done.

When the Hawkesbury-Nepean Catchment Management Trust was first established it did not have a great deal of support in local government. Local government distrusted it because first of all it was not

represented on the trust; there was a great deal of community concern because local government was not a part of the Trust. I have no doubt that in all those councils that are not dominated by the Australian Labor Party motions of urgency will be passed supporting the Hawkesbury-Nepean Catchment Management Trust and condemning the Carr Labor Government for its actions. This matter has been quite rightly brought before the House urgently because it has arisen urgently, without any warning at all. The trust has been such an important icon of Western Sydney that it would be totally inappropriate for its fate not to be debated in the Parliament this week.

Yesterday the Premier smeared the work of the Hawkesbury-Nepean Catchment Management Trust by claiming that it spent only $69,000 out of a budget of $5 million on direct river works. The Minister today attempted to explain that allegation. The Government has said that of the $5 million that is not spent on on-river works almost $2 million was allocated by the Federal Government for on-river works as part of a National Heritage Trust. That money is certainly not spent on meetings and salaries; it is used for such things as Streamwatch and land care projects that are very much in-river and on-river programs. An impressive list of programs dealing directly with the river and its water quality have been carried out by the trust. The Premier either does not understand that or has failed to acknowledge that they are an important part of the work of the trust.

In the past year or so about half the budget of the Hawkesbury-Nepean Catchment Management Trust has been spent on direct river care works for the benefit of the river. The trust pays its way by attracting additional resources—resources that would not be donated to a government department. I am sure that no government department could find 5,000 volunteers to provide their time free of charge for river bank improvement schemes, for land care or bush care groups or for Streamwatch programs. When the Hawkesbury-Nepean Catchment Management Trust was first established it inherited 35 Streamwatch groups. That number has been boosted to 160. About 30 per cent of the entire State's Streamwatch program is fostered by the independent Hawkesbury-Nepean Catchment Management Trust. I can well imagine a competition between a government department and an independent trust. The independent trust has built up an army of 160 groups; the other Streamwatch groups are fostered by what the Government has left. There is little doubt that the credibility and profile of the Hawkesbury-Nepean Catchment Management Trust has helped it achieve such an impressive record.

In addition, the trust has achieved millions of dollars worth of in-kind improvements as a result of donations from private industry in support of the river. It has changed the behaviour of people to the river. Government departments could never do that. Governments can only achieve such a change in behaviour by heavy-handed draconian laws to fine and regulate people. The Hawkesbury-Nepean Catchment Management Trust has been able to bring together councils, industry and community groups to improve a river that the community believes it owns. The Government is trying to take over the river so that it will become another plank of government. If that is done people will lose the enthusiasm for the river that they have had up until now.

The Hawkesbury-Nepean Catchment Management Trust has attracted $3.7 million worth of external funds—money that has not come from the government purse. The State Government may believe that it will save the $130,000 a year on the odd salary or motor vehicle and so on, but it will lose this other funding, donations and effort that comes from the community, the members of which will say, "It is no longer our trust that is looking after our river, it is some group of bureaucrats employed by a government department, distant from the public, which is forcing us to take action." Additionally, I simply point out that many of the councils in Western Sydney are controlled by the Australian Labor Party. I can imagine the pressure that those councillors will be under when the Minister responsible for the Department of Land and Water Conservation, who currently represents the Australian Labor Party, tells those councillors that they are not to treat the Hawkesbury-Nepean river system in a certain way because the Government does not have the money to fund it. They will be closed down and made quiet. There will not be the independence that the Hawkesbury-Nepean Catchment Management Trust has been able to muster. It was regarded as the independent watchdog of behaviour in its catchment, making sure that the river was improving.

The Hawkesbury-Nepean Catchment Management Trust has mustered of the order of 7,000 volunteers through more than 369 land care and bush care groups. No government department could achieve anything like that. The Premier has attempted to criticise the trust for a lack of direct on-ground projects. I will name a few of those projects, which certainly cost much more than $69,000: the river bank management program; the stormwater system that the trust implements in conjuction with councils; industry-focused erosion and sediment control; the Streamwatch network; and the Cattai headwaters project; land care coordination; the Cattai Creek

willows eradication project. The willow trees that used to be up and down the banks the Hawkesbury River are largely disappearing. The trust is actually funding on-ground work in that regard, and it is delivering improvements. Field days have been conducted to encourage small farms to change their farming practices and institute land care practices. What is not so well know about western Sydney is that a great deal of the food and produce consumed by the Sydney and New South Wales markets comes from western Sydney farms. They have a very significant impact on the quality of the Hawkesbury-Nepean River.

Without the bully-boy tactics of government, the Hawkesbury Nepean Catchment Management Trust has been able to change, willingly, the habits of local farmers close to the river to improve the quality of the river. It has been responsible for monitoring recreational water quality. Western Sydney councils would be lost without the trust's manual relating to state of the environment reporting for local councils, which is one of the requirements that have been placed on local councils. The trust has been assisting local councils in that important area to tell the public about their local environment. The Government has not provided the assistance to councils that the trust has provided. The trust's manual is used not only by many Western Sydney councils; it has also received national and international attention as a means for helping councils meet their obligations.

There is little doubt that the people of western Sydney, when they discover that their trust is gone, will punish the Australian Labor Party for its arrogance and ham-fisted attempt to grab a $3 million budget, which may or may not be spent on the river. It appears that the Government has said that all public servants currently employed by the catchment management trust will be employed in other places. So it seems that there will not be the savings to which the Minister referred because that money will be spent within government departments. Lost will be the co-operation that has come from people working together with the trust in order to improve a local environment.

Getting people to change their habits to reduce impacts on the environment is a priceless change that governments have a great deal of difficulty achieving. Unless we get people to change their habits, we will not be able to pay for environmental improvements that could have been produced by encouraging people to change their habits. For example, I know that many more people wash their cars on grass council strips, using less detergent to do so—detergent that used to be poured down drains—as a result of being educated by the Hawkesbury Nepean Catchment Management Trust. I concede that the Government produced and distributed the fliers, but level of attention and degree of credibility that was given to the advice in those flies was achieved because this was an initiative of a local trust supported by local volunteers and community leaders.

This has been a bit like the very successful Clean up Australia campaign organised by Ian Kiernan. These sorts of achievements involving the public rarely come from the efforts of government. More often than not they derive from bodies such as the Hawkesbury-Nepean Catchment Management Trust, which the Opposition strongly supports. We believe the Government's action is utterly scandalous. The decision was executed without trial. The Government gave no public notice of its intention and ought to be condemned for that. No doubt it will be suggested that the terms of this motion are too strong. Western Sydney people would say that the motion is not strong enough. As a resident of western Sydney, I know the trust to be an icon of western Sydney and a body that is very much respected in the homes and neighbourhoods of western Sydney. The trust will be missed, and the Labor Party will, and should, be punished for abolishing the trust.

If I may speculate for a moment. The Labor Party takes western Sydney very much for granted. Mr Paul Gibson from the other place apparently tipped a bucket on the Premier the other day. I understand that at a party meeting he criticised the Government for gutting the Parramatta to Chatswood rail link proposal, pointing out how that punished western Sydney. One hopes he will tip a bucket on the Government for abolishing this trust, a body that is close to his electorate. I call on Labor Party members who represent western Sydney electorates to stand up in the party room and defend a well-supported and much-valued community environment program, which has been without equal in terms of its ability to achieve good outcomes for the environment. I wholeheartedly commend the motion.

The Hon. P. J. BREEN [3.42 p.m.]: I noted that the Hon. J. F. Ryan suggested that some would think this motion is not strong enough. I have to say that others are concerned about the emphasis on the question of censure and other strong language used in the motion. So, whilst in general terms I support the motion in respect of the Hawkesbury-Nepean Catchment Management Trust, I seek to amend the motion as follows. I move:

That the question be amended as follows:

No. 1 Paragraph 1. Omit "censure", insert instead "expresses grave disappointment in".

No. 2 Paragraph 1 (c). Omit "ignorance of", insert instead "failure to recognise".

No. 3 Paragraph 1(e). Omit "abrogation of responsibility for", insert instead "failure to uphold".

No. 4 Paragraph 1 (g). Omit "to" after the words "the decision", insert instead "will".

No. 5 Paragraph 1 (g). Omit "which sends", insert instead "and send".

No. 6 Insert after paragraph 1 (h):

2. That this House urges the Minister to reconsider the decision referred to in paragraph 1 (a) as a matter of urgency.

The purpose in moving the amendment—apart from any question of getting support for the motion—is to indicate to the Minister that his decision is one that can be, and ought to be, revised. None of what has been done is set in concrete. In view of the impact of the Government proposal, which has been explained admirably by the Hon. J. F. Ryan, the Minister ought to reconsider his position. I am concerned at the apparent lack of consultation undertaken to date by Minister Amery, not only with his own party but also with the general community. Alarmingly, it seems he did not even consult the trust members themselves before making the decision to close down the trust and transfer its powers and responsibilities to the Department of Land and Water Conservation. Trustees have publicly maintained their position that the trust's current structure is by far the most effective means of providing catchment management from a community-based model.

As I said in the House only last night, I had my own experience with the Southern Sydney Catchment Management Trust just last weekend. I know from that experience the important work of organisations such as the Hawkesbury-Nepean Catchment Management Trust. Contrary to the Premier's comments in the Legislative Assembly yesterday, the trust has initiated a wide variety of on-ground catchment management activities. Those activities were listed by the Hon. J. F. Ryan. I can only emphasise that the activities in that list account for half of the trust's budget. In other words, half of the trust's budget is being spent on river care projects. The examples listed by the Hon. J. F. Ryan confirmed the good work that the trust is doing.

The trust has also played a major role in promoting catchment management issues through its development of community and government partnerships. One fine example was the recently issued Government Statement of Joint Intent. That document, approved by the Cabinet Standing Committee on the Environment, was borne out of the Healthy Rivers Commission inquiry, which examined the situation facing the Hawkesbury-Nepean rivers system. In effect, the Government directed key agencies and the trust to follow through on important proposals arising out of the inquiry, and set down a very significant role for the trust in the development and oversight of a strategic plan for managing the lower Hawkesbury-Nepean rivers system.

Interestingly, concerns about the trust's performance or its ability to manage this plan were not raised. As trust chair, John Klem, stated, it is difficult to reconcile this continuing role and vision for the trust with Minister Amery's subsequent actions in disbanding the body. It is also difficult to reconcile the Minister's action with that of his colleagues, such as the Minister for the environment, Mr Bob Debus, who granted a substantial amount of money to the trust for a stormwater education program only one week ago. Why has the Minister now decided to close the trust down? Why too has the Premier supported him in this move by making adverse comments about the trust in response to a question from the Leader of the Opposition, Mrs Chikarovski? The Premier's comments about inappropriate use of moneys—particularly the allegation that as much money was spent on meetings and trust bureaucracy as on actually alleviating the rivers' plight—is strongly disputed by the trustees.

I believe it is significant that the body has received strong support from a wide cross-section of the community. Bodies such as the Nature Conservation Council, which is familiar with the trust's reputation and activities, has declared the body to be "a model for community-based land and water management" and "an outstanding advocate". The Western Sydney Regional Organisation of Councils has also lent its support to the trust and has called on the Government to continue trust operations. The Local Government Association executive unanimously resolved to support the Hawkesbury-Nepean Catchment Management Trust and noted the "significant contribution and assistance to Local Government within the Trust region."

An independent community voice is vitally needed to ensure adequate protection for the river and catchment river system. The trust is credited with raising awareness of the issues affecting river management far more effectively than government bodies have been able to do. So successful is the trust that Federal Government support has been attracted to various trust projects, and the Federal Government assisted in the maintenance of the river because of the effectiveness of the trust and its operations. As the Hon. J. F. Ryan pointed out, that funding will be lost once the trust is disbanded. The Nature Conservation Council has said:

> the Hawkesbury-Nepean Catchment Management Trust is an icon for community ownership and management of their catchment. The Trust doubled their $3.5 million revenue by attracting over $7 million in total from the Federal Government, independent trusts and community support.

Seven million dollars is an extraordinary amount of money to have suddenly wasted by the disbanding of the trust. The council continued:

> To assume that the Department of Land and Water Conservation can fill the Trust's shoes is arrogant and will not be welcomed by the community.

The idea that a government organisation can attract such funding, as opposed to what a community group can do, is absolutely laughable. I support the amended motion and ask other members of the House to support the carriage of it as it is a critical aspect in the management of the Hawkesbury-Nepean Catchment Management Trust.

The Hon. A. G. CORBETT [3.51 p.m.]: I support the motion put forward by the Hon. Ian Cohen on behalf of the Greens and express my extreme disappointment and dismay at Minister Amery's decision to wind up the Hawkesbury-Nepean Catchment Management Trust Members should be aware that the catchment in question supplies the drinking water for Sydney—hardly a trivial affair. The trust was established in 1993 in response to the significant environmental decline of the Hawkesbury-Nepean river system and the continued desires of the community to do something to save their river system, which has been subjected to years of inappropriate management by successive governments.

The trust has a significant record of achievement for its efforts over the past seven years. It is therefore outrageous that the Minister would so cynically dismantle a trust that is performing exceptionally well and has the full support of the community. In a press release dated 6 April the Minister stated:

> [It is] timely that this change occurs now as Chief Executive Officer, Peter Davey, has signalled his intention to resign and move on.

That is a disgraceful statement for the Minister to make. The two events should not be connected at all, as Peter Davey was resigning for personal reasons. Peter Davey has stated he resents this reference by the Minister, and has since withdrawn his proposed resignation, which the trust has unanimously accepted. The reason given by the Minister for abolishing the trust is that he was "looking to implement more cost-effective administrative arrangements for the river system, which will free up additional money for on-grounds works". According to the trust's chair, John Klem, the trust already runs a lean and efficient operation, with the vast majority of funds being directed to projects that are making a real difference to the health of the catchment and the way it is managed.

The trust has managed to double its $3.5 million revenue by attracting more than $7 million from the Federal Government, independent trusts and community support. Only a few weeks ago the Minister for the Environment expressed his confidence in the trust by allocating $112,000 to it to be used for a stormwater education program. The question must be asked: What will be the cost of dismantling the trust and absorbing it into the Department of Land and Water Conservation? What costs will be borne through the loss of financial and in-kind contributions from the community and industry groups that support the trust and most likely will not have the same affinity for a government department that is notorious for its inaction in some areas of environmental protection such as native vegetation clearance?

The trust has been working successfully in partnership with the community, including individuals, councils, residents, farmers, tourism operators, industry, State and Federal Government authorities, community groups, environment groups and sporting clubs, to protect and restore what is, after all, the catchment area for Sydney. The absence of the trust will mean that the lower Hawkesbury-Nepean Valley will be the only area in New South Wales in which the community will not be involved in total catchment management. Is this the first of a series of closures the community can expect? The catchment is extremely important in its biological diversity, ecology, fisheries and recreational opportunities. More than half the Hawkesbury-Nepean catchment is bushland that provides critical habitat for native flora and fauna.

The river also still floods, and this affects many downstream properties. Hence flood mitigation is a vital aspect of the trust's functions. It is essential that the catchment be managed in a holistic way and not be fragmented to different sections within a department where it is likely that the left hand would not have a clue what the right hand is doing. The whole point of total catchment management is the establishment of community linkages at the local level to facilitate a co-ordinated approach to protecting the environment in the geographic catchment areas, rather than on an administrative basis.

Relocating staff to the Department of Land and Water Conservation undermines the whole philosophy and purpose of total catchment management, and makes the task of protecting and restoring a degraded catchment even more difficult. The theme of the trust is "Healing the Hawkesbury-Nepean Together". But there is no togetherness expressed in the Minister's actions. It takes many years to establish linkages within the community, and one cannot put a price on what will be lost in terms of volunteers and goodwill in the community.

The Minister refers to the Hawkesbury-Nepean Forum, which will take up some of the functions of the trust. But this forum has not even met yet! The Minister's actions will only serve to hamper any environmental and community gains, which will be at enormous cost to the environmental health of the Hawkesbury-Nepean catchment, which is under considerable stress from land clearing, pesticide pollution, salinity problems, diminishing biodiversity, declining water quality and sewage run-off. I have even heard of plans afoot to intensively trial genetically engineered crops in the region, which concerns me enormously. I call on the Premier and the Minister to restore the trust to ensure that its good work can continue.

The Hon. R. S. L. JONES [3.55 p.m.]: I regard this as one of the most outrageous and stupid decisions ever made by the Minister for Land and Water Conservation. It absolutely astounds me that the Minister thinks he can get away with abolishing the Hawkesbury-Nepean Catchment Management Trust without any fall-out. The trust was set up in 1993, after considerable community discussion, under the Catchment Management Act. There is a multitude of good reasons for the existence of the trust, and these are laid out in a Riverwatch publication which was issued in the last couple of days. Riverwatch says that, unlike government agencies such as the Department of Land and Water Conservation, the trust is an independent body that can recommend policies and actions and be critical of the policies and actions, or inactions, of others without fear or favour—which, of course, a government body cannot and will not do. The trust has worked closely with local councils to assist in the implementation of regional environmental plan 20 and the delivery of a variety of on-ground projects.

In its publication Riverwatch further states that the trust has developed a national and international reputation in the field of catchment management, and provides a successful model for similar bodies to adopt. It has just completed a uniquely comprehensive strategic plan for managing the river system and has been given the role by the Government of monitoring and auditing the implementation of the plan. It has established a close working relationship with the community, and this is highly valued by the latter; unlike government agencies, people feel that they are in a genuine partnership with the trust. I understand that 7,000 volunteers are working with the trust. There is no way that even a dozen of those 7,000 volunteers will work with the Department of Land and Water Conservation, because they have no ownership.

The Hon. I. Cohen: Can you imagine the department getting those people?

The Hon. R. S. L. JONES: The department has no hope of getting those volunteers. Riverwatch further states that the trust has made important contributions to planning decisions within the catchment. It has assembled a small team of expert staff dedicated to the task of returning the catchment to a healthy state. It has a budget of less than $4 million, which is a very modest sum given the size and complexity of the catchment. The quality of its work has attracted grants of more than $7 million from a range of other bodies, which is a remarkable achievement and a tribute to the high standing of the trust in the community, and with the Federal Government and formerly with the State Government. It has taken a great deal of weight off the shoulders of community groups such as the Hawkesbury River Environment Protection Society [THREPS]. If the trust disappears, it will once again be entirely up to community groups, with their very limited resources, to do battle on behalf of the river.

Above all, the trust speaks with a single voice as a protector of and advocate for the river system and its environs. This has never happened before, and it will be silenced if the trust goes. In my opinion—and, I suggest, the opinion of the majority of members of this House—it is absolutely outrageous that the trust should be abolished by the Minister with no consultation whatsoever with the community, the trust or the people of western Sydney. I believe that the Government will deeply regret its decision, which is a slap in the face for the people of western Sydney. The Government has taken the people of western Sydney for granted. I do not believe it can do that. The people of western Sydney should be up in arms about this outrageous decision by the Minister, and also about the attack by the Premier in the other place yesterday.

The Hon. I. M. Macdonald: Is that right?

The Hon. R. S. L. JONES: The Hon. I. M. Macdonald asks whether that is right. It is right, as he will find out. I wish to amend the amendments of the Hon. P. J. Breen in the following terms. I move:

No. 1 Amendment No—Omit "expresses grave disappointment in", insert instead "condemns".

No. 2 Amendment No. 6—Omit "reconsider the decision referred to in paragraph 1 (a) as a matter of urgency", insert instead "take steps to reconsider the decision taken by the Executive Council".

The Premier and the Minister failed to realise that the catchment of the Hawkesbury-Nepean covers some 22,000 kilometres in the Sydney Basin. It is a gigantic area. These 7,000 volunteers work throughout that area. There has been widespread concern about the environmental decline of the Hawkesbury-Nepean River system and its catchment. That is what led to the formation of the trust in the first place. The trust was formed by the regulation of the Catchment Management Act 1989 and is responsible for implementing total catchment management in the Hawkesbury-Nepean. If the regulation that is gazetted tomorrow is disallowable, somebody in this House will be moving to disallow it—to reverse that decision, if it is possible to do that.

I will check the *Government Gazette* tomorrow to establish whether that is possible. It is our responsibility to encourage protection and, where appropriate, the restoration of the Hawkesbury-Nepean River system. It is our responsibility to facilitate the ecologically sustainable use, development and management of natural resources, the floodplain and the built environment. It is also our responsibility to foster orderly and proper physical environmental and socioeconomic planning and management as a basis for the wellbeing of the people and all life within the trust area. The trust area, as I said earlier, is 22,000 square kilometres. The trust has been working to this point to ensure that Federal, State and local governments, government agencies and the community work in partnership towards the goal of healing the Hawkesbury-Nepean. They have been extraordinarily successful in all their programs.

Some of these programs have been referred to during debate on this issue. The trustees, who are important members of the community, are appointed to provide input from key sectors in the community to develop a strategic direction for the trust. The trustees include representatives from the community, government agencies, local government and other interests. The Hawkesbury-Nepean and its tributaries flow through a variety of landscapes. Each area has a particular resource management issue that reflects the geography, ecology and human activities in that area. The trust employs a specialist team to provide assistance to community-based groups, including local government, and to work closely with government agencies and businesses who directly or indirectly affect the health of the river system and its catchment. To this point it has been working in partnership with individuals and organisations across the catchment, including councils, residents, farmers, tourism operators, industry and community groups.

Pursuant to sessional orders business interrupted.

QUESTIONS WITHOUT NOTICE

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WORKCOVER GOSFORD BUILDING

The Hon. M. J. GALLACHER: My question without notice is directed to the Minister for Industrial Relations, and Minister Assisting the Premier for the Central Coast. With regard to the proposed new WorkCover building at Gosford, will the Minister advise the House why that site in Donnison Street was chosen? Why was the developer, Mistlake Pty Ltd, selected? Is there any connection between the developer and the Australian Labor Party?

The Hon. J. J. DELLA BOSCA: I will provide a detailed answer to the honourable member's question at a future question time. The government asset management committee of course, handled the matter of the relocation of WorkCover to Gosford. I will provide advice to the honourable member as soon as possible.

INDIGENOUS FISHERIES STRATEGY

The Hon. A. B. KELLY: My question without notice is directed to the Minister for Fisheries. Will the Minister update the House on the progress of the indigenous fisheries strategy?

The Hon. E. M. OBEID: I thank my colleague the Hon. A. B. Kelly for his important question and for his concern about regional New South Wales. The New South Wales Government is committed to working with

indigenous groups and fishers to ensure that their interests are addressed. We have been working closely with Aboriginal communities and stakeholders to develop an indigenous fishing strategy. I have met a range of Aboriginal people and groups and I have listened to their concerns and ideas. Between 1998 and 1999 the New South Wales Government held 17 regional fisheries workshops with Aboriginal communities. Last November, I advised members in this House that a working paper outlining issues raised during consultation would be distributed widely. Last December that paper was sent to local Aboriginal land councils and indigenous groups with an interest in fisheries. It was also sent to members of the management advisory committees and advisory councils.

As a result, the New South Wales Government received 24 responses. The submissions acknowledged that there is a need for an indigenous fisheries strategy. They also acknowledge that the sustainability of the resource is paramount. The submissions confirm that non-indigenous stakeholders want indigenous people to be able to continue their traditional cultural activities. The New South Wales community also supports moves to increase the economic independence of indigenous people. In March a consultative group of indigenous people met to discuss the working paper and to consider these submissions.

In all consultations with indigenous people three issues have consistently emerged. These communities want the cultural significance of indigenous fishing to be recognised. They want more indigenous people involved in managing fish resources. They also want greater communication and consultation with indigenous people. Last month I met with the New South Wales State Aboriginal Land Council and a delegation of Aboriginal community representatives to discuss the development of the strategy. Several representations were made to delay the release of the draft strategy because they want further consultation with indigenous communities.

The New South Wales Aboriginal Land Council plans to organise regional meetings of indigenous communities to discuss the indigenous fisheries strategy. They want the outcomes of this consultation process to be considered in the preparation of the draft strategy. As a consequence, the New South Wales Aboriginal Land Council has also asked for the draft strategy to be released in October. I have agreed to the new time frame. Development of the indigenous fisheries strategy is progressing. Full consultation with indigenous communities will ensure that we have a solid foundation for the draft strategy. This will be widely distributed for community input before the strategy is finalised. The Carr Government is committed to working with indigenous communities to ensure that they are fully consulted in developing this new strategy.

DEPARTMENT OF JUVENILE JUSTICE INFORMATION DISCLOSURE

The Hon. PATRICIA FORSYTHE: My question without notice is directed to the Minister for Juvenile Justice. Will the Minister explain why lists of juvenile offenders have been faxed twice in recent weeks to a small business fax number in Dareton on the Victorian border? As the first incident was reported to the local press was the Minister's department advised? If so, what action was taken to protect these secure files? Will the Minister order an investigation into the circumstances surrounding these incidents? As the pages that apparently were sent was numerous, will the Minister give the House an assurance that the sending of such material is part of routine departmental work?

The Hon. CARMEL TEBBUTT: The Department of Juvenile Justice deals with a significant amount of confidential and private information regarding young offenders. It therefore has to be mindful at all times of its important role as the custodian of that information. There is also a need for the department to co-operate with other agencies, when appropriate. The honourable member has not made clear in her question whether she is suggesting that that information is coming from the Department of Juvenile Justice.

I am aware that the department is investigating a claim that confidential client information has been circulated outside the department. If evidence is obtained that this has occurred the matter will be referred to the police. At this stage the department has advised me that it does not have any evidence that such client information is being circulated. If it has such evidence it will be referred to the police.

