

# LEGISLATIVE COUNCIL

Thursday 7 September 2006

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**The Chair of Committees (The Hon. Amanda Ruth Fazio)**, in the absence of the President, took the chair as Acting-President at 11.00 a.m.

**The Acting-President** offered the Prayers.

## PETITIONS

### Same-sex Marriage Legislation

Petition opposing same-sex marriage legislation, received from **Reverend the Hon. Fred Nile**.

### Mental Health Patient Detention

Petition stating that on 22 August 2002 Kylie Fitter was found not guilty of the murder of her mother by reason of mental illness and was detained at Yasmar Juvenile Justice Centre until the Minister for Health saw fit to release her on the recommendation of the Mental Health Review Tribunal, stating that Ms Fitter's delusional state was found by psychiatrists to have lifted in 2003 and, despite the Mental Health Review Tribunal recommending four times since 2004 to successive Ministers for Health that Ms Fitter be granted conditional release, she remains incarcerated in Juniperina Juvenile Justice Centre, and requesting the Minister for Health and the Minister Assisting the Minister for Health (Mental Health) to approve and adopt the recommendation of the Mental Health Review Tribunal, received from **Reverend the Hon. Dr Gordon Moyes**.

## BUSINESS OF THE HOUSE

### Suspension of Standing and Sessional Orders

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

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 153 outside the Order of Precedence, relating to a condolence motion on the death of Steve Irwin, be called on forthwith.

### Order of Business

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

That Private Members' Business item No. 153 outside the Order of Precedence be called on forthwith.

## DEATH OF STEVE IRWIN

**The Hon. CHARLIE LYNN** [11.08 a.m.]: I move:

1. That this House notes the untimely and tragic death of Steve Irwin and extends its condolences to his wife, Terri, and his children, Bindi and Bob.
2. That this House recognises the positive contribution Steve Irwin made to conservation and to Australia's image worldwide.
3. That this House acknowledges that Steve Irwin's life mission was to educate people about the natural world and to convince them that many beautiful creatures were not as dangerous as generally perceived.
4. That this House acknowledges that Steve Irwin was the greatest ambassador for the animal world that the world has ever had.

I regard the untimely death of Steve Irwin as a national tragedy. Steve Irwin was a larger-than-life character who epitomised the image that many people from other countries have of Australians. It matters not whether the image is one of perception or reality; it is what many of them wanted to believe, and it is one that many Australians would like to believe. Steve represented the larrikin spirit of Australia as much as Chips Rafferty

and Paul Hogan ever did in their day. Sometimes Steve made us laugh, sometimes he made us cringe, and sometimes he made us hold our breath in awe of his spirit. On Monday he made us mourn at the loss of a dinkum national treasure.

Unfortunately, the mourning has been interrupted and somewhat sullied by the untimely and ungracious ramblings of an embittered expatriate Australian writing for an international newspaper in the United Kingdom. Millions of people worldwide are mourning the loss of Steve Irwin. I believe this debate will provide comfort to the members of Steve Irwin's family by letting them know that their parliamentary representatives genuinely mourn their loss and share their grief. The tragic news of Steve Irwin was reported internationally and it impacted on many Australians. The London *Times* wrote of Steve Irwin:

As the exuberant golden-haired, khaki-wearing and apparently fearless Crocodile Hunter, he got very close to—and even wrestled—numerous apex predators. His unscripted narration was punctuated with "Crikey!" and, "Look at this beauty!"

Many called him a thrill seeker, but he called himself a wildlife warrior. He was in fact a highly knowledgeable natural historian, whose mission was to educate people by enthusing them. "If you can't get wilds into people's hearts", he said, "then you haven't got a hope in heck of saving them—because people don't want to save something they don't know."

Stephen Robert Irwin was born in Melbourne in 1962. When he was 8 the family moved to Queensland, where they started a small Queensland Reptile and Fauna Park in Beerwah on the Sunshine Coast.

Irwin was involved from an early age: he helped to look after the reptiles, having been given a scrub python for his sixth birthday [for which he started to catch fish and rodents] and by the age of 9 was jumping into rivers at night and catching crocodiles with his bare hands.

In time he became one of the stars of the Queensland Government's rogue crocodile relocation program. Many of the crocodiles were relocated to the family's park, which was expanded in 1987.

Four years later Irwin took over management of the park, renaming it Australia Zoo and the following year married Terri, who had been a visitor to the park. They went on a crocodile-trapping honeymoon in northern Australia, which—because of a chance meeting with his old friend John Stainton, a television producer—became the first episode of *The Crocodile Hunter* series.

Ten one-hour episodes were made over the following three years, and more than 50 in total. Irwin was typically to be seen crawling towards wild crocodiles, snakes, goannas and spiders, among many other animals. "I would never blame an animal if it bit me, that is for sure", he said to one interviewer, "because I'm at fault, not them." He later estimated that he had been bitten more than 1,000 times. He was sanguine as ever when his leg was "chomped" by a saltwater crocodile and needed 12 stitches. "I heal so quickly," he said, "I tell you what, if you cut my arm off I would grow a new one."

Irwin in fact felt rather more fear than he showed, and was particularly edgy in the presence of parrots. "For some reason parrots have to bite me. That's their job. I don't know why that is. They've nearly torn my nose off."

The popularity of Irwin's programs boosted business in reptile parks around Australia. Conscious of the educational impact he could have, he frequently reminded his public that many of the animals—including 17 of the 23 crocodile species—were rare or endangered.

He fulfilled his mission as an environmentalist by creating International Crocodile Rescue and the Steve Irwin Conservation Foundation—which later became an independent charity and was renamed Wildlife Warriors Worldwide.

As a recognised ambassador for conservation he was invited to become the face of the Australian Customs quarantine publicity campaign, part of the effort to keep animal and plant diseases out of Australia.

He and his slogan, "Quarantine matters! Don't muck with it" brought about a 25 per cent increase in the number of people volunteering information about potential breaches. It was the Australian Quarantine and Inspection Service's most successful campaign.

The *New York Times* wrote an obituary on Irwin and referred to his achievements in bringing to the world Australia, our animals and the need for conservation. Dr Leo Smith, an expert on venomous fish in the Department of Ichthyology at the American Museum of Natural History in Manhattan, said:

... although Mr Irwin had no scientific degree some scientists criticised his theatrics and hyperbole, "he could be considered a biologist rather than just a television personality."

He was knowledgeable and seemed to care passionately about wildlife. He took a very outgoing approach that made people less fearful of sharks and other mean things out there.

CNN reported:

The world has lost a great wildlife icon, a passionate conservationist and one of the proudest dads on the planet.

Stanton told reporters in Cairns, according to The Associated Press, "He died doing what he loved best and left this world in a happy and peaceful state of mind. He would have said, "Crocs Rule."

"Steve was a larger than life force. He brought joy and learning about the natural world to millions of people across the globe" said Discovery Communications founder and chairman John Hendricks in a statement. "We extend our thoughts and prayers to Terri, Bindi and Bob Irwin as well as to the incredible staff and many friends Steve leaves behind."

Cousteau's office issued a statement that he is "still in Australia with his family of his friend, Steve Irwin. It was a tragic ordeal for everyone in the boat that morning. All of our thoughts are now with Steve's family."

Discovery Communications said it will rename the garden space in front of Discovery's world headquarters in Silver Spring, Maryland, the "Steve Irwin Memorial Sensory Garden."

The company also is looking at the creation of a Steve Irwin Crocodile Hunter Fund. The fund will support wildlife protection, education and conservation as well as aid Irwin's Australia Zoo and provide educational support for Bindi and Bob Irwin, the company said.

Australia's Prime Minister John Howard said he was "shocked and distressed at Steve Irwin's sudden untimely and freakish death"... "It's a huge loss to Australia"...

His message is really about conservation. He really wants to leave the world a better place for everybody, Animal Planet's Maureen Smith told CNN.com in April.

The host of Jack Hanna's Animal Adventure and Director Emeritus of the Columbus (Ohio) Zoo told CNN: "It's unbelievable, really", Jack Hanna, the host of "Jack Hanna's Animal Adventure" and director emeritus of the Columbus (Ohio) Zoo, told CNN. "You think of Steve Irwin and you think 'indestructible'."

Hanna, a friend of Irwin's noted that Irwin's persona of the Crocodile Hunter was no act. Irwin grew up around crocodiles, snakes and other animals at his parents' Queensland Reptile and Fauna Park and had been handling such creatures since he was a child.

"Steve really knew what he was doing. He was one of the finest reptile people in the world. He knew more about reptiles than anybody did. He was raised that way", said Hanna.

At Australia Zoo at Beerwah, south Queensland, floral tributes were dropped at the entrance, where a huge fake crocodile gapes, the AP reported. Drivers honked their horns as they passed.

"Steve, from all God's creatures, thank you. Rest in peace", was written on a card with a bouquet of native flowers.

Paula Kelly, a local resident and volunteer at the zoo, after dropping off a wreath at the gate said: "We're all very shocked. I don't know what the zoo will do without him. He's done so much for us, the environment and it's a big loss."

"He has left a legacy that people do love some of the unloved animals like crocodiles and reptiles that people wanted to kill," Stanton told CNN. "He's actually put a position in their hearts for them. I want that to continue. I want people to really go out there and remember Steve Irwin for what he really was, which is a great conservationist saving wildlife and actually promoting wildlife that people did not love."

Tributes for Steve Irwin flowed in via newspapers all over the world—from *USA Today*, and from the *Guardian* in the United Kingdom. The blog responses were overwhelming. One blog reads:

I have always been interested in history, geography and nature. Steve Irwin brought all those things together. Even though I didn't watch his show regularly I still respected him and his work. That ESPN commercial with Steve Irwin cracked me up if ever you saw it. Rest in peace, Mr Irwin. May your work, life and dreams always be remembered.

Another person wrote:

I have never really understood why he would want to take such a risk other than to the fact that he loved what he did. Unfortunately, he is gone. I would like to offer my sympathy for his family. The world has truly lost a vibrant and loving person. I don't think no-one will ever be able to fill his shoes. There was only one Steve. He left a legacy that is unforgettable. Rest in peace.

A headline in the *Guardian* stated:

It's like a part of Australia has died.

The article went on to state:

Eight thousand miles from the remote reef where Irwin was harpooned in the heart by the serrated spine of a stingray while filming a new documentary, many of Britain's 400,000 Australians were woken by text messages from loved ones at home bearing the news.

Some descended on the themed bars beloved by their countrymen to raise a cold VB in tribute. At the Walkabout in Covent Garden, manager Megan Sawyers tied a black armband fashioned from a bin bag around the front leg of the large plastic croc lying on a bed of fake corrugated iron behind the bar. "It should be a public holiday", she says ... "All my Australian friends have been ringing me today. My ex-girlfriend was nearly crying on the phone. I called mum and dad back home," says Richard Pacey, 30, cradling a stubby for a special Steve Irwin Memorial price of £2. "I think he's a dead-set legend, mate. He's Australian hardcore."

Another wrote:

Australia's collective glass is a little less "half-full" in your absence, mate.

In a tribute yesterday to Irwin and his conservation work, Peter Lalor and Michael Bodey led into their article by saying:

Steve Irwin's fame always seemed a little hard for the urban elite to swallow. He came across like some crazed Aussie caricature dreamed up by central casting on a Hollywood back lot. A poor man's Hoges. Or Dame Edna in khaki. An improbable blending of *SmackDown* wrestler and environmentalist.

The cultural cringe was palpable when Irwin took to, and conquered, the world stage. This was not the cultivated or cultured image some wanted. The most galling thing for the critics was that while Paul Hogan and Dame Edna were indeed caricatures, Irwin was the real deal. And he was famous. More famous than Nicole Kidman or Russell Crowe or Kylie Minogue.

They are all great ambassadors for Australia, and great people. The article continued:

Indeed, it was Crowe who described Irwin as larger than life and a "symbol of Australia". "He is gifted, he is brave, he is a husband, he is a father and he knows his wildlife," the actor said ... "He is also crazy; crazy with a big heart. That's the kind of crazy the world needs more of. And he's also my mate."

It is one thing to enter mainstream American life and be referred to by US politician Newt Gingrich as an Australian who has "significantly impacted on American culture". But even that gives no true indication of Irwin's celebrity ...

Irwin's producers claim that his television program *The Crocodile Hunter* was watched by 200 million viewers a week, brought 70 million subscribers to pay TV's Discovery Channel and made the boy from the backblocks of Australia one of the biggest stars in North America ...

Americans adored his exotic creatures, his larrikin style and ribald humour. Typical was when Leno asked Irwin how he determined the sex of the crocodile lying on Leno's desk. Irwin replied: "I put my finger in here and if it smiles it's a girl, and if it bites me it's a boy."

Americans loved that. The article went on:

Irwin's raw, almost comical passion lured viewers across the world. With Irwin, what you saw was what you got. There might be the clichéd khaki, the shameless hyperbole and the mangled syntax, but that was him. And everything he did was done at warp speed, with commitment and unabashed passion. If he loved something, he loved it until the tears welled in his eyes. A conservationist, Irwin attacked crocodile farmers as "Hitlers". Everything was the "best", "worst", "biggest", "closest", "scariest" or "beautifullest" in Irwin's absolute universe.

He was, indeed, high on life. He told an MGM studio chief that he couldn't do corporate schmooze. "I'm like: 'Listen, fellas, you need to understand this about me. I don't do drugs, I don't do alcohol, I can't do coffee. I'm on fire 24 hours a day and I can't do that stuff, it's just no good for me,'" he said. "What I do is adrenaline and I do a lot of it. When I do demonstrations at the zoo and these crocs are so close, jumping out of the way of near-fatal strikes, that's good for me, I love it."

The great thing about Irwin was that his success never changed him. I heard a great definition of success the other day. A fellow told me that he was talking to a bloke who lives across the road and had been very successful in his career. He asked him, "If I gave you \$10 million, what would change?" The bloke looked at him and said, "Nothing", and the fellow replied, "Then you are very rich." That was the great thing about Irwin: he never let his fame or his wealth change his nature or his personality. *The Australian* reported:

The well-heeled international guests at a recent social gathering in the outback were amazed to find that the crocodile hunter's travelling wardrobe consisted of five pressed sets of khaki shirts and shorts. Irwin joked that the aspect of his life that convinced him to make his movie was that MGM supplied him with 22 new outfits.

He boasted that all the money he earned was spent on wildlife and it appears to be true. He lived in a modest bungalow and spent millions buying up areas of wilderness for parks. His commitment to animals was absolute and recently he received a lot of flak for his perceived role in having crocodile hunting banned.

His empire poured money back into film productions, his Australia Zoo and property purchases. He had conservation projects in Fiji, Vanuatu and the US and was continually buying tracts of land to reinstate endangered fauna. Estimates are of more than 24,300ha of conservation property in Australia.

He also had a dream to buy a Queensland island to restore a couple of endangered species, including Sumatran tigers ...

His work was scientifically recognised, too, with Irwin publishing a scientific paper on native fauna. His family had a three-decade relationship with the Queensland Museum. His Australian Zoo attracts almost one million visitors a year and employs more than 200 people, each dressed in khaki. But the Australian public cringed when the Ten network first aired his almost comic-book synthesis of Harry Butler, Paul Hogan and Tarzan. Producer John Stainton once said that locals found Irwin too ocker, too sincere and too over-the-top.

But that was Steve Irwin: larger than life. He was a finalist for Australian Father of the Year but then he fed a crocodile while holding some food in one hand and his baby in the other. He copped a lot of criticism for that, which probably cruelled his chances of being named Father of the Year. But I think he recognised the folly of his actions. We all make mistakes from time to time, and I think the incident affirmed Irwin's humanity.

Steve Irwin met his wife, Terri, when she visited the farm. They later married and were accompanied on their honeymoon by a film crew. I believe there was no greater ambassador for Australia than Steve Irwin. Therefore, at a time when the nation is in shock over the loss of this great ambassador, I was dismayed and disappointed—in fact, I cringed—when I heard about the disgraceful and untimely contribution from Germaine Greer. She used the tragic death of Steve Irwin to attempt to prove her relevance and let the world know she is still around and living in the United Kingdom. I think it is a shame that a truly unrepresentative, embittered, irrelevant fossil of the radical left sent such a negative message. The *Guardian* newspaper wrote that Greer seemed to choose Steve Irwin's death as an opportunity to enhance her profile as a "controversialist". It is an interesting article, and it states:

Greer represents the very worst of Australia; but, fortunately, Irwin represented its very best and his legacy will certainly outlive that of his critics.

The public's reaction to Greer's insensitive comments was also interesting. In her quest for relevance, she even mixed up her facts. She wrote:

As a Melbourne boy, Irwin should have had a healthy respect for stingrays, which are actually commoner, and bigger, in southern waters than they are near Port Douglas, where he was killed.

Steve Irwin was eight years old when he left Melbourne. Even given that Irwin was probably aware of these matters at age eight, it is a little unrealistic to think that he would have been an expert on stingrays. Germaine Greer then set up a story about what could have happened, which simply indicated her ignorance about wildlife. She also made that disgraceful comment about the animals finally getting their revenge with him. It is commonly acknowledged around the world that Steve Irwin's driving passion was always the welfare and preservation of the animal world.

**The Hon. Rick Colless:** It will be interesting to hear what is said about Germaine when her time comes.

**The Hon. CHARLIE LYNN:** Who cares? I have spent a lot of time in the bush. I have seen crocodiles and snakes in the wild, and I have had a couple of close encounters myself over the years. But this morning when I turned on the *Today* show and saw Germaine Greer's face, I can assure the House that that sent more shivers up my spine than anything I have ever done in the past. She wears her heart on her sleeve, and I suppose at the end of the day you are what you are. That is Germaine Greer. I wish to read a few tributes about Steve Irwin, published in web site blogs. Shane Gillard from Ormiston, in Queensland, wrote:

Germaine Greer's unwanted comment about Steve Irwin's death proves once and for all what a bitter old grub she has become. I don't know what the people of the U K have done wrong to deserve her presence there, but we here in Australia are more than happy for you to keep her. Think of it as payback for all the convicts you sent here. I regret Steve Irwin's passing. I will not regret Miss Greer's.

Shane Gillard said it for us all. Marian Whittaker wrote:

Steve was a skilled man, a showman and a great communicator. If the fact that he happened also to be very entertaining gets up the noses of some po-faces then that is their problem. He was a great guy and he will be missed ...

Steve Irwin wore his heart on his sleeve for wildlife. There are too few of his kind and too many of the "I've got a certificate and I know best" variety. As it happens, I have "got a certificate", but in the many years since I acquired my degree I have learned that there is a huge variety of ways of coming to a love and appreciation of wildlife and that most of them have their own validity. The important, nay, vital thing is that we all do find love and appreciation.

Tributes have poured in from around the world; they are clogging up the blogs. Bill from Florida wrote:

Dear people from the land down under. I'm from Florida and really enjoyed Steve's shows because they were educational and he was a true entertainer that made learning fun. I will miss him the same way that I missed Jacques Cousteau. They both were good educators and made the world more interesting. My sincere condolences to his family.

A number of responses to the comments of Germaine Greer are not suitable for the record. Alan from New Zealand wrote:

I'm sad for Steve and his family, but I'm even more sorry for people who are too uptight and self-righteous to enjoy someone who lived his [life] on the edge, to the full, and who did more each week than most people do in a lifetime. Sure, Greer can pack a lot more venom than most snakes, but actions still speak much louder than words and honest enthusiasm brings far more joy to the world than intellectual sniping.

Len Caccheto, a bushy and a patriot, wrote:

Just to set the record straight with some of you morons, that's how you catch a croc. How do I know, because I've done it. Steve wasn't doing it to show off, he did it to relocate ones that were perceived to be a danger. If some of these crocs are deemed to be a threat the wildlife service or the national parks rangers will just shoot them. So you stupid ... that's why he did it. It doesn't hurt the croc at all but maybe they are a bit tougher out here than you weak-knee'd Poms.

P. K. Drysdale from Brisbane wrote:

If Greer had bothered to investigate the incredible amount of good work that this man has done for the conservation of wildlife, the Hundreds of Millions of dollars he has brought to this country, through tourism and the like, the 37,000 Hectare retreat he had began to set up at St George in Queensland and his other philanthropic endeavours, then she wouldn't be one of the most despised people in this state at the moment. Greer has probably stabbed herself with her barbed tongue at this time.

Imhop, which is a trade name, wrote:

Steve was the public face of the Australian Quarantine Service's awareness campaign "Quarantine Matters" ... It's just a pity that Ms Greer isn't on the AQIS's list of harmful materials.

Sherbre wrote:

Interesting article Ms Greer but I feel myself comparing you to the great larrikin who you so tastefully destroyed as his body lay warm in a coroner's surgery.

He leaves behind the legacy of a wonderful wife and two beautiful children. You would leave behind some musty old academic works and some unfulfilled speaking engagements.

He has educated the world about Australian wildlife. You make documentaries on how having sex with adolescent males is a thing of beauty.

He dealt with dangerous animals and had an affinity with the rugged wild. You burst into tears on celebrated Big Brother.

He has bought land for conservation, made films, filmed documentaries and started a zoo. You rely on a reputation from a book written over 20 years ago and writing articles to razz people up.

You seem to think you represent the new cultural and intelligent face of Australia. In reality you are just an old face, sniping away from afar.

Freddo65, also supporting the argument, wrote:

BITTER / TWISTED / BITCH !!!!

Germaine Greer's comments on Steve Irwin's life & death show more of her hollow, loveless life, in her upbringing, associates & social circle than anything remotely about Steve Irwin.

**The Hon. Dr Arthur Chesterfield-Evans:** Concentrate on Irwin, not Greer. It is a condolence motion.

**The Hon. CHARLIE LYNN:** I have done that. Germaine Greer, who has been described in another blog as a human taipan, has done a great disservice by trying to use the untimely death of Steve Irwin to enhance her own reputation as a controversialist. I am placing on record the views and reactions to her comments of people not only in Australia but around the world. Another blog reads:

She is an old tank on the rampage, the driver long since pickled on army ration, whisky and gin; the lights are on, the turret swivels and fires, but the targets are as surprised and as unwarranted as anything else. Quite honestly, it's time this goat was laid to rest to pasture.

I have many more pages from the blog site. That material should not take away from the great sense of loss Australians feel about the death of Steve Irwin. His legacy, in regard to raising people's awareness of the need to conserve land and protect animals, is probably equal to the great contributions made anywhere in the world. Australia has lost a wonderful ambassador, a great larrikin, and a wonderful person. We share the grief of his family, and we want them to know that Steve Irwin will never be forgotten.

**The Hon. ROBERT BROWN** [11.38 a.m.]: I will be brief. I support the comments of the Hon. Charlie Lynn, who, I agree, spent too much time talking about that other person. The death of Steve Irwin is a great loss to conservation, even though his type of conservation does not align with my own beliefs. The Hon. Charlie Lynn referred to a quotation—I am not sure whether it was from Steve himself or from someone else—which said that people will not save what they do not know. Regardless of whether people thought he was the Russell Coyte of Australian conservation, his effectiveness was clear.

That was brought home to me when I attended my grand-daughter's kindergarten Christmas party. A couple of children went as Spiderman and quite a few went as fairies, but there were 14 Steve Irwins—both boys and girls, all dressed in their khakis. If those children go on believing they have to know a bit more about wildlife, and that wildlife is wild and dangerous, we on this planet have a far better chance of conserving our wildlife, because it is quite true that people will not save what they do not know about. Vale, Steve Irwin.

**Mr IAN COHEN** [11.39 a.m.]: On behalf of the Greens I support the condolence motion moved by the Hon. Charlie Lynn to celebrate the exceptional life of Steve Irwin. He was a lifelong environmentalist and animal rights advocate. He founded Wildlife Warriors Worldwide—formerly the Steve Irwin Conservation Foundation—which protects habitat and wildlife, creates breeding and rescue programs for endangered species, and leads scientific research to aid conservation. He also helped found International Crocodile Rescue.

Irwin founded the Lyn Irwin Memorial Fund in honour of his mother. All donations go directly to the Iron Bark Station Wildlife Rehabilitation Centre, which manages 3,450 acres of wildlife sanctuary. He also purchased large tracts of land throughout Australia for the sole purpose of preserving them as wildlife habitat. Finally, through his ability to educate and entertain millions of people, Irwin raised conservation awareness around the world. In the final analysis, this may be his greatest contribution.

There have been a number of criticisms of Steve Irwin's style, and some were brought up in debate. But it must be recognised that, in his very different and unusual fashion, he made a significant contribution to conservation and the teaching of respect for the wildlife of Australia. If I were talking to Steve Irwin today, I would have my criticisms of him, but this is not the time to go into that. Suffice it to say that when we are working on such big issues—as I feel I have done in my own way for some years—one has to recognise that many people working towards similar goals may have a somewhat different emphasis. No-one can deny the massive positive impact of Steve Irwin the personality on the move towards the conservation of threatened species. An interesting article in the *Daily Telegraph* of 14 June 2003 entitled "From croc hunter to koala hugger" shows the breadth of his interest. It reads:

Crocodile Hunter Steve Irwin yesterday called on protection agencies to declare koalas an endangered species. The TV star said that tens of thousands of koalas died each year and the species was at high risk. "It's unfortunate they're not classified as endangered and I can't understand why," he said.

Irwin said the drought had made the problem worse, making life more difficult for both graziers and wildlife. "If our farms are struggling then our wildlife is going to be struggling," he said. "Our koalas are in trouble right now and now is the time to start fixing that."

Steve Irwin had a great capacity to bridge the gap. The Hon. Charlie Lynn spoke at length about Steve Irwin's gung-ho, go-for-it attitude, which was very much different from that of the scientific community on the need for conservation. Nevertheless, it is important to note his comment:

If our farms are struggling then our wildlife is going to be struggling.

I have raised that point a number of times in this House. Conservationists are not necessarily against the farming community; it is just that there needs to be recognition that we are all part of the one ecosystem, and if one area is suffering then the whole lot is suffering. Healthy wildlife habitat not only will be good for the maintenance of species in Australia but also will assist in the long-term aims of the farming community. If we continue to destroy habitat for agricultural and industrial purposes we will end up with unviable populations and eventually no creatures. Eventually we will end up with degradation of farming land and an environment that is so out of

balance that we have major problems. Steve Irwin captured the essence of the need for people to look at that balance.

It is also important to recognise the value of the contribution Steve Irwin made through his wild, adrenalin-rush antics. Many were rightly critical of his handfeeding of a chicken to "Murray" the crocodile whilst he had his child in his arms. That is, I think, a fair criticism and it was made at great length. We all make mistakes, particularly when we are in the public eye, as he was. Some good advice might have been very handy, because he was able to get the message across very strongly without resort to such antics.

A friend of mine who has children noted that Steve Irwin is the only conservationist who kept children glued to the screen for the entirety of whatever program he was appearing on. It is hard to get 8- and 10-year-old kids to pay attention to even the most beautiful wildlife documentaries, but when Steve Irwin was on television my friend's children remained glued to the screen. Many children throughout the community have grown up on Steve Irwin. What does he do? He sends a strong message of conservation, but he also sends a very strong message of the spectacular nature and beauty of many creatures that would not be regarded as affectionately as cuddly and lovable koalas and so on. He sends a very strong message about the protection of crocodiles in their habitat and the maintenance of that habitat, which I regard as very commendable.

Many years ago, when I spoke about the preservation of the great white shark, people would recoil in horror. Once upon a time deer hunters in America equated no wolves with more hunting, to the point where wolves were endangered and threatened with extinction because of that hunting. In actual fact, hunters have found that creatures in their natural habitat play an essential role in maintaining a balance in the environment. Steve Irwin's activities have gone a long way in that regard. It has been normal behaviour for kids on walks in the bush who see a snake to start throwing rocks at it. The value of Steve Irwin is that he says, "Have another look at this creature, and respect it. It might look creepy and it is dangerous to go near it." Maybe he erred a little in how he dealt with that fine balance, but he nevertheless got a strong message across to the youth of Australia. That is important, and as a conservationist I value an opportunity to educate our young in that way.