COMMUNITY RELATIONS COMMISSION STAFFING

The Hon. Dr P. WONG: My question without notice is to the Treasurer, representing the Premier and Minister for Citizenship. As of today, what proportion of full-time staff positions with the Community Relations Commission is not filled or is filled with a temporary or acting staff member? What were the results of a survey of staff relating to staff satisfaction, carried out by the review of the commission by the Council on the Cost and Quality of Government? What action does the Government intend to take with regard to the level of staff morale and the issues identified by the staff satisfaction survey by the Council on the Cost and Quality of Government?

The Hon. M. R. EGAN: I have no doubt that the question is an important one, but if the Hon. Dr P. Wong thinks I carry those details around in my head, he is having himself on. I suggest the question is more appropriately put on notice.

ELECTRICITY UTILITIES FINANCIAL PERFORMANCE

The Hon. J. HATZISTERGOS: My question is to the Treasurer. Will the Treasurer inform the House of the expected financial performance of the State's electricity utilities?

The Hon. Dr B. P. V. Pezzutti: He knows where his duty lies.

The Hon. M. R. EGAN: The Hon. Dr B. P. V. Pezzutti should not have gone to the Royal Easter Show this morning, if that is the effect it has had on him. I was about to compliment him as I was out there this morning myself, but it seems to have had quite a different effect on him than it has on me. I have never heard the honourable member sound sillier. He should sit back, behave himself and listen to question time. I will shortly be tabling half-yearly reports for the State's electricity businesses. They show the businesses are expected to provide returns to taxpayers broadly on target or above their forecasts for the 2000-01 financial year. In total, the State's electricity businesses are projecting full-year dividend and tax equivalents of $669 million for the current financial year. These forecast returns will represent an increase of more than $20 million on the $647 million result for 1999-2000, and they exceed the $664 million result for 1998-99.

Despite fierce competition in the power market, electricity returns to taxpayers have been fairly stable in recent years. In the five years since 1995, taxpayers have received more than $4 billion in returns from the power industry, while families and businesses have reaped about $1.6 billion in real savings on electricity prices in the same period. I am particularly pleased to see signs of stabilisation in the profitability of Integral Energy. Integral's statement of corporate intent predicted a return of about $9 million in 2000-01. I am pleased to find that Integral's half-yearly report now predicts a full-year return of more than $30 million. On that performance I congratulate the new board and the new management of Integral Energy.

SELF-FUNDED RETIREES FISHING LICENCES

The Hon. JENNIFER GARDINER: My question without notice is to the Treasurer. Is the Treasurer aware that on radio today the Minister for Fisheries was asked to explain why thousands of self-funded retirees who retire to the coast to, among other things, follow their dream and go fishing are not exempted from his tax on anglers? Is the Treasurer aware that the Minister for Fisheries said:

> The non-exemption from a licence is a convention. I am not going to defend it but I must stick with the whole-of-government policy of how far you can have exemptions from these fees.

As the person who oversees the whole-of-government approach to such matters, will the Treasurer tell us whether the Minister for Fisheries has made any representations to the Government on behalf of anglers who are self-funded retirees? Is he correct in also saying that such constituents should not hold their breath anticipating the Government's response to their pleas?

The Hon. M. R. EGAN: The Hon. Jennifer Gardiner will be aware there are very good reasons for the introduction of the licence fees, and they have been explained to the House on many occasions most eloquently and persuasively by my colleague the Minister for Fisheries.

INTERNATIONAL DAY OF MOURNING

The Hon. Dr A. CHESTERFIELD-EVANS: My question is to the Minister for Industrial Relations. Is it correct that WorkCover has withdrawn its financial support for the International Day of Mourning, a commemoration of workers who have died from workplace accidents and injuries, to be held on 28 April, despite the fact that Australia is hosting the celebration this year? If so, why? Is the Government not concerned about employees killed at work?

The Hon. J. J. DELLA BOSCA: Of course the Government is concerned about employees killed at work. In respect of the rest of the question, the answer is no.

AUTUMN RACING CARNIVAL

The Hon. JANELLE SAFFIN: My question without notice is to the Treasurer, and Minister for State Development. Will the Minister please inform the House of the positive economic impact the autumn racing carnival will have on New South Wales?

The Hon. M. R. EGAN: As those of us who have an interest in the racing industry will be aware, Sydney's autumn racing carnival is now in full swing.

The Hon. Dr B. P. V. Pezzutti: Will you be going to Randwick over Easter?

The Hon. M. R. EGAN: I will be going to Randwick just after Easter. I have never seen the Hon. Dr B. P. V. Pezzutti there. I am glad he does not go, because it would upset my day. Last weekend the Sydney Turf Club hosted the $2.5 million Golden Slipper, and this Saturday the Australian Jockey Club at Randwick will host the $8 million Derby Day. This carnival represents more than just an opportunity to enjoy a day out to cheer on some of the world's best thoroughbreds. The autumn racing carnival also makes a significant economic contribution to the State's economy.

The Hon. J. F. Ryan: Gambling!

The Hon. M. R. EGAN: Here they go again. The Hon. J. F. Ryan should not be on the side of the wowsers. In addition to the large number of international and interstate visitors who make the trip to Sydney, the autumn carnival is also responsible for an increase in intrastate travel. Many New South Wales country residents travel to Sydney for the big three Easter events: Randwick races, the Royal Easter Show and the Easter yearling sales.

An independent economic benefits study conducted in September last year on the impact of Sydney racing revealed that the six-week racing carnival generates $130 million in economic activity and creates 1,400 full-time jobs. By comparison, the autumn carnival has a bigger economic impact than the Australian Formula One Grand Prix, which generated some $96 million, and the Australian Open Tennis, which I am told, generates an economic benefit of $114 million. The Sydney autumn racing carnival-related tourism activity was estimated to be worth $10 million, with each visitor staying an average of seven days.

[*Interruption*]

The Hon. M. I. Jones is not going to do a Pezzutti on me, is he? It is very difficult when interjections are made sotto voce. Everyone knows I like interjections and I like to respond to them but I cannot respond to them when I do not hear them, so I advise the honourable member not to whisper.

The Hon. M. I. Jones: Can we not have the Grand Prix as well?

The Hon. M. R. EGAN: No, we cannot. Small business, especially the fashion industry, also received a significant boost, with the carnival responsible for an additional $10 million in extra sales for Sydney's retailers. The study also reveals some interesting shopping statistics. It found that female racegoers bought more than 9,900 pairs of shoes, 9,400 items of clothing, 7,100 hats and 3,100 handbags. Men were not far behind, purchasing more than 3,500 ties, 2,800 pairs of shoes and 2,700 items of clothing. The Easter racing carnival is a Sydney institution. It represents an opportunity for Sydney and country residents to enjoy the races and experience a great day out. It also provides a significant boost to our economy, creating new jobs and business.

CONTAINER DEPOSIT LEGISLATION

The Hon. I. COHEN: My question is directed to the Minister Assisting the Minister for the Environment, as the Minister representing the Minister for the Environment. Given that container deposit legislation [CDL] has been the subject of an independent inquiry in New South Wales as part of the statutory review of the Waste Minimisation and Management Act 1995, and that the inquiry consultant's report is with the Minister for the Environment Mr Bob Debus, why has he not released this report to the public? Is it because the Premier, Bob Carr, recently commented publicly before the end of the inquiry that introducing CDL would in some way jeopardise the financial viability of kerbside recycling? Will she confirm that kerbside recycling collection services, which councils operate, have not been financially viable since the mid-1990s?

The Hon. CARMEL TEBBUTT: I thank the Hon. I. Cohen for his question on container deposit legislation [CDL] and the inquiry, which are issues that he has raised on a number of occasions previously. As is well known, container deposit legislation has always been a somewhat controversial environmental measure without necessary agreement across the board. Some people believe very strongly that the deposit system for beverage containers should be introduced to make producers responsible for that part of the packaging waste minimisation scheme. As the House would be aware, such a scheme has been operating in South Australia for some time. However, others believe equally strongly that the Government should immediately reject container deposit legislation because those people see it as inefficient and costly.

The long-running debate around whether CDL is a viable part of the overall waste management system has been going on for 20 years. That is why an inquiry into recyclable materials was included as part of the compulsory review of the waste Act which has been in place since 1995. In commissioning the inquiry, the Government also took the opportunity to look at issues broader than CDL and the recovery of just bottles and cans. By this I mean that the report commissioned by the Government will also include a detailed analysis of the approach known as the extended producer responsibility. The Government has sought advice on international trends in extended producer responsibility, especially in regard to developments in the European Union.

The Government has also sought critical commentary on the OECD's recent overview of the issue. While CDL is part of the inquiry, the report of the inquiry will canvass issues well beyond that of bottles and cans. The Hon. I. Cohen is interested in the Government's response to the inquiry. I am certainly not going to respond on behalf of the Minister for the Environment. I have no doubt that the Hon. I. Cohen will be receiving comments from the Minister for the Environment on this issue in the near future.

WORKCOVER GOSFORD BUILDING

The Hon. D. J. GAY: My question is directed to the Special Minister of State. Does he recall earlier today his refusal to answer a question from the Leader of the Opposition regarding his knowledge of the relationship between the successful tenderer, Mistlake Pty Ltd, and the Australian Labor Party [ALP]? Is he aware of any moneys being donated by Mistlake Pty Ltd to the ALP prior to the last State election in the electorate of Gosford?

The Hon. J. J. DELLA BOSCA: No, I am not aware of any donation from Mistlake Pty Ltd to the Australian Labor Party in the electorate of Gosford. I should have said in response to the Leader of the Opposition's question, however, that the relocation of the WorkCover building in Gosford was the responsibility of my ministerial colleague the Minister for Public Works and Services, Morris Iemma. The tender process and construction of the WorkCover building in Gosford was not my responsibility. But I am aware that all decisions related to the tender were conducted by, and were a responsibility of, the Government's asset management committee which is chaired by the Director-General of the Premier's Department, with executive support provided by the Department of Public Works.

[*Interruption*]

I have no knowledge of the matters of which the Leader of the Opposition spoke. He continues to interject with hypothetical questions, but I had no direct knowledge of or involvement in the selection of the site, nor did my office. I have at all times complied with all of my own obligations with respect to these matters. With respect to the hypothetical questions that the Deputy Leader of the Opposition is now asking about, I have no knowledge of that. I might add also that in the article referred to by the Leader of the Opposition there are a number of erroneous matters. But I am a bit confused because the Leader of the Opposition mentioned inferred connections, which the Deputy Leader of the Opposition is now trying to make explicit. I have read the article quite thoroughly and I cannot find the reference cited by the Leader of the Opposition, so I think he is making it up. I am surprised: I thought he was a very honest fellow.

The Hon. M. J. Gallacher: Would you like me to table this document? I will table it for you, if you like, Minister.

The Hon. J. J. DELLA BOSCA: The Leader of the Opposition can table any document he likes.

The Hon. M. J. Gallacher: Would you like me to table this document, Minister, to assist you?

The Hon. J. J. DELLA BOSCA: The honourable member does not need to table it. I have not been able to read it. I have answered the question and I await the next question that the Deputy Leader of the Opposition will ask.

[*Interruption*]

The PRESIDENT: Order! Honourable members who wish to ask a supplementary question should speak up. I still do not have the ability to speak and hear at the same time from this chair.

The Hon. D. J. GAY: We accept that Madam President has trouble hearing this side. To help you, we will speak louder. I ask a supplementary question. Does the Minister recall that, in a return from the Australian

Labor Party at the time when he was the general secretary, the details of political contributions of more than $200 received by candidates were listed. On 16 March 1999, it shows "Mistlake Pty Ltd, $5,000". How can the Minister now say that he has no knowledge of that donation, as he was the general secretary of the Labor Party who prepared this return?

The Hon. J. J. DELLA BOSCA: I have to say that the Deputy Leader of the Opposition knows the answer to this question. The reality is that I was not a Minister in this place. I had no connection with any of those decisions. In my original answer to the Deputy Leader of the Opposition's question, I explicitly said that I had no connection or involvement with the decision in relation to the WorkCover building. In any event, the document with the big red line through it that the Leader of the Opposition is bandying about, which I assume is a document from the publicly available list of disclosures, is, as he has already said, a publicly available document. But in so far as the question that has been asked, I have no knowledge of it.

YOUNG PEOPLE DRUG ABUSE

The Hon. R. D. DYER: I ask the Special Minister of State whether he is able to inform the House what the Carr Government is doing to assist vulnerable young people who are likely to be abusing, or who are at high risk of abusing, drugs?

The Hon. J. J. DELLA BOSCA: This Government's general approach to young people and drugs reflects its broader approach to drug policy, that is, an attack on many fronts that ranges from prevention and education through to treatment and law enforcement. While there are many examples of this Government's programs to help young people resist or cope with drugs, I can give one example of a program that is specifically designed to assist some of this State's most marginalised young people.

The Getting It Together program is being implemented to assist vulnerable young people who are likely to be abusing, or who are at high risk of abusing, drugs and who typically would not access more conventional support services, such as schools or counsellors. As part of the Drug Summit package, the Department of Community Services was allocated $3.605 million over four years to establish trial service models for case management which will help young people to address the underlying factors that contribute to their drug use. The project is targeted at young people who have high support needs and for whom illicit drug use is just one part of their wider isolation and alienation from society. Through the Getting It Together program, 200 young people are now being helped through seven new case management services that have been established in Kings Cross, Darlinghurst, Redfern, Broken Hill and Wilcannia, Campbelltown, Mount Druitt and Nowra-Shoalhaven.

In addition, funding to five existing and similar services has been enhanced in Newcastle, Wollongong, Cabramatta, Crows Nest and the northern beaches. The program involves a specialist case manager arranging delivery of services for the particular client. The key element of the program is that the case manager does an assessment of the young person and then arranges whatever the young person needs to assist them to get back on track and stay there. The case manager co-ordinates a range of services that usually include a combination of the following: housing assistance, which might be finding housing or rental, subsidy or bond assistance; employment training or retraining schemes; continuing school or tertiary level education, for example, special courses or remedial training such as in literacy or numeracy; specialist counselling and support such as one-on-one long-term casework, sexual assault or abuse counselling, family counselling or mediation; access to day programs to increase living skills; and assistance for young people with disabilities.

A case manager is expected to monitor the on-going needs of the young person and to change the case plan as required. Another important focus of the program is to get people back to their families and/or away from the environment that puts them at risk. A case worker might help and support the young person to move from Kings Cross back to Broken Hill, where they can continue to be managed in the Getting It Together program in that area. As with all our Drug Summit programs, and in line with our evidence-based approach to drug policy, the success of the Getting It Together program to help a particularly vulnerable group of young people at high risk will be evaluated and reviewed. As I said earlier, this is just one program of a range of programs that try to assist young people cope with drugs. In conjunction with my colleague, the Minister for Juvenile Justice, I look forward to informing the House at a later time of other such initiatives.

GENETICALLY MODIFIED CROP CONTAMINATION

The Hon. A. G. CORBETT: My question is addressed to the Treasurer, representing the Minister for Agriculture. Is the Minister aware that contamination of Canadian honey with genetically modified canola

pollen has led to a recent ban on Canadian honey by the European market because it cannot be certified free from genetically modified organisms? What is the Minister doing to ensure the protection of New South Wales apiarists and honey producers from the risks of genetically modified contamination posed by bees foraging on genetically engineered trial crops throughout New South Wales?

The Hon. M. R. EGAN: I am not an expert on these things.

The Hon. D. J. Gay: That has never stopped you from commenting before!

The Hon. M. R. EGAN: I was about to say something similar. I assume that I eat many things that are in one way or another genetically modified.

The Hon. I. M. Macdonald: And you are as healthy as ever!

The Hon. M. R. EGAN: I am, and one day I will give honourable members some of my health tips.

The Hon. J. J. Della Bosca: Do you eat special margarine?

The Hon. M. R. EGAN: I eat butter, which I assume is not genetically modified.

The Hon. A. G. Corbett: It is an economic question. We could lose millions of dollars.

The Hon. M. R. EGAN: From what?

The Hon. I. Cohen: Because the European market will not accept it.

The Hon. M. R. EGAN: I will certainly refer the question to my colleague, the Minister for Agriculture.

CONRAD MINE COPETON DAM CONTAMINATION

The Hon. R. H. COLLESS: My question is directed to the Minister for Mineral Resources. Is the Minister aware that the Conrad mine near Inverell, for which he recently announced a rehabilitation program, is discharging acid, arsenic, copper, lead, iron, zinc and silver pollutants into the stored waters of Copeton Dam? Will the Minister tell honourable members how the proposed rehabilitation measures will prevent further continuing contamination of the stored water in Copeton Dam?

The Hon. E. M. OBEID: I am not aware of the matter to which the honourable member has referred, which is a matter of great concern if what he has said is anywhere near the truth. I can assure honourable members that the Government's standard of rehabilitation of mines or mine sites is best world practice. Some honourable members should see some of the rehabilitated mines. I will get clarification on the matter raised by the honourable member and ascertain what has happened and what is being done about it. I am sure the issue will be something that this Government would not tolerate, in view of the millions of dollars that it is spending not only on cleaning our waterways but at the same time protecting the environment.

BROKEN HILL MINERAL SANDS EXPLORATION

The Hon. J. R. JOHNSON: My question is to the Minister for Mineral Resources Fisheries. What action is the Government taking to support mineral sands development in the Broken Hill area?

The Hon. E. M. OBEID: I thank my colleague, the Hon. J. R. Johnson, for his question and his continued interest in exploration and investment in the Broken Hill area. The Government is committed to working with investors and exploration companies to develop the full potential of our mineral sands deposits. The development of this mineral resource will benefit the Broken Hill community and create jobs in this important region. I have approved a request by BeMaX Resources to allow it to bulk sample its Ginkgo mineral sands. The project is located about 175 kilometres south-east of Broken Hill. The company advises that it is currently undertaking a feasibility study of the 252 million tonnes of Ginkgo deposits. It will now be able to test 100 tonnes of material from the site. This sample will be sent to Queensland for processing.

It is expected that five tonnes of minerals will be extracted containing rutile, zircon, ilmenite and other titanium minerals. These materials are used in the manufacture of pigments. In order for bulk sampling to go

ahead, BeMaX is required to meet the Government's strict environmental requirements. It will also be required to rehabilitate the site after the work is completed. If this project goes ahead it will be of tremendous benefit to the Broken Hill community. I look forward to updating the House on the future developments of this important development.

STOCKTON BEACH OWNERSHIP

The Hon. M. I. JONES: My question is to the Treasurer, representing the Premier. The Wilderness Society is currently conducting unauthorised four-wheel drive tours on Stockton Beach. In the event of an accident, assuming no appropriate insurance is in place, who is currently liable as the property owners?

The Hon. M. R. EGAN: As the Hon. M. I. Jones is asking me for a legal opinion the question is actually out of order. As knowledgeable as I am about most things I have to admit that I do not really know the answer. If the honourable member is willing to wait a little while I will refer the question to my colleague.

The Hon. M. I. JONES: I ask a supplementary question. Other than asking for a legal opinion, could the Treasurer simply advise who are the property owners because title is confused at the moment?

The Hon. M. R. EGAN: I will find out and advise the honourable member as soon as I am in a position to do so.

SHOALHAVEN HOSPITAL UPGRADE

The Hon. D. T. HARWIN: My question is to the Treasurer, representing the Minister for Health. Has the construction deadline imposed by the State Government of 1 January 2003 for completion of the upgrade at Shoalhaven hospital caused a major disruption of services? Are reports correct that day surgery is being carried out in meeting rooms, and have the number of available beds been reduced? Why has the Government chosen to reduce services to fast track construction rather than a more orderly construction program which would have kept beds open? Why are hospital services for the people of the Shoalhaven being restricted in order to facilitate a pre-election stunt in early 2003?

The Hon. M. R. EGAN: I am not aware of this issue but I am sure that if the completion date was any later than 1 January 2003 the Hon. D. T. Harwin would complain that we have taken so long.

The Hon. J. J. Della Bosca: He is a whinger!

The Hon. M. R. EGAN: He is a whinger. I will refer the question to my colleague, the Minister for Health, and get a response. If I were the Minister for Health I would simply write back and say that the Hon. D. T. Harwin is a whinger.

DEPARTMENT OF JUVENILE JUSTICE ABORIGINAL CULTURAL CAMPS

The Hon. I. W. WEST: My question without notice is to the Minister for Juvenile Justice. Will the Minister outline what the Department of Juvenile Justice is doing to provide culturally appropriate activities for its indigenous young people?

The Hon. CARMEL TEBBUTT: I thank the Hon. I. W. West for his question and I commend his ongoing interest in this very important area. I have previously spoken in the House about funded services such as Ja-Biah, but in addition to the services at Purfleet with dedicated Aboriginal staff positions, and Aboriginal programs such as KEMP, the Department of Juvenile Justice also organises cultural camps for young Aboriginal offenders. The main purpose of those camps is to provide Aboriginal young offenders with an enhanced cultural identity, and provide positive alternatives to their offending behaviour; to receive, and be encouraged to show, respect; and to separate them from local negative influences such as alcohol and drugs and delinquent peer behaviour.

I am pleased to provide detail of one such camp where the department's southern and western cluster Aboriginal juvenile justice officers and program support officers combined to take 13 young men on an Aboriginal youth camp at Mimosa Rocks on the far South Coast. The camp incorporated talks from local elders at the Umbarra Cultural Centre, discussions on ancestral history, walks to significant cultural sites such as Mumbulla Mountain, fishing, damper cooking and long walks. The camp also incorporated a visit from the local

police, with a view to breaking down the barriers that exist on some occasions between Aboriginal young people and the police force. Those barriers can be based on mistrust. The opportunity for interaction in a relaxed, informal atmosphere is a tremendous way to break down that mistrust and build a positive, co-operative relationship.

A large part of the battle in dealing with all young offenders is to build self-esteem and encourage the setting of positive goals. It is no different for young Aboriginal offenders. However, the history of dispossession and loss of cultural identity are added problems that need to be addressed. Programs with a strong cultural focus are therefore important if we are to address the continuing over-representation of young Aboriginal people in our juvenile justice centres. I am happy to report to the House the camp was unanimously seen as a positive experience for the young people and the staff involved. The bonding between those young men and staff, the team work that developed and of course the beautiful local environment plainly added to the success of the venture.

The department intends to add a further dimension to camps planned for the future by including a focus on holistic health for young Aboriginal people. The focus will be on targeting healthy options, both diet and lifestyle, for Aboriginal young people and will include a session on bush tucker. In order to bring these important initiatives to fruition, a further two camps are planned, one in May and another in September 2001. I look forward to providing the House with additional information.

NATIVE VEGETATION CLEARING APPROVALS

The Hon. R. S. L. JONES: I ask the Special Minister of State, representing the Minister for Agriculture, is it a fact that documents released on Tuesday 27 March reveal that approvals for clearing under the Native Vegetation Conservation Act increased from 26,668 hectares from January to December 1997 to 95,615 hectares from January to August 1999? Is it also a fact that the area refused for clearing from January to August 1999 was a mere 1,742 hectares, or just 1.8 per cent of the total requested? Why did the Minister approve 98.2 per cent of all requests for clearing native vegetation?

Is the Minister aware that the amount of illegal clearing of native vegetation in this State is at least 36,000 hectares, according to his own figures? Is the Minister aware that this level of clearing makes New South Wales an international environmental pariah? How on earth does the Government reconcile those horrendous figures with its stated policy of no net loss of native vegetation by 1 July this year? Why also has there not been one single prosecution of illegal land clearing when the Minister's department has been made aware of hundreds of cases of illegal land clearing?

The Hon. D. F. Moppett: What a ridiculous assertion.

The Hon. R. H. Colless: In a ridiculous question.

The Hon. J. J. DELLA BOSCA: I am almost tempted to ask the Hon. R. H. Colless or the Hon. D. F. Moppett to answer the question; they seem to be champing at the bit to do so. The honourable member's question deals with a range of important issues. He puts to the House, at least by inference, that the Minister has been making decisions not in accord with Government policy or statute. I assure the honourable member that that is not the case. I am sure the Minister will provide a detailed answer to satisfy the honourable member's inquiries.

WORKCOVER STAFF INVESTIGATION

The Hon. J. F. RYAN: My question is to the Special Minister of State.

The Hon. A. B. Kelly: Point of order: The Hon. J. F. Ryan is flouting a past ruling of the Chair by wearing a large medallion of some political description. I ask that you uphold previous rulings that such medallions be no larger than the size of former members' badges.

The Hon. J. F. RYAN: If honourable members object to "Socks Clinton", obviously I will have to put him away.

The PRESIDENT: Order! Deputy-President Gay ruled that badges worn in this Chamber cannot be larger than the size of a member's badge.

The Hon. J. F. RYAN: I will continue my question minus the badge. Minister, is it true that WorkCover hired a barrister to conduct an investigation into two senior staff members who were sacked last year? Will you now undertake to provide full details of the value of all fees and charges paid by WorkCover for the production of this report and provide a copy of the report to members of this House?

The Hon. M. R. Egan: Say you don't know.

The Hon. J. J. DELLA BOSCA: I don't know.

The Hon. M. J. Gallacher: He must know that one!

The Hon. D. J. Gay: The Treasurer has told the Special Minister of State to say that he does not know.

The Hon. M. J. Gallacher: Don't follow his lead. You know how to proceed.

The Hon. J. J. DELLA BOSCA: Honourable members opposite might interject irresponsibly, but, as the Minister for Mineral Resources, and Minister for Fisheries quite properly pointed out, WorkCover is an organisation with a board responsible for such matters and a general manager. I will ascertain the appropriate details and appropriately advise the honourable member of the answer to his question.

STUART AND SONS GRAND PIANO EXPORT

The Hon. AMANDA FAZIO: I ask a question without notice of the Treasurer, and Minister for State Development. Would the Treasurer inform the House of recent developments with the Australian Technology Showcase company Stuart and Sons?

The Hon. M. R. EGAN: I thank the Hon. Amanda Fazio for reminding me of a very pleasant function that I attended last Friday night at the City Recital Hall, organised by the Department of State and Regional Development to celebrate the first export of a Stuart concert grand piano. Before I tell honourable members about that function, might I commend the Federal Government, which last Friday night announced that it would contribute some $300,000 to the Stuart grand piano concept. That certainly is very welcome. I say that as one who, I think only 12 months ago, was criticising the Commonwealth Government regarding the fact that Australian embassies overseas were purchasing a number of pianos, none of which were Stuart grand pianos. The announcement on Friday night was made by Senator John Tierney—whom I had never met before, but he seems a very reasonable and nice fellow.

The Hon. D. T. Harwin: An excellent fellow.

The Hon. M. R. EGAN: "An excellent fellow," says the Hon. D. T. Harwin. He certainly is a lot nicer than Bronwyn Bishop, I might say.

The Hon. Carmel Tebbutt: That would not be hard.

The Hon. M. R. EGAN: It would not be hard.

The Hon. Carmel Tebbutt: No-one on the Opposition side would defend her.

The Hon. D. J. Gay: She said a lot about me.

The Hon. M. R. EGAN: She does not like you either? Not many of her colleagues seem to like her.

The Hon. D. J. Gay: I like her.

The Hon. M. R. EGAN: Does anyone agree with the Deputy Leader of the Opposition? Let us put it on the record that the Hon. Dr B. P. V. Pezzutti is a strong supporter of Bronwyn Bishop.

The Hon. D. J. Gay: And the Hon. J. F. Ryan?

The Hon. M. R. EGAN: Is the Hon. J. F. Ryan a strong supporter of Bronwyn Bishop?

The Hon. J. F. Ryan: I believe interjections are disorderly.

The Hon. M. R. EGAN: But not as answers to questions. What about the Hon. D. T. Harwin?

The Hon. J. J. Della Bosca: Or the Hon. Patricia Forsythe? They are in the same branch.

The Hon. M. J. Gallacher: What about Cheryl Kernot?

The Hon. M. R. EGAN: What about her?

The Hon. M. J. Gallacher: Do you support her?

The Hon. M. R. EGAN: As I was saying, Senator John Tierney seems a very reasonable and nice fellow. I was very glad that he attended the function to make what was a very welcome announcement. This remarkable instrument, crafted in New South Wales red cedar—I have seen others that have been crafted in different timbers, and they are all absolutely fantastic—has been acquired by the Welsh College of Music and Drama in Cardiff. The college will celebrate the arrival of the piano with a recital in the college hall on 29 May. The college was very gracious to invite me to attend that function—

The Hon. Patricia Forsythe: But you had a better offer?

The Hon. M. R. EGAN: I have the budget on that day. Unfortunately, Australia has only a nine-hour time advantage and there is not yet an aeroplane that can manage the distance in nine hours. As some members of the House may be aware, Stuart pianos have exceptional tonal clarity—

The Hon. M. J. Gallacher: He gets cranky, doesn't he? He is one of those cranky little guys.

The Hon. M. R. EGAN: Yes, I do get cranky. I am a little cranky guy, that is right. I make no apologies for that. And as I get older, I become crankier.

The Hon. M. J. Gallacher: You're not going to have any friends when you leave here, you know.

The Hon. M. R. EGAN: I can assure you that my life has not been one long quest for friends.

[*Interruption*]

Michael Costa is a very good friend of mine.

The Hon. M. J. Gallacher: Well, he's going to be replacing you very shortly.

The Hon. M. R. EGAN: One day he will replace me as Treasurer.

The Hon. M. J. Gallacher: Yes, very soon.

The Hon. M. R. EGAN: In 2016. Stuart pianos have exceptional tonal clarity because their inventor, Wayne Stuart of the University of Newcastle, has found a way of coupling the strings to the soundboard so that vertical vibrations are promoted and lateral vibrations are minimised. This is a very important technological advance in piano-making—I am advised, probably the only technological advance in piano-making in 100 years. Together with the use of modern materials such as ceramics, Wayne Stuart has certainly produced a fabulous instrument that sounds absolutely magnificent. Another important feature is that Stuart pianos are veneered in rare native timbers, such as New South Wales red gum, which was referred to earlier, and Tasmanian Huon pine.

The Hon. R. H. Colless: Does he get a licence to cut them down?

The Hon. M. R. EGAN: No, he does not cut them down. Some of the timbers have come from trees that have been buried in river beds for centuries. They do not chop down the trees; they look around the place to get their timber in ways that no-one could object to.

The Hon. R. S. L. Jones: They drag them out of the lakes as well.

The Hon. M. R. EGAN: They probably do. Are you complaining about that?

The Hon. R. S. L. Jones: No, I am not complaining. I am simply saying that they drag them from the bottom of the lakes.

The Hon. M. R. EGAN: This export to Wales of a 2.9 metre Stuart concert grand marks the renewal of the Australian piano-making industry, which all but ceased in the 1970s. It is also the first foreign shipment of an Australian piano since the early twentieth century. Stuart and Sons has already taken a deposit on another concert grand from a second British client, and is confident that further sales will be generated as European musicians discover the exceptional quality of the Welsh college's piano in Cardiff. In fact, the director of the Welsh college attended the function last Friday night. He made the point that the college would be inviting directors of conservatoriums all over Europe to attend the function on 29 May, and stated it was an excellent opportunity for the Stuart concert grand to be displayed and introduced to the world.

In Australia, Stuart pianos can be found at a number of prestigious locations—for example, at the universities of New South Wales, Tasmania and Central Queensland, at the Powerhouse Museum and at the Sydney Opera House. Stuart and Sons was one of the first companies to join the Australian Technology Showcase and has been a key participant in the Department of State and Regional Development's exhibitions of innovative and exportable products.

The Hon. D. J. Gay: They're not cheap, though.

The Hon. M. R. EGAN: In my opinion, no piano elsewhere in the world matches the quality of the Stuart piano. Pianos that are its competitors sell for around $A190,000 or $A200,000 and, at current exchange rates, perhaps a little more. So even in terms of price Stuart pianos are very competitive, except in situations where some of the competitors engage in what could only be described as dumping. For example, during a period last year—I hope it is not still continuing—the price in Australia of a Steinway halved. That was simply an attempt by Steinway to get the price of its piano under the price of a Stuart concert grand. In other words, a person who wanted to buy a piano costing around $170,000 or $180,000, which is the normal price range of a Steinway, would all of a sudden find that he or she could buy a Steinway for half the price. But not so elsewhere in the world. I think that is classed as dumping.

The Hon. D. F. Moppett: They know that the Stuart has quality.

The Hon. M. R. EGAN: That is right, they know that the Stuart has quality. Stuart and Sons is now linking with the notable Australian music publisher J. Albert and Sons. I think anyone of my generation would be aware of that company. Mr Albert—

The Hon. D. F. Moppett: Boomerang songs.

The Hon. M. R. EGAN: Yes, Boomerang Songs. I did not know of the connection between Boomerang Songs and J. Albert and Sons until last Friday night.

The Hon. D. F. Moppett: That's what he called his yacht: *Boomerang*.

The Hon. M. R. EGAN: Oh really? Isn't that fascinating? Is Boomerang from Alberts?

The Hon. D. J. Gay: Yes.

The Hon. M. R. EGAN: Isn't that interesting? My father was billeted in Boomerang during the Second World War. I even have a souvenir. I will not tell the House what it is.

The Hon. D. J. Gay: They're a fine family.

The Hon. M. R. EGAN: They must be a fine family. Mr Albert, who runs the company now, was in attendance at the function last Friday night. For him it was obviously not just a financial commitment but a commitment of soul towards this great project. J. Albert and Sons has teamed up with Stuart and Sons in a joint venture to seriously manufacture and sell Stuart pianos around the world.

The Hon. D. F. Moppett: If these fellows manufactured Irish harps, we would never hear the end of it; it would take up the whole of question time.

The Hon. M. R. EGAN: That's true. I have no doubt that many prestigious concert halls will feel it necessary to own one of Wayne Stuart's outstanding instruments, because they incorporate the most profound advance of piano quality since the Industrial Revolution.

If members of the House have not yet seen or heard a Stuart grand piano, I urge them to make sure that they do so very soon, because it really is a worthwhile experience that they will enjoy. If members are reluctant to accept an invitation from me to any function at which the Stuart piano grand is being displayed or played, I am sure the Hon. J. H. Jobling, almost a Novacastrian, though really a bit of a bumpkin—

The Hon. D. J. Gay: There is no reason to say that.

The Hon. M. R. EGAN: I was saying it most affectionately. I am sure the Hon. J. H. Jobling would be happy to arrange such a display for members.

KINGS CROSS MEDICALLY SUPERVISED INJECTING ROOM

The Hon. ELAINE NILE: I wish to ask the Special Minister of State a question without notice. Is it a fact that the Kings Cross Chamber of Commerce has now lodged an appeal to the Full Court of Appeal challenging the constitutional legality of the proposed Kings Cross shooting gallery, described by the Minister and his Government as a safe injecting room? In view of this legal appeal, will the Government suspend any proposals to open the Kings Cross shooting gallery? Will the Government review its support for the Kings Cross shooting gallery and cancel the whole proposal? Will the Government open instead a rapid detox drug rehabilitation centre in Kings Cross?

The Hon. J. J. DELLA BOSCA: Of course I have seen the overnight publicity on the matters raised by the Hon. Elaine Nile in her question. I understand that the Kings Cross Chamber of Commerce decided last night to appeal the Supreme Court decision to dismiss its proceedings opposing the trial of a medically supervised injecting centre at Kings Cross. However, appeal papers have not yet been served, and therefore the Government is not in a position to respond, either illegally or publicly.

On 5 April Justice Sully of the Supreme Court dismissed the proceedings by the Chamber of Commerce and ordered it to pay all costs. The judge also refused to grant the chamber's application for an extension of undertakings not to commence the trial. The medically supervised injecting centre trial will proceed. Appeal papers will be carefully considered when and if they are served. The executive council made a proclamation to commence on 1 May the medically supervised injecting trial for an 18-month period. Dr Ingrid van Beek, the medical director, asked that the start date not be the subject of speculation in regard to this case.

INDUSTRIAL RELATIONS LEGISLATION

The Hon. Dr B. P. V. PEZZUTTI: My question without notice is addressed to the Minister for Industrial Relations. Does the Government intend to amend or repeal section 106 of the Industrial Relations Act 1996?

The Hon. J. J. DELLA BOSCA: I am familiar with section 106 of the Industrial Relations Act. It is rather unusual during question time for honourable members to ask whether a section of an Act of Parliament will be amended. I think the Hon. Dr B. P. V. Pezzutti is alluding to the fact that there has been considerable debate about contract provisions. There is a strong possibility that some amendments will be made to that legislation before the end of the year.

OLYMPIC CAULDRON RELOCATION

The Hon. P. T. PRIMROSE: My question without notice is directed to the Treasurer, and Minister for State Development. Will the Treasurer provide the House with details of the latest developments at Sydney Olympic Park?

The Hon. M. R. EGAN: I would be delighted to provide honourable members with information about developments at Sydney Olympic Park. Like the Hon. Dr B. P. V. Pezzutti and, I am told, my colleague the Hon. A. B. Kelly, I, too, was at Sydney Olympic Park this morning—more specifically, at the Royal Agricultural Showground. The probable explanation for the Hon. Dr B. P. V. Pezzutti's disaffection today is that the Hon. A. B. Kelly got him out of bed early. I am told that the Hon. Dr B. P. V. Pezzutti missed an appointment because he slept in and had to be woken up. He has been in a bad mood all day. Sometimes I share that experience when I am woken before I should be.

The Hon. R. H. Colless: Before lunch!

The Hon. M. R. EGAN: Churchill never got out of bed before lunch. I have explained to this House on previous occasions that I would have no objection if normal business hours were from 2.00 p.m. until 10.00 p.m. That would result in a productive day.

The Hon. Carmel Tebbutt: That would not suit the rest of us.

The Hon. M. R. EGAN: It would suit me. You would all fit in sooner or later—you adjust to that silly daylight saving.

The Hon. J. F. Ryan: You can see that he never had to bring up children.

The Hon. M. R. EGAN: I advise honourable members that if they want their children to sleep during the night they should not let them sleep during the day. Keep them awake during the day and they will sleep at night.

The Hon. J. J. Della Bosca: They will end up like the Hon. Dr B. P. V. Pezzutti.

The Hon. M. R. EGAN: The Special Minister of State said that they will end up like the Hon. Dr B. P. V. Pezzutti.

[*Interruption*]

If I sleep during the day I cannot sleep at night.

The Hon. G. S. Pearce: The Hon. Dr B. P. V. Pezzutti is not scared to sleep; he is not threatened by Michael Costa.

The Hon. M. R. EGAN: The Hon. Dr B. P. V. Pezzutti does not have a job; that is the problem. He is vastly underemployed.

The Hon. Dr B. P. V. Pezzutti: I have three jobs.

The Hon. M. R. EGAN: Is the honourable member moonlighting? What are those jobs?

The Hon. Dr B. P. V. Pezzutti: I am an anaesthetist; I am deputy surgeon-general; and I am a member of this Chamber.

The Hon. M. R. EGAN: Honourable members should stop interjecting as I have important news to give them. I am pleased to inform the House that, in a very short time, the Olympic cauldron will find a new home. Today the Premier and I announced a new location for the Olympic cauldron at a revamped 2.6 hectare park in the north-west corner of Overflow Park at Sydney Olympic Park, which is approximately halfway between the Royal Agricultural Showground dome and Stadium Australia.

The Hon. D. J. Gay: Your press staff did a good job leaking this information to the Sunday papers.

The Hon. M. R. EGAN: I do not read the Sunday papers. I will check to determine whether that was in the Sunday papers. I would not like the Deputy Leader of the Opposition to mislead the House. That would be terrible. The new location of the Olympic cauldron will give thousands of visitors to Sydney's Olympic Park a chance to relive that magical moment when Cathy Freeman lit the cauldron. The cauldron will be lit as part of a special ceremony on Saturday 15 September 2001, which of course is the first anniversary of the Sydney Olympic Games and Paralympic Games. With its fire and water and night-time illumination it will be a wonderful reminder of the greatest Olympics ever. It will also be the start of the annual spring festival at Sydney's Olympic Park.

I suspect that the cascading cauldron will become the place to be photographed at Olympic Park. In its new setting the cauldron will appear to float on a cascade of water 10 metres above the ground, supported by 24 slender, stainless steel supports. It will be visible from many parts of Sydney Olympic Park, including Olympic Boulevard and the forecourt of the railway station. In its new location the cauldron will form a vibrant centrepiece for the Olympic site. The work of the project team, led by designer Alec Tzannes, is to be commended. His team is aiming to capture that special moment when Cathy Freeman lit the cauldron and to

allow all visitors to Sydney Olympic Park to share in the experience. Within a couple of years I doubt whether more than a handful of children in New South Wales will not have had the experience of getting wet standing under the cauldron in its new location.

The Hon. J. J. Della Bosca: I will not get wet.

The Hon. M. R. EGAN: I think the honourable member's children will want to get wet and I think they will want him to get wet as well. The cauldron features a spectacular structure incorporating fire and water. Construction work on the cauldron project will start following this year's Royal Easter Show. In addition to the relocation of the cauldron—

The Hon. Dr B. P. V. Pezzutti: It is not a cauldron; it is a torch.

The Hon. M. R. EGAN: It is a cauldron, silly.

The Hon. Dr B. P. V. Pezzutti: It is not a cauldron any more and it never was. It is called an Olympic torch.

The Hon. M. R. EGAN: The Olympic torch is the thing with which people run around the streets. That is not what it will be. In addition to the relocation of the cauldron to the newly paved and landscaped park, the names of 4,500 medal-winning Olympic and Paralympic athletes will be incorporated into the pavement. In lines radiating out from the base of the cauldron each athlete will be commemorated in a special gold, silver or bronze coloured metallic plaque, noting his or her name, country and sport represented. The spring festival is likely to include a parade of Olympic volunteers and a range of family-based activities. Once this project is completed I urge all honourable members and their families to utilise this great facility.

If honourable members have further questions I suggest that they place them on notice.

TOURISM NEW SOUTH WALES CHAIRMAN Mr SAM FISZMAN

The Hon. M. R. EGAN: On 7 March the Hon. C. J. S. Lynn asked me a question without notice relating to Tourism New South Wales Chairman, Mr Sam Fiszman. The Attorney General, Minister for the Environment, Minister for Emergency Services, and Minister Assisting the Premier on the Arts has provided the following response:

> I am advised that the incident was misreported.

SHOALHAVEN HOSPITAL FACILITIES

The Hon. M. R. EGAN: On 8 March the Hon. D. T. Harwin asked me a question without notice relating to the Illawarra Area Health Service. The Minister for Health has provided the following response:

- Shoalhaven Hospital is being redeveloped at a cost of $28 million. The redevelopment will include a new and expanded emergency department and intensive care unit; day surgery, day procedures and ambulatory care; an upgrade of the surgical/maternity ward; medical imaging facilities; a relocation of the paediatric ward; and pharmacy, allied health, mortuary and parking facilities.

- The autopsy service at Shoalhaven Hospital is being transferred to Wollongong Hospital because on average only one autopsy is performed there a week. A full mortuary, including viewing facilities, will still be available at Shoalhaven Hospital.

- It is not a fact that there are delays in Wollongong Hospital for post mortems which average three to five days.

CHILDREN'S COURT FACILITIES

The Hon. M. R. EGAN: On 7 March the Hon. Patricia Forsythe asked me a question without notice relating to Children's Court facilities. The Attorney General has provided the following response:

> The Government has committed substantial funds to improving and maintaining Children's Courts in the State. Since 1996 the Government has spent around $3 million on capital improvements and over $1 million on maintenance of the Children's Courts in New South Wales. The Government recognises that there are problems with some of the Children's Courts facilities. These problems arise because only one of the six full-time Children's Courts across the State were purpose built to hear children's matters. The remaining five buildings are generally old with limited room for expansion of the facilities.

In the long term it is desirable that purpose-built multicourt complex new facilities are developed for the Children's Court. The purpose-built Children's Court at Campbelltown incorporates holding facilities for juveniles, interview rooms, provision for protected witnesses, a parenting room, pay phones and an outdoor area. Refreshment facilities are available adjacent to the court. My department has taken a number of steps, where possible, to address the concerns that have been raised by the Law Society regarding the older Children's Courts. However, the Government must balance its priorities as part of the budget process.

LITHGOW ALUMINIUM SMELTER

The Hon. M. R. EGAN: On 8 March the Hon. J. M. Samios asked me a question without notice relating to the Lithgow Aluminium Smelter. The Premier has provided the following response:

The Premier in his press release of 9 December 1998 said, "An Australian company Aust-Pac Aluminium (APA) will undertake the $7 million full feasibility study". As the study was to be undertaken by the company then it is reasonable to assume that APA had determined the cost of the feasibility study. This was confirmed by a statement by the Chairman of APA, Mr Karl Stewart, in March 1999 that "… We are now in the final feasibility stage of a $7 million study of seven months duration by a team of experts which is due to be finalised by July 1999".

On 30 January 2001 APA wrote to the Director-General of the New South Wales Premier's Department referring to "…expenditure of more than $4 million in feasibility and supporting studies". The New South Wales Government cannot account for the apparent anomaly in APA's statements on the feasibility study and its cost. The New South Wales Government made no contribution towards the cost of APA's feasibility study.

WORKCOVER STAFF INVESTIGATION

The Hon. J. J. DELLA BOSCA: Earlier today the Hon. J. F. Ryan asked me a question about barristers and their involvement in the dismissal of certain WorkCover officers. The Government, on the advice of the Executive Council, removed Miss Stephanie Garland and Ms Holmes from their respective senior executive service positions on 16 August 2000. WorkCover received a freedom of information application on 6 December 2000 from Ms Karen Gair, editor of an independent newsletter, entitled "Occupational and Health News". Ms Gair requested a copy of a letter from the Independent Commission Against Corruption dated 28 April 2000 to WorkCover concerning allegations regarding the tender process for the market testing of information technology services and the subsequent report on the allegations prepared by barrister Mr Stephen Wilson.

SEX CLUBS EMPLOYEE PROTECTION

The Hon. J. J. DELLA BOSCA: Yesterday Reverend the Hon. F. J. Nile asked me a question about the sex industry. It might be of some interest to the honourable member that the Attorney General, the Hon. Bob Debus, today answered a question in the other place in relation to this matter. Proposed New South Wales Government legislation forms part of a co-ordinated approach by the Commonwealth and State governments to respond to serious human rights issues in regard to the international trafficking of women and children for the purposes of prostitution. The Attorney General said:

All governments have a role to play to ensure they have sufficient laws to stop women, children and young men being forced into sex slavery.

The Attorney General went on to state:

Sexual exploitation of any kind is offensive. This legislation is part of a balanced response to ensure our laws protect vulnerable people from this abhorrent form of commercial sexual exploitation.

FARM ANIMALS FEEDING PRACTICES

The Hon. J. J. DELLA BOSCA: On 7 March the Hon. R. S. L. Jones asked me, representing the Minister for Agriculture, and Minister for Land and Water Conservation, a question without notice regarding legislation to prohibit the feeding of animal products to animals that normally consume a vegetarian diet. The Minister for Agriculture, and Minister for Land and Water Conservation has provided the following response:

(1) New South Wales first implemented controls over the feeding of meat products to grazing animals such as cattle in 1997, so legislation of the type proposed by the honourable member has already been in place for four years.

The Minister dealt further with this issue at the recent meeting of the Agriculture and Resource Management Council of Australia and New Zealand [ARMCANZ]. At that meeting all agriculture Ministers agreed to extend the existing bans to prohibit the feeding of any type of animal material to ruminant animals such as cattle and sheep. Amendments to the appropriate regulations are being prepared at this time.

(2) Feeding practices for livestock have changed and developed over the centuries in response to the needs at the time. The use of certain feeding practices at any given time can be affected by the expression of new disease problems which were not present or apparent in the past. This does not mean that suitable treatments cannot be applied to feed products, now or in the future, which can assure their safety for any particular use. Further, animals can sometimes provide a useful means of dealing with some of the waste generated by human food production.

(3) The prevention of mad cow disease [Bovine Spongiform Encephalopathy] or of foot and mouth disease in Australia depends primarily on Commonwealth controls imposed and regulated by the Australian Quarantine and Inspection Service. Its controls provide a barrier to the introduction of a large number of exotic diseases, and New South Wales strongly supports those controls. Of course, those controls are constantly under review to identify any new risks and the necessary controls to avoid them. That is why New South Wales Agriculture is currently amending its regulation to extend the current prohibitions relating to the feeding of animal material to grazing animals.

CENTRAL COAST FESTIVAL DEVELOPMENT CORPORATION BOARD APPOINTMENTS

The Hon. J. J. DELLA BOSCA: On 7 March the Hon. Dr B. P. V. Pezzutti asked me a question regarding appointments to the Central Coast Festival Development Corporation Board. I now provide the honourable member with the following further information:

My colleague the Deputy Premier, and Minister for Urban Affairs and Planning has advised me that a new Chair, Mr David King, has recently been appointed to the Festival Development Corporation. Mr King is a long-term Central Coast resident and the chief executive officer and chairman of Future School, an internationally successful organisation. The Festival Development Corporation is entering a new phase of development, and Mr King brings valuable business skills and expertise to the position.

COMPULSORY THIRD PARTY INSURANCE PREMIUMS

The Hon. J. J. DELLA BOSCA: On 5 April the Hon. Dr A. Chesterfield-Evans asked me a supplementary question about green slip prices. I am able to give the honourable member the following information:

Since insurers began risk-rating premiums in 1991, age has been the primary risk factor that insurers have used. Insurers have discretion as to what age bands they choose. Generally, insurers have treated persons aged 30 and above as good risks, and those less than 30 are higher risks, with those aged 25 and below treated as the highest risk. Whilst the age band may vary with individual insurers, the use of the bands ‘above’ and ‘below’ 30 years of age is not new. Insurers also take into account other risk factors, such as gender, comprehensive insurance history and age of vehicle. Some insurers provide a lower price for vehicle owners aged less than 30, depending on these variables.

PUBLIC SCHOOL SITE SALES

The Hon. J. J. DELLA BOSCA: On 10 April Ms Lee Rhiannon asked a question concerning public school site sales. The Minister for Education and Training has provided the following response:

There has been a lot of misinformation surrounding the Government's draft proposal to reinvest $110 million into schools in inner Sydney, *Building the Future.* It has been made perfectly clear that the proposals have been put forward for public comment. It is also clear that the Government will consider the views of the community in making a final decision about the overall structure and resourcing of the schools involved. The plan is a complex and carefully thought out one. The elements of it relate together and the plan considers the best educational interests of the full range of schools and students involved, not just individual schools.

An important aspect of maximising students' educational interests is maximising the use that can be made of valuable educational resources. If a school is built to accommodate around 1,000 students but has fewer than 150, for example, this is a very poor use of the resources available to education. Those resources can be better used to benefit a greater range of students. While the Government is making a very substantial investment of $1.2 billion in capital works to improve and build new public schools, there is also a need for us to use to best effect the assets that we have.

The plan aims to reinvest educational resources in inner Sydney. That will substantially improve the quality of education available to a much larger number of students in the area. It would be holding out false hope for the schools concerned to pretend that amalgamations and closures were not necessary as part of the plan, or that some of these schools had a viable future in the absence of the plan. Certainly consultation is occurring, but that does not mean that the serious nature of the future of secondary education in inner Sydney can be avoided.