Whilst a number of criticisms were levelled at Steve Irwin about how he handled animals, he got the message across that there are more than just the cute and cuddly, and that perceptions about the dangerous and vicious animals are wrong. That is just natural animal behaviour, and Steve Irwin highlighted that—some would say very effectively. For example, in the Antarctic he closely interacted with several of the local wildlife. Heavy fines are provided for that type of activity. Australian Antarctic Division footage provided no grounds for charges to be laid. Whether he was not charged for this unconventional activity because of who he was is hard to say.

Lately we have seen footage of the slaughter of seals by fishermen and other idiotic acts that demonstrate we must have strong laws. It would have been incumbent upon Steve Irwin to take precautions when interacting with Antarctic wildlife. Were his tactics too far out? Did his actions attract a whole new section of the population to conservation? That debate will be ongoing and is part of his legacy. He certainly did a good job. He lived a drug-free and physically active life, high on adrenalin.

In my home town of Byron Bay there is a lot of discussion and debate, and accusations made about young kids. Recently another character, Rex Hunt, came to Byron Bay and said that it was more dangerous than a war zone—which was pretty offensive to many of the young people who live in the area. He implied that young people in my area were on drugs and fuelled up on various things, when in actual fact these young kids, who have been on TV and whom I know, call themselves "straight edge". Steve Irwin was straight edge. He got high on the excitement of life. He got his rush from endorphins through physical activity. These kids are the same. I do not think they learned their attitude to life from him, but he was certainly a role model in that regard.

Steve Irwin delved into the natural environment, and in doing so he enabled the community to enjoy it and share it. I love surfing, and I love swimming. I swim regularly in the ocean, and I regularly see stingrays. At a certain time of the year in my home town stingrays sit like a carpet on the ocean floor. They are small stingrays with green and brown patches on their backs. It is magnificent to swim over them. It is one of those unknown, but quite spectacular, examples of nature gathering to mate. It is fantastic to have the opportunity to see these animals in the water in such a mass, as well as the whales migrating, which I saw last week. Steve Irwin highlighted these phenomena. I hope one of his legacies will be that people will realise they have to keep their distance from what are essentially wild animals, so they do not come a cropper.

Recently newspapers reported another incident with a dingo on Fraser Island. We must respect wild animals. Whether Steve Irwin was the best person to get that message out, or whether he overstepped the mark and encouraged young people to do the same, is a debate for another day. However, one thing is for sure: beyond all his unconventional antics, Steve Irwin was a well-loved personality, a national ambassador, and a highly respected conservationist. He appeared in the movies *Dr Dolittle 2* with Eddie Murphy, *Wiggly Safari* in the company of popular children, and the feature film *Crocodile Hunter: Collision Course*.

Steve Irwin's exuberant personality entertained the world, with children his most-loved audience. Steve established Wildlife Warriors Worldwide and the international crocodile hospital. He recognised, and brought to the attention of the public, the spectacular nature and ferocity of crocodiles and the brilliant part they play in the ecosystem. He contributed to the conservation of many other endangered species, including koalas and wombats. He has been honoured with medals, and recognised by Tourism Australia. He certainly raised debate about the environment. He was a personality much loved by children all around the world.

The number of children who watch Steve Irwin on a regular basis, perhaps more overseas than in his own country, and upon whom he had an impact is quite sobering. He is survived by his wife, Terri, daughter, Bindi, aged eight, and son, Robert, aged two. The Greens send their condolences to his family. We hope that his legacy will live on and will be used in a positive way to promote the recognition of wild species, wild places, wilderness, threatened species, endangered species, and animals that have no-one else to defend them except a few eccentric and brilliant people like Steve Irwin. The Greens commend the condolence motion.

**The Hon. DAVID OLDFIELD** [11.55 a.m.]: I thank the Hon. Charlie Lynn for moving this most appropriate condolence motion for Steve Irwin. The other night on television I saw Jay Leno, who is probably not as popular among Australians as he is among Americans. He put it succinctly. He knew Steve Irwin very well. Steve Irwin had been on his show 17 or 18 times in the last year or so, and he wanted to have him on virtually every show. He said that Steve Irwin was probably Australia's greatest ambassador. I would not disagree with that. I uphold those comments as being essentially correct.

I have some understanding of stingrays and the underwater world. Prior to coming into this place I had been a professional diver for many years. I would commonly dive up to 500 times in a year, and I spent many thousands of hours under the water. I know a fair bit about stingrays. The circumstances in which Steve Irwin died were extremely unfortunate. It was an accident that was essentially not predictable, but not unsurprising. Mr Irwin was not the first person to die in such a way. I refer to the remarks made by his manager, John Stainton, in an article published by Australian Associated Press. He said that Irwin was in his element in the outback, but that he and Irwin had talked about the sea posing threats that the star was not used to. He went on to say:

If ever he was going to go, we always said it was going to be in the ocean. On land he was agile, quick thinking, quick moving, and the ocean puts another element there that you have no control over.

When I initially heard what happened to Mr Irwin I had a pretty good understanding of how it would have happened. Mr Ian Cohen has covered it to a degree. It is important not to put a wild creature in a situation that it has difficulty escaping from. Certainly, and unfortunately, a large stingray is a very dangerous creature to swim directly over. I will not go into the specific details of how stingrays attack in their defence. It was a terrible accident. Hopefully, Mr Irwin will be the last person to die in this way, but he is not the first. Who could imagine a stingray barb going through their chest and into their heart? Probably not a lot of people, if they have not spent a lot of time under the water and if they have not spent a lot of time around stingrays.

Last night I watched the Steve Irwin special on television. Originally I was not a great fan of his, but after watching the special last night I have now, after his death, become something of a fan. I now view him as being a very genuine Australian, very committed to what he was doing. Initially I saw him as similar to that Big Kev, Queensland larger-than-life, too big, not terribly real character. I was wrong about that, and I acknowledge now that I was very wrong. I now see Steve Irwin as a great Australian. His death has brought a terrible loss. A friend of ours has a seven-year-old who, as at yesterday, had not spoken since Steve Irwin died; that is how much impact his death had on her life. Her parents are quite worried about her. That is an example of the impact that Steve Irwin had on children all around the world, as Mr Ian Cohen also mentioned, and what a great impact that was.

It says a great deal about Steve Irwin and his family that his family has knocked back a State funeral. It says a great deal about what a good Australian and what a humble and normal type of bloke he really was and the way in which his family wish him to be seen. I am greatly impressed and very much respect that decision.

I think it is true that we will not see another Steve Irwin. That is a great shame for Australia. I cannot overemphasise that his passing is a very great loss. In particular, my sympathies go to his wife and family.

**Pursuant to sessional orders business interrupted.**

## QUESTIONS WITHOUT NOTICE

### RANDOM ROADSIDE DRUG TESTING

**The Hon. MICHAEL GALLACHER:** My question without notice is directed to the Minister for Roads. Does he recall telling Steve Price on 2UE radio last Thursday that legislation for the drug driving bus was not completed until 7.00 p.m. on 30 August, the night before the policy's official launch? Why did his media adviser mislead Steve Price or his staff earlier on 30 August when he said that the legislation was still to be finalised, that it was legally very complex and that it could not tell Steve Price when it could be introduced. Will he inform the House how many staff are required to work overtime to complete the legislation so that the Premier, the Minister for Police and he could have his early morning media stunt, and at what cost to the taxpayers of this State? Will he give a commitment to taxpayers that the time of the Parliament will not be wasted with future changes to the legislation because it was cobbled together in such a hurry?

**The Hon. ERIC ROOZENDAAL:** I am pleased to advise that recently I joined the Premier and the Minister for Police in announcing tough new random drug testing laws. Hopefully these laws will represent a substantial change in driver behaviour. Everybody knows that there are people who choose to drive on our roads while under the influence of drugs. They present a genuine hazard to themselves and a deadly hazard to others. The Coalition greatly disappoints me. I would have thought that the Coalition would warmly greet this legislation, which will detect drivers who drive under the influence of ecstasy, cannabis or speed, and will change driver behaviour.

Most members of Parliament would be aware anecdotally from moving among their communities that people drive under the influence of drugs and that they know, if they are pulled over, that because they are not under the influence of alcohol, they might be let off. This policy sends a message to the community that driving under the influence of drugs is a deadly risk. Everybody should applaud this great initiative that will allow police to test for drugs. It is not just about random blood testing but also about testing drivers involved in a fatality and forcing them to submit to a blood test, whether or not they have been injured. This is a very important initiative.

Approximately 24 per cent of drivers who died in New South Wales in 1997-98 were found to have drugs in their system. Other surveys reveal that up to 43 per cent of drug users have admitted to driving under the influence of drugs. These are disturbing statistics and they show why the Government needs to act. As part of the strategy we will also target heavy vehicle drivers because there seems to be a fair bit of evidence of the abuse of amphetamines in the heavy vehicle industry. That is one of the reasons why the Government is targeting driver drug testing.

Unfortunately the honourable member for Vaucluse and his ragtag Coalition are always trying to score cheap political points instead of supporting this important legislation. The legislation is based on Victorian legislation that has been in operation for over 12 months. In Victoria approximately 20,000 drivers have been tested, resulting in 400 convictions. The Government observed the operation of the legislation in Victoria before implementation of the legislation in New South Wales. In common with random breath testing, we will roll out random roadside drug testing in a manner that ensures that we get it right to make our roads safer. I make no apologies for introducing tough laws to crack down on people who drive under the influence of drugs because they put themselves and the community at risk. I hope that this policy will send the big message to the community that driving under the influence of drugs is dangerous and reckless and will not be tolerated.

### CROSS CITY TUNNEL ROAD CHANGES

**The Hon. JAN BURNSWOODS:** My question is directed to the Minister for Roads. Will he advise the House on the latest central business district road changes?

**The Hon. ERIC ROOZENDAAL:** This morning I announced improved access to Sydney Harbour crossings with the completion of a number of central business district [CBD] road changes associated with the Cross City Tunnel. Traffic lights have been restored at the intersection of Palmer Street and Sir John Young Crescent. They were activated this morning after this morning's peak hour. These significant road changes provide direct access to the harbour crossings. Motorists who are heading north on Palmer Street and Sir John Young Crescent are now able to continue straight on to both harbour crossings. Palmer Street has been returned to two northbound lanes only. The new traffic lights will help to manage its newly configured intersection with Sir John Young Crescent.

The traffic island on Sir John Young Crescent at the intersection of Cowper Wharf Road has been removed. That intersection has been reconfigured to restore northbound traffic access to the Cahill Expressway. Following these changes, motorists who are heading north on Palmer Street and Sir John Young Crescent are able to continue straight on to both harbour crossings. I am advised that the changes were made during four weeks of night roadworks by the Roads and Traffic Authority [RTA] to minimise inconvenience to motorists. Palmer Street between Cathedral Street and Sir John Young Crescent is now two lanes northbound. The new traffic lights at the intersection of Palmer Street and Sir John Young Crescent allow for better management of traffic flow. The traffic island at the intersection of Sir John Young Crescent and Cowper Wharf Road has been removed.

These changes are the latest in a series of road changes made by the New South Wales Government that reverse the number of road changes associated with the Cross City Tunnel. I am advised by the RTA that all the changes are expected to be in place by the end of October 2006. In June, the Premier announced that 13 CBD road changes, which were introduced as part of the Cross City Tunnel, would be reversed. That is on top of the reversal of 12 road changes announced in March that have already been completed. These road changes are consistent with the recommendations of the first report of the Cross City Tunnel inquiry.

Bourke Street has reopened to traffic at William Street. Druitt Street is now open to westbound general traffic between Kent Street and Clarence Street. There is an additional right-turn lane at Queens Cross allowing motorists to turn from Darlinghurst Road northbound into Kings Cross Road eastbound. With these changes now in place, the RTA is now finalising the designs for the next road reversals to provide an additional general traffic lane eastbound along William Street and east of Palmer Street and to reinstall the second right turn from the Cahill Expressway's off ramp to Cowper Wharf Road. The majority of the construction works will be completed at night when traffic volumes are lightest. The New South Wales Government is committed to getting a better deal for motorists by improving access in and around the city and by working through the various clauses of the Cross City Tunnel contract.

#### **DUBBO BASE HOSPITAL STAFF SHORTAGES**

**The Hon. DUNCAN GAY:** I direct my question without notice to the Minister for Health. Is he aware that senior doctors at the Dubbo Base Hospital are at the end of their tether and are considering leaving the city because of nurse shortages in obstetrics, theatre and wards and an over-reliance on locums? Is he aware that doctors are worried about the pressure on nurses, that they are dissatisfied with their working environment, and that the Australian Medical Association's Fiona Davies told Dubbo's *Daily Liberal* that Dubbo is "certainly, in my opinion, the most dire hospital in terms of reliance on locums". What is he doing about this crisis?

**The Hon. JOHN HATZISTERGOS:** Since I have been Minister for Health, I have had a total of two visits from the Australian Medical Association [AMA]. The first was an introductory visit at which the representatives were nice enough to give me an association tie. The second was about a complaint that the AMA had about Tony Abbott's proposal to have podiatric proceduralists operate in private hospitals, and they asked whether I could do something to stop them. That is the total number of visits to me by the AMA. However, recently I received a letter from the AMA asking me to make some representations on its behalf to exempt it from the WorkChoices independent contractor legislation that the Howard Government was proposing.