Some difficult decisions will be necessary to improve education in inner Sydney. The Minister for Education and Training has not stated that the draft proposal is not negotiable. Clearly, there are many things which are negotiable and the public consultation process may well result in a number of aspects of the plan being changed. What is not negotiable, however, is which schools are to be closed. These have been chosen for sound educational reasons and are essential to the success of the whole draft proposal. The Government is genuinely considering alternatives being put forward in consultation. But that should not lead to false hopes or expectations of avoiding the difficult decisions.

MINING EXPLORATION NATIVE TITLE CLAIMS

The Hon. E. M. OBEID: On 3 April the Deputy Leader of the Opposition asked me a question in relation to mining exploration native title claims. I now provide the honourable member with the following answer:

There is significant potential for mining lease and exploration licence applications in the Western Lands Division of New South Wales to be subject to native title claims. There is also currently one assessment lease application in the Western Lands Division potentially subject to native title. I am advised that at the present time 46 exploration and mining titles have commenced a right to negotiate process. Of these, 39 are in the Western Lands Division. The New South Wales Government has put in place a number of measures to ensure mining and exploration activity is not unnecessarily affected by native title claims. These are outlined in my verbal response to the Deputy Leader of the Opposition on 3 April.

CASTLEREAGH SWAMP WOODLAND PROTECTION

The Hon. CARMEL TEBBUTT: On 7 March the Hon. I. Cohen asked a question regarding Castlereagh swamp woodland protection. I can now provide the honourable member with the following answer from the Minister for the Environment:

(1) The remnant ecological community referred to has been identified by the National Parks and Wildlife Service as Cooks River Clay Plain Forest. This ecological community is listed as endangered under the Threatened Species Conservation Act 1995.

(2) Any proposal to expand Bankstown Airport would be subject to a detailed assessment process. It would be inappropriate to foreshadow the outcome of that assessment process.

(3) As at 9 April 2001 the Cooks River Clay Plain Forest has not been listed as an endangered ecological community under the Commonwealth Environmental Protection and Biodiversity Conservation Act.

KURRI KURRI COMMUNITY CENTRE

The Hon. CARMEL TEBBUTT: On 28 March the Hon. D. E. Oldfield asked me, representing the Minister for Disability Services, a question regarding home modification services for people with disabilities. The Minister for Disability Services has provided the following answer:

(1) Yes. The Ageing and Disability Department administers the Home and Community Care [HACC] program which provides numerous services including home modifications for the frail aged, younger people with disabilities and their carers.

(2) Yes. The Ageing and Disability Department funds Community Organisations to provide home modification and maintenance services under the HACC program.

(3) Yes. This organisation was appointed to provide this service following an expression of interest process held during 2000 to select the statewide fund holder.

(4) Kurri Kurri Community Centre Inc received $836,762 recurrent funding for the level 3 statewide program for the 2000-01 financial year. This funding is currently considered appropriate and has been sufficient to cover applications for level 3 home modifications costing over $20,000 that have been lodged with the organisation to date.

(5) The Home and Community Care program is a jointly funded Commonwealth-State program. The provision of growth funding for the program is announced in both the Commonwealth and State government budgets each year. Planning processes are in place to identify services that require additional growth funding. Should the level 3 statewide home modification be identified as a service needing growth funding it will be considered with other services provided in the program that are also in need of additional funding. The additional funding will be allocated to the service priorities determined in the planning process and included in the New South Wales Home and Community Care Program State plan which is approved by the Commonwealth and State program Ministers. The HACC program also provides a cost supplementation based on cost increases to funded services including the Kurri Kurri Community Centre Inc. each year.

Questions without notice concluded.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders

The Hon. I. COHEN [5.12 p.m.]: I move:

That standing and sessional orders—

The Hon. Jan Burnswoods: Point of order: The order of the day provides for committee reports. My understanding is that once we finish question time and you call, of course, for the Clerk to read the order of the day, given that under the sessional orders an hour is set aside for committee reports, the Clerk must read the order of the day. I cannot understand why, given the process that has been followed in this House for probably 10 years or more, the Clerk did not read the order of the day as it seems he is obliged to do. It has been my understanding on previous occasions and on this occasion. I spoke to the Clerk a little while ago to confirm that my understanding was correct, and the advice I received was that I was correct.

PRESIDENT: Order! The procedure upon which the Hon. I. Cohen was acting reads:

Contingent on the President calling on any notice of motion or the Clerk being called upon to read any order of the day.

Therefore, I rule against the Hon. Jan Burnswoods' point of order. The Hon. I. Cohen may proceed.

The Hon. I. COHEN: I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 93 outside the Order of Precedence, relating to the censure of the Minister for Land and Water Conservation be called on forthwith

The House divided.

Ayes, 23

Mr Breen	Mr Gay	Dr Pezzutti
Dr Chesterfield-Evans	Mr Harwin	Ms Rhiannon
Mr Cohen	Mr R. S. L. Jones	Mr Ryan
Mr Colless	Mr Lynn	Mr Samios
Mr Corbett	Mrs Nile	Dr Wong
Mrs Forsythe	Reverend Nile	*Tellers,*
Mr Gallacher	Mr Oldfield	Mr Jobling
Miss Gardiner	Mr Pearce	Mr Moppett

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Mr Della Bosca	Mr M. I. Jones	Mr Tsang
Mr Dyer	Mr Kelly	Mr West
Mr Egan	Mr Macdonald	
Ms Fazio	Mr Obeid	*Tellers,*
Mr Hatzistergos	Ms Saffin	Ms Burnswoods
Mr Johnson	Ms Tebbutt	Mr Primrose

Question resolved in the affirmative.

Motion agreed to.

Order of Business

The Hon. I. COHEN [5.23 p.m.]: I move:

That Private Members' Business item No. 93 outside the Order of Precedence be called on forthwith.

The Hon. I. M. MACDONALD (Parliamentary Secretary) [5.25 p.m.]: What honourable members have seen today is quite a fundamental challenge to a number of the rules that have been developed over a long period related to precedence that is relevant to the conduct of this House. Every honourable member knows that that has been totally flouted this afternoon. For the information of honourable members, I cite Erskine May's *Parliamentary Practice* at page 269.

The Hon. D. J. Gay: Point of order: Citing Erskine May at this stage is completely irrelevant to the question that is before the House. In fact, Madam President, you should rule the Hon. I. M. Macdonald out of order. Erskine May only comes in if there is a point of order before the House. Once again, we are debating the motion that has been put by the Hon. I. Cohen. There is no point to be decided by citing Erskine May.

The PRESIDENT: Order! There is no point of order. The honourable member is making a speech, and I have not yet heard what he has to say. The Hon. I. M. Macdonald may proceed.

The Hon. I. M. MACDONALD: The effect of the motion moved by Hon. I. Cohen is to put back in time discussion of the reports from parliamentary committees. Effectively, that amounts to the Opposition, in collusion with a number of crossbench members, taking over the control of this House. I wish to cite some apposite passages from Erskine May in relation to exactly what is going on in this Chamber this afternoon. Page 269 of Erskine May's *Parliamentary Practice* states:

> The basis of the Government's control over the business of the House lies in Standing Order No 14, which gives the Government's business precedence at every sitting, except on 13 Fridays when precedence is given to private Members' bills, 20 other days at the disposal of the opposition parties, and three days allotted for the consideration of Estimates recommended by the Liaison Committee. This, coupled with the provision in Standing Order No 27 allowing the Government to arrange its business, whether orders of the day or notices of motions, in any order it thinks fit, gives the Government virtually complete control over the time of the House (except, as noted above, in respect of adjournment debates on Wednesday mornings and the half-hour adjournment debates which end each day's sitting and also in respect of certain carefully defined business, mostly of an urgent character, which under Standing Order or practice is given priority whenever it is brought forward). This far-reaching control can be further extended by the Government, if the need arises, by inviting the House to agree to a motion suspending the relevant standing or sessional orders under which certain time is allotted to private Members or by making a special order for the purpose.

Erskine May is saying quite clearly that the Government should determine the business of the House, especially on days on which government business is set down. There is no doubt that today is a day of government business, yet we have had not one minute of government business. We have been debating private members' business and matters listed under the private members' section in the business paper. Members of the crossbench have been calling those matters forward today, completely contrary to any settled practice whatsoever in any of the texts on parliamentary practice and contrary to the major items for discussion that have been listed before this House. Odgers' *Australian Senate Practice* states:

> Government business (business initiated by ministers) takes precedence over general business (business initiated by other senators) at all times except for two and a half hours on Thursday ...

In the case of this House, that occurs on a Friday. Government business takes precedence, but the Government has been constantly frustrated and has been unable to get on with its business today because of private members' motions being discussed. These are not matters of public importance or matters of urgency; they are motions dragged up from the business paper and they are private members' business.

The Hon. J. H. Jobling: Point of order: The motion before the House is that a particular item outside the order of precedence be called on forthwith. In debating that motion, there is no reference to what is on the business paper, inside or outside the order of business of private members, which is dealt with in a number of places.At present the House is dealing with a specific, succinct and precise motion. The question of whether it is Government business or private members' business is not relevant to the motion; nor are the other matters to which the Hon. I. M. Macdonald referred. I draw your attention to the rulings made earlier today by the Deputy-President that indicate that the House must deal precisely and exactly with the motion before it. References to the House dealing with private members' business on Thursdays or Friday is irrelevant to the motion before us. I ask you to draw the honourable member back to the motion before the House or to rule him out of order.

The Hon. D. J. Gay: To the point of order: The Hon. I. M. Macdonald referred extensively to Erskine May in relation to Government priorities in terms of the running of the Parliament. I draw your attention to the fact that under the sessional orders the House is dealing with committee reports, not Government business, and I ask you also to rule on the question of relevance.

The Hon. I. M. MACDONALD: To the point of order: The question of whether the House is dealing with Government business or committee reports is not correct.

The Hon. J. F. Ryan: We are not any more.

The Hon. I. M. MACDONALD: The Deputy Leader of the Opposition just made that point. Earlier Madam President ruled that the call was taken before the take-note debate could proceed, which is the point the Hon. Jan Burnswoods was making. So the House did not proceed to deal with committee reports. Clearly, if the House was not dealing with committee reports, it was dealing with Government business, and what I am saying is germane to that point.

The Hon. J. F. Ryan: We are not any more.

The Hon. I. M. MACDONALD: For the benefit of the Hon. J. F. Ryan, the House is debating whether Private Members' Business item No. 93 outside the Order of Precedence should be called on forthwith. That is contrary to what is scheduled on the notice paper for today, that is, committee reports. However, the House had not started to deal with committee reports; it was still dealing with Government business. Therefore, my argument that Government business has precedence stands on both counts. There is no question that it is in order for me to debate the motion before the House, that is, that Private Member's Business item No. 93 outside the Order of Precedence be called on forthwith, because honourable members are trying to use time set aside for Government business to debate private members' business.

The Hon. J. F. Ryan: To the point of order: The argument put forward by the Hon. I. M. Macdonald appears to be apposite to a question already decided by the House. The honourable member is debating the question of whether standing and sessional orders should be suspended. The question of whether the House is dealing with Government business has already been decided; standing and sessional orders have been suspended. The honourable member must now debate whether an item of business should be called on forthwith, not whether standing and sessional orders should be suspended. The question of whether the House is dealing with Government business is irrelevant, because that has already been dealt with. As the House has already decided that matter by a vote, to the extent that the honourable member is arguing whether the House is dealing with Government business, he is reflecting on a vote already taken. Therefore, much of his speech is out of order.

The PRESIDENT: Order! I will rule on the points of order together. It is clear that the Hon. I. M. Macdonald is arguing against the proposition that Private Members' Business item No. 93 be called on forthwith. Members who have taken points of order may not agree with the arguments the Hon. I. M. Macdonald is making, but it is clear that he is addressing himself to that question. Accordingly, his speech is in order and he may continue.

The Hon. I. M. MACDONALD: The point I was clearly making was that this motion is another step in taking control of the business of the House when it should be dealing with Government business.

The Hon. J. F. Ryan: You did it dozens of times when you were in Opposition.

The Hon. I. M. MACDONALD: When the Coalition was in government there were dozens of times when the Hon. J. F. Ryan and company put forward strenuous arguments about controlling the House. The same thing has happened twice today. I cannot recall, and I am sure other members cannot recall, two motions being moved on the same day to deal with business other than Government business. As a consequence, the Government is of the view that the House should deal with committee reports and then proceed to deal with Government business, and that Private Member's Business item No. 93 outside the Order of Precedence should go back to where it belongs and be dealt with in order at the appropriate time.

The Hon. R. S. L. JONES [5.35 p.m.]: The honourable member's motion is perfectly in order. The House is its own master and decides what it wants to do. If the majority of members decide to go ahead with private members' business, that is what the House will decide. If not, that is okay too.

The Hon. Dr A. CHESTERFIELD-EVANS [5.35 p.m.]: I put it to the House that the Government in the person of the Hon. I. M. Macdonald does not understand that it does not have a majority in this House and that it does not determine the business of the House except by courtesy of the House. The House allows Government business to proceed and it allows the Government to set the business because it chooses to do so, not because the Government has the numbers to force it to do so. The Government does not have a majority in this House. For that matter, it does not have a majority in the lower House, but that is a bit of a gerrymander so the Government gets away with that. The Government can get a majority of the seats without getting a majority of the votes. That is the nature of single-member electorates. The Government does not have a majority in this House and it has just lost a vote. There is no point in referring to precedence set in other Parliaments where it would seem that they achieve their legitimacy from a majority of the votes. The Government should get used to democracy, shut up, stop making silly decisions that necessitate this sort of debate and accept the verdict of the vote.

Motion agreed to.

MINISTER FOR LAND AND WATER CONSERVATION

Motion of Censure

Debate resumed from an earlier hour.

The Hon. R. S. L. JONES [5.37 p.m.]: Streamwatch in the Hawkesbury-Nepean catchment is managed by the Hawkesbury-Nepean Catchment Management Trust. Streamwatch in this region is perhaps the biggest community water quality network in any catchment in Australia. There are nearly 100 Streamwatch groups, which translates to the involvement of about 3,000 people in quality environmental monitoring and action projects. The Hawkesbury-Nepean catchment has added a number of features, such as network support meetings, group contact and recognition of participants, to the Streamwatch program to lead by example. It is clear that the Streamwatch program run by the trust is working extremely well. In a media release dated 27 June 2000 Warren Entsch, the Parliamentary Secretary to the Federal Minister for Industry, Science and Resources, announced a grant to the Hawkesbury-Nepean Catchment Management Trust, which was one of four grants

under the 2000 Australian Spatial Data Infrastructure [ASDI] Partnerships Grants program. There was a $46,400 grant to the trust to enable it to collaborate with the University of Western Sydney and local councils in the western Sydney area to deliver two main outcomes.

The first outcome is collating information on all geographic data posted by local councils in the Hawkesbury-Nepean district in a standard format and placing the information on the New South Wales entry site to the Australian Spatial Data Directory [ASDD]. The ASDD enables all Australians with Internet access to enter one web site and to search, discover and access geographic information, including maps, aerial photographs and satellite images, held by different agencies throughout Australia. The second outcome will be a set of processes to be adopted by local councils to improve the management of their geographic data. In the press release the member for the Federal electorate of Macquarie, Mr Bartlett, stated:

> There will be huge benefits to the Hawkesbury-Nepean Catchment community … with easier access to information relating to such things as schools, hospitals, land ownership, public buildings and local reserves.

Mr Entsch talked about the partnership program that targets industry, research and development institutions and local and State governments. He said:

> It will encourage a partnership between industry, research institutions and government, and make a major contribution to economic and social development at local, regional and national levels.

What will happen now that the trust has been disbanded by this Minister? Does that program still stay or has it also gone? A document entitled "Strengthening Catchment Management in New South Wales", which I found on the web site of the Department of Land and Water Conservation, states:

> A new and stronger system of catchment management for NSW will concentrate community, industry and government agency efforts on managing our land, water, vegetation and other natural resources in a more integrated way for a sustainable future.

In relation to the Hawkesbury-Nepean Catchment Management Trust it states:

> The Hawkesbury-Nepean Catchment Management Trust will continue. The functions of the Berowra, Blue Mountains, Cattai, Cowan, Middle Nepean-Hawkesbury, South Creek and Upper Nepean CMCs will be absorbed into a revised committee structure under the Trust as from 1 January 2000.

A year ago the trust received tremendous support from the Department of Land and Water Conservation, but now the trust has been undermined by the department. I wonder whether the Hunter Catchment Management Trust and the Upper Parramatta River Catchment Trust to which this document refers will be disbanded also. Is the Hawkesbury Nepean Catchment Management Trust the first trust to go? What else will be done? The Nature Conservation Council [NCC] states that the trust has been a model for land and water management in the huge area under its supervision. The council claims it is an icon for community ownership and management. Kathryn Ridge, Executive Officer of the NCC, which represents several hundred groups in New South Wales and usually works very well with the Government—although on this occasion it has not—said:

> They are raiding the golden goose. People were prepared to invest in the Trust's outcomes and they won't want to do that now.

The fact that the trust managed to double its revenue by attracting support from the Federal Government, independent trusts and the community is an indication of support not only from government at that time but also from the community. She continued:

> To assume that DLWC can fill the Trust's shoes is arrogant and will not be welcomed by the community.

The board of the Hawkesbury-Nepean Catchment Management Trust appeals to the Premier to reverse his decision. Apparently it was decided at a meeting of the executive council this morning that it would go ahead with this appallingly bad decision. We will read the *Government Gazette* tomorrow with some interest. Yesterday I received the following bush news release:

> The Board particularly noted the recent Government decision to issue a Statement of Joint Intent which directs key agencies and the Trust to implement a range of significant actions resulting from the Healthy Rivers Commission Inquiry into the Hawkesbury-Nepean River.
>
> The Statement of Joint Intent which was approved by the Cabinet Standing Committee on the Environment set down a very significant role for the Trust including development and oversight of a strategic plan for managing the lower Hawkesbury-Nepean …

Only a week ago Bob Debus, Minister for the Environment, made a substantial grant to the trust for a stormwater education program. I think the majority of members of this House agree that the trust was, is and hopefully will be a model for community-based land and water management and that the trust has proved to be an outstanding advocate. I am pleased that the Local Government Association has passed a unanimous motion supporting the continuation of the Hawkesbury-Nepean Catchment Management Trust. The Western Sydney Regional Organisation of Councils also calls on the Government to maintain the trust's operations.

The Minister and the Government have to realise that they have made a serious and terrible mistake. They believe they are so far ahead in the polls that they can do anything to anybody in New South Wales and get away with it without suffering any electoral backlash. That is simply not so. Wayne Goss lost government because of koalas! Three Australian Labor Party members who represented electorates in an area where a road was to be built through a koala habitat lost their seats, and Wayne Goss lost government. If koalas can lose Wayne Goss government, issues such as this and the M5 East—issues of great concern and stress in the community—will cause damage to this Government in two years time. The Government cannot rest on its laurels. The Government is losing support hand over fist because of such seriously bad decisions.

The Hon. R. H. COLLESS [5.44 p.m.]: I speak in this debate as a former member of a catchment management committee in the north-west of New South Wales. In my experience as a member of that committee its role was to provide community input into natural resource management. It was not a forum for promulgating a direct government line or the policies of the Department of Land and Water Conservation [DLWC]. There have long been problems with trusts and boards in the natural resource management field. Honourable members know that trusts and boards are appointed by the Minister and their members nominated—not elected—by the community that they serve. History shows that members of trusts, boards and committees who speak out against the government or DLWC line are unceremoniously dumped.

The Hon. J. F. Ryan: Chopped!

The Hon. R. H. COLLESS: Chopped from the committee when their tenure is up for renewal. There is a strong trend developing within all trusts, boards, native vegetation committees and board of management committees: their membership is simply becoming the mouthpiece for the Government's regulatory reform process. When committee members stand up for the communities that they represent they are, as I said, dumped or chopped off at the throat. We now have the dreadful situation where the Hawkesbury-Nepean Catchment Management Trust, an icon of community involvement, has been abolished. The trust has been described as being at the cutting edge of environmental management and conservation. It has developed a catchment management plan after two years of consultation and work with the community and has set environmental targets that were brought together by communities on that committee.

The trust has wide support across the general field of government, industry and community as an effective advocate in natural resource management. The Hawkesbury River is an icon in the Sydney basin. As a child I lived in the north-west of New South Wales and came to the Central Coast for holidays every year. The Hawkesbury River was the first real impression we had of arriving at the coast; I looked forward to crossing it every year. It was like reaching a milestone on our trip down from the bush. We all waited eagerly, travelling along the old Pacific Highway through the mountains, to cross the Hawkesbury River. I lived in the Hawkesbury valley for three years while I attended the Hawkesbury Agricultural College. My wife was born and raised on the banks of the Hawkesbury River. It is a major scenic, recreational, agricultural and now urban region within the Sydney basin. The Hawkesbury-Nepean Catchment Management Trust has developed as the independent advocate for the health of the river and the whole of its catchment area. An important function of the trust is as a knowledge base and information resource centre for children, businesses and farmers of Western Sydney. All community members in those areas can research their local issues in relation to the Hawkesbury and Nepean rivers and their catchment area through the trust.

The Hon. D. J. Gay: And the safety of Warragamba Dam.

The Hon. R. H. COLLESS: As the Deputy Leader of the Opposition reminds me, the safety of the Warragamba Dam is absolutely dependent upon that trust surviving. The Team*West* organisation represents 12 community organisations in Sydney's greater west. They are: Artswest Foundation Ltd, Greater Western Sydney Economic Development Board, Greater Western Sydney Regional Chamber of Commerce and Industry Inc., Hawkesbury-Nepean Catchment Management Trust, Macarthur Community Forum, Macarthur Regional Organisation of Councils, Macarthur Waste Board, University of Western Sydney, Western Sydney Community Forum, Western Sydney Waste Board, Western Sydney Regional Information and Research Service and the Western Sydney Regional Organisation of Councils Ltd. Every significant western Sydney organisation is represented on Team*West*. I would like to read to the House a statement entitled "Abolition of major environmental agency" put out today by that organisation:

> Today's meeting of the Team*West* Regional Priorities Group—a regional network that includes 12 key organisations in Greater Western Sydney—has identified major concerns about the recent State Government decision to abolish the Hawkesbury/Nepean Catchment Management Trust.
>
> The key concern raised by the Team*West* Group is the lack of consultation with the stakeholders about the decision. No regional groups or organisations were consulted prior to the Government's announcement of the decision to abolish the Trust last Friday.
>
> The Team*West* Group is also concerned that the decision by the State Government may weaken its commitment to the environmental management of Hawkesbury-Nepean catchment area and the Trust's leadership role in ecologically sustainable development throughout the region.

> The Group is also seeking an assessment of the impact of this decision on the various community-based projects that many councils and organisations in the region were undertaking in partnership with the Hawkesbury-Nepean Catchment Management Trust.
>
> The Team*West* Regional Priorities Group resolved to urgently call on the state government to reconsider or at least defer its decision to abolish the Trust and to review the Trust's performance in consultation with key stakeholders. The Group is also seeking assurances that the Trust's many community-based projects are continued and that the Government will maintain its commitment to the management of the Western Sydney environment in partnership with the regional community.

For emphasis, I read again that important line:

> No regional groups or organisations were consulted prior to the Government's announcement of the decision to abolish the Trust last Friday.

What sort of community consultation process is the Government embarking upon? It is embarking upon a Clayton's consultative process: there is no consultation process. The Government is roaring ahead, full steam, with its arrogant agenda on resource management, and is not consulting with relevant communities.

The Hon. Dr A. CHESTERFIELD-EVANS [5.52 p.m.]: I congratulate the Hon. I. Cohen on moving this motion. The decision unilaterally to abolish the Hawkesbury-Nepean Catchment Management Trust, without consulting any members of its board, part-time staff or volunteers, demonstrates the arrogance of the Government. To highlight the point, one need only read *Hansard* of debate in the other place yesterday, when the Leader of the Opposition asked the Premier why the trust was being dissolved. The Premier's response was:

> The resignation of the ministry will be deferred for an hour at least, as we reel from this onslaught, this most unpredictable and surprising question. It is totally unpredictable.

The answer from the Premier, when called upon to account for that action in the House, is nothing but a sneer. It really is not good enough that a trust that is working perfectly well is abolished by the Minister—presumably as a captive of his department—without any real consultation or understanding. Then nothing but a personal sneer is the response from the Premier. The Coalition did not have a good record on environmental issues. In a sense it is ironic that we are debating a motion to condemn a Labor Government that paints itself as environmentally friendly—although it is quite the opposite— for dismantling a trust that is performing fantastic work in western Sydney, particularly as the trust was established under a Liberal government.

The Hawkesbury-Nepean Catchment Management Trust was established as a statutory body under the Catchment Management Act 1989. That action was in response to lobbying by the Coalition of Hawkesbury and Nepean Group for the Environment, under the energetic leadership of David Hughes. That organisation encouraged Kevin Rozzoli, the present member for Hawkesbury in the other place, to produce a draft bill and lobbied the Government to take action. Premier Greiner responded by establishing a task force, with broad-ranging membership, charged with considering the best way of tackling the problems facing the river system and making recommendations. The outcome, after extensive community consultation, was a recommendation that a trust be set up under the Catchment Management Act. This led, late in 1993, to the creation of the Hawkesbury-Nepean Catchment Management Trust. This was a major community achievement and a big step forward in river management—despite the fact that the trust had no teeth.