Apart from that I have received no representations, although I have said to the AMA on a number of occasions that if it has any other issues, its representatives could ring me and talk about them. Unfortunately there is a pattern of behaviour: trying to communicate issues through the media. Of course, this is not the first occasion that the AMA has chosen to engage in conduct—

**The ACTING-PRESIDENT:** Order! I call the Deputy Leader of the Opposition to order for the first time.

**The Hon. JOHN HATZISTERGOS:** However, in relation to those claims, yesterday on Dubbo radio Fiona Davies indicated that she had gone to a meeting with some of the doctors and was disappointed with the poor attendance at that meeting, which I understand was the source of those claims. That was also the source of the honourable member's question. In any event, the question that the honourable member has asked me in relation to Dubbo is very important. The Government's commitments include a new mental health unit, which was opened last year; funds for the new diabetes dialysis unit at Dubbo; a clinical school at Dubbo; and a clinical school at Randwick for the University of Sydney to be able to use, which will encourage more doctors to work there. The Deputy Leader of the Opposition knows that for the past 10 years his Federal colleagues have been bleeding dry medical schools around the country by not funding sufficient places for doctors and nurses. The Opposition recognises that because it has allowed the Government—

**The Hon. Duncan Gay:** Tell us about the medical school at Dubbo.

**The Hon. JOHN HATZISTERGOS:** Your people in Canberra keep giving us the visas to bring in overseas people. The Federal Government's own admission of failure is the fact that instead of giving medical places, it gives visas to bring in people from overseas to work, mostly in rural parts of New South Wales. The honourable member asked about Government strategies to address issues in relation to the rural health work force. I am happy to advise the House that in 2006-07, \$15.6 million has been allocated for a range of rural work force programs. This year's funding represents an increase of \$7.67 million, or 96 per cent on the 2004-05 allocation. That consists of basic physician, basic surgical, psychiatric training at \$6.3 million, including rural scholarships.

The Government is funding \$2 million for the Institute of Rural Clinical Services and Teaching and the General Practitioner Procedural Training Program at \$3.5 million. Rural identified scholarships to registered nurses, midwives, enrolled nurses, undergraduates in nursing, midwife students including Aboriginal undergraduates in the area health services in 2006 to date was \$832,000. Funding for the New South Wales Rural and Regional Anaesthetics Program was at \$1.03 million. The Rural Allied Health Undergraduates Scholarships were allocated \$230,000; the Rural Allied Health Post-graduate Scholarships received \$171,000; the Rural Allied Health Clinical Placement Grants were \$100,000. [*Time expired.*]

#### PORT JACKSON DIOXIN LEVELS

**Mr IAN COHEN:** My question without notice is addressed to the Minister for Primary Industries. Will the Minister provide an update to the House on the testing of dioxin levels in fish and crustaceans in Port Jackson? Tests of bream and prawns were published in December 2005, but I am advised that further test results of other services are under way. Will the Minister give a commitment to the people of New South Wales that any further testing that has been undertaken by or for his department will be released to the public and displayed on the department's web site? When will the Minister make those results available?

**The Hon. IAN MACDONALD:** Yes, it is the case that the New South Wales Department of Primary Industries conducted an extensive testing regime. I have made it very clear that once the results are finalised, and I believe they are just about finalised, they will be presented to the expert panel for consideration of advice in relation to the usage of fish for recreational catch and perhaps consumption. The Government will consider those issues in the near future. Mr Ian Cohen can rest assured that the results will be made public.

#### HOSPITAL EMERGENCY DEPARTMENTS CARE OF CHILDREN

**The Hon. KAYEE GRIFFIN:** My question without notice is addressed to the Minister for Health. What New South Wales Government initiatives exist to raise the standards of care and improve the health and wellbeing of children in emergency departments?

**The Hon. JOHN HATZISTERGOS:** The Children's Emergency Care Project is a joint initiative of the Clinical Excellence Commission, NSW Health and the New South Wales Child Network. Today it is my pleasure to inform the House that doctors and nurses have worked on a tool kit to help provide better and safer care for sick children attending emergency departments in New South Wales. They have produced new guidelines for handling the 12 most common problems that health teams face when treating infants and youngsters in emergency departments: that is, the recognition of a sick child, abdominal pain, asthma, bronchiolitis, croup, fever, gastroenteritis, head injuries, meningitis, sore ears, sore throats and seizures. The tool kit provides guidance for child-friendly care in emergency departments as well as information regarding quality care for children and families receiving treatment under the guidelines.

From 2004 multidisciplinary teams from 53 hospitals and multipurpose services across New South Wales participated in the project, representing almost one-third of the pilot sites from rural and regional areas. The pilot teams developed practical implementation tools and strategies, which they were able to put into actual clinical practice. The teams also collected data and documented their achievements, sharing their success and learning with others.

Children are not small adults. A number of anatomical and physiological characteristics of infants and young children predispose them to serious illness and a more rapid deterioration in their health than in adults. In addition, the assessment of children can present a number of challenges to clinicians, as illness in children does not always present in easily diagnosable ways. One example of an evidence-based improvement in clinical care is the tool kit in the treatment of mild gastroenteritis. Before that project was instituted, children who were taken to hospital were placed on a drip and kept overnight. Under the new guidelines most children can now be treated with oral fluids, checked by a doctor and sent home within a couple of hours.

As well as providing protocols for meeting the physical needs of young children, the guidelines also recognise their emotional and social needs and identify a number of strategies to make emergency departments more friendly and stress free. One example is the distraction box, which contains 15 toys chosen for their ability to distract children. A cleverly designed box, such as this, reduces not only the child's pain but also the time for the procedure, resulting in a less stressful and anxious time for the children, parents and clinicians. The guidelines emphasise the importance of parents remaining with children during the treatment and explaining medical procedures by way of drawings or stories if the patient is a toddler, or in clear, simple language for the older child.

I take this opportunity to congratulate all the clinicians from all the pilot sites throughout New South Wales on their hard work and dedication in helping to formulate the guidelines. The people of New South Wales can be very proud of the public hospital system and the staff who work tirelessly to improve care for children and their families in our emergency departments.

#### **ASTHMA FOUNDATION NATIONAL BUBBLE DAY AND AIR POLLUTION**

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** My question without notice is directed to the Minister for Health. Is the Minister aware that today is Asthma Foundation National Bubble Day? Is the Minister aware that one in six children have asthma? Is the Minister aware that diesel fumes produce asthma and both the number of diesel vehicles and the amount of small particulates from them are increasing in the Sydney Basin? What is NSW Health doing to get the Environment Protection Authority and the Roads and Traffic Authority to reduce air pollution from vehicle emissions and industrial pollution?

**The Hon. JOHN HATZISTERGOS:** In issues of environmental health the Department of Health acts largely as an adviser. However, I am aware that today is Asthma Foundation National Bubble Day. I was at the launch of Asthma Awareness Week last Friday. I am aware of the importance of asthma and the work that is done. I acknowledge the work that is done by the Asthma Foundation. The work it has been doing in raising awareness has been extraordinary. In relation to the specific issues that the honourable member has raised, they are more appropriately directed to the Minister for the Environment.

#### **COBAR HOSPITAL**

**The Hon. JENNIFER GARDINER:** My question without notice is directed to the Minister for Health. I ask the Minister whether he recalls the *Four Corners* program in June, which had this to say about Cobar hospital:

**Interviewer:** And do you think that's what it's going to take—is a death?

**Local Resident:** Well, you'd hate to think so, the death of a baby. Yeah, you'd hate to think it would come to that.

Did the Minister recently receive a letter from Ms Lilliane Brady, a former mayor of Cobar, in which she said that Cobar hospital had deteriorated over the past 10 years to such a state that it was an utter disgrace? Will the Minister table Mrs Brady's letter? Has he responded to Mrs Brady and will he table his response? Will he admit that regional health in New South Wales, in places like Cobar and Dubbo for example, is in crisis and that the Lemna Government has done nothing to fix it?

**The Hon. JOHN HATZISTERGOS:** I do not admit any of that. In 2006-07 the Government will spend a record \$3.46 billion on health care in rural and regional New South Wales, an increase of \$307.8 million, or 9.8 per cent, which is greater than the overall increase in the health budget. In other words, a greater proportion of the increase in the health budget has gone to rural and regional New South Wales. In addition, \$241.1 million in rural and regional New South Wales capital works funding gives people in rural and regional New South Wales state-of-the-art medical equipment—more beds, more elective surgery, and better access to services closer to home. Those services are provided for people who live in rural and regional New South Wales.

**The Hon. Jennifer Gardiner:** Where?

**The Hon. JOHN HATZISTERGOS:** Ten years ago, before Labor came into office, anyone requiring cardiology services basically had to travel to the city. Now we have cardiology units in Orange and in—

**The Hon. Melinda Pavey:** Cobar?

**The ACTING-PRESIDENT:** Order!

**The Hon. JOHN HATZISTERGOS:** That is what happened when the Coalition was in government. Opposition members know that we have a cardiology unit in Orange and there will soon be one in Coffs Harbour. There is also a cardiology unit in Lismore and there will be one in Tamworth. In the past people had to travel to access these services but they are now being provided.

**The Hon. Jennifer Gardiner:** We need the service in Cobar.

**The Hon. JOHN HATZISTERGOS:** I will refer to Cobar in a second. Opposition members also know that this Government is building two new radiotherapy units—one in Coffs Harbour and one in Port Macquarie. In the past, if people wanted to access these services, they had to travel to the city. A radiotherapy unit will also be provided in Lismore and in Orange unless, of course, the Federal Government has its way. It would prefer that Orange did not have a radiotherapy unit. We do not hear much from Coalition members about that. The honourable member asked me a question about Cobar Hospital and its maternity unit.

It might interest the Hon. Jennifer Gardiner and those who put this question together that when obstetrics services ceased in October 2001 because the only qualified provider withdrew his services, there were 15 births at Cobar Hospital. Try to attract someone to go to a town to provide obstetric services when there are 15 births a year. The honourable member used the very tragic situation of a mother who received appropriate care and treatment and she sensationalised it and made some sort of issue about it. This is not the first time that Opposition members have done that and, by the way, without the consent of the individual. On a number of occasions they have raised issues relating to individual cases and we have had complaints about those people's circumstances being publicised in this House and in the other place.

In relation to that incident, appropriate care was provided in very difficult circumstances. I congratulate and commend all staff providing care to the mother in that case. The mother, as I said, was facing a premature birth; she also had difficult issues surrounding her pregnancy. The Dubbo Base Hospital and the Royal Flying Doctor Service handled her care appropriately. I have no issue with or complaints about the matter of her treatment. And this Government has an outstanding record in providing rural services. [*Time expired.*]

### HOME CARE SERVICE

**The Hon. IAN WEST:** My question is directed to the Minister for Ageing, Minister for Disability Services, and Minister for Ageing, Disability and Home Care. Can the Minister advise the House whether the people using the Home Care Service of New South Wales are satisfied with the service they are receiving?

**The Hon. JOHN DELLA BOSCA:** The Home Care Service in New South Wales is the largest provider of home and community care services in the State. The Home Care Service assists frail older people, young people with a disability, and their carers. It services every local government area in the State and provides targeted services for Aboriginals and Torres Strait Islanders through the Aboriginal Home Care Service. In the last financial year the Home Care Service provided over 3½ million hours of service and assisted over 52,500 people. In any one month over 37,000 people have a Home Care Service worker going into their homes to assist them.

In May 2006 the Research Forum, an independent research company, conducted a telephone survey that was designed to test the levels of satisfaction among people currently receiving home care services and the carers of people receiving services. Survey questions were in line with the guidelines set down by the Commonwealth Department of Health and Ageing. The survey sample represented all services provided by the Home Care Service. The service attracted a high response rate, with 80 per cent of the more than 800 people contacted agreeing to be involved against an average response for this type of survey of about 45 per cent. About 51 per cent of those responding were from the city areas and measures were taken to ensure that people from indigenous and non-English speaking backgrounds could participate.

Customers of the Home Care Service comprised 82 per cent of survey respondents and the remainder were carers. The survey showed that 94 per cent of the 655 people responding to the survey were satisfied with their services, including 67 per cent who were highly satisfied. The results of this survey are a real benchmark in customer satisfaction research. In fact, the researchers noted that it is rare to encounter such consistently high levels of customer satisfaction and such low levels of dissatisfaction. Respondents to the survey cited the high standard of service, promptness, reliability and the quality of Home Care Service staff as the main reason for this satisfaction. Importantly, significant segments of carers and those cared for said the assistance provided by the Home Care Service was the key to enabling them to continue to live at home.

Providing support for people to stay in the community close to family, friends and their other supports is central to the Iemma Government's approach to caring for older people and those with a disability. The results clearly show that the service is highly valued by those who access it, that it is adept in meeting people's needs, and that it plays a major role in maintaining people's independence and ability to stay at home in the face of physical and mobility constraints. Other key findings in the research included the high standard of service, promptness, reliability and the quality of Home Care Service staff. Four in five or more customers were satisfied with the way the Home Care Service is managed, the way its workers help them and the reliability of the services. The Home Care Service is clearly a customer-focused service organisation.

The vast majority of Home Care Service customers also said that it gives them enough help and the right type of help. The vast majority of customers knew who they should contact if they had any concerns or they were unhappy about the service received. The vast majority also said that they were happy with the service and they had no suggestions for changes to the Home Care Service. This outstanding result shows that the Home Care Service can make a real difference to the lives of people in New South Wales. I congratulate the staff of the Home Care Service for their dedication, hard work and commitment to customers of this service across the State. They can be justifiably proud of their achievement.

#### **FUNERAL INDUSTRY REGULATION**

**Ms SYLVIA HALE:** My question is directed to the Minister for Health. Will the Government introduce a licensing system for funeral operators and establish an industry ombudsman to manage complaints? Which of the recommendations of the 2005 New South Wales Legislative Council inquiry into the State's funeral industry will the Government implement, and when? Will the Minister commission an inquiry into allegations of unethical cremation practices, such as multiple cremations and the disposal of excess ashes in garbage bins and pre-dug graves?

**The Hon. JOHN HATZISTERGOS:** Issues of business regulation are matters for the Minister for Fair Trading. In relation to the allegations of multiple bodies being cremated, there is an applicable offence under the Public Health (Disposal of Bodies) Regulation 2002. I am aware of the claims that emerged several weeks ago alleging that multiple bodies were burnt at Sydney crematorium between 1988 and 1992. I understand that Mr Howell, who featured in the article, also wrote in to the funeral industry inquiry held by the House last year, outlining similar claims. The public health regulations under the Public Health Act were introduced in 1987. Regulation 32 currently states that a person must not cremate more than one body in the same crematory retort at one time, except with the approval of the director general. Environmental health officers from the public health units of NSW Health will follow up any complaints received regarding this regulation, and I have referred the allegations to NSW Health for appropriate action. I am advised that no formal complaint was received that would have allowed further investigation of the allegations made in the article.