The Hawkesbury-Nepean Catchment Management Trust is entrusted with the management of the whole of the Nepean River system and catchment—excluding the catchment area above Pheasants Next weir and Broughtons Pass weir—and parts of the Hawkesbury river system and catchment below the wall of the Warragamba Dam, excluding Brisbane Water, Pittwater and the catchment for the Lake Medlow and Greaves Creak dams, the lower, middle and upper Cascade Creek dams and Woodford Creek dam. The catchment takes in 20 local government areas, and the trust co-ordinates activities between councils, community groups and government agencies in developing and implementing projects. It draws money from the Natural Heritage Trust fund, State government grants, financial donations and the sweat and commitment of countless citizens of New South Wales willing to volunteer their services to maintain the sustainability of this catchment. The purposes of the trust are outlined in section 4 of the Nepean Catchment Management Trust Regulation 1999, as follows:

4. Total catchment management purposes of Trust

(a) to achieve a healthy and productive Hawkesbury-Nepean catchment system by:

- (i) advocating the catchment system and providing advice on the catchment system, and
- (ii) encouraging the protection, and where appropriate, the restoration of the catchment system, and
- (iii) promoting and facilitating the ecologically sustainable use, development and management of natural resources, the flood plain and the built environment, and
- (iv) fostering orderly and proper physical, environmental and socio-economic planning and management as the basis for the well-being of the people and all life within the Trust area, and
- (v) creating community awareness of, and participation in, total catchment management,

(b) to co-ordinate activities relating to total catchment management in the Trust area.

Yesterday the Premier was critical of the value of maintaining the trust. The Premier condemned the trust for spending only $69,000 of an approximate annual budget of $4 million on actual on-the-ground work. The Premier missed the point. Section 4 clearly states that the purpose for which the trust was established was to co-ordinate activities and educate the public, not to perform the same roles as the Department of Land and Water Conservation. The trust manages to co-ordinate a lot of education and rehabilitation projects that are beyond that department's limited resources. So the Premier's comments regarding costs are quite irrelevant. What does the Government think rolling the functions of this trust into the Department of Land and Water Conservation will cost? And what will be the cost of losing all those volunteers? Does the department seriously think that it has, or can put together, the expertise to keep those volunteers motivated and working as they are now? I would wager that the cost of the department discharging those functions currently carried out by the trust would be much greater. It is quite apparent that the trust is able to attract donations. I am sure that the trust's ability to attract such donations would greatly exceed the ability of any government department to do so.

The Minister for Land and Water Conservation announced the closure by press release on 6 April, and cited some reasons that the trust was to be disbanded. Kevin Rozzoli, who is deputy chair of the trust, told me that he was informed at 8.30 a.m. on Friday 6 April—just a fortnight after the Minister for the Environment handed over a cheque for $112,000 for environmental education programs—about the intention of the Department of Land and Water Conservation to absorb the trust's staff and its functions. Clearly, this is a very bad decision. The clock is being turned back 50 years, in an action that shows total contempt for the aspirations and efforts of the community, as well as for the dedicated work of the staff of the trust and the trust board. The Minister's press release provides very flimsy reasons for the decision, mentioning "more cost-effective administrative arrangements" and making more funds available for "on-ground works".

It was stated that there would be community involvement via an existing reference panel—which is actually the Local Government Catchment Management Reference Group, set up as a subcommittee of the trust—and the Hawkesbury-Nepean Forum, which apparently was set up in October but has not yet met. This sounds like yet another *Yes Minister* trick pulled by bureaucrats anxious to protect their own turf. Certainly, one cannot have confidence in the capacity of the Department of Land and Water Conservation to fill the gap left by the trust. The department has a sorry record in protecting native vegetation. It has been alleged that the 1997 Native Vegetation Conservation Act has been breached more than 380 times, yet the Department of Land and Water Conservation has failed to mount a single prosecution. Who would want to place the future of this river system in the hands of such a department?

I shall refer to some of the reasons why the trust must continue. Unlike government agencies, it is an independent body which can recommend policies and actions and be critical of the policies and actions, or inactions, of others without fear or favour. The trust has worked closely with local councils to assist with the implementation of regional environmental plan 20 and the delivery of a variety of on-ground projects. It has developed a national and international reputation in the field of catchment management, and provides a successful model for similar bodies to adopt. The trust has just completed a uniquely comprehensive strategic plan for managing the river system, and has been given the role by the Government of monitoring and auditing the implementation of the plan. It has established a close working relationship with the community which is highly valued by the latter; unlike government agencies, people feel that they are in a genuine partnership with the trust.

The trust has made important contributions to planning decisions within the catchment. It has assembled a small team of expert staff dedicated to the task of returning the catchment to a healthy state. It has a budget of less than $4 million, which is a very modest sum given the size and complexity of the catchment. The quality of its work has attracted grants of more than $7 million from a range of other bodies—a remarkable achievement and a tribute to the high standing of the trust. It has taken a great deal of weight off the shoulders of community groups such as the Hawkesbury River Environment Protection Society. If the trust disappears, it will once again be entirely up to community groups, with their very limited resources, to do battle on behalf of the river. Above all, the trust speaks with a single voice as a protector of and advocate for the river system and its environs. This never happened before, and it will be silenced if the trust goes.

We must look at trusts and other advocacy groups sensibly. Some groups work and some do not. The problem with the successful groups is that sometimes they embarrass the Government because they are more concerned about doing their job and advocating than they are about making the Government look good, and therefore they are a great danger. We have seen this with the peak lobby groups in the disability area. As soon as such groups are successful, they are defunded. Obviously, that is a great threat and it must not happen to the Hawkesbury-Nepean Catchment Management Trust. I urge honourable members to support the motion.

The Hon. C. J. S. LYNN [6.01 p.m.]: I speak in support of the Greens motion of censure of the Minister for Land and Water Conservation and compliment the Hon. I. Cohen for bringing this important concern before the House. I believe that the motion of censure is not too strong for this issue. A press release issued by Riverwatch states:

> This unheralded dictate took everyone, including the Trustees, by surprise as it appears that there had been no prior discussion of any plan to abolish the Trust. This is an astonishing decision which everyone with a concern for the future of the Hawkesbury will find totally unacceptable.

Perhaps it is a little more than coincidental that this was announced yesterday and the Government now has six weeks to avoid scrutiny, to put its spin on the issue, and to bed it down and settle it down. I congratulate the Hon. I. Cohen on allowing this House to debate the motion.

My colleague the Hon. J. F. Ryan said that the Hawkesbury-Nepean is an icon for western Sydney. I totally support that. The Hawkesbury-Nepean trust gave the ownership and management of that very important resource to the people of western Sydney. One of the key issues involved here was highlighted by trustee John Murphy, who is an immediate past president of the Coalition of Hawkesbury and Nepean Groups for the Environment. He said that the community fought hard to have the trust established as an independent voice for the catchment and river system. Its establishment in 1993 enjoyed bipartisan political support and broad-based community support. An independent voice for our catchment and river system is not only an important community asset, it is an asset to government.

Mr Murphy said—and this is the key issue about the announcement—that the trust provides a truly independent source of advice to the Government. Perhaps the trust has given the Government some advice that the Government has not liked and does not want to hear. As the Government operates, when it does not want to hear something, the best way to go about it is to simply get rid of the source, guillotine it, and put it under an organisation over which the Government has control. The Government has its own people; it has yes men. A press release issued by Minister Amery reads in part:

> "The Trust has done a very good job in relation to community education and strategic planning," he said. "Now I believe it is time to hand the process over to the Department of Land and Water Conservation."

I simply ask: If the trust has done a good job, why can it not continue to do a good job? The Minister has acknowledged that the trust has done a good job. The press release continues:

> Mr Amery said the community would still be very much involved in the management of the Hawkesbury Nepean valley through a number of other local organisations.

How will the Minister be able to bring about such community involvement? The Minister has not explained that. As the Hon. J. F. Ryan mentioned, we read in last weekend's newspapers that Paul Gibson apparently challenged the Premier in caucus about the fact that the Labor Party is now starting to take the people of western Sydney for granted. I know that the margins towards Labor are very high. However, as I have said in this House on other occasions, we might be westies but we are not stupid. The people of western Sydney will see through this. They do not like being dictated to. This is their land, their area, their river, and they want to run it. The Hon. Dr A. Chesterfield-Evans raised an issue referred to by the trust chair, John Klem, when he said:

> By any measure the trust runs a lean and efficient operation with a vast majority of funds being directed to projects that are making a real difference to the health of our catchment and the way we manage it.

Yesterday the Premier, in a typically arrogant response to the Leader of the Opposition, highlighted the fact that the same amount was allocated to administration as was allocated to the river. The Hon. Dr A. Chesterfield-Evans said that the Hawkesbury-Nepean trust has a lot of volunteers. But how does one value the cost of those volunteers? One cannot do so.

The Hon. I. Cohen: 7,000.

The Hon. C. J. S. LYNN: There are 7,000 volunteers. If we had to pay those volunteers, how much would it cost? If ownership and partnership are removed from them and handed over to bureaucrats in the Department of Land and Water Conservation, what will that cost the people of western Sydney? That is a question that the Minister must answer on behalf of the Government. The Hon. Dr A. Chesterfield-Evans said that if the rationale is about saving money, it is reasonable to ask what costs will be involved in dismantling the trust and absorbing it into the Department of Land and Water Conservation. What costs will be borne through the loss of financial and in-kind contribution from community and industry groups who support the trust and may not have the same affinity to a government department?

I know that the honourable member for Hawkesbury, Kevin Rozzoli, who is an initiator and hard worker for this scheme, has been devastated by this announcement. He was not consulted. He has put years of work into it—I would say, in a bipartisan way, because he has always had the interests of the Hawkesbury-Nepean at heart, and not his own political interests in this issue. The honourable member for Hawkesbury is above that, but members of the Government are not. The minute the Government gets independent advice that it does not like, it challenges that independent advice. The Government now has six weeks to go out to western

Sydney and put its spin on it. The Government has been sprung by the Hon. I. Cohen. We support his motion, and believe that the Minister should be censured for this absolutely arrogant decision he has taken.

Reverend the Hon. F. J. NILE [6.09 p.m.]: On behalf of the Christian Democratic Party I support the motion moved by the Hon. I. Cohen which relates to the scrapping of the Hawkesbury-Nepean Catchment Management Trust without any consultation with or notice given to the trustees. As other honourable members have said, this motion was moved in the other place by the honourable member for Hawkesbury, the Liberal member in that area. Normally a motion of this nature would be moved by a Liberal member in this House. The fact that the Greens took up this issue has made it somewhat more political.

Earlier, when the Hon. Dr A. Chesterfield-Evans was speaking in debate on this motion, he could not resist attacking members of the Opposition. He seemed to forget that this matter arose from the Opposition ranks in the first place. Honourable members who spoke earlier in debate on this motion referred to the detail of the trust. I want to refer to a few procedural issues. Amendments to the motion which were moved by the Hon. P. J. Breen and the Hon. R. S. L. Jones seem to have the support of the majority of honourable members. The Government is to be condemned for what appears to be an attempt to pre-empt this debate. The Executive Council made a decision to endorse this action and to have it gazetted and printed tomorrow when obviously it was on the notice paper. This is a heavy-handed action by the Government.

Honourable members who spoke in debate earlier said that the western suburbs were often treated poorly—almost like an orphan. I have established from some of the material I have been reading that the western suburbs are equivalent to a capital city such as Adelaide in South Australia. People talk about resources in that area, but they should take into account all the facilities in the city of Adelaide and compare them with the facilities that are available in the western suburbs. I am sure that they would find a great discrepancy. The Government is attempting to discourage strong local community support for the Hawkesbury-Nepean Catchment Management Trust. It was noted earlier that there are approximately 7,000 volunteers in this area.

Volunteers find it difficult to relate to public servants in departments such as the Department of Land and Water Conservation. Often there is tension between public servants and volunteers, which kills the volunteer spirit. The Premier said that even though the trust was being wound up or axed, other organisations could take its place. Those organisations, which might co-operate more freely with the Government, might be Australian Labor Party front groups. They might not be as critical of some of the Government's actions. Some honourable members said that governments get arrogant when oppositions appear to be weak and governments receive high ratings. That happened in Victoria with the Kennett Government. It believed it could do anything, say anything and take whatever action it liked, so the people of Victoria threw it out of office.

The same thing happened in Queensland with the Goss Government, and we saw that happen recently to the Court Government in Western Australia and to the Queensland Government. The Carr Labor Government should not be overconfident. The Government, by taking some of these measures, might alienate its constituents. When party loyalties are strong people tend to make decisions prior to voting on many issues. No government can ever be sure that it has votes in its pocket and that it can do what it likes. All governments have to show some respect for the electorate and in particular their constituents. I do not believe that the Government has done that in this case.

The Hon. J. H. JOBLING [6.15 p.m.]: I support the motion moved by the Hon. I. Cohen. I agree entirely with his concern about the decision to wind up the Hawkesbury-Nepean Catchment Management Trust. I concur with his view about the members involved—the people who worked so hard who were given no notice of this proposal. There was no consultation with trustees. This is the most high-handed effort I have seen in a long time. Honourable members should censure or, at the worst, condemn the Minister for Land and Water Conservation on his actions and on his total disregard for those hard-working volunteers. When this matter is voted on I will ask, under Standing Order 106, that the two amendments moved by the Hon. R. S. L. Jones be taken seriatim.

Ms LEE RHIANNON [6.16 p.m.]: I support the work done by my colleague the Hon. I Cohen and I support the motion moved by him in relation to this important issue. Clearly, this censure motion is required. We have in this State a Labor government that is seriously out of step with community needs and community wishes. Reverend the Hon. F. J. Nile spoke earlier about the arrogance of this Government, and that is exemplified not just in this issue but in other issues. Today in this Chamber and around this Parliament we have seen dangerous indications of a Government that is not listening to the people of New South Wales. All honourable members would be aware of the picket line outside the doors of this Chamber.

The Hon. I. M. Macdonald: Point of order: Ms Lee Rhiannon is now canvassing issues outside the question before the House. This motion relates to the Hawkesbury-Nepean Catchment Management Trust. All honourable members appear to have stuck to matters that are relevant to the motion moved by the Hon. I. Cohen. However, the matters that Ms Lee Rhiannon is starting to raise are germane to a bill that is to be debated by this House in June. The issues to which she is referring have nothing to do with the matter that is before the House. I ask you to call her to order and to ask her to concentrate on the topic before the House. We do not want one member of the Greens to ramble and rave on any old issue that comes into her head at any time.

Ms LEE RHIANNON: To the point of order: Mr Ian Macdonald just referred to the issue of relevance.

The Hon. I. M. Macdonald: Further to the point of order: I ask you to ask the honourable member to refer to me by my correct title.

Ms LEE RHIANNON: To the point of order: I referred earlier to the issue that was raised concerning relevance. I was not canvassing another bill that is before this House. I was speaking briefly about an incident that happened today which I believe is relevant to the issue that we are discussing. We are discussing an important motion about the winding up of the operations of the Hawkesbury-Nepean Catchment Management Trust, which has occurred because this Government is out of touch with its constituency. I was describing briefly other ways in which this Government is out of touch, which I believe are most relevant to this debate. Frequently members are allowed to use examples in a whole range of ways. If I were to be penalised once again in this way, it would be unfair and undemocratic.

The DEPUTY-PRESIDENT (The Hon. Janelle Saffin): Order! On the first matter raised I advise that I did not hear all of what Ms Lee Rhiannon said. However, I remind members that while traditionally a deal of latitude is extended to members during debate, their contributions must be relevant. Although the Hon. I. M. Macdonald did not raise anticipation in taking the point of order, he did refer to debate on a bill, and the standing orders are specific with regard to anticipation. Accordingly, there is no point of order.

The Hon. I. M. Macdonald asked also that he be addressed by other members as he would wish to be addressed. I remind members that it is courteous and in keeping with the conventions of the House that the practice be followed.

Ms LEE RHIANNON: I was speaking about concern at how the Government of New South Wales is handling its constituency. Other honourable members have spoken about the degree of arrogance we are seeing from the Government. This is shown very clearly in the way the trust has been wound up—without interaction with the community and against the community's wishes. Arrogance is a great worry to us, because we believe it would be very serious if a Labor government lost in this State. Just because it is riding high at the moment does not mean it cannot crash in a couple of years. Another example of it being seriously out of step was when the crossbench and the Coalition had to co-operate to get through changes about the Community Services Commission.

The Hon. Jan Burnswoods: Point of order: I reiterate what the Hon. I. M. Macdonald said earlier. Time and again Ms Lee Rhiannon comes into the House knowing absolutely nothing about the motion she is talking to, even when it has been moved by her alleged colleague the Hon. I. Cohen. She is now talking about a debate that occurred earlier today in relation to the Community Services Commission. I defy her or anyone else in this House to link the little she knows about the Hawkesbury-Nepean Catchment Management Trust with the debate on the Community Services Commission. I ask you to tell her to sit down and shut up or to return to the motion we have had before us for many hours.

Ms LEE RHIANNON: To the point order: First, I am very concerned with the language that was used. I find it insulting and I have never heard that or been accused of knowing nothing about the topic. It is insulting to the communities that I work with in the area. I wanted to report on why the communities are so concerned about the abolition of this trust.

The DEPUTY-PRESIDENT (The Hon. Janelle Saffin): Order! I remind members that their contributions must be relevant to the question before the Chair. I refrain from upholding a point of order suggesting that members do not know what they are talking about. No point order is involved.

Ms LEE RHIANNON: The degree of community involvement with this trust is extraordinary. I note the organisations that have worked so closely with the trust and are now working actively to have the trust reinstated. They are the Association for Berowra Creek, the Hornsby Shire Residents and Ratepayers Association, the Hills Combined Residents Network, the Hawkesbury River Environmental Protection Society [THREPS], the Round Corner Village Residents Group, Annangrove Progress Association, Maroota Conservation Society, Glenorie Progress Association, Dural Residents Action Group and the East Bend Rural Communications Resource Centre at Maroota. All these organisations have been engaged in a range of activities, training local people and conducting bush care projects. They have received a variety of assistance from the trust and are now very concerned about what has happened to it. I put on record that those organisations have been in touch with the Greens over the past few days. They wish their concerns to be expressed to the House. They will be working hard to get the trust re-established.

The Hon. I. COHEN [6.24 p.m.], in reply: I thank the many honourable members who participated in this debate. Despite some difficulty in kickstarting the debate a number of times—like some vehicles I know—once it got going it was very productive. I acknowledge the concern, the care and the hurt of the local member, the honourable member for Hawkesbury, with whom I have had some discussions. It is clear to me that he holds in great regard the project he has been working on constructively for the environment and for his community for many years. He is to be applauded for his work. All members of this House have supporters who are working on that river system. I ask all honourable members on both sides of this House to think about that. I cannot imagine that government bureaucracies would get anywhere near the support that this trust has gained throughout the community.

I appreciate the amendments of the Hon. P. J. Breen and will accept them with the further amendments of the Hon. R. S. L. Jones, effectively condemning the Government. We were looking for a choice of words and believe that is appropriate. I am disappointed but not surprised that the Executive Council has endorsed, and we will see gazetted tomorrow, the disbandment of the trust. That is a cynical exercise on the part of the Government.

The Hon. G. S. Pearce: It is the way this Government works.

The Hon. I. COHEN: That does appear to be the case. In my time in this House the environmental bona fides of the Coalition, on water management issues, particularly in the urban catchment, have been far ahead of the Government's. I have worked with the Hon. J. F. Ryan on the Northside Storage Tunnel issue and on a number of important water management issues in the urban area, and the Coalition has been very strong and clear and, might I say, green compared with the Government. This is just one more. I ask the Government to give serious consideration to this issue, because they are really doing a number on the people of the west of Sydney and also on what was once a magnificent waterway that is suffering from the encroachment of urban development and is in grave need of support.

I wonder how much this radical move by the Government is connected to future developments that will further downgrade the environment in those areas. I make it very clear that the Treasury grant funds for on-ground projects total $7.65 million—direct on-ground $5.1 million; indirect on-ground $2.55 million; external contributions for on-ground projects based on an ATECH report prepared for a review of the trust, totalling $20,584,270; in-kind community contributions $16.45 million; and grant funding $411 million. That is incredible support from the community with in-kind contributions. I ask the Government to seriously reconsider this situation and get the support of the whole community. Parliament needs to prioritise the protection of the Hawkesbury-Nepean catchment, and the way to do that is to resurrect the Hawkesbury-Nepean Catchment Management Trust. It is the only way to go. I thank honourable members for their participation and I commend the motion to the House.

Amendments Nos 1 and 2 of the Hon. R. S. L. Jones of the amendments of the Hon. P. J. Breen agreed to.

Amendments Nos 1 to 6 of the Hon. P. J. Breen as amended agreed to.

Question—That the motion as amended be agreed to—put.

The House divided.

Ayes, 22

Mr Breen	Mr Gay	Ms Rhiannon
Dr Chesterfield-Evans	Mr M. I. Jones	Mr Ryan
Mr Cohen	Mr R. S. L. Jones	Mr Samios
Mr Colless	Mr Lynn	Dr Wong
Mr Corbett	Mrs Nile	
Mrs Forsythe	Reverend Nile	*Tellers,*
Mr Gallacher	Mr Oldfield	Mr Jobling
Miss Gardiner	Mr Pearce	Mr Moppett

Noes, 13

Ms Burnswoods	Mr Kelly	Mr West
Mr Della Bosca	Mr Macdonald	
Mr Egan	Ms Saffin	*Tellers,*
Ms Fazio	Ms Tebbutt	Mr Dyer
Mr Johnson	Mr Tsang	Mr Primrose

Pairs

Mr Harwin	Mr Hatzistergos
Dr Pezzutti	Mr Obeid

Question resolved in the affirmative.

Motion as amended agreed to.

[*The President left the chair at 6.38 p.m. The House resumed at 8.15 p.m.*]

BUSINESS OF THE HOUSE

Postponement of Business

Committee Reports—Orders of the Day Nos 1, 2 and 3 postponed on motion by the Hon. P. T. Primrose.

INDUSTRIAL RELATIONS AMENDMENT (LEAVE FOR VICTIMS OF CRIME) BILL

LOCAL GOVERNMENT AMENDMENT (GRAFFITI REMOVAL) BILL

Bills received.

Leave granted for procedural matters to be dealt with on one motion without formality.

Motion by the Hon. Carmel Tebbutt agreed to:

That these bills be read a first time and printed, standing orders suspended on contingent notice for remaining stages and the second reading of the bills be set down as orders of the day for a later hour of the sitting.

Bills read a first time.

TABLING OF PAPERS

The Hon. Carmel Tebbutt tabled the following papers:

National Crime Authority Act 1984—Report of National Crime Authority for year ended 30 June 2000
Special Commissions of Inquiry Act 1983—Final Report of the Special Commission of Inquiry into the Glenbrook Rail Accident by the Honourable Peter Aloysius McInerney, dated April 2001

State Owned Corporations Act 1989:

Reports for the six months ended 31 December 2000
Advance Energy
Australian Inland Energy and Water

Great Southern Energy
EnergyAustralia
Eraring Energy
Hunter Water Corporation
Integral Energy
NSW Lotteries
Sydney Water
TransGrid

Statements of corporate intent for six months ended 31 December 2000:

Delta Electricity
Macquarie Generation
NorthPower

Statements of corporate intent for year ending 30 June 2001:

Advance Energy
Australian Inland Energy and Water
Delta Electricity
EnergyAustralia
Great Southern Energy
Integral Energy
Macquarie Generation
NorthPower
TransGrid

Ordered to be printed.

GENERAL PURPOSE STANDING COMMITTEE No. 1

Report

Reverend the Hon. F. J. Nile, as Chairman, tabled report No 14 entitled "Inquiry into Multiculturalism—Final Report", dated April 2001, together with submissions and documents received and transcripts of evidence.

Ordered to be printed.

SPECIAL ADJOURNMENT

Motion by the Hon. Carmel Tebbutt agreed to:

That this House at its rising today do adjourn until Tuesday 29 May 2001 at 2.30 p.m. unless the President, or if the President be unable to act on account of illness or other cause, the Chairman of Committees, prior to that date by communication to each member of the House, fixes an alternative day or hour of meeting.

PARRAMATTA PARK TRUST BILL

Second Reading

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [8.19 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.

Historical Context

Parramatta Park is a site of national significance. In 1788, when the fledgling colony of Sydney was struggling to survive, Governor Phillip sought more fertile lands and founded the settlement of Rose Hill. It was here on the banks of the Parramatta River that the crops which were to save the infant colony were grown. That site still remains intact in what is now known as Parramatta Park. The land comprising the park was also of significance to the local Darug people. It was the core territory of the Burramatta clan of the Darug. They used this site for fishing, hunting and as a meeting place. Evidence of their occupation exists today in the form of artefact scatters and scarred trees.

It was from the local Burramatta people that Phillip obtained the word Parramatta. He renamed the settlement Parramatta in 1791. The park contains over 100 archaeological sites, both Aboriginal and non-Aboriginal, colonial monuments and buildings in a rare

combination of cultural and natural heritage. Its importance lies not only in its meaning for residents of Parramatta and Western Sydney but in its historical significance for visitors both from throughout Australia and from overseas.

The Use and Enjoyment of the Parramatta Park

The park is a very important open space for the people of Western Sydney. It is enjoyed as a place for both passive recreation and organised sporting events and it has the potential to become even more tailored to the needs of its community. The park also provides a valuable lunchtime green space for the increasing population of the central business district of Parramatta and it serves as a significant amenity for the local community as more urban areas in the City of Parramatta grow in size.

The park is also the venue for major cultural events in Parramatta. Each year the park hosts the celebrations for Australia Day in Parramatta. The park also sees major multicultural events such as Loy Krathong, the Thai Festival of Candles, the India Fair, performances by the Australian Opera and Sydney Symphony Orchestra, and sporting events such as the RTA's Cycle Sydney. The park also sponsors and provides the venue for major charity events such as the Starlight Foundation and Foster Carers' Week.

Park Management

Parramatta Park is currently reserved as a regional park under the National Parks and Wildlife Act 1974. While the park has always been professionally managed, its categorisation as a regional park has not been universally endorsed in the community. There has been a growing consensus within the local community that the current legislative framework for the park is not able to deliver the level of autonomy and flexibility necessary for the effective conservation and management of this significant historical site. Further, a widely held view in the community is that the labelling of this site as a regional park has unintentionally diminished the standing and prestige of the park.