#### **ST GEORGE CHILDREN WITH DISABILITY FUND**

**The Hon. JOHN RYAN:** My question is directed to the Minister for Disability Services. Why has the Minister not responded to correspondence sent to him in February from the St George Children With Disability Fund, outlining its proposals for increased respite facilities in the St George and Sutherland regions?

**The Hon. Michael Costa:** How do you know he hasn't responded?

**The Hon. JOHN RYAN:** They told me he has not. While we are on the subject of unanswered correspondence, why did the Minister not call the Woodhouse family yesterday, as one of his staff promised he would?

**The Hon. JOHN DELLA BOSCA:** I believe the member has asked two questions. Accordingly, I am unsure as to their status under the standing orders, but I will do my best to accommodate the Hon. John Ryan's inquiries. First, I am not aware that any of my staff gave the Woodhouse family or anyone else an undertaking that I would call them. I addressed this matter in some detail in the House yesterday, and I am happy to—

**The Hon. John Ryan:** I will get you the radio transcript.

**The Hon. JOHN DELLA BOSCA:** None of my staff were on the radio yesterday. I do not know what the Hon. John Ryan is talking about.

**The Hon. John Ryan:** It was the day before yesterday and in the evening on 2SM.

**The Hon. JOHN DELLA BOSCA:** Explain it all, John. The question does not make any sense in the context that the Hon. John Ryan has outlined by way of interjection. He now claims to have heard a radio item during which somebody promised that someone would do something. I am afraid that I cannot be held accountable for every piece of speculation that is aired in the public media. I refer the Hon. John Ryan to my response yesterday and give him an absolute assurance that I have asked the Department of Ageing, Disability and Home Care to do everything possible to assist the Woodhouse family. The exercise in which he engaged the other day with the Leader of the Opposition did nothing to assist that family, and it never will. Using as political footballs disabled people and people who are vulnerable because of stress does neither the Opposition nor the disability services system any good.

The department has offered respite care until a longer-term plan is developed. Caring for a child with a disability, particularly a child with needs as complex as Harry, places additional stress on a family. That is exactly why, unlike the Opposition, the Government has a long-term, fully funded plan to assist people with a disability and their families. Our \$1-billion plan, Stronger Together, will improve disability services. Stronger Together focuses on the needs of families, with an additional \$83 million investment in these sorts of areas over the next five years. It will deliver 1,800 intensive family support packages. The Opposition promises nothing and simply uses vulnerable people as political swords and shields in its narrow debate.

These packages will provide practical help to families in ways that will work for them, unlike the Opposition's hollow promises and the \$20-billion Peter meter, which contains not more than the token sum of a couple of million dollars for disability services. There will be 960 new therapy places and 450 new respite places, at a cost of \$28.4 million over five years. It is families like the one that the shadow Minister for Disability Services, the Hon. John Ryan, and the Leader of the Opposition mentioned who need this help. I have said publicly in this Chamber and in the media—and, generally speaking, it is a fact—that families are in this situation because until now the support services that the community provided were not sufficiently flexible or able to deal with the issues of respite, early therapy and case management. That is what Stronger Together is about. That is what we have put in place and that is what the Opposition is refusing to fund. Those opposite have no plans to deal with these matters and they have no intention of helping families like the Woodhouse family or the hundreds of others in New South Wales and around Australia who try to cope with similar problems.

When did the Hon. John Ryan become aware of this family's distress? What did he do to assist them? Did he write to me or to my department on their behalf? The answer is no. The Hon. John Ryan did not call me or my department on the family's behalf. I continue to be shocked by the bald-faced hypocrisy of this gentleman. He exploits families in crisis without offering any real solutions. He peddles false hope and lies, together with the honourable member for Vacluse, who will axe the jobs of those who would help families. [*Time expired.*]

**The Hon. JOHN RYAN:** I ask a supplementary question. Will the Minister for Disability Services take on notice the part of my question relating to the St George Children With Disability Fund in Sutherland? Why did the Minister not answer that part of my question?

**The Hon. JOHN DELLA BOSCA:** The Opposition has promised not one extra therapy place, not one extra family support place or one extra place in respite. As to respite services, as I have said before, the release

of Stronger Together by the New South Wales Government will result in furthering the number of respite places for children, young people and adults with a disability. It will lead to a 30 per cent increase in the number of respite places over five years, and a range of respite options will enable a better response in meeting the needs of families in crisis through regular and occasional services. Respite services will be flexible and responsive. We will expand the range and location of respite choices to better match the age of the child, the young person or the adult.

In this financial year 80 new flexible respite places will be provided to children and young people with a disability, at a cost of more than \$1 million. There will be 670 new flexible respite places for adults. By 2011 there will be 450 new respite places for children and young people and 810 new respite places for adults. Funding for respite care has more than doubled since 1996, with a total investment of more than \$186 million this financial year. The funding will deliver 2,373 flexible respite places over the next three years, and I assure everyone in the St George area that a very large share of them will go to that region. Respite services funded and operated by the Department of Ageing, Disability and Home Care include a range of options, such as in-home support and flexible respite packages. In total, the New South Wales Government funds more than 185 organisations. I have not been briefed as to whether that includes the organisation that the Hon. John Ryan mentioned, but I am happy to take that part of the question on notice and deal with the specifics of the matter.

### **ACHIEVING SUSTAINABLE GROUNDWATER ENTITLEMENTS PROGRAM**

**The Hon. TONY CATANZARITI:** My question is addressed to the Minister for Natural Resources. In light of recent comments by the Prime Minister, what action has the New South Wales Government taken to prevent payments under the Achieving Sustainable Groundwater Entitlements Program from being taxed?

**The Hon. IAN MACDONALD:** The Achieving Sustainable Groundwater Entitlements Program is a joint program co-funded by the New South Wales and Australian governments. It aims to assist in minimising the impact of reductions in groundwater entitlements on regional communities. That is correct: it is funded jointly by the New South Wales and Australian governments. It was always agreed that the New South Wales Government would cover a third of the impact, the Commonwealth would cover a third and irrigators would meet the remaining third. From the outset, the irrigators flagged with John Anderson, who was then Deputy Prime Minister, that there could be a problem if the payments were taxed. Indeed, my predecessor, Craig Knowles, wrote to the former Deputy Prime Minister in 2005, requesting reconsideration of the Commonwealth's proposed tax treatment.

Now to be clear, the Commonwealth and not New South Wales, is responsible for the Australian Tax Office and its rulings. This is not a new issue. Indeed, when the Federal Government and honourable members opposite chose to deregulate the dairy industry they decided to treat those payments as taxable income as well. The Prime Minister has known about this issue for at least two years and has done nothing. But yesterday, the Prime Minister had the hide to say the following in Federal Parliament:

The problem here is the way in which the payments are currently structured by the New South Wales Government.

To attempt to sheet home blame to the States is ludicrous, but we have come to expect that from this Prime Minister. Let me put this into some perspective. As I said earlier, the irrigators themselves raised their concerns from the outset two years ago. The New South Wales Government has also done so time and again. In February of 2005 a letter from former Premier Carr to the Prime Minister on this important issue made absolutely no reference to structural adjustment or how the payments should be treated. He simply referred to financial assistance. I also point out that it was the Commonwealth that drafted the agreement—the Australian Government's solicitor—not the New South Wales Government. The terminology, including structural adjustment, in the agreement is from the Commonwealth. It was always in the Commonwealth's hands.

Then this February, after getting nowhere with my repeated calls for a revision of the proposed taxation treatment, I met with the Federal Parliamentary Secretary on matters relating to water, Malcolm Turnbull, who told me, and I quote, "The Prime Minister has spoken on the issue." He did not say that it was a matter of phrasing my question differently, he just said, "That's it". Not to be easily dissuaded by Mr Turnbull, I wrote to the Prime Minister, to the Federal Treasurer, Peter Costello, and to Parliamentary Secretary Malcolm Turnbull, in the following terms:

The purpose of this letter is to seek your urgent reconsideration of the proposed taxation of the payments to be made under the program to eligible licence holders for a reduction of their irrigation water assets.

I am advised that it is the Australian Government's intent to treat such payments as income despite the fact that the payments are clearly being made as a result of a loss in the value of their capital assets. Should such a proposal proceed, individual irrigators could lose up to 47% of their total payments in tax, depending on their current financial position.

There is nothing confusing about that letter, and it was just another in the series of representations made by me, the Premier and others. Neither the Prime Minister nor the Treasurer responded. The Assistant Treasurer, Mr Dutton, responded by saying:

Under the income tax law, a grant received in relation to carrying on a business is assessable income. Therefore, where the financial assistance is provided by governments to industry, as is the case for this package, the payments will generally be treated as assessable income for tax purposes.

To sheet that home even further, Mr Dutton stated later :

The treatment of the assistance payments is ultimately a matter for determination by the Australian Taxation Office.

He did not say it was a matter for determination by the New South Wales Government. Peter Dutton is clear about this—unfortunately the Prime Minister is not. [*Time expired.*]

### WATER TANK REGULATION

**Reverend the Hon. Dr GORDON MOYES:** My question is directed to the Minister for Justice, representing the Minister for Water Utilities. Will the Minister inform the House whether water collected in residential rainwater tanks is legally owned by the resident or the State? Does a farmer own the water that runs off his land into his dam? Are there regulations covering the use of collected water? Will the Minister consider introducing a regulation that requires all buildings to reduce mains water consumption at the point of sale of that building by having tanks installed? Is the Minister aware that such a regulation will develop economies of scale in tank manufacturing that will accelerate the roll-out of tanks in dwellings in New South Wales?

**The Hon. TONY KELLY:** I am tempted to answer the question, but I will pass it on to the relevant Minister and get a speedy reply.

### DEPARTMENT OF HOUSING FAIRFIELD OFFICE LEASE

**The Hon. MELINDA PAVEY:** My question is directed to the Minister for Commerce. Will the Minister reveal the exact amount of rent paid for Department of Housing offices in Hamilton Road and The Horsley Drive? What is the total area leased by the department in each building, the start dates, rent-free periods and the last day on which rent was paid on Hamilton Road? Will the Minister now answer the Coalition's previous questions: Who signed the formal instruction that the Department of Housing was abandoning the Hamilton Road premises? Will the Minister provide copies of all documentation surrounding the deal? Who is the Minister protecting by keeping this information secret?

**The ACTING-PRESIDENT:** Order! Government members will cease interjecting.

**The Hon. JOHN DELLA BOSCA:** Again the fundamental assumptions contained in the honourable member's question are simply wrong. The use of the colourful word "deal" infers something that is not alleged and has not taken place.

**The Hon. Duncan Gay:** You will not answer so we do not know.

**The Hon. JOHN DELLA BOSCA:** Do not interrupt my train of thought. You cannot win that way. That is not fair.

**The Hon. Michael Gallacher:** You're just making this up as you go along.

**The Hon. JOHN DELLA BOSCA:** I am answering the question. The Hon. Melinda Pavey made it up her question as she went along. The suggestion in the honourable member's question that there is some sort of deal to be exposed or covered up is simply wrong. In relation to the second inference in the honourable member's question, that any member of this Chamber or the other Chamber is not prepared to disclose the relevant matters being asked—and I have provided answers to those that I can—I will undertake to get answers to the remaining matters. As I recall similar questions have been asked in the past two days to which honourable members will get answers in good time and in quite short order compared to the time it takes the Hon. John

Ryan to forward onto the Minister correspondence about disability. With regard to the suggestion of the Hon. Melinda Pavey that we should be concerned that matters have not been dealt with properly, I refer her to my previous answers. I will answer all the questions that have been put on notice, as is my practise, in good time.

### STATE EMERGENCY SERVICES

**The Hon. CHRISTINE ROBERTSON:** My question is addressed to the Minister for Emergency Services. Are there any lessons we can learn from the overnight rain and wind?

**The Hon. TONY KELLY:** I thank the honourable member for her well-phrased question. After a week of warm, summer-like conditions in Sydney the weather turned wild last night. The Weather Bureau reports that between 40 and 107 millimetres of rain has fallen across metropolitan Sydney overnight and this morning, accompanied by strong winds. Sydney's rain was the third highest September daily total on record, and the highest for September since September 1883—123 years. The Central Coast and the Illawarra were also affected by the wind and rain, and snow fell around the Blue Mountains, Oberon and the Central West. The honourable member for Bathurst in the other place told me that snow fell in his backyard this morning.

**The ACTING-PRESIDENT:** Order! I remind the Hon. John Ryan that interjections are disorderly at all times.

**The Hon. TONY KELLY:** The heavy rains caused flash flooding in many areas around Sydney, closing a number of roads, including the Audley Weir and the Wakehurst Parkway. A mudslide has closed the South Coast rail line in both directions between Scarborough and Waterfall. Obviously peak hour traffic, rail, bus and ferry services were severely disrupted and Sydney airport has experienced delays.

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

**The Hon. Christine Robertson:** Point of order: I am unable to hear the Minister's answer.

**The ACTING-PRESIDENT:** Order! I uphold the point of order. I call the Hon. Don Harwin to order. I remind all members that interjections are disorderly at all times. The Minister may continue.

**The Hon. TONY KELLY:** While the rain now is moving north towards the Hunter Valley, a severe weather warning is current for hazardous winds that have reached the Sydney coastal area. Gale force winds of 96 kilometres an hour have been reported at Sydney airport and 104 kilometres an hour at Norah Head on the Central Coast and they are likely to continue throughout the day. The SES reports that by 10 o'clock this morning it had received 192 calls for help. Most of these came in after daybreak as residents woke up and surveyed the damage to their homes and suburbs, with coastal areas particularly affected, given the high winds.

**The ACTING-PRESIDENT:** Order! I call the Hon. Catherine Cusack to order for the first time.

**The Hon. TONY KELLY:** The majority of the calls related to flash flooding, leaking roofs and overflowing gutters, although as the morning progressed the damage reports became more serious, with a tree over a car at Manly Vale and trees across power lines and roads in several areas. Some 120 SES volunteers from 25 SES units across the Illawarra, Sydney metropolitan and Central Coast regions have been working through the night and this morning to assist people affected by the storms. The Fire Brigades have been assisting SES with storm response operations, responding to about 70 calls since 4.00 a.m.

*[Interruption]*

**The ACTING-PRESIDENT:** Order!

**The Hon. TONY KELLY:** I know the Opposition are not very interested in the work that our SES volunteers do, risking their lives to save our lives and property. But that's the Opposition for you! It is important at times like these that we pay tribute to our emergency services workers, who can always be relied on to turn out in the worst weather conditions to help those who have suffered damage. Again, I thank our emergency services workers for the work that they have done, even though the Opposition apparently do not want to.

*[Questions without notice interrupted.]*

**DISTINGUISHED VISITORS**

**The ACTING-PRESIDENT:** I welcome to the President's Gallery a delegation of officials from the Chinese Department of Water Resources Management, headed by Director General Erkun Gao.

**QUESTIONS WITHOUT NOTICE**

*[Questions without notice resumed.]*

**PENSIONER RAIL TRAVEL CONCESSION**

**Reverend the Hon. FRED NILE:** I ask the Minister for Roads, representing the Minister for Transport, a question without notice. Is it a fact that New South Wales aged pensioners used to be given two free train trips per year? Is it a fact that they now have to pay 15 per cent of the full fare for those trips? Has the Government made other changes to the transport services offered age pensioners? Why is the Government hitting the pensioners of New South Wales with higher rail fares to fix its deficit, preventing pensioners visiting family members, especially in country centres?

**The Hon. ERIC ROOZENDAAL:** I thank the honourable member for his question, which I will refer to the Minister for an appropriate response.

**OPPOSITION POLICY PROMISES COSTING**

**The Hon. GREG PEARCE:** My question is directed to the Minister for Roads. Does the Minister stand by his claim that Opposition policy promises total \$22 billion? Who made this calculation, and who provided this purported costing of Opposition promises to him? What period of time does the purported costing of Opposition promises cover? Can the Minister provide me with a list of the Opposition promises upon which the purported costing is based?

**The Hon. ERIC ROOZENDAAL:** I am very grateful to the honourable member for asking the question. Where do I start? There is the announcement only two days ago from Andrew Stoner to give a free e-tag to people in the country, at a cost of \$20 million. And that is just this week! That is not a bad starting point. There is of course the Spit Bridge tunnel—although there is some contention about it because in the last press conference that the member for Vacluse gave he hedged his bets. He said in that press conference about the Spit Bridge that he would not necessarily commit to a Spit Bridge tunnel, but he was considering heavy rail for the northern beaches. I will go through some of the Opposition promises.

**The ACTING-PRESIDENT:** Order! I call the Deputy Leader of the Opposition to order for the second time.

**The Hon. Greg Pearce:** Point of order: I am grateful that the Minister has started his list, but I refer him to his answer on 29 August 2006 to a question in this House—

**The ACTING-PRESIDENT:** Order! This is not a point of order. The Hon. Greg Pearce will resume his seat.

*[Interruption]*

**The ACTING-PRESIDENT:** Order! I call the Hon. Greg Pearce to order for the first time.

**The Hon. ERIC ROOZENDAAL:** You wonder whether the Hon. Greg Pearce thought up this question himself, or whether he worked on it overnight. I do not know. Let us go through the list: reintroducing trams to the Sydney CBD, \$200 million; providing cash payments to help young people buy farms, \$20 million over four years; constructing the superhighway over the Blue Mountains, \$3.36 billion; implementing the outcomes of Waterfall, \$3 billion; I have already mentioned the Spit Bridge tunnel; but do not forget the heavy rail for the northern beaches; and, of course, there is the in-tunnel filtration of all Sydney road tunnels, around \$1 billion at \$973 million, subject to normal increases in cost overruns; a new hospital at Pittwater, \$320 million; and of course paying people to move west over the Dividing Range, \$240 million over four years; a \$300 payment for self-funded retirees, \$137 million over four years; cutting dividends from utilities, \$165.5 million; of course, on day one, completion of the Princes Highway to two lanes, \$2 billion over four

years; and do not forget cadet training, \$14 million—he must love those guys in uniform; additional funding to the country towns water and sewerage program, \$400 million over four years; scrapping insurance tax increases, \$768 million; freezing gaming machine tax rates at the 2005 rate, \$262 million; and the Defence Industry Unit within Premier's Department, \$2.2 million.

The list goes on and on. The reason Opposition members ask the question is that they are so out of control with their promises they want us to catalogue them so that they have a decent list. I really feel for them. They squirm. The Peter meter is about to explode, because they are just out of control with the number of their promises. I thank the honourable member for the opportunity to answer his question.

**The Hon. Don Harwin:** Point of order, Madam President.

*[Interruption]*

**The ACTING-PRESIDENT:** Order! The Deputy Leader of the Opposition will cease interjecting. The Hon. Don Harwin has the call on a point of order.

**The Hon. Don Harwin:** Under Standing Order 56 a document relating to public affairs quoted by a Minister may be ordered to be laid on the table, unless the Minister states that the document is of a confidential nature or should more properly be obtained by order. Under the standing order, I move:

That the document quoted by the Minister for Roads be laid on the table of the House.

*[Interruption]*

**The ACTING-PRESIDENT:** Order! I call the Hon. Catherine Cusack to order for the second time. I remind the Deputy Leader of the Opposition that he is already on two calls to order. The Hon. Don Harwin has taken a point of order, and the Deputy Leader of the Opposition will be quiet while I deal with the point of order taken by the Hon. Don Harwin. The Hon. Don Harwin has moved—

*[Interruption]*

Order! The Hon. Greg Pearce is now on two calls to order. The Hon. Don Harwin has moved that, pursuant to Standing Order 56 (2), the Minister table the document. The question is the motion of the Hon. Don Harwin.

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

**The House divided.**

**Ayes, 21**

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

**Noes, 16**

Ms Burnswoods	Mr Hatzistergos	Ms Sharpe
Mr Catanzariti	Mr Kelly	Mr Tsang
Mr Costa	Mr Macdonald	
Mr Della Bosca	Mr Obeid	<i>Tellers,</i>
Mr Donnelly	Ms Robertson	Mr Primrose
Ms Griffin	Mr Roozendaal	Mr West

**Pair**

Miss Gardiner

Dr Burgmann

**Question resolved in the affirmative.**

**Motion agreed to.**

**The Hon. Greg Pearce:** Supplementary question, Madam Acting-President.

**The Hon. TONY KELLY:** Madam Acting-President, I suggest that you do now leave the chair and cause the bells to be rung at 2.30 p.m.

**The Hon. Greg Pearce:** I called for a supplementary question first.

**The ACTING-PRESIDENT:** Order! The question is—

**The Hon. Greg Pearce:** I called for a supplementary question.

**The Hon. Don Harwin:** Point of order, Madam Acting-President.

**The ACTING-PRESIDENT:** Order! Members will resume their seats and stop talking. A number of members are trying to get the call. The Minister has suggested that I do now leave the chair and cause the bells to be rung at 2.30 p.m. The Hon. Don Harwin has raised a point of order.

**The Hon. Don Harwin:** My point of order—

**The ACTING-PRESIDENT:** Order! Members will resume their seats and be quiet. I remind Opposition members that because of their appalling behaviour today a number of them are on two calls to order. Their fate is in their own hands. They should abide by the standing orders and cease interjecting. The Hon. Don Harwin has the call.

**The Hon. Don Harwin:** My point of order is that the House has directed that the document be tabled under the standing orders, and I ask you, as the Chair, has the document been tabled as the House ordered in compliance with our resolution?

**The Hon. Peter Primrose:** To the point of order: What is before you for consideration at the moment is a suggestion that we go to lunch. That is the suggestion before you, and I urge you to consider it.

**The Hon. GREG PEARCE:** To the point of order: I clearly rose and sought to ask a supplementary question before any other member or Minister said anything. You listened to me, as I sought the call to ask a supplementary question. I was walking to the lectern as the Minister rose.

**The ACTING-PRESIDENT:** Order! That is a different point of order to the one that has been raised by the Hon. Don Harwin. The Hon. Don Harwin has raised a point of order as to whether the document in question that was the subject of the division has been tabled. I will need to consult with the Clerk to ascertain whether it has been tabled because, as members would be well aware, documents are not tabled with the President or the Acting-President; they are tabled with the Clerks. I will refer to the Clerk to see whether the document has been tabled.

Standing Order 54 refers to the methods of tabling documents. There is nothing in Standing Order 56 that determines the timing of the tabling of a document. The provisions of Standing Order 54 refer to that. Basically, a document can be tabled under Standing Order 54 at any time when there is no other business before the House. A document may be tabled by the Clerk, and other members may table documents by leave. While the House has ordered the Minister to table the document, the House does not have the power to determine the timing of the tabling of the document under the standing orders. Therefore—

**The Hon. John Ryan:** Point of order.

**The ACTING-PRESIDENT:** Order! I have ruled on the point of order.

**The Hon. John Ryan:** I have a further point of order.

**The ACTING-PRESIDENT:** Order! The question that is now before the House is a suggestion from the Minister that the House now break and go to lunch.

**The Hon. John Ryan:** I have a point of order. You have ruled on a point of order that you were not asked to rule on. You were asked whether the document had been tabled.

**The ACTING-PRESIDENT:** Order! The issue that was raised by the Hon. Don Harwin was a point of order on whether the document had been tabled. I have advised that the document has not been tabled. The resolution carried by the House does not determine the timing of the tabling of the document. That is determined under Standing Order 54. The issue now before the House is the suggestion from the Minister that I now leave the chair and cause the bells to be rung at 2.30 p.m.

The Hon. Greg Pearce raised a point of order earlier about asking a supplementary question. The time for him to have asked a supplementary question was between the conclusion of the Minister's answer and before the Hon. Don Harwin took a point of order. He missed the opportunity to ask a supplementary question. In accordance with the suggestion of the Minister, I will now leave the chair and cause the bells to be rung at 2.30 p.m.

#### **Questions without notice concluded.**

*[The Acting-President (The Hon. Amanda Fazio) left the chair at 1.11 p.m. The House resumed at 2.30 p.m.]*

### **TABLING OF PAPERS**

**The Hon. TONY KELLY** (Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs) [2.30 p.m.]: On behalf of the Minister for Roads, the Hon. Eric Roozendaal, I table certain documents requested by the House.

#### **Documents tabled.**

**The Hon. Don Harwin:** Point of order: The document the Minister was quoting from was in his hand and then, as soon as I took my point of order, he slipped it to Minister Costa. Then Minister Costa went scurrying out of the Chamber and gave it to a female staff member. That was all captured by the House cameras.

*[Interruption]*

It makes good viewing. The document he handed to his staff member, that the Minister had in his hand and that he was immediately quoting from, was folded once and folded again a second time. This document is clearly not the document the Minister had in his hand and was quoting from. Mr Deputy-President, I ask you to take steps to verify that the Minister is not treating the House with contempt and producing a different document.

**The Hon. Duncan Gay:** To the point of order: A careful examination of the House video will indicate that Minister Costa gave the document to the Minister for Roads, and when the point of order was taken Minister Costa moved behind the Minister for Roads, removed the document and, as my colleague indicated, passed it to a female staffer. It is clearly on the video that that female staffer took that same document and folded it in four and put it in her pocket. She then at a later time left the Chamber before the matter was resolved.

It is of major concern that not one but two Government Ministers not only have misled the House and refused to provide a document that the House voted should be produced but are now holding the House in contempt. It is quite clear that the document that was asked for and the document that was presented are two different documents. We do not know whether the content is the same, but quite clearly the House passed a resolution asking for a particular document to be laid on the table of the House, and this document is not the one the House resolved to have produced.

Mr Deputy-President, I ask you to direct the Minister to produce the document the House voted for and asked for. It is clear that the Government is in denial over this. It is clear that the Minister overstepped his mark. What is even clearer is that the Government is treating the House with contempt over this matter.

**The Hon. John Ryan:** To the point of order. I have examined the document that the Minister purports to be the document used by Mr Roozendaal. I am sufficiently familiar with Ministers answering questions to know that what Mr Roozendaal—who I note is not even in the Chamber to table his own document—was reading from, as would be likely to be the case, would have been ripped from a ministerial briefing file and would have had holes in it as it had come from a folder. I am sure honourable members will be fascinated to know that the document the Opposition has been handed has holes in it photocopied at the spot where it would have been pulled from the file. It also has some handwriting on it which is clearly no longer original handwriting but in fact a photocopy of the original handwriting. The final thing that tells me this document is a phoney is that page No. 2 is only half complete. It goes only halfway down the page. I imagine it is possible that there was something else on that page.

*[Interruption]*

The word "total" appears to have been added to the document. Usually, briefing files contain the name of the person who wrote them, and clearly that has been removed in order to probably—

**The Hon. Ian Macdonald:** That is not what one brings into the House.

**The Hon. John Ryan:** As I said, it is certainly quite possible that the document has been tampered with. The second page goes only halfway down the page. It is clearly a photocopy. As my colleague previously stated, every member of this House saw the document being snatched from the hands of Mr Roozendaal and handed to a female staff member who proceeded to fold it in four. The beautiful photocopy that we have, which is pristine in its condition, is clearly not the same document the Minister had in his hand. As I have said, testimony to that is the fact that the holes that would have been in it originally as he read from it have in fact been photocopied, which is a sure sign that we do not have the original document.

**The Hon. John Della Bosca:** To the point of order: In response to the original point of order taken by the Hon. Don Harwin, Odgers states quite clearly, according to previous rulings in the Commonwealth and New South Wales parliaments:

The Chair has no responsibility to judge the accuracy or correctness of a document tabled.

That is a ruling that originated with President Laucke in 1976. I think it is one of those rulings that is generally accepted. In response to the second point of order, that there was some impropriety or something inappropriate or sinister about the tabling of a photocopy of a document, I dare say that every document tabled in this place by the Government is a facsimile of another document. There is no suggestion that, if it is a photocopy or a facsimile of another document, it is not a copy of the original document.

**The Hon. Duncan Gay:** You know that is wrong.

**The Hon. John Della Bosca:** I can prove that the Deputy Leader of the Opposition is almost as silly as he looks. If I were to table, say, Budget Paper No. 3, and the Deputy Leader of the Opposition were to think I am tabling the actual document the Treasurer worked on to produce Budget Paper No. 3, that would, of course, show the absurdity of his proposition. The document tabled by the Minister for Justice on behalf of the Minister for Roads is the document the Minister for Roads was reading from.