Parramatta Park is listed as a site of national significance on the Register of the National Estate, the State Heritage Register and the Register of the National Trust. The park is therefore clearly a site of national significance and is quite distinct in terms of its historical importance compared to other regional parks. It is in fact as significant as Centennial Park, Moore Park and the Royal Botanic Gardens in heritage terms. Those parks have successfully been managed under their own park-specific legislation. Notwithstanding the appropriateness of the National Parks and Wildlife Act as a suitable legislative vehicle for regional parks, the Centennial Park, Moore Park and Bicentennial Park models are clearly more suited to Parramatta Park.

The Intent of this Bill

The principal purpose of the bill is to recognise the outstanding historical and heritage values of the park. The bill achieves this by creating a new Parramatta Park Trust, revoking the existing regional park and vesting those same lands in the new trust. This mirrors the legislative basis for the protection and management that applies to our other great urban spaces such as Centennial Park and Moore Park, the Royal Botanic Gardens and the Domain, and Bicentennial Park. It is proper and fitting that the people of Western Sydney should have their park protected and managed in the same way.

The New Parramatta Park Trust

The purpose of this bill is to establish the trust as a corporation solely to be responsible for the care, control and management of Parramatta Park. The park is already of great historical, educational, environmental and cultural heritage significance and this legislation will provide for the protection of the park for the enjoyment of future generations of this State and for national and international visitors. The bill will establish the independent Parramatta Park Trust and the land now known as Parramatta Park will vest in that body. The bill defines the powers, authorities, duties and functions of the new trust. The trust will consist of seven trustees appointed by the Governor, each for a term not exceeding four years. It is envisaged that the trust will include persons who possess skills in a wide range of fields and will include members with knowledge and experience of Aboriginal culture, heritage, the environment, and the delivery of recreational and cultural activities.

The Objects of the Trust

The objects of the proposed trust are to maintain and develop the Parramatta Park Trust lands, to encourage their use and enjoyment by the public by promoting the recreational, historical, educational and cultural heritage significance of the park. Further objects of the trust are to ensure the conservation of natural and cultural heritage values of this unique parkland.

The Functions and Powers of the Trust

The functions of the trust are to include making the trust lands available for activities associated with the park, entering into arrangements for the provision of food or other refreshments and the management of all property vested in the trust. The legislation gives a much-needed ability for the trust to enter into sponsorship agreements and other entrepreneurial arrangements for revenue raising events and activities. The need to preserve the park is recognised in the bill. It does not allow for the disposal by the trust of the principal trust lands at Parramatta Park, by prohibiting their appropriation or resumption except by Act of Parliament.

The proposed trust will, however, with the approval of the Minister, be able to grant leases including long-term leases, easements and licences, and impose covenants in connection with the trust lands. This is a sensible and necessary provision which also recognises the existence of current leases and interests in the park which will not be adversely impacted by the changes brought into effect by this bill. It is worth noting also that this bill does not affect the Transport Administration Act 1988 or the Public Works Act 1912 as they apply to the Parramatta rail link. This important infrastructure initiative recognises the values of the park so that both heritage and development interests can be accommodated.

The bill also maintains the interests of the National Trust and other authorised persons in the Old Government House site. The bill provides that the trust is to prepare a plan of management for the park. This plan is to outline a scheme of operations proposed to be undertaken in relation to the park. This will ensure that careful planning and consideration will go into the

preservation and improvement of the park and its use by the public. Finally, the bill also provides for a range of regulatory powers to be exercised by authorised officers in the management of the park similar to those that currently exist under the National Parks and Wildlife Act. These include the ability to require a person reasonably suspected of having committed a crime to provide a name and address. It also provides for the trust to have the capacity to recover money due to it as a debt in a court of competent jurisdiction.

Benefits to Greater Sydney

The legislation recognises the importance of preserving parklands and recreational areas in the ever-expanding urban environment of Sydney. It will ensure that Parramatta Park will be administered by a body that is fully aware of the recreational, historical, scientific, educational and cultural heritage significance of the park, and is also committed to its maintenance, conservation and development both now and into the future. The bill ensures that this parkland will be preserved for the use, enjoyment and benefit of the people of Western Sydney and to all visitors. It is fitting that in this year of celebration of 100 years of our nation this Government has taken steps to preserve a most significant part of our national heritage—the unique parkland known as Parramatta Park.

The Hon. J. F. RYAN [8.20 p.m.]: The Opposition does not oppose the bill but wishes to express a couple of concerns. The details of the bill are outlined at length in the Minister's second reading speech. It goes without saying that Parramatta Park is unique in many respects. It contains some of the most significant heritage items from our early European settlement and important items of Aboriginal heritage. It has a high conservation value because of its unique position inside the bustling central business district of Parramatta. The Carr Government has at various times been prepared to carve up and play with the boundaries of Parramatta Park, whether to allow for leases for the Parramatta Leagues Club or for it to be undermined for the new Parramatta to Chatswood rail link—or whatever version is being planned at the time—and so on. It is not fair to say that the Australian Labor Party can be entirely trusted to look after Parramatta Park. I suppose it could be said that the passage of this legislation is something like a white flag being put out by the Labor Party in terms of its original proposition that Parramatta Park should be a regional park. This is the next experiment the Labor Party will try with Parramatta Park.

The Opposition has two major concerns with the bill. First, we are concerned that the new entity will not give the land the same boundary protection given by the National Parks and Wildlife Service Act until now. We are concerned what guarantees there will be that the trust will not be persuaded to give up slices of the park in the future for other urban planning or infrastructure purposes. We are concerned whether the park values can be compromised by the new trust if there is a need to establish new events or to make the park available for other uses in order to gain revenue, because another matter on which the bill is silent is its budget. There is no reference to how the new entity will be funded. It is to be expected that it will do some of its own fund-raising through sponsorship receipts, leases and so on, but the Opposition is concerned whether the new entity will have a budget that is sufficient to protect the environment for which it is responsible, and what pressure Treasury will put on the entity to achieve revenue targets through sponsorship or through alternative use of the park.

The park is a much valued piece of open space in an area like Parramatta. I suppose one advantage of the new entity is that it will enable the park to gain some funding through grants from funds such as the Federation Fund. However, we are also aware that that fits neatly into a current political campaign by a Parramatta councilor who has been suggesting that, somehow or other, notwithstanding that the park is entirely a State-owned instrumentality, the Federal Government has some responsibility to provide funding for the upkeep of the park. It has never been a responsibility of the Federal Government to provide funding for Parramatta Park. The park has always been under the control and management of the State Government, and it should be the State Government that provides for its upkeep.

I sincerely hope that one of the byproducts of the bill is not that it has been designed specifically to assist a partisan political campaign in a Federal election. I would hope that what the Government is considering first is the value of the park and the integrity of its management as a valuable piece of urban open space—and green space, at that—with some of our most important icons of our European and Aboriginal heritage. With those comments, and having expressed those concerns, the Opposition does not oppose the bill but will be interested to see what debate in the Chamber will bring.

Ms LEE RHIANNON [8.25 p.m.]: While the Greens support the stated objective of the Parramatta Park Trust Bill of recognising the statewide and national importance of this park, we will be moving a number of amendments to protect the public interest in the park and to constrain commercial activities to an acceptable level of impact. We have grave concerns about a number of features of the bill. In particular, yet again this Labor Government is unable to resist the pressure of Treasury to drive public institutions into commercial operation. The Hon. J. F. Ryan noted that one problem with the bill is that it gives no clear indication of where the money necessary to enable the new entity to function will come from. The Greens will be moving its amendments in recognition of both the heritage values of this park and its importance to the people and environment of western Sydney.

Parramatta Park, as we all know, has long had a special place in our history. Before the European invasion the Burramatta people, a clan of the Darug, lived along the banks of the Parramatta River, hunting, fishing and practising a religion that celebrated their harmony with the environment. The name Burramatta means eel creek, which gives an indication of the importance of the waterways that flow through the park. Evidence of the thousands of generations of Aboriginal people who lived in the park can still be found in the trees and the artefacts scattered across the park. Despite two centuries of European occupation—much of it intent on eradicating the Koori connection to the park—to this day many Aboriginal people have a profound relationship to Parramatta Park.

The Greens believe that, in the deliberations of this House, Aboriginal traditional ownership of this public space must be acknowledged, and it must inform how we deal with the special public asset. Within months of the arrival of the first fleet the process of dispossession of the traditional owners began, with the establishment of a farm in the area now known as Parramatta Park, which was set up to feed the new colony. This farm was the foundation of agriculture in Australia. In 1796 George Salter erected a cottage on land granted to him by Governor Phillip. This cottage was later purchased by Governor Macquarie. It remains today as a public building, known as the Governor's Dairy. This is the second-oldest building in Australia. Old Government House is the oldest public building on our continent. Australia's first brewery also was established in the Government Domain in the 1804, and many other important buildings were constructed in the nineteenth century. So Parramatta Park certainly is rich in history.

It is clear that Parramatta Park plays a central role in establishing the connection between our community and its history. Heritage is more than a set of old buildings that we know so well. It is about the way we understand our past, and how we can build our future. Parramatta Park is that linchpin between past, present and future generations for so many people in western Sydney, indeed across the whole of our State. The park has another, equally important, function. As urban densities increase, public open space is being placed under ever greater pressure. Parks such as this are not only the lungs of our city, but they are its playgrounds, its sports fields, its health centres and its place to rest and contemplate, away from the rush and pressure of modern urban life. The communities of western Sydney, denied adequate levels of infrastructure, and subjected to a series of appalling planning decisions, have a particular need for open spaces such as Parramatta Park. The Greens see it as this House's obligation to ensure that the future management of the park protects and enhances its special recreational, cultural, heritage and environmental values. We do not believe that this bill achieves those outcomes. In the same way that the management of Moore Park and Centennial Park has succumbed to mounting commercial pressures to earn revenue, the Greens fear that this bill is more driven by the whims of Treasury than by the needs of the community of western Sydney. The bill clearly opens up the park to long-term leasing, with no opportunity for community involvement in the determination of the nature or duration of leases.

The Greens do not oppose commercial uses of the park that enhance its recreational and cultural value. I emphasise that point, because I find that our position on these issues is often misunderstood. The Greens do not oppose commercial uses of the park, provided they are in keeping with the recreational and cultural value of the park. We are, however, deeply concerned that the bill leaves open the nature and duration of leases, and believe that that matter needs to be addressed before the bill becomes law. The bill does not, for example, prohibit leases to franchise operations such as McDonald's or Burger King. Some members might remember the debate in this House in 1999 on the bill relating to the Botanic Gardens, in respect of which the Greens raised a similar argument.

The bill also does not ban large and intrusive advertising. In previous debates in this House some members have leapt to their feet to support McDonald's and the like. Before the Big Mac brigade gets going again tonight, I will try to make our position clear. Urban parks are special places; they are not shopping centres or other commercial zones. That is where we have the Burger Kings and the McDonald's. Urban parks are places where people get in touch with nature, their friends and themselves, free from the noise and intrusions of city life.

By definition, franchise operations are replicants, which cannot focus on the special features of the park. They are copies of other outlets, designed to maximise sales, without any regard for the values of their surrounds. They are about making profits; they are not about allowing people to enjoy the pleasures of our parks. They are intrusions that come from the outside world and interrupt the quiet and calm of the park. There is plenty of space for them elsewhere in our society.

This bill also fails to constrain those leases to be consistent with the objects of the trust. Further, it fails to give the community an opportunity to choose the types of leases, some of which may be up to 50 years

duration. The bill hands over these important decisions to a trust that is entirely appointed by the Minister, and to the Minister, with, in some cases, the concurrence of the Treasurer—obviously, a very dangerous proposition. In short, this bill creates an unelected and unresponsive body that can make decisions about the long-term future of the parklands without hearing the opinions of the local communities. We must remember that this is in an area that is rich with communities that have very clear ideas about how these facilities should be best managed and looked after.

The Greens will move amendments to put the community back into the process, to give them some control over the future of their park, to constrain leases to be at least consistent with the objects of the park, and to put some limits on advertising in the park. Again I emphasise that the Greens do not oppose commercial leases. We simply wish to ensure that consistency and constraint are applied to the leases, not that they be abolished. Underlying all the Greens concerns is the lack of guarantee from the Government that as the trust earns revenue from these commercial activities their allocation from State revenue will not be reduced. Our concern arises from what we have observed at Moore Park and Centennial Park. The trust's ability to earn an income is being directly translated into reduced government financial support, placing ever greater pressure on the park trust to engage in commercial activities.

Highly intrusive short-term leases and licences are increasing, reducing the public enjoyment of the parks, and paid car parking is alienating sections of the parks. An athletics complex is now slated for the southern section of Moore Park, and there is discussion about paid parking in Centennial Park. In each case, the public interest has been subordinated to the dash for cash. If safeguards are not put in place, the same corruption of the process will take place at Parramatta Park.

The Greens fear that this bill will lead to similar outcomes at Parramatta Park. Much of the bill—as with so many other bills introduced by the Government—is driven by Treasury's narrow view that if it is a public asset, it should be either sold off to a corporate mate or, if it cannot get away with that, it should be forced to pay its own way. This neoclassical economic world view lacks any concept of community. It sees only individual consumers expressing their so-called free choice through their purchasing decisions. Such views are vigorously challenged by the existence of public assets, such as parks, that deliver benefit to the entire community. Treasury and its ideological allies in both Labor and Coalition parties cannot tolerate institutions such as free public open space where enjoyment is not a function of spending power. It must eliminate all those assets that are held in common, free from the influence of the advertising agencies and corporate moguls.

The Greens, along with a growing number of environmental and community groups, have a different vision, one which sees the public asset as ours only in trust for future generations, which venerates the equality of access and which is determined to keep our open spaces free from the commercial and economic pressures that so corrupt the rest of our society.

Reverend the Hon. F. J. NILE [8.36 p.m.]: The Christian Democratic Party supports the Parramatta Park Trust Bill, the purpose of which is to constitute the Parramatta Park Trust and define its objects and functions. As honourable members would be aware, Parramatta Regional Park, previously known as Parramatta Park and constituted under the Crown Lands Act, was gazetted as a regional park under the National Parks and Wildlife Act in September 1997. Since its gazettal the park has been managed by the Parramatta Regional Park Trust, which comprises a chairman and six trustees. The proposed legislation will constitute the Parramatta Park Trust as a stand-alone entity outside the National Parks and Wildlife Service's network of regional parks. The trust will continue to comprise a chairman and six trustees.

The main purpose of the proposed legislation is to recognise the outstanding, historical and heritage values of the park. As members would be aware from our early history, in 1788, when the colony located at Farm Cove, we were struggling to survive because the land was not very fertile. The early settlers had trouble with their crops and were needing to grow food for the growing settlement. Governor Phillip sought more fertile land and founded the settlement of Rosehill. It was here on the banks of the Parramatta River that the crops that were to save the infant colony were grown. That site remains intact in what is known as Parramatta Park. That area of land was the clan territory of the Aboriginal tribe known as Burramatta. That is where Governor Phillip obtained the word Parramatta. The Europeans had difficulty saying the Aboriginal word, and subsequently the area became known as Parramatta. Governor Phillip renamed the settlement Parramatta in 1791.

It is important to note that the park contains more than 100 archaeological sites, both Aboriginal and non-Aboriginal; colonial monuments, including Old Government House; and buildings in a rare combination of cultural and natural heritage. The park has great significance not only for the residents of Parramatta and

western Sydney but also for visitors from throughout Australia and overseas. It is therefore important legislation that will ensure that Parramatta Regional Park remains part of our heritage for future generations. Under its own legislation the park will represent a more attractive proposition for potential sponsors, and will be better positioned to attract funding from external grant agencies by being able to liaise and negotiate on its own behalf and not as part of a regional parks network.

That concept raises in my mind a concern relating to Hyde Park and other areas around the city. When somebody rents or leases a park area for a function or some social event the area ceases to be available to the public. Of course, if that happened more frequently, the public would not have any access to those parks. The Government is always trying to find ways of generating revenue to fund park conservation programs, but there must be some moderation, if you like. If Tom Uren has any ongoing connection with this regional park, I am confident he will ensure that it is not exploited through the provisions in this proposed legislation.

I understand that the bill is supported by Parramatta City Council, Holroyd City Council, the local branch of the National Trust, the Parramatta and District Historical Society, the Friends of Parramatta Park, the Parramatta City Council Heritage Committee, the Parramatta City Council Aboriginal and Torres Strait Islander Heritage Committee, the Darug Aboriginal Tribal Corporation and the Darug custodians. All those organisations, the New South Wales Heritage Council, the National Trust and the Australian Heritage Commission support the bill. For those reasons, the Christian Democratic Party supports the bill.

The Hon. Dr P. WONG [8.41 p.m.]: I do not oppose the Government's bill, which will create Parramatta Park Trust outside the national parks network of regional parks. I accept the Government's argument that this will allow it to better attract sponsorship and external funding and expand the commercial focus of the trust. However, I accept that argument with some reservation. I assume that the Parramatta Park Trust will continue to focus on its core duties of preserving the natural and heritage values of the park for the benefit of the general public.

I assume that the commercial focus of the trust and the financial position imposed on it by the Government will not cause it to compromise its core duties. For example, I would not like to see a significant section of the park denied to the public for commercial use. I hope that restrictions will be placed on its commercial focus. For example, I do not want it to be called Coca-Cola park. With those reservations, I support the bill.

The Hon. JAN BURNSWOODS [8.42 p.m.]: I support the Parramatta Park Trust Bill. Before I contribute to debate on this legislation I want to say how pleased I am that we now have an opportunity to debate some government business, which is what we are here for. I am equally pleased to support the deferral of debate on committee reports. Mr Deputy-President, as a former member of the Standing Committee on Social Issues, you would know how much we were looking forward to debating important matters relating to disability services and adoption.

The Hon. J. F. Ryan: Point of order: I recall that during debate on an earlier issue the honourable member took a number of points of order about people straying from the leave of the bill. Unless I am mishearing, I believe that is precisely what is happening now. I ask you to ask the honourable member to come back to the leave of the bill.

The DEPUTY-PRESIDENT (The Hon. H. S. Tsang): Order! The honourable member should address the question before the House.

The Hon. JAN BURNSWOODS: I just wanted on the record my statement that I support this return to government business.

[*Interruption*]

I am explaining why I am accepting the Deputy-President's ruling. The Hon. J. F. Ryan and other members on the Opposition benches might need it. The Parramatta Park Trust Bill recognises an important park that has long been a jewel in the crown of western Sydney. Other honourable members mentioned that, since the park was gazetted as a regional park in 1997, it has been managed by the Parramatta Regional Park Trust. This proposed legislation will constitute that trust as a stand-alone entity outside the National Parks and Wildlife Service network of regional parks. So in that respect the bill recognises the values of the park: its heritage value since the white settlement of Parramatta soon after 1788, and the heritage values of Aboriginal people in that region.

The park is important enough to be listed on the register of the National Estate as well as on the State heritage register and the register of National Trusts. I welcome the fact that the Government is moving towards recognising, in a symbolic way, that the park is as significant if not more significant than parks administered by the Centennial Park and Moore Park Trust and the Royal Botanic Gardens and Domain Trust. They are important heritage areas and obviously they are also important and popular areas of open space. I was a little puzzled when I listened tonight to the speech of Ms Lee Rhiannon. She appears to be obsessed with the issue of whether or not Parramatta Park might become commercialised. The weird thing about what she was saying was that her definitions seemed to be tied to the number of people who might use the park.

In the amendments that she circulated we have the truly bizarre proposal that Parramatta Park be limited to use by no more than 20,000 people at a time. It is beyond me why Ms Lee Rhiannon should consider that the people of western Sydney should have incredibly severe restrictions placed on one of their parks when those sorts of limitations do not apply to parks in the eastern suburbs and the inner city. Perhaps that shows the amazing elitism of Ms Lee Rhiannon.

The Hon. A. B. Kelly pointed out to me when we were trying to make sense of what she was saying earlier that for many years he and his family and many of their friends have been attending in January the Symphony in the Park, which, of course, honourable members would know is conducted in the Domain, which is part of the Royal Botanic Gardens. The Hon. A. B. Kelly pointed out that about 120,000 people usually go to the Domain for that event. Ms Lee Rhiannon and her elitist friends might be interested to know that the free Symphony in the Park will be held in Parramatta Park on 8 September this year. It is expected that 150,000 people will attend.

[*Interruption*]

As I said earlier, Symphony in the Park is free. I also know a little about the Australia Day festival which was held in Parramatta Park on Australia Day in January this year. About 200,000 people attended that festival. We see from this building many other events being held in the park which are free. However, some charge an entrance fee. As I said earlier, I find it strange that some members on the crossbench believe it is good enough for eastern suburb or inner city parks to be allowed to do all sorts of things, but for some reason the people of western Sydney should have heavy restrictions placed upon them.

The other perhaps even more bizarre point that was made earlier in debate was the comment by Ms Lee Rhiannon—and I think I wrote it down correctly—that Treasury cannot stand to see public parks used without fee or without leasing them off to some of its mates. Apart from being a totally offensive statement it is totally contrary to the truth because of the kinds of functions that I have just been describing, such as Symphony in the Park, Opera in the Park, Australia Day festivals, fireworks festivals, New Year's Eve, and so on. These statements are ludicrous and they are known to be ludicrous. I wonder why these statements are being made after all these hours of time wasting today?

I finish by saying that I am very pleased about the wide support this proposed legislation has throughout the community. It has been supported by some important representatives of the Aboriginal people, including the Darug Aboriginal Tribal Corporation and the Darug Custodians and the Parramatta City Council Aboriginal and Torres Strait Islander Heritage Committee. Of course, it is supported by the two local councils, Holroyd and Parramatta, by the local historical society, the National Trust, the Parramatta Heritage Committee and also by the Friends of Parramatta Park. So this bill has very broad support except for a couple of ratbags in the Legislative Council.

The Hon. R. S. L. JONES [8.50 p.m.]: I support the Parramatta Park Trust Bill. It is somewhat bizarre that the House is passing a bill to constitute the Parramatta Park Trust when earlier today the Government destroyed the Hawkesbury-Nepean Catchment Management Trust, which also received wide support from the community—as much support as this trust receives. It seems bizarre that we are destroying one trust and setting up another. The members of this trust should be warned that if the trust does not watch out it too will be dissolved in two years time, as other trust may well be. This may be only a temporary trust, as the Hawkesbury-Nepean Catchment Management Trust was only a temporary trust, regrettably.

But under its own legislation the park will represent a more attractive proposition for potential sponsors and will be better positioned to attract funding from external grant agencies—just as the Hawkesbury-Nepean Catchment Management Trust was. The trust will be able to liaise and negotiate on its own behalf and not as part of a regional parks network. The legislation will facilitate the adoption of an expanded commercial focus

for the trust. This will increase its capacity to generate revenue to fund park conservation programs, but if the trust gets too much money in the bank it will be disbanded and the money will go to Treasury. Members of the trust should be warned that if they get any money, they had better spend it.

Undoubtedly this park is an important area of European settlement. It contains two of the oldest buildings in Australia: Old Government House, which dates back to 1799 and which includes archaeological remains of Governor Phillip's 1788 Government House; and Salter's Cottage, which was built between 1798 and 1800. That cottage is believed to be a farmhouse that was converted to a dairy by Governor Macquarie in 1815. Within months of the arrival of the First Fleet a farm was set up at Parramatta, because farming was not successful at Port Jackson as the soil there was not fertile. The farm at Parramatta, in the area now known as Parramatta Park, then called Dodd's Farm, was the earliest breadbasket of the colony of New South Wales. It saved the early European settlers from starvation.

In the 1960s a survey was taken of birdlife in Parramatta Park. It showed quite a large number of bird species, up to 120. A survey taken three years ago by, amongst others, Dr Robert Varman, showed that not many birds remained. According to his report it appears there has been a catastrophic decline in the number of bird species in the past 30 years. Unfortunately, that seems to be par for the course in New South Wales. Something must be done, however, about the mosquito fish or Gambusia affinis, which inhabits creeks, ponds and rivers and allows almost no native life to exist. I do not know how we can deal with the mosquito fish. It threatens frogs, whose tadpoles it eats. If the trust is able to do something about the mosquito fish, frogs and native fish may have a chance to survive.

Only one marsupial is found in the park now: the brushtail possum. There may be ringtail possums, but no-one is sure about that. All other native marsupials have gone. There are two or three reptiles. These days the park is almost devoid of native wildlife, unfortunately. But there is a chance to perhaps rehabilitate parts of the park and bring back some of the birds species that are no longer found in the park. There were emus in the park 210 years ago. Apparently Governor Macquarie kept a pet emu. The park was very rich in wildlife, now it is virtually devoid of wildlife. I hope the new trust will entice back some native wildlife by rehabilitating the habitat and eradicating the dreadful mosquito fish.

The Hon. Dr A. CHESTERFIELD-EVANS [8.54 p.m.]: The Democrats are very much in favour of parks and of giving them the autonomy to manage things optimally. We have a view about appropriate and non-appropriate activities in parks, certainly activities that are consistent with a nature park in the sense of the area being natural, not built. It is important that Parramatta Park is returned to a natural environment. As well the recreational focus being important, the conservation of native species is also important. We are obviously concerned that the commercial focus should not mean that the Government should put in less money causing the park trust to raise money from commercial sponsors with increasingly invasive activities to meet revenue goals.

Each day at lunchtime I run around the Domain and Lady Macquarie's Chair and I find that days before concerts in those areas the pathways are cluttered with trucks and thousands of portaloos. Many temporary fences are erected also. When one tries to run along the foreshore one is shooed away like a sheep by people erecting fences some 24 to 48 hours before they are needed, and the fences stay there for days. When grass in these areas is browned off, new grass is rolled out like a carpet. In my view things have gone too far. I am not certain what legislative arrangements can be made to limit these activities. Obviously events such as concerts in the park are popular. Family picnics are held at the finish line of bicycle rides from the city to Parramatta, and that is very good. Perhaps the riders should be as careful about getting home as they are about getting to Parramatta, but that is another question and hardly the fault of the park administration.

The restrictions on advertising that the Greens are proposing would make things less attractive to a sponsor. The ability to hang banners across roadways attract corporate sponsors, who put a good deal of money into family days in the park. That seems to me to be acceptable although I am no great lover of the advertising industry. We support this bill because hopefully it will give some autonomy to intelligent management of the park in the interests of citizens, and it will protect the park against encroachment by commercial activity, car parks, various easements, and sporting and other groups that want to monopolise areas of the park. Such groups must be kept at bay because the park belongs to all people and must be preserved in perpetuity. I hope that is the spirit in which this proposed legislation was introduced; it is certainly the spirit in which I am supporting it.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [8.58 p.m.], in reply: I thank honourable members for their contributions to the debate. All recognised that Parramatta Park is a site of national

significance. It is listed on the Register of the National Estate, the State Heritage Register and the Register of the National Trust. The park contains two of the oldest buildings in Australia—Old Government House, which dates back to 1799, where the archaeological remains of Phillip's 1788 Government House can still be seen, and Salter's Cottage, which was built between 1798 and 1800.

The bill acknowledges the historic significance of the park by providing specific legislation to ensure the protection and conservation of the historic landscape. Not only does the bill recognise the genuine heritage value of the park, it also has built in a capacity for the trust to preserve those values for current and future generations. One of the more important aspects of the bill is that it creates an administrative arrangement that is better able to focus on the protection and promotion of the values that are unique to Parramatta Park.A similar arrangement was provided for sister parks, such as Centennial Park and the Domain, and these parks are living examples of how an appropriate level of autonomy and flexibility can elevate the identity of a park and facilitate the conservation of heritage items by innovative and responsible means.

There has been a growing consensus in the local community that the current legislative framework cannot provide the level of autonomy necessary for the effective conservation and management of these significant sites. The Parramatta Park Trust Bill will enable the new trust to be more proactive in its management of the park and will give the trust the ability to generate revenue which can be used to fund conservation programs in the park.

Parramatta Park provides a vital amenity for the residents and working people of Parramatta and for the population of western Sydney generally. It is a rare and valuable asset—85 hectares of green, open space situated in the middle of the urban centre of Parramatta. In addition, the park is the venue for major cultural events in Parramatta. Each year the park is the location for the Australia Day celebrations in Parramatta. Other major cultural events include multicultural festivals, fairs, large charity events and concerts. The legislation recognises the importance of preserving one of the great parklands and recreational areas in the ever-expanding urban environment of western Sydney. It will ensure that Parramatta Park will be administered by a body that is fully aware of the historical significance of this unique precinct and able to preserve its heritage values.

The legislation also recognises a commitment to the maintenance and conservation of the natural values of the park, both now and into the future. The bill ensures that this park will be preserved for the use, enjoyment and benefit of the people of western Sydney and, indeed, all visitors to this special heritage precinct. In conclusion, I acknowledge the role of Mr Tom Uren for his visionary support and defence of Parramatta Park. Tom Uren is well known as a great environmental advocate. He is the current chairman of the trust. He has long supported the role of Parramatta Park and has been instrumental in ensuring that this legislation comes to fruition.

A number of honourable members made certain comments when speaking to this bill. Some of that debate will be picked up at a later stage. A number of amendments have been moved by the Greens. In response to a couple of comments made by the Hon. J. F. Ryan who spoke on behalf of the Opposition and who referred to the boundaries of the park, I point out that the bill states that the boundaries of the park can be changed only by an Act of Parliament. That is currently the case, and it will be the case after this legislation is passed. That should satisfy any concerns that the Opposition may have about changes to the boundaries. Boundaries can only be made or changed by an Act of Parliament.

Budget issues were raised by a number of honourable members during the debate. Clearly the budget would not be part of this legislation. The budget for the park will form part of the budgetary process. For that reason, I am unable to canvass what the budget of the park will be but I refer honourable members to the words of the Minister for the Environment in the other place who spoke about this aspect of the trust's operations. The Greens will be moving a number of amendments with which I will deal in detail at the Committee stage. I express some concern that those amendments were made available only at the last possible opportunity, therefore not allowing proper consideration of exactly what is being put forward.

Ms Lee Rhiannon: Oh!

The Hon. CARMEL TEBBUTT: I think that creates difficulty for all honourable members in this Chamber. Honourable members can say, "Oh", but it must be said that as recently as last night during the debate on the revocation bill honourable members witnessed an example of the difficulties that can arise when amendments are not properly considered and when insufficient time is allowed for them to be put forward. In that instance, amendments were moved by the Hon. R. S. L. Jones which provided for inquiries, and then

amendments were moved by the Greens which deleted most of the lands which would have been the subject lands to which the inquiry process would have applied. In effect, that would have made the bill fairly meaningless. I am somewhat concerned that the Greens amendments have only just been received. That does not allow honourable members sufficient time for proper consideration of them. Having said that, I foreshadow that I will speak to each amendment at the Committee stage. I commend the bill to the House.

Motion agreed to.

Bill read a second time.

In Committee

The CHAIRMAN: Order! I propose to consider the bill in parts, unless there is an objection.

Parts 1 to 3 agreed to.

Part 4

Ms LEE RHIANNON [9.05 p.m.], by leave: I move Greens amendments Nos 1, 2 and 4 in globo:

No. 1 Page 9, proposed section 12 (1) (a), line 25. Insert "for purposes that are consistent with the objects of the Trust" after "leases of parts of the trust lands".

No. 2 Page 9, proposed section 12 (1) (c), line 27. Insert "for purposes that are consistent with the objects of the Trust" after "licences for the use of parts of the trust lands".

No. 4 Page 10, proposed section 13, line 5. Insert "for purposes that are consistent with the objects of the Trust" after "grant a lease".

No doubt honourable members are aware that there are a few Greens amendments before them. I note the latter comments of the Minister who referred to the fact that the Greens amendments were handed in late. I apologise for that lateness and hasten to add that although the Greens usually do not work that way, today we really had no alternative. It is only just over 24 hours since we first saw this bill. We became aware of its coming through this House only today. I was surprised that the Minister's comments were made. I think they were totally out of order. Unfortunately, owing to the rush, a couple of changes will need to be made as the Committee progresses through the clauses of the bill.

The amendments that I have moved are really just commonsense changes that strengthen the bill because they ensure that the objects of the bill become conditions of the leases or the licences. I remind honourable members of the objects of the trust because if honourable members are willing to listen and consider the bill's objects, they will realise that it is sensible to link them with the licences and leases. The objects of the trust are: to maintain and improve the trust lands; to encourage the use and enjoyment of the trust lands by the public by promoting the recreational, historical, scientific, educational and cultural heritage value of those lands; to ensure the conservation of the natural and cultural heritage values of the trust lands and the protection of the environment within those lands. Clause 6 (d) should satisfy the Hon. Jan Burnswoods because it is so open-ended. It states:

(d) such other objects, consistent with the functions of the Trust in relation to the trust lands, as the Trust considers appropriate.

That provision is so widely drawn that clearly it will allow an extraordinary number of things to happen. However, it stipulates the primary purpose or reason for this part of the bill. The Greens urge honourable members to support these amendments because they provide a safeguard which will ensure that the uses of the park are limited to those functions that enhance the enjoyment by people of the park. I commend the amendments to the Committee.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [9.08 p.m.]: The Government does not support the amendments largely because the Government does not believe that they are necessary. Quite clearly, as Ms Lee Rhiannon has mentioned while speaking to the amendments, the objects of the trust are stated at the very beginning of the bill. Those objects of the trust underpin the whole bill. It is therefore unnecessary to refer to those objects within provisions that relate to leasing and licensing.

If I recall correctly, a similar debate took place in connection with amendments to legislation dealing with the Royal Botanic Gardens when it was pointed out that there may be instances when a licence might be required, for example, for some type of plumbing, which would make amendments such as those proposed by Ms Lee Rhiannon really quite problematic. The provisions of the bill adequately cover all the leasing and licensing arrangements which must all comply with the objects of the bill before they can be approved. All leasing and licensing arrangements require ministerial approval, so the Government simply does not see that the amendments proposed are in any way necessary.

The Hon. J. F. RYAN [9.09 p.m.]: To save the time of the Committee, and as there are much more exciting amendments to debate, I indicate that what the Minister said earlier is true: The nature of these amendments was discussed during debate on the Royal Botanic Gardens and Domain Trust Bill. At that time the arguments were canvassed in detail, and the Opposition is of the view that they are apposite to this debate. In addition, the Opposition received the amendments only recently. Therefore, without wanting to slaughter Ms Lee Rhiannon with our view, I indicate that the Opposition is of the view that these amendments should not be supported.

Question—That the amendments be agreed to—put.

The Committee divided.

Ayes, 6

Mr Breen
Mr R. S. L. Jones
Ms Rhiannon
Dr Wong
Tellers,
Mr Cohen
Mr Corbett

Noes, 26

Ms Burnswoods	Mr M. I. Jones	Mr Ryan
Dr Chesterfield-Evans	Mr Lynn	Ms Saffin
Mr Colless	Mr Macdonald	Mr Samios
Mr Dyer	Mr Moppett	Ms Tebbutt
Ms Fazio	Mrs Nile	Mr Tsang
Mrs Forsythe	Reverend Nile	Mr West
Miss Gardiner	Mr Oldfield	*Tellers,*
Mr Harwin	Mr Pearce	Mr Jobling
Mr Johnson	Dr Pezzutti	Mr Primrose

Question resolved in the negative.

Amendments negatived.

Ms LEE RHIANNON [9.17 p.m.], by leave: I move Greens amendments Nos 3, 5 and 6 in globo:

No. 3 Page 9, proposed section 12. Insert after line 34:

(4) Further, the Trust must not grant a lease that would permit the operation of a business by a franchisee on any trust lands.

(5) The Trust must not grant a lease of any trust lands under this section unless it has given public notification of any proposed use of the land, and the terms and conditions of any proposed lease, in accordance with subsections (6) and (7).

(6) The Trust must give public notice of a proposed lease by means of a notice published in a newspaper circulating generally in New South Wales.

(7) A notice of a proposed lease must include the following:

(a) information sufficient to identify the trust lands concerned,
(b) the purpose for which the trust lands will be used under the proposed lease,
(c) the term of the proposed lease (including particulars of any options for renewal),

(d) the name of the person to whom it is proposed to grant the lease (if known),

(e) a statement that submissions in writing concerning the proposed lease may be made to the Trust during the period (which must be at least 28 days) specified in the notice.

(8) Any person may make a submission in writing to the Trust during the period specified for the purpose in the notice. The Trust must take any such submissions into account.

(9) The Trust must publish a response to any submissions that object to the grant of the proposed lease in a newspaper circulating generally in New South Wales.

No. 5 Page 11, proposed section 13, line 24. Insert "The Trust must take any such submissions into account." after "the notice.".

No. 6 Page 11. Insert after line 36:

(9) The Trust must publish a response to any submissions made under subsection (7) that object to the grant of the proposed lease in a newspaper circulating generally in New South Wales.

These amendments will prevent the trust from granting a lease that would permit the operation of a business by a franchise. The amendments will prevent leases from being granted to McDonald's and the like. Clearly, that is necessary.

The Hon. Patricia Forsythe: We need jobs for kids. We need jobs for young people.

Ms LEE RHIANNON: We most definitely need jobs for young people. However, McDonald's must not exploit young people, which is what happens.

The Hon. R. H. Colless: My daughter works for McDonald's and she is not exploited.

Ms LEE RHIANNON: Yes, but surely the honourable member would agree that a McDonald's should not be placed in a park. Coalition members are saying that they would like McDonald's franchises in our parks. That clearly shows why these amendments are necessary. Amendment No. 5 would establish a public consultation process in relation to the granting of leases. That is necessary because the Government has trouble understanding the true meaning of public consultation.

We need to have public notification of the proposed use of the land. Surely it is not to much to expect that it needs to be spelt out so that the public knows about it. The trust should also give public notice of the proposed lease by means of a note placed in a newspaper. The Greens also argue that the proposed lease must include various information as set out in amendment No. 3, in relation to proposed section 12 (7), which honourable members can read and follow closely. The Greens say that submissions need to be made in writing to the trust. Amendment No. 3, dealing with proposed section 12 (6), is important because if the trust does not take up the points in the submissions, it has to set out why and make that information available to the public. Surely they are the basic rules of consultation, rather than the Mickey Mouse form of consultation that is so often used these days. I commend the Greens amendments to the House because they will strengthen the way consultation works in the granting of leases and it will keep the likes of those big ugly corporations out of our beautiful parks.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [9.21 p.m.]: The Government does not support these amendments. We had a similar debate at the time of the Royal Botanic Gardens legislation, particularly about franchisees. It is quite misleading for Ms Lee Rhiannon to suggest that in any way this bill would facilitate widespread intrusion into the Parramatta Park by McDonald's, Burger King or any other clearly unacceptable use not in accordance with the objects of the trust. Nonetheless it is drawing a long bow to then suggest that any franchisee is inappropriate, would not be in accordance with the objects of the trust or would be inappropriate for lease. Quite clearly that is not the case. I do not think there is any argument that Burger King and McDonald's are not appropriate for Parramatta Park.

There may well be franchisees that the trust and the Minister concur are appropriate to operate leases. The Government thinks that a blanket opposition to leases to permit the operation of a business by a franchisee is problematic. At the time of the debate about advertising in the Royal Botanic Gardens legislation an amendment was moved that provided for information to be put on the Internet about the criteria of licences and easements. That was seen as a compromise position which allowed an opportunity for community input into the criteria under which licenses and easements would be granted without unnecessarily delaying the granting of such licences and easements. That was a compromise position supported by all and was picked up in this bill to avoid having that debate again. However, the Greens have thought it necessary to move these amendments. The Government does not support the amendments and does not believe that they are necessary.

The Hon. J. F. RYAN [9.23 p.m.]: The Greens amendments appear to be based on a rather fascinating syllogism that McDonald's is evil, McDonald's is a franchise, therefore all franchisees are evil. The Opposition thinks that the vast bulk of the community would not only question the two elements of that syllogism but would perhaps also suggest that the conclusion necessarily follows that it is obviously possible to have franchises that have absolutely nothing whatsoever to do with fast food. Nevertheless, the Opposition agrees with the Government that the current arrangements within the bill are sufficient to ensure that no inappropriate franchising occurs in Parramatta Park. If a Government ever were silly enough to allow such a thing to happen it would run the risk, particularly in a marginal electorate like Parramatta, of electoral annihilation thereafter. Many of the remaining amendments repeat items which are already in the bill. For example, the wording of Greens amendment No 3, in relation to proposed section 12 (6), is similar to clause 13 (4) (a) to (c) of the bill. The only difference is the last part of Greens amendment No 3 which provides that:

> The Trust must publish a response to any submissions that object to the grant of the proposed lease in a newspaper circulating generally in New South Wales.

It would be fascinating to read that advertisement. Nevertheless, provisions within the bill provide that if there are responses they can be placed on the Internet where people can safely read about them. It would be easy to lampoon elements of some of these amendments but the Opposition will resist the opportunity to do so because we want to go home at some stage tonight. The Opposition is of the same view with regard to these amendments as the Government, and we cannot see our way free to support them.

Ms LEE RHIANNON [9.25 p.m.]: The Minister said that the Greens are drawing a long bow because there is no chance that a McDonald's, Burger King or KFC or whatever would be found in our parks. The logic of her argument is that because she believes that will not happen we do not need to tighten up the bill with these amendments. Honourable members must remember that we have already heard interjections from the Coalition tonight that supported McDonald's. The Coalition wanted to put a McDonald's in Moore Park. A coalition of community people, the Greens and the Construction, Forestry, Mining and Energy Union fought against it and stopped it going in there.

[*Interruption*]

Obviously the Minister thinks that McDonald's does not have to go into a park and they can be separated from it, but that is where she is not being fair and her argument is illogical. If the Minister wants to argue that we are drawing a long bow and there is no chance of these being in a park, the Australian Labor Party can stand by that, although the Greens question it. We already know that the Coalition will quickly desert that concept because they have already tried it in Moore Park. That is why the Greens have moved these amendments, because we have seen the track record of the Coalition and we have real worries about the Labor Party.

Reverend the Hon. F. J. NILE [9.28 p.m.]: For the record, the attacks on McDonald's, Burger King and KFC are basically attacks on franchise companies of American origins. I know that some speakers in this Chamber have almost a hatred for anything American and I object to attacks on those three organisations.

The Hon. J. F. Ryan: I don't.

Reverend the Hon. F. J. NILE: I don't either, but some members have shown that by attacking those three organisations. Quite often when one travels throughout New South Wales and other States one finds that McDonald's adjust their buildings to fit in with heritage conditions. McDonald's have done that in many places. An upcoming organic vegetarian franchisee may want to be in the park and perhaps Ms Lee Rhiannon will support that. I do not want the record to show only attacks on these companies. I know other members agree that such franchises have a right to operate in Australia. I do not know why they are on the hit list. They are not on my hit list but they may be on the hit list of Ms Lee Rhiannon.

Amendments negatived.

Ms LEE RHIANNON [9.29 p.m.]: I move Greens amendment No. 7:

No. 7Page 12. Insert after line 21:

15 Use of Trust lands for events attracting large crowds

(1) The Trust is under a duty not to authorise the use or enter into arrangements for the use of any trust lands for the purpose of a paid concert or other event for which it is reasonably anticipated that more

than 20,000 persons at one time will resort to the land, unless the use of the land for that purpose is authorised by a regulation relating specifically to that concert or other event or to a class of concerts or other events that includes that concert or other event.

(2) A regulation made in accordance with this section may impose or provide for the imposition of conditions on the use of the land for the purpose contemplated by the regulation.

Honourable members will note that the amendment as circulated made no mention of the word "paid". This amendment is important because it relates to people using our parks. Honourable members have witnessed the extraordinary outburst—we are getting used to them now—from Ms Burnswoods suggesting that the Greens are elitist and trying to lock up our parks. That is an outrageous and incorrect statement. The Greens are arguing that our parks should not be locked up for the enjoyment of only people who have money. That is happening more and more with our public open places. A recent event in Centennial Park demonstrates the clear need for this amendment. Lately, there have been a number of these huge events. This one was the Bob Dylan concert.

I live close to Centennial Park, and therefore saw the effect on the area. This concert locked up a large section of the park for the use of only those able to afford tickets. The park was meant to be for the enjoyment of everybody. More and more, sections of it are being used by corporations, with the park being locked up by fences enclosing large tents and various other facilities. The Minister, in saying that people could just sit outside, missed the point. The point is that those parts of Centennial Park are for the use and enjoyment of everyone, not so that corporations can make millions of dollars. The Bob Dylan concert was certainly a huge money-making event for those concerned. I was outraged by the level of security officers circling the park and herding people in different directions. I commend the amendment.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [9.32 p.m.]: The Government does not support the amendment. It is concerned that such an amendment could make it more difficult for the park to be used for events that attract large crowds of people from Sydney, and from the west of Sydney in particular. It is true that, even at the moment, the park is used for a whole range of different events that regularly attract 20,000 to 30,000 people. I refer to events such as the Thai Festival of Candles and the Indian Food Fair. The Government certainly does not want to make it more difficult to hold those sorts of events. That is a possible outcome of the amendment.

Parramatta Park is fortunate in that in its centre is an area called the Amphitheatre, an established entertainment space large enough to hold up to 30,000 people. All large events are held in the Amphitheatre. This part of the park is appropriate for such events because the slope of surrounding land enable people to sit and watch events, while not preventing use of the rest of the park by those who like to cycle, run or whatever. The Government would not entertain an amendment of the bill that would make it more difficult for large groups of people to use Parramatta Park. The Government hopes that giving Parramatta Park its own trust and legislation will result in the park being used more often for large events, and that the people of Sydney will flock to the park for recreation and cultural events. That is the purpose of a park.

Not long after the Australia Day activities I walked around Parramatta Park. The great spirit conveyed to me by the people involved with those Australia Day activities should be supported and encouraged. It is for that sort of reason that the Government does not want to prevent such use of the park. We want it to be able to be used appropriately by as many people as possible. Parramatta Park, of all our parks, probably is very fortunate in that it can be used for large events without impacting adversely on other park users. The Government does not support the amendment as it would be detrimental to the outcome sought to be achieved by this bill.

The Hon. J. F. RYAN [9.35 p.m.]: The Opposition takes very much the same view as the Government. This amendment does not seem either workable or desirable. Whether a concert is a paid concert or otherwise, we would expect any event in the park to be properly organised and sensibly controlled. The honourable member suggested that larger, paid concerts could be organised if those concerts were subject to regulation. In those circumstances the House could, if it disagreed with a particular concert, disallow the concert. That would lead to fascinating debates in this Chamber. We could debate whether we liked a Bob Dylan concert, a silverchair concert or so on. Really, I do not think the New South Wales Parliament is the place to discuss musical tastes.

As much as I might like to relate to the Chamber the musical groups that are popular, I could picture this Chamber if it were required to debate whether Boyzone, Backstreet Boys, Hanson or similar groups that young people like provide acceptable forms of recreation, as opposed to a symphony in the park, and so on. That

is not the way that I would like debates of this Parliament to go. We have enough issues on which we differ without arguing about musical tastes. The amendment is not workable, though I understand what the honourable member is trying to achieve. I have noticed that seemingly hundreds of thousands of people can enter the Domain over a weekend, but within a week the park can be completely restored to its original condition. Nothing is lost. It is amazing how resilient our suburban parks are.

The Domain can cope with large numbers of people, almost to the point that the park appears to be trampled to the ground, yet it is able to be restored quickly, notwithstanding sensitive trees and other vegetation in the park. No-one would suggest for a moment that the Domain has been used inappropriately. I do not think anyone is thinking of having hundreds of thousands of people trample over Parramatta Park, but that has already happened and the park has proved sufficiently resilient to withstand that sort of effort. Therefore, there is no good reason to over-regulate the use of Parramatta Park by the people. The Opposition cannot support the amendment.

Ms LEE RHIANNON [9.37 p.m.]: Because of some comments made, I will speak again to the amendment. It concerns me that there was an implication in some comments that the Greens do not support community events. The Greens have participated in, supported and enjoyed large community events in Parramatta Park. The amendment seeks to ensure that the park is available for use by all people, irrespective of their income or where they come from. I was concerned that the Minister said the Government cannot support the amendment because it wants all people to be able to use this facility. So do the Greens, and that is the purpose of this amendment. The Government, if it were sincere, would support the Greens in that aim.

The reason that the Government does not support the amendment is its wish to leave open the opportunity to use the park for the making of money. Right on our doorstep is the delightful Domain. We see it in all its glory when it is used by hundreds of thousands of people, but we also see it locked up by ugly fences on occasions when hardly anyone can use it. That really disadvantages many of our homeless people. Any member who walks home will see these people. The most I have counted on my walk from Hospital Road to Macquarie Street is 23 people. A number of them live in the park. They are given a really hard time when the park is locked up for paid events. That is only one part of the disadvantage. The Government's argument is illogical. I place on record the Greens strong support for community events that have been held at the park. The Greens have moved the amendment to ensure that the park is there for everyone to use, whatever time of day or night.

Amendment negatived.

Part 4 agreed to.

Parts 5 and 6 agreed to.

Part 7

Ms LEE RHIANNON [9.41 p.m.]: I move Greens amendment No. 8:

No. 8 Page 20. Insert after line 14:

31 Advertising on trust lands

(1) A person must not display or distribute any advertising matter on the trust lands.

Maximum penalty: 5 penalty units.

(2) This section does not prohibit advertising that is:

(a) displayed on the side of a food vendor’s vehicle, and

(b) less than 2500 square centimetres in area.

It would be lovely if we could agree on this amendment, which relates to advertising. However, it is not surprising that again there are a few groans around the Chamber. Obviously, advertising is important to people and parties that support the corporate world, because that is how they increase their profits. But surely everyone should be able to appreciate the pleasures of our parklands. One of the great pleasures is that parklands are there in all their glory. I am sure that all people, whether they be Greens, Liberals, Labor, or whatever, enjoy our parklands. What we all enjoy is the tranquillity, peace and, in the case of many parks, natural beauty that

parklands provide. Advertising, either small or large, that is displayed in parks is very ugly. What we are seeing in too many areas is that those with money are able to enjoy the natural beauty of our world, and those who are hard up are often exposed to some pretty ugly sights.

The Greens had hoped that we would be able to get some support for this amendment. However, hearing the comments that have been made around the Chamber it seems that we will not. I remind members that more and more complaints have been received about the intrusiveness of advertising, even in a city such as Sydney. It must be remembered that not very long ago the huge outdoor advertising complexes that were wanted at the Sydney Town Hall were defeated because they were so ugly that they were intrusive. Advertising is going too far. Let us maintain our parks for what we know they have been set up by our forebears. I commend Greens amendment No. 8 to the Committee.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [9.43 p.m.]: The Government does not support the amendment. As with many of the amendments moved by the Greens, the intent of Ms Lee Rhiannon and the Greens is understood. However, the amendment is so restrictive that it would simply create real problems in terms of the way the bill envisages Parramatta Park will operate. The amendment provides that a person must not display or distribute any advertising matter on trust lands. The fact is that the park advertises its community events. If the amendment were carried, that would be extremely problematic. Some of those events are sponsored as well. It goes without saying that such sponsorship should be acknowledged and supported.