**The Hon. Duncan Gay:** No, it is not.

**The Hon. John Della Bosca:** It is a clean copy of exactly the same document.

**The Hon. Duncan Gay:** It is not the document.

**The Hon. John Della Bosca:** By any understanding of the standing order, or any reasonable interpretation of it, the standing order has been complied with. I suggest we get on with our business. In fact, I have the original document, as the Opposition well knows.

**The Hon. John Ryan:** So table it.

**The Hon. John Della Bosca:** It is the same document, and it has already been tabled.

**The Hon. Don Harwin:** We will give you leave to table it.

**The Hon. John Della Bosca:** You will give me leave to table the same document?

**The Hon. Don Harwin:** Yes.

**The Hon. John Della Bosca:** I do not need leave; I can table it at any time I like. I table the original document.

**Document tabled.**

The sky has not fallen in, the Government has not fallen and will not fall, not while clowns like that are our opposition. I suggest the House return to its business.

**The Hon. Duncan Gay:** Point of order—

**The DEPUTY-PRESIDENT (The Hon. Greg Donnelly):** Is the member speaking to the original point of order?

**The Hon. Duncan Gay:** A further point of order. The document the Minister for Roads claimed to quote from purported to represent \$22 billion of promises. The document the Government has tabled, on a cursory addition, purports to represent only \$14 billion. They have lost \$8 billion in four hours!

**The DEPUTY-PRESIDENT (The Hon. Greg Donnelly):** Order! There is no point of order. I have taken advice from the Clerk and make specific reference to Odgers' *Australian Senate Practice*, which states at page 196:

The Chair has no responsibility to judge the accuracy or correctness of a document tabled.

## **EDUCATION AMENDMENT (FINANCIAL ASSISTANCE TO NON-GOVERNMENT SCHOOLS) BILL**

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

**Motion by the Hon. Tony Kelly agreed to:**

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

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

## **BUSINESS OF THE HOUSE**

### **Suspension of Standing and Sessional Orders**

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

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 153 outside the Order of Precedence, relating to a condolence motion on the death of Steve Irwin, be called on forthwith.

### **Order of Business**

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

That Private Members' Business item No. 153 outside the Order of Precedence be called on forthwith.

## DEATH OF STEVE IRWIN

### Debate resumed from an earlier hour.

**Reverend the Hon. FRED NILE** [2.45 p.m.]: I am pleased to support the condolence motion, which states:

1. That this House notes the untimely and tragic death of Steve Irwin and extends its condolences to his wife, Terri, and his children, Bindi and Bob.
2. That this House recognises the positive contribution Steve Irwin made to conservation and to Australia's image worldwide.
3. That this House acknowledges that Steve Irwin's life mission was to educate people about the natural world and to convince them that many beautiful creatures were not as dangerous as generally perceived.
4. That this House acknowledges that Steve Irwin was the greatest ambassador for the animal world that the world has ever had.

Obviously I support all the sentiments expressed in that condolence motion. Steve Irwin was exceptional in his role as ambassador for the animal world. He was also a great ambassador for Australia and certainly upheld our reputation wherever he went. One of the amazing aspects following his tragic and unexpected death was the number of expressions of sympathy and condolence from all around the world. That is quite unusual for an Australian. It is usual for a prominent Australian to be recognised by Australians, but Steve Irwin was an Australian ambassador to the world. Condolences and expressions of sympathy have come from the United States of America, the United Kingdom, Asia and Europe. That proves what an outstanding individual Steve Irwin was.

I note that Steve Irwin's tragic and unexpected death resulted from the barb of a giant stingray piercing his heart. In reading about similar deaths I have discovered that it is a common cause. Today the media reported a similar case in which the individual survived. One would wonder whether stingrays have an ability to identify heart beats in the human body and target that critical place with its barb. That is what happened to Steve Irwin.

Steve Irwin was truly an Australian battler. Steve's family came from Melbourne and then moved to Queensland. As a child, Steve worked with his father on the family reptile tourist park in Queensland. The television programs I have watched acknowledge that Steve caught a crocodile in a river at his father's suggestion when he was only nine years old. Steve jumped out of the boat and wrestled with a young crocodile, and Steve's father pulled him and the crocodile into the boat. Steve had almost drowned; he was having trouble breathing because the crocodile had forced him under the water.

From childhood and into adulthood Steve Irwin was a passionate and fearless individual with an outstanding ability to relate to animals. Contrary to Germaine Greer's untimely and unnecessary criticisms, Steve loved animals and he fulfilled his mission as an environmentalist by creating an independent charity known as Wildlife Warriors Worldwide. As a wildlife warrior Steve encouraged children to become members of that foundation, which I hope will continue in his memory. Steve established the successful Australia Zoo from a smaller zoo that was originally commenced by his father. The word "Crikey" became Steve's trademark—a typical Aussie term that is still being used in Australia today. It might not be as well known by the younger generation but people of my generation know that it is a commonly used phrase.

Background material on Steve's wife, Terri, shows that she actively supports the church in the community and attends church with her children. Steve was a supporter of family life—something he demonstrated right up until last week, when he participated in wildlife activities with his children. An avid campaigner for the conservation of animals, Steve participated in a Federal Government quarantine campaign to protect Australia's native animals and primary industry from exotic overseas diseases. Steve was the real crocodile hunter, not the Paul Hogan phoney. As an actor Paul Hogan played the role of a crocodile hunter, but Steve Irwin was the genuine article. I extend my condolences to Terri, Bindi, Bob and Steve's father, who I am sure is greatly distressed at his son's unexpected death. I also extend condolences to all other members of Steve's family.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS** [2.52 p.m.]: On behalf of the Australian Democrats I extend condolences to Steve Irwin's family. Steve was a great conservationist and a charismatic figure who drew the attention of the public to the importance of our fauna and flora. I extend my sympathy to his family and friends worldwide.

**The Hon. Dr PETER WONG** [2.53 p.m.]: On behalf of the Unity Party I extend my condolences to the family of Steve Irwin and wish them all the best.

**The Hon. HENRY TSANG** (Parliamentary Secretary) [2.53 p.m.]: Members of the Government and I join other honourable members in supporting this condolence motion. I, like all Australians, was shocked and saddened to learn of Steve Irwin's tragic death. Given his love for animals and his never-ending enthusiasm to grab and cajole them, the news of the manner of his death would have surprised many of us. Perhaps it should not have, but it did. Steve Irwin's impact on Australian society was enormous. It is only with his sad passing that we realise the depth of feeling there was for him.

Widely seen as a wild, exuberant character, Steve Irwin's charm and passion for the animal world and the environment was undeniable. He loved animals and made us pay attention to their world through his television programs. His television world was more than entertainment; he made people, especially children, take note of the animal world in a way that they otherwise would not have. Honourable members who saw Andrew Denton's *Enough Rope* interview with Irwin would have been amazed by his positive outlook, his zest for life, and his genuine commitment to the environment. It was interesting that he freely admitted he saw his very successful commercial endeavours as a means of achieving his other passion—the conservation of the natural habitat of animals.

Much has been said about Irwin's appeal to tourists. To many he came to signify what Australia was about—a land populated by dangerous creatures, with enough Aussies to tackle them in everyday life in a way that would scare the living daylights out of most sensible people. I do not know any Australians like that, but that does not really matter. After all, it is part of our psyche to laugh at ourselves, but not at the expense of others. I extend condolences to the members of Steve's family and I respect their right to refuse a State funeral. Steve's family believes, after all, that he was just an ordinary Aussie bloke.

**The Hon. CHARLIE LYNN** [2.55 p.m.], in reply: I thank all honourable members for their contributions to the debate on Steve Irwin's condolence motion and for extending condolences to Steve's family. I am sure the legacy of Steve Irwin will transcend our lifetimes. I refer to another motion of which I gave notice yesterday, which reads:

That this House condemns the antisocial comments made by the radical left-wing feminist Germaine Greer in the United Kingdom *Guardian* newspaper where she wrote that "the animal world has finally taken its revenge on Steve Irwin".

Reaction to that statement in web site blogs—

**The Hon. Jan Burnswoods:** Point of order: A couple of hundred items are listed on the notice paper. The Hon. Charlie Lynn is now discussing a motion that we are not debating at the moment.

**The Hon. Catherine Cusack:** What is the standing order?

**The DEPUTY-PRESIDENT (The Hon. Greg Donnelly):** Order!

**The Hon. Jan Burnswoods:** Mr Deputy-President, the standing orders provide that the honourable member must stick to the motion he has moved when replying to debate on the motion. The honourable member should not debate any of the 200 or so motions that are on the notice paper.

**The Hon. Don Harwin:** To the point of order: I understand that the Hon. Jan Burnswoods, for good reason, was not able to be in the Chamber for the debate before lunch. If she had been in the Chamber, she would have known that this matter was raised in debate. The Hon. Charlie Lynn, the mover of the motion, is now speaking in reply to debate on that motion. If that issue came up during debate, he is entitled to address it when replying to the debate.

**The DEPUTY-PRESIDENT (The Hon. Greg Donnelly):** Order! The matter before the Chair is Private Members' Business item No. 153 outside the Order of Precedence. True it is that other members in their contributions made reference to another item of business; however, those were only passing references. For the remainder of his contribution the Hon. Charlie Lynn should confine his remarks to the item of business before the House.

**The Hon. CHARLIE LYNN:** I can understand the concerns of the Hon. Jan Burnswoods, as I have no doubt that she is linked to the armpits with Germaine Greer. In summing up, I refer to an article in today's newspaper by John Birmingham, who wrote about the diatribe against Steve Irwin under the heading, "Greer's feral attack reflects an elitist conceit". I can understand the concerns of the Hon. Jan Burnswoods, as that is a direct attack on what she stands for and what she represents, which is in the minority.

**The Hon. Jan Burnswoods:** Point of order: Mr Deputy-Speaker, you gave a ruling and the honourable member is deliberately ignoring that ruling. In fact, he is worsening his original offence. I ask you to instruct him to speak to the motion he moved, to which he is replying.

**The DEPUTY-PRESIDENT (The Hon. Greg Donnelly):** Order! I ruled previously that the matter being debated is Private Members' Business item No. 153 outside the Order of Precedence. I remind the Hon. Charlie Lynn that he is replying to the contributions of other members to this debate and in doing so he should direct his remarks to the item of business that is before the Chair.

**The Hon. CHARLIE LYNN:** I referred quite extensively in my earlier contribution to messages posted on the blogs web site regarding the feedback on, and reactions to, Steve Irwin's untimely death. In today's edition of the *Australian* John Birmingham writes that the crocodile hunter:

... knew that he was doing more for the planet than any number of self-styled green activists or sympathisers.

He states:

Germaine Greer pulled on her redundant fright mask and charged into print to bitchslap and rake at the dead father of two for his arrogance, his stupidity and his wanton cruelty to those poor dumb beasts ill-equipped by evolution to make a fast enough getaway when they heard the approaching thunder of Irwin's boots.

Professing her deep connection to all the dangerous thingies wrestled into submission by her erstwhile countryman, Greer championed the parrot that had once bitten him and scolded his millions of fans: "Every creature he brandished at the camera was in distress."

For the childless former *Celebrity Big Brother* contestant, the distress of Irwin's family was nothing when measured against the rightful vengeance of the animal world. Less a harridan than a poorly sketched caricature of a harridan, she would be easy to dismiss as some unwashed and wretched bag lady who had somehow stumbled on to the opinion pages of *The Guardian*, were it not for the fact this feral hag does actually speak for a significant minority.

Although, to be fair, she probably wouldn't like to think of herself as having anything to do with those three guys—

they were mentioned earlier in the article—

... as they were grown men rather than hairless boys, and thus deserving only of her contempt rather than any creepy sexual consideration.

In one poisonous discharge of bile, Greer has condensed the ill feelings of a whole class of Australian sophisticates who found Irwin's cartoon imagery uncomfortable and even humiliating, given his global exposure. Why, oh why, when we are now so very grown up and important, did the world have to fall for this ocker buffoon's man-child routine? And to think of what Barrie Kosky could have done with an hour a day on Animal Planet! Oh the humanity.

Irwin was very much aware of the mixed feelings the inner urban elite had for him, but if it hurt his feelings he never let it show.

He is well known for enormous sums of money he spent on conservation, but he was also a heavy donator to cultural institutions such as the Queensland Museum.

In the end he knew that he was doing more for the planet than any number of self-styled green activists or sympathisers. Yes, he was a showman, but when he had your attention by slamming a headlock on some recalcitrant man-eater, he wouldn't let you go until you understood just how close to annihilation was so much of the world's wildlife.

Greer and her ilk took umbrage at the fact that Irwin was a fan of John Howard and had even been invited to the Lodge to meet George W. Bush on the insistence of the US President.

But a few words from the Crocodile Hunter to the most powerful man in the world could have done more to change the Bush administration's environmental policy than any number of rants by a barking maddie such as Greer.

We should have sent Irwin to the Crawford ranch instead of Howard. He could have crash-tackled Dubya to the ground and held him there.

"So you gonna ratify Kyoto or what, mate? Orrright! You little beauty!" We are all much poorer for his passing.

That is what Steve Irwin represented. I know that I reflect the sympathies of the majority of members in this House when I pass on our condolences to Steve Irwin's family, and damn that radical, left-wing, hairy arm-pitted feminist who sought to get some publicity by sullyng his reputation. It was a sad and sorry day for the left-wingers and the terrorist sympathisers. They hate anything to do with Australia, and they cannot understand what it is to be Australian—and I feel sorry for them.

**Motion agreed to.**

**SMOKE-FREE ENVIRONMENT AMENDMENT (REMOVAL OF EXEMPTIONS) BILL****Second Reading**

**Debate called on, and adjourned on motion by the Hon. Henry Tsang.**

**WESTERN SYDNEY ARTS STRATEGY**

**Debate resumed from 31 August 2006.**

**The Hon. MELINDA PAVEY** [3.05 p.m.]: My speech in debate on this motion last week was interrupted by Labor members who attempted to shut me down and prevent me from talking about this important issue. I had just begun to talk about the New England Regional Art Museum in Armidale, which is known to the locals as NERAM. The last time I was in Armidale the local community was extremely concerned that spectacular pieces of artwork in the premier regional art gallery New South Wales would be lost to them. They expressed great disappointment and concern.