If advertising were prohibited, the people of western Sydney and beyond would be disadvantaged because the park would not be able to attract sponsors to enable it to hold events. The community would not have access to cultural and recreational events that are now held at the park, and it is hoped will continue to be held in the future. Having said that, it should be acknowledged that the provision of sponsorship relates to events that are held in the park. We are not talking about advertising that does not relate to a particular event. However, the amendment does not make any such distinction. The amendment would clearly constrain the operation of the park and the trust beyond what is necessary.

The Hon. J. F. RYAN [9.44 p.m.]: The Opposition also cannot support the amendment. This is perhaps the most restrictive of the amendments moved by the Greens. An advertisement constitutes any device whatsoever that is designed to attract public attention or display information. Under this amendment, even something like a sign at the front of Government House explaining its opening hours would be illegal and subject to five penalty units. I am not sure that the world is ready for such a level of restriction in Parramatta Park. One might be tempted to illustrate other humorous applications of the amendment, but given the lateness of the hour I will constrain myself. The amendment is not workable and the Opposition cannot support it.

Reverend the Hon. F. J. NILE [9.45 p.m.]: The Christian Democratic Party also opposes the amendment. One of the points the Greens have not taken into account is that many organisations that do not have a lot of money—for example, boy scouts and some ethnic community organisations—look for sponsors to help pay for public cultural events to be held at the park. If this sort of amendment were passed it would prevent small organisations that do not have large funds from participating. It would not severely affect large corporations that have a lot of money, but it would affect smaller organisations that need sponsors. Furthermore, sponsors will not pay the money unless there is some return to be gained by allowing the name of the sponsor to be displayed at the particular event.

Amendment negatived.

Part 7 agreed to.

Schedules 1 to 5 agreed to.

Title agreed to.

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

ADJOURNMENT

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [9.49 p.m.]: I move:

That this House do now adjourn.

MANLY GOVERNMENT SERVICES

The Hon. G. S. PEARCE [9.49 p.m.]: I advise honourable members that the people of Manly and surrounding areas have been getting a poor return from the Carr Government, and I will cite a number of examples. The Carr Government either provides bandaid solutions or simply ignores the people of Manly altogether. One example of that is the appalling traffic congestion along Spit Road, Military Road and the Spit Bridge. It is infinitely frustrating to those who drive through this area that the traffic is almost always slowed and often stopped completely because of the bottleneck created by the Spit Bridge. But the frustration is nothing compared to the danger that this stretch of road poses to motorists. The NRMA has described this stretch of road as being amongst the worst in the State. That is because the road consists of numerous winding S-bends which have caused many accidents, some of which have resulted in fatalities.

The horror route from Medusa Street to Pearl Bay Avenue is a road containing three lanes each way. However that road is busy at all times, not just during peak hours, and the lanes are extremely narrow. In some areas the width of the lanes actually contravenes the national safety standard. Vehicles often have to cross over to the adjoining lane to negotiate the corners. The appalling potential of this situation is obvious. The second problem is Spit Bridge. It is old and archaic, bringing traffic to a halt and causing it to bank up for kilometres so that the bridge can be physically raised in the air. It is absurd to have such a system still operating in the twenty-first century. Two-and-a-half years ago, a *Mosman Daily* editorial stated:

> It will be ironic if it takes a massive upheaval like the malfunctioning of the Spit Bridge to focus the minds of the government on the chronic traffic problems facing the north shore.
>
> No-one, it seems (and obviously not the present State Government) is prepared to tackle the issue which is strangling the Spit-Military Road corridor and those flanking it.

What has changed in the past 2½ years? Very little. In a manner typical of this Government, nothing has been done to find a genuine solution to this traffic nightmare. The Government refuses to consider any genuine, long-term solutions such as the construction of a tunnel exiting near the Gore Hill Freeway. Even medium-term solutions, such as banning articulated freight vehicles from Spit Road or implementing a 50-kilometre per hour speed limit in the danger areas, have not been put in place. The people of Manly have had a raw deal from the Government. All that this Government has done is erect fixed speed cameras in the area. But how much traffic congestion does a camera alleviate? How does a camera widen narrow lanes? How does a camera fix the S-bends? How many accidents does a camera stop? The answer, of course, is that this is just another pitiful bandaid solution from a Government that does not fix problems; it just raises revenue. Speed cameras are only revenue raisers; they are not a genuine solution to this problem. Once again it is clear that this Government is failing to consider the best interests of the people of New South Wales and, in particular, Manly and surrounding areas.

The people of the Manly area will also rightly be incensed by the Government's plan to close the emergency departments of hospitals which see fewer than 20,000 patients a year, are no further than 20 kilometres or 30 minutes by car from another emergency department, and serve a population base of at least 200,000 people. That is another raw deal. It suggests that only one emergency department from Manly, Mona Vale and Ryde hospitals is to be kept open, highlighting yet again the Government's lack of concern for those living in Sydney's north. In 1994 the Premier stated that he wanted to immediately upgrade emergency and accident units to improve services and reduce waiting times. Far from doing that, this Government obviously wants to save a few more dollars by playing a perverse game of chance with people's health and wellbeing. The people of Manly are sick of being sold down the river. The Government should stop relying on bandaid solutions and penny pinching and start implementing real solutions to the problems in this State and, in particular, in Manly and surrounding areas.

WORLD CONSERVATION UNION ENDANGERED SPECIES LIST

The Hon. I. COHEN [9.53 p.m.]: Tonight I speak about endangered species. More than 11,000 species threatened with extinction have crowded onto the World Conservation Union's latest Red List, including 116 types of primates. The death of an albatross is the traditional symbol of bad luck for mariners. Now it is rapidly becoming a harbinger of doom for the planet's biological diversity, after the giant birds fared worst in the first Red List for four years. The list includes 16 of the world's 21 species of albatross. Thousands of these ocean wanderers are being accidentally snared each year by baited hooks on giant industrial fishing boats known as long liners. Other creatures on the fast track to extinction include the primates of Africa and Asian freshwater turtles. The World Conservation Union, which compiled the Red List, states that both are widely hunted for their meat. Maritta von Bieberstein Koch-Weser, director-general of the Swiss-based global club of life scientists said:

> Even to those already familiar with today's increasing threats to wildlife, the increase in the number of endangered species was a jolting surprise.

Animals are fully surveyed and the number of species in danger rose 4.4 per cent to 5,435. Russell Mittermeier, President of Conservation International in Washington DC, said:

> The Red List is solid documentation of the global extinction crisis. Many wonderful creatures will be lost in the first few decades of the 21st century unless we greatly increase conservation efforts.

The main cause of the drive towards extinction is the loss of natural habitat as forests are chopped down, wetlands are drained, rivers are dammed and coastlines are polluted. Other causes include hunting and the invasion of alien species. The report states that black rats stepping aboard islands from passing ships have been the most common cause of the extinction of bird species during the past 200 years. The International Union for the Conservation of Nature [IUCN] uses strict scientific criteria to define species as threatened with extinction. Since 1996 the number of threatened primates has risen from 96 to 116. Meanwhile, the list of threatened penguins has doubled from five to 10 and the list of threatened freshwater turtles has increased from 10 to 24.

The IUCN states that, even so, the list remains far from complete. Birds and mammals are well studied. But many plants and insects are likely to disappear from the Earth without ever having been documented by modern science. Hot spots of species extinction include Madagascar. Here many species found nowhere else are under siege in 10 per cent of the country that retains its original vegetation. The most threatened mammals are in Indonesia. Birds are most at risk in the Philippines and Malaysia has the most plant species known to be threatened.

On Friday 29 September 2000 Claire Miller, environment reporter, is reported as stating that Australia is fifth on the extinction Red List. Australia is ranked fifth in the world for species threatened with extinction, according to an international report on the global biodiversity crisis. The 2000 Red List, released overnight by the IUCN-World Conservation Union, identifies 18,276 endangered species worldwide, but it warns that the number is conservative because many categories such as amphibians, fish and plants are not yet fully assessed. The United States tops the list for total threatened species with 998, followed by Malaysia with 805, Indonesia with 763, Brazil with 609 and Australia with 524. The rankings, however, in part reflect the bias of modern scientific study, which until recent decades has been concentrated in western nations.

The IUCN notes that most tropical rainforest species are yet to be identified, let alone have their status assessed. Indonesia has the highest number of threatened birds and animals—the best documented groups—at 140 and 113 respectively. Australia has 63 mammals and 35 birds on the slide to extinction. These include Gilbert's potoroo in Western Australia, Victoria's eastern barred bandicoots, trout cod, orange bellied parrots, regent honeyeaters and the grassland plant curly sedge. Since white settlement, Australia is known to have lost 23 birds, 19 mammals and 64 plants. According to the Red List, human activity has seen 816 species disappear worldwide over the last 500 years, including 103 birds since 1800. The IUCN says that the global extinction rate is between 1,000 and 10,000 times the normal background rate since life began about four billion years ago. Extinction is the fate of all species, with each lasting an average of five million years.

The 2000 Red List report, the first since 1996, blames the accelerated extinctions on habitat loss and environmental degradation caused mainly by human activities. It calls for human and financial resources to be increased between 10 and 100 times to save global biodiversity. The report states that while the overall proportion of threatened mammals and birds has not changed significantly since 1996, many creatures have moved into higher risk categories. The number of critically endangered primate species has risen from 13 to 19, while long-line ocean fishing has put 16 albatross species on the brink compared with three species four years ago. The report states that the last four years have seen the rapid and unexplained disappearances of frogs in countries as far apart as Australia, Costa Rica, Panama and Puerto Rico, while all signs pointed to a serious decline in river species the world over due to development projects affecting stream habitat. How many species are we losing in the Nepean-Hawkesbury catchment because of the Government's lack of facilities to protect those environments?

VOLUNTEER HOME VISITING SERVICE

NEWLINC COMMUNICATION PROJECT

The Hon. AMANDA FAZIO [9.58 p.m.]: I wish to advise the House of two State-funded projects which I recently launched on behalf of the Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women, the Hon. Faye Lo Po'. The first project was the Volunteer Home

Visiting Service run by Lismore Family Support Service Inc. This project received $225,000 recurrent Families First funding from the Department of Community Services. I am pleased that I was able, on short notice, to travel from Armidale to Lismore to represent the Minister at this launch. I would like to thank Terry Flanagan, the endorsed Australian Labor Party candidate for Page, who helped me to co-ordinate this invitation.

The project will serve up to 100 families in the Ballina, Byron Bay, Lismore and Casino regions. The program will focus on support for parents with children under three but, in particular, newborn babies. Any family can experience difficulties when a newborn baby comes into the home. This project aims to help those families cope with the extreme demands of raising children. The Volunteer Home Visiting Service has now trained well over half of the 80 volunteers who will be visiting families. The volunteers are either parents themselves or they have experience with children and have a real understanding of family life, its trials and tribulations. The volunteers regularly visit homes to help with anything from nappy changing to finding the best doctor or day care centre. Help might just be a good old-fashioned chat to take the pressure off the daily chore of caring for babies and young children.

I must say I was most impressed by the staff and committee members of Lismore Family Support Service Inc. They were very committed to providing quality services to help members of their local community and were very enthusiastic and professional in their approach. I was also impressed by the volunteer visitors that I met. In the International Year of Volunteers, it was pleasing to meet community members who were prepared to give of their time to help families encountering stress due to the arrival of a new baby. Local professionals, such as early childhood nurses, commented on how useful they found the new service and talked to me about individual referrals they had made to the volunteer home visiting service and the positive impact the service had made on those families. I commend Kim O'Neill, Lismore Family Support Service Inc. and the volunteer visitors, as well as the Minister for funding this important project. Families First is a program that I am particularly proud of and I commend the Government for introducing this much needed initiative.

The second project I launched was New England Women Linking in New Communities [NEWLinc]. This project was funded under the New South Wales women's grants program in June 2000, and Armidale Inc. received $99,840. The aim of the project is to connect via the Internet women across the New England region. NEWLinc is a project about communication using computers and is a partnership project between Armidale Inc., New England Technology Association, New England Institute of TAFE, the University of New England, North Net and NetConnect Internet Services, the Zonta Club of Armidale, the QuotaClub of Armidale and the Country Women's Association of the New England region.

The new web site gives women of the New England region the opportunity to learn to use the Internet for establishing friendships and business contacts in the region, throughout New South Wales and anywhere in the world. NEWLinc will introduce rural women to basic information technology [IT] tools including email, discussion boards, on-line forums and chats to improve their access to information, services and social networks. Many Australian girls and women perceive IT as a masculine career and they imagine a computer geek who swapped the love of mathematics for an obsession with computers. The reality could not be further from the truth. It is true, however, that women's participation rates in computer science and associated courses are well below those of males.

By allowing women and girls to become familiar with computer use through projects such as NEWLinc, it is hoped that more women and girls will undertake careers in this industry and that this will ensure there is greater diversity in IT and that it is user friendly for women as well as men. It should be noted also that the new information technology industries that are being established allow people who live in non-metropolitan areas to work from home to establish businesses in rural centres and to use local members of the community in their work force to support their computer operations. One does not have to be a resident or a business person in a capital city to work successfully in the information technology industry. This is a great opportunity for people in country areas.

This project has created great interest in the New England area and has the support of many prominent community organisations. Communications workshops are being held by NEWLinc in Tamworth, Inverell, Moree, Glen Innes, Gunnedah, Narrabri, Boggabilla, Coonabarabran, Tenterfield, Armidale and Quirindi. I hope that the women in those areas embrace the opportunities afforded by NEWLinc and again I congratulate the Minister on funding this very worthwhile project. [*Time expired.*]

SHOALHAVEN HOSPITAL FACILITIES

The Hon. D. T. HARWIN [10.03 p.m.]: This afternoon the Leader of the Government described me as a whinger for drawing the House's attention to problems at Shoalhaven hospital. I make no apologies and return

to the subject now. Shoalhaven is one of the fastest-growing parts of New South Wales and has been for some time. Shoalhaven hospital requires significant upgrade work to meet the needs of the growing population. Stage two of the hospital upgrade is currently proceeding and will provide the hospital with 12 extra emergency beds, five extra intensive care beds and two extra operating theatres. These additions are very welcome and I thank the Government for continuing work first announced under the previous Coalition Government in the 1991-92 State budget. The 17 extra beds and other rebuilt facilities are appreciated but there are many other concerns at Shoalhaven hospital.

In the first place, this upgrade will only marginally alleviate the most significant problem at Shoalhaven hospital and, indeed, around the State. That is, of course, waiting lists. When the Carr Government was elected to office in March 1995 it famously promised to halve waiting lists within the year—a promise it did not keep. The situation at Shoalhaven hospital is illustrative of that. In March 1995, 793 people were on the waiting list for elective surgery at Shoalhaven hospital. In the figures most recently available to me, for the month of February, that number has almost doubled to 1,499. Of that number, 369 have been waiting for more than 12 months.

Shoalhaven hospital's experience is that of so many hospitals around the State and represents a fundamental betrayal by this Government. It has abrogated its election commitment and is taking the people of the Shoalhaven for granted. It needs to find meaningful solutions for a statewide problem and stop trying to mislead the Shoalhaven people that the hospital upgrade is a panacea for this problem. A number of other concerns are worthy of mention.

One I raised earlier today was the effect of the construction deadline imposed by the State Government for completion of stage two. The hospital and contractors have been told networks must be completed by 1 January 2003. However, to meet a deadline clearly motivated by the necessity for a pre-election start in early 2003, the hospital has had to reduce services to fast-track construction, rather than choose a more orderly construction program that would have enabled beds and other facilities to remain in service for longer. Day surgery is now being carried out in rooms previously used for meetings.

Concerns about these constraints and other problems at the hospital have led to seven visiting medical officers handing in their resignations. Their departure closely follows resignations by the urologist and the geriatrician. Shoalhaven hospital, servicing a population that has an above-average number of aged persons, has been left without a full-time geriatric specialist. The Illawarra Area Health Service has provided a part-time locum until 1 July. At the same time it is funding 4½ full-time geriatric specialists at Wollongong Hospital. The inequity is one of the reasons why many people in the Shoalhaven believe that the Illawarra Area Health Service is showing a pro-Wollongong bias.

Another reason arises from the fact that the post-mortem facility at Shoalhaven hospital is being closed in August 2001, with the function being transferred to Wollongong Hospital. Incredibly this is being implemented despite the fact that delays in having post-mortems carried out at Wollongong Hospital average three to five days whereas the current turnaround at Shoalhaven hospital rarely exceeds 36 hours. It is incredible that the upgrade of the Shoalhaven hospital is being used as an excuse to reduce facilities for the people of the Shoalhaven. Clearly, Shoalhaven hospital is not being given a fair go by the Illawarra Area Health Service and the Government but they refuse to concede there is a problem. Three questions I have asked in this House on problems at the hospital have not been answered by the Minister for Health. The silence of the honourable member for South Coast on this issue is also deafening. He is taking local people for granted rather than tackling his Labor colleagues on the problems that the community is concerned about and that I have been raising. The Federal member for Gilmore, Joanna Gash, is right when she says the situation at the hospital, "is absolutely disgraceful, but not as disgraceful as the lack of action or just plain protest" by the honourable member for South Coast.

VIETNAMESE PRISONERS DETENTION

The Hon. Dr P. WONG [10.07 p.m.]: Tonight I wish to speak about a group of prisoners who have completed their sentences but who are still being detained in prison. How could this happen in Australia? Surely once a prisoner has completed a prison sentence he must be released. We are not some dodgy dictatorship, but a democracy. Unfortunately, this is no mistake. Some prisoners have served their time but through red tape and the Federal Government's stubbornness they are still in prison, some even three years after the completion of their sentence. These cases involve some 24 permanent residents of Australia who were born in Vietnam. They were accepted into Australia as refugees, mainly during the 1980s, because of persecution or fear of persecution in Vietnam.

While Australian residents they committed crimes that resulted in them being placed in prison. When their sentences are finished they should be released, but not if the Federal Minister for Immigration and Multicultural Affairs has anything to do with it. He has placed a deportation order on them to be exercised at the completion of their sentences. To some, that may be an appropriate action but there has been a blunder because in all of these cases the Vietnamese Government has refused to accept them back. What is the Federal Government's response? Leave them in prison indefinitely! Never mind that these are permanent residents of Australia who fled persecution in Vietnam. Never mind about their rights to be released once they have served their sentences. The irony is that if these people were Australian citizens, they could not be deported, but as permanent residents they can theoretically be deported—if a country will accept them. Unfortunately, these people did not take out citizenship. They assumed that as refugees they would be allowed to stay in Australia. In almost all the cases, the parents and immediate relations of these prisoners are living in Australia and most of these prisoners have spent more of their lives in Australia than in Vietnam.

Clearly, these people should be allowed to stay in Australia, and it is easy to see why the Vietnamese Government has been reluctant to accept them back. Therefore, it is not surprising that, after at least three years of negotiation, the Australian Government has been unable to reach an agreement with the People's Republic of Vietnam to have these prisoners deported. While the Australian Government tries to get the Vietnamese Government to accept these people, 24 Australian residents are left to rot indefinitely in gaols of New South Wales.

Negotiations have been conducted for three years, with no sign of when agreement may be reached. In one case, a prisoner completed his sentence three years ago and is still in gaol. In another case, a prisoner who served a 16-month term is still in prison after three years. The question is: What should be done about these Australian residents who have completed their sentences? Clearly, they must be released immediately, as any other Australian or citizen would be released. Anything else is blatant discrimination.

I call upon the New South Wales Minister for Corrective Services to release these prisoners into the care of the Department of Immigration and Multicultural Affairs. I also call upon the Federal Minister for Immigration and Multicultural Affairs and Minister Assisting the Prime Minister for Reconciliation to release these residents instead of continuing fruitless negotiations with the Vietnamese Government. Let justice be done in Australia, regardless of one's country of birth.

BHP PORT KEMBLA INDUSTRIAL DISPUTE

The Hon. P. T. PRIMROSE [10.10 p.m.]: Two weeks ago more than 200 workers returned to work at the Port Kembla plant of Broken Hill Pty Ltd [BHP] after a group of contractors agreed to leave the site. The contractors were employed by management through a notoriously anti-union labour hire company to complete major repairs to a hot steel mill. The work was completed earlier this month. Problems arose at Port Kembla when the 200 workers voted unanimously to walk off the job in response to management's use of contractors on the site as part of its plan to de-unionise the industry.

Members of the Australian Manufacturing Workers Union [AMWU], the Communications, Electrical and Plumbing Union [CEPU], electrical division, and the Australian Workers Union provided a united front against the contractors. They returned to work, agreeing to hold talks with representatives of the contracting company. The workers at BHP Port Kembla have always strongly defended their right to belong to a union and to protect their standard of wages and conditions. In contrast, many of the contractors have accepted employment under an award that offers lower wages and conditions and announced their ideological opposition to trade unions. Port Kembla has a strong union culture and those unionists will not be stood over by non-union contractors who do not understand how hard union members have struggled to achieve reasonable working conditions.

State secretary of the AMWU, Paul Bastian, described the dispute as being about the long-term job security of union members in Port Kembla. Members marched back to work, proud to be union! Those workers have a long tradition of struggle to maintain standards of work that are too easily given up by those who have no long-term commitment to the workplace. Union members understand very clearly the implications of disunity. Once management knows that there are workers who are prepared to accept lower standards, then everyone will suffer. While the workers have returned to their jobs, there will clearly be no resolution to the issue until there is a commitment that union standards will be maintained.

If further proof is needed of the anti-union, Americanisation of industrial relations that are pursued by BHP, there is no need to look any further than to the giant's outsourcing policies. When BHP outsourced BHP

Engineering to Canadian consultants, Hatch, employees were promised that their entitlements would not be affected. One year later, with no consultation, Hatch management in Wollongong announced that it would be changing both its redundancy and redeployment arrangements. These arrangements affected more than 200 workers in Wollongong and around 800 Australiawide—members of the Australian Manufacturing Workers Union [AMWU] and the Association of Professional Engineers, Scientists and Managers, Australia [APESMA]. But this is also a clear warning that any other workers whose jobs are outsourced from BHP could suffer the same fate.

Despite its media promises, clearly BHP has completely abandoned Australian workers. Its policy of outsourcing is just another example of what an unregulated, globalised economy means and again emphasises the need for workers to be organised on a global scale in order to defend core labour standards and hard-won wages and conditions.

INFECTIOUS DISEASES VACCINATION

The Hon. Dr B. P. V. PEZZUTTI [10.14 p.m.]: I draw to the attention of honourable members misleading information provided by Dr Viera Scheibner, of Blackheath in New South Wales, who continuously writes against immunisation. In the 9 March edition of the *Medical Observer*, she submitted a very unusual letter. It was unusual because it makes claims that are not supported by the documentation she referred to. She claims that measles vaccination causes Crohn's disease and inflammatory bowel disease in children and that autistic children suffer from gastrointestinal symptoms that are compatible with Crohn's disease as a result of measles vaccination. She states that people have nothing to fear from measles epidemics. The last paragraph of her letter states:

> Even if epidemics did follow, well-managed measles is beneficial and protects even malnourished children against asthma and allergies.

The really serious issue raised by this letter is that measles infections do kill people. Measles killed many people in the 17-year-old to 20-year-old age group in Queensland in the year before last. The type of misleading information to which I have referred drives people away from vaccinating children. A large number of reasons are given for why people are not vaccinated. I draw the attention of honourable members to a few interesting statistics. Of reported cases between 1992 and 1994, there were nearly 32,000 cases of notified, vaccine-preventable illnesses in Australia. Taking into account underreporting, the real incidence may be up to 10 times higher. There were 10,000 cases of pertussis, which is whooping cough; there were 1,071 cases of haemophilus influenza type b [Hib], which is a serious infection that often causes death; there were 10,579 cases of measles; and there were 10,148 cases of rubella.

I am pleased to report that there has not been a single case of measles reported in a child in New South Wales in the last year. That is the result of the fact that the Federal Minister for Health and Aged Care, Dr Wooldridge, has really provided great impetus for the rubella and measles vaccination program and has been supported by the New South Wales Department of Health and the current Minister for Health, Mr Knowles. The measles incidence over the past year for children in New South Wales was absolutely zero, which is a remarkable result. That must be compared with 1997 when approximately 17 deaths occurred in Queensland and a couple of young children in New South Wales died as a result of measles.

It is very important for people to realise that the information provided by Dr Scheibner is not accurate. Statistical support for the contention that Crohn's disease is linked to immunisation against measles simply does not exist. The reports to which she refers are earlier reports of findings of an association that, by follow-up and careful examination, have been found not to be accurate. Most importantly in this context, I refer to an article in the February 2001 edition of *GPSpeak* written by Ms Gae McDonald. I would be more than happy to pass on the article to honourable members who want to read it.

It is important also to realise that immunisation has rid the world of smallpox; it no longer exists in any continent of the world. We are also well on the way towards eradicating polio throughout the world, except for a couple of places in Africa. Our children will not have to face those diseases. As I pointed out to the Treasurer the last time I spoke on this matter during the adjournment debate, the next big step for New South Wales to take is to meet the need for adult immunisation against pertussis, which is whooping cough. The immunisation that is currently given to children is very effective but the effectiveness of the vaccine ceases at approximately age eight or 10. Most of the reported cases in Australia of pertussis are cases of adults. A newly formulated immunisation is available. It has been trialled in Switzerland and in Sweden. It is very effective and it is now being released for use in Australia. It costs $50, but it is worth it.

I encourage people who are responsible for, and mix with, young children to be immunised. It is their responsibility to protect young children from infectious diseases and they should be immunised, if that is at all possible. I reject the assertions of people who speak against immunisation programs. I call on the Government to make another new push for a pertussis immunisation program.

[*Time for debate expired.*]

Motion agreed to.

House adjourned at 10.19 p.m. until Tuesday 29 May 2001 at 2.30 p.m.