By way of background, it is important to point out that Armidale is fortunate to have the New England Regional Art Museum, which holds the largest collection of art in regional New South Wales. It has four main collections, generously donated by a number of benefactors from the Armidale region. The best known is the Hinton collection, which is valued at \$25 million. It is owned by the Crown, with the Armidale Dumaresq Council as trustee. The valuable collection, which contains 1,200 works, was donated to the former Armidale Teachers College over a period of years by Howard Hinton, a great art patron of the Depression. It includes works by Streeton, Roberts, the Lindsays, Rupert Bunny, and many other iconic painters from the 1850s to the mid twentieth century, and is unique in many ways.

The New England Regional Art Museum has had some problems in the past couple of years. I acknowledge the comments of the Minister for Lands, the Hon. Tony Kelly, who gave NERAM financial support to keep the museum open. However, as I pointed out last week, only 1.88 per cent of arts funding in New South Wales goes to regional areas. Only 1.88 per cent from a total budget of about \$200 million is finding its way to communities such as Armidale, Monaro and Port Macquarie. That contribution is not significant enough. While I respect the Hon. Amanda Fazio's comments and acknowledge that funding for the arts in Western Sydney is important, it is equally important in regional New South Wales. [*Time expired.*]

**Debate adjourned on motion by the Hon. Christine Robertson.**

**CASINO TO MURWILLUMBAH RAIL SERVICES**

**The Hon. CATHERINE CUSACK** [3.07 p.m.]: I seek leave to amend the motion of which I have given notice in the following terms:

Omit the word "is" in paragraph (a) and insert instead "was".

**Leave granted.**

Accordingly, I move:

That this House:

- (a) notes that Wednesday 17 May 2006 was the second anniversary of the closure of rail services on the Casino to Murwillumbah rail line, and
- (b) calls on the Lemma Government to immediately move to reinstate rail services for North Coast residents.

The date 17 May 2004, the last day the XPT left the Casino to Murwillumbah rail line, is a notorious date on the North Coast. It is almost as notorious as 6 April 2004, the date of Michael Egan's mini- budget in which he announced a \$2.5 billion capital injection for CityRail and a \$300 million funding increase for passenger rail services. But the effect of this alleged "good news" was that passenger services in Sydney virtually collapsed a few weeks later and rail services on the Casino to Murwillumbah branch line were axed altogether.

In 2003 the Casino to Murwillumbah rail line and the Tamworth to Armidale lines had been singled out by the pricing tribunal as services that should be reviewed in terms of their future viability. In response to an outcry from the local communities, the State Government said it would undertake a 12-month review, including

community consultation, and put a moratorium on any changes to those services until a decision was made in December 2004. The general assumption on the North Coast was that our branch line would not be closed. After all, the then Premier, Bob Carr, had himself caught the North Coast protest train when he was Opposition Leader and made numerous concrete commitments to expand the services. The idea that the services would actually be axed seemed ludicrous.

So when on 6 April, at the time of the mini-budget, the Government issued a media release titled "Good news for North Coast passengers", announcing that all our rail services were to be axed, the reaction on the North Coast was one of stunned disbelief. The anger mounted when, during the initial Legislative Council inquiry into the mini-budget, it was learned that the decision had not been recommended by professional public servants; rather, it was a political idea cooked up in the office of the then Minister for Transport Services, Michael Costa. Indeed, the boss of rail himself, Vince Graham, told the inquiry that he had no advanced knowledge of the decision and was, in fact, on holidays at Byron Bay at the time of the announcement and was able to get the community's reaction firsthand.

But this was just the beginning. This is typical of how Labor develops and implements infrastructure policies. It is typical of how it manages billions of dollars of capital invested in rail, roads and other public infrastructure. It is a sneaky plan cooked up in the Minister's office, slipped into a budget speech and then announced as being "Good news for North Coast passengers". But this was just the beginning of Labor's ham-fisted implementation of what has proven to be a terrible policy decision. More than a month after the decision to declare the branch line non-operational, more than 8,000 steel sleepers were delivered to Casino and Lismore as part of a scheduled upgrade of the line. The sleepers were then dispersed up and down the line, even though it had been announced a month earlier that the line was to be closed.

When the Government realised its mistake, private contractors had to be retained to retrieve the sleepers. I recall that by the time they turned up, it had rained quite heavily in the week before they retrieved them. One truck got badly bogged trying to reach some of the sleepers in a remote part of the line, and more trucks had to be brought in to retrieve the trucks that were retrieving the sleepers that had been distributed up and down the line a month after a decision had been made to close it. The cost of that fiasco alone was \$315,000. Given that the Government claimed it was closing the line to save money, that type of wastage was very hard for the local community to take. Tweed council was equally unimpressed, as it had been forced by State Rail to spend \$23,000 on a fence between a public toilet and the branch line at Mogul, which was finished just days before the trains stopped running.

It immediately became clear that Labor's local member for Tweed, affectionately nicknamed "napping Nev" by the Hon. Jennifer Gardiner—who, as I recall, told Parliament that the last sleeper to be removed from the Casino to Murwillumbah rail line on the North Coast would, in fact, be "napping Nev"—like Vince Graham, had no foreknowledge whatsoever of the decision by the then Minister for Transport Services to axe our rail services. So after a few days spent hiding, as demands rained down for his resignation, napping Nev issued a media release saying he would ask the then Minister for Transport Services if he would at least keep the Government's promise to retain rail services until December 2004. Well, we all saw how effective that was. Pleading for mercy from the then Minister for Transport Services was about as fruitful as it is today asking Joe Tripodi to tell the truth.

Having flicked off Neville Newell, the Government then realised that a branch line can only be closed by an Act of Parliament. To get around this, Labor redefined our branch line as being "non-operational". The community immediately began photocopying and cataloguing every piece of equipment on the line, including crossing lights and fittings at railway stations, and mounted a watch to prevent the theft of equipment by the Government. That watch continues today. Thanks to this vigilance, everything that is required for the branch line is still there in tact. The railway stations are in excellent condition, especially Murwillumbah, which had only just received a total refurbishment and upgrade, which finished a couple of months prior to the decision to close it.

The lead-up to the last day of service on the Casino to Murwillumbah line saw an outpouring of anger and protest from the community. Huge public meetings were held at Grafton, Casino, Lismore, Byron Bay, Mullumbimby and Murwillumbah. A special protest train to Sydney featuring all political parties and scores of ordinary folk determined to voice their concerns to the Government made the 12-hour trip to Sydney. I must also acknowledge the role played by the *Northern Star* and its editor, Russell Eldridge, who is an incredibly strong voice for our community. Neil Marks from Radio 2LM also attended as many of the events as possible, and provides caring leadership for our community. NBN and Prime Television have provided fabulous

coverage, including coverage of the protest train and the last train service, keeping the community informed and alert of progress on the issue.

I also acknowledge that Sue Dakin, Jenny Dowell and Country Labor have repeatedly called on this Labor Government to re-open the rail line, and that Labor's very own Mark Latham described the decision to close the line as a truly stupid decision. The Northern Region of Councils [NROC] forum, chaired by Ernie Bennett of Kyogle, has been a strong, unwavering voice. All the mayors have contributed, but I must single out Merv King, the Mayor of Lismore, who displayed uncharacteristic and moving emotion at our committee hearings in Lismore.

**The DEPUTY-PRESIDENT (The Hon. Patricia Forsythe):** Order! There is too much audible conversation in the Chamber.

**The Hon. CATHERINE CUSACK:** Thomas George and the Hon. Melinda Pavey attended the protest train from the North Coast to Sydney, and it was also supported by the Hon. Dr Arthur Chesterfield-Evans, who, as events unfolded, ended up meeting us when the train arrived in Sydney. He was great with organising the blowing up of balloons for the children in one of the rear carriages. We were met at the station in Sydney by the Leader of the Opposition and members representing the Greens. I also acknowledge the contribution of Don Page through his submission to our inquiry and his recent tour of the branch line with Minister Watkins.

The bulk of the campaign has been a grassroots effort, with the likes of Neil Battersby and Karin Kolbe. Neil has put an incredible amount of effort into the operation of a light rail proposal, and is continuing to do so. He is particularly focussed on the provision of commuter services, and I agree with him that there is a marvellous opportunity there. Karin and others have incorporated their organisation Northern Rivers Trains for the Future, and they operate under the name TOOT—Trains on Our Tracks. Their executive team includes Karin Kolbe as president, Basil Cameron as vice president, Nick Casmirri as secretary, Louise Doran as treasurer, Robin Spragg, and Mandy Hallinan. There are many other members of TOOT, but they are the people who provide leadership through the executive committee and I thank all of them.

Tens of thousands of petitions have been collected and an enormous amount of research has been undertaken to refute the many lies the Government has told, and continues to tell, and put forward positive transport solutions for our region. They have a website [toot@toot.org.au](mailto:toot@toot.org.au); a strong presence all along the line. It is a professional and highly regarded community campaign. Last week I circulated to honourable members a detailed briefing paper received from TOOT and I thank them for preparing it to assist us in this debate. I would now like to read to Parliament a letter from TOOT on behalf of the North Coast community. I would like this recorded in *Hansard* so that the community can convey its message directly to honourable members. The letter from TOOT, which is dated 28 August 2006, reads:

Dear Catherine,

As Parliament resumes this week, it is timely we review the state of the Casino-Murwillumbah line.

The line was built over one hundred years ago by people with vision. The current government is being very shortsighted. Despite climate change and rising petrol prices the government of the day is allowing this wonderful asset to fall into disrepair.

The people of the Northern Rivers—some 130,000 people as well as 9.8 million tourists per annum—need sustainable transport to move around the region on a daily basis. Returning the XPT is not our highest need. Travelling to Sydney is an occasional trip, while going to TAFE, getting to work, sport or socialising are daily activities.

In fact, given our proximity with Queensland (about 150km to Brisbane vs 800 km to Sydney) people of the region travel more regularly to Brisbane for specialised medical and other capital city services than Sydney. So why does the government continually talk about the XPT as the most important service?

The TOOT Now! Plan, released earlier this year, shows that the cost of the current unpopular XPT replacement buses and the minimal upkeep of the disused line (mainly road bridges over the rail) costs more than running 16 commuter services with a 2-car diesel set—\$2.8 million vs \$1.6 million per annum recurrent. Sensible timetabling would allow connections with the XPT at Casino, so we would effectively get both local and long distance services.

The obvious extension for our line is to join with the Brisbane suburban line, due to be extended to Coolangatta by 2015. In June a joint QLD-NSW task force was announced, with details still to come. We seek real links between NSW and Queensland—not just extending Coolangatta services into Tweed.

Tourism is a major industry and it is being badly affected by rising petrol costs. Clearly providing affordable transport—both into and around the area—would offset this. No amount of costly tourism marketing can ameliorate a lack of basic transport.

Many people in the Northern Rivers area cannot afford cars. The area ranks near the bottom in terms of income per capita. Many people who have cars, are only able to drive them short distances in daylight hours. The Tweed electorate already has the state's highest proportion of people over 65 years, and this trend will continue.

When we organise meetings, many people give their apologies simply because they have no transport.

The lack of transport negatively affects people's health. Instead of easily accessing preventative care, people wait until they are critical. They then need to use the over-stretched Community Transport services to access significant and costly medical care. Thus an alleged saving on the transport budget means greater costs to the health budget. With an ageing population this is not sustainable.

The Northern Rivers Social Development Board, in their recent paper, identified transport as one of the key challenges for this area. The lack of transport is one of the major reasons people cannot find work. Often lower socio-economic people are forced to live in outer areas, typically with very limited or no public transport. A lack of employees will negatively impact the area's businesses.

Both the Northern Rivers Region Development Board and the Northern Rivers Region of Councils (NOROC) have also identified transport as a major issue in the area, and support rail services.

In addition to these bodies, well over 90% of the people of the area also support rail. We conduct market stalls to talk to people to listen to their views. People continually donate cash to support our campaign. Most want to see the link to Queensland and a commuter service.

The NSW Government has responded to our TOOT Now! Plan by putting out a complicated deal with joint funding from the federal government. I have two comments on their plan.

Firstly, we call on the NSW government to demonstrate their good faith by spending the \$75 million allegedly allocated now. By maintaining the line, and running trains on the better sections (say Bangalow to Byron to Mullumbimby), this will keep that part of the line in good order, and provide useful transport options.

Secondly, we challenge Mr Watkins to release the recent report done by the independent engineering firm GHD. In a meeting on 27 June, he told us he would release the report and the detailed RIC costings. His adviser confirmed this in two subsequent phone calls. Yet on 18 August they gave out a mere 16-page "summary" report to justify \$150 million.

It was established by the Legislative Council's 2004 inquiry into the closure of the line, that inflated costs had been used to justify the closure of the line. We now have the situation where a secret report is being used to justify a hefty price tag and a complicated state-federal deal. By contrast, the TOOT Now! Plan is based on the publicly available PriceWaterhouseCoopers report. We demand transparency and the release of this report—after all, the NSW people are the owners of the asset.

Mr lemma's State Plan boasts 700 new rail carriages. On a population basis we should have received around 22 of these. So we don't think it excessive to be asking for a mere 16 services per day (8 each way).

I sincerely thank you and your colleagues in both houses and on the cross-benches who have continued to assist us in our campaign. The train line is a wonderful asset and we will succeed in our efforts.

Yours sincerely,

Karin Kolbe  
President  
Northern Rivers Trains for the Future Inc.

PS. The documents I referred to are available on our website [www.toot.org.au](http://www.toot.org.au)

There is enormous passion about this issue in the Northern Rivers. The Murwillumbah branch line is a remarkable feat of engineering. It is internationally famous. It is one of the two most beautiful rail lines in Australia, the other being Kurinda, near Cairns, in far north Queensland, which has been restored as a major tourism asset. It has the potential to be an arterial service linking Brisbane to the rest of the coast, and the local commuter options are simply stunning. Lismore is the major employment and education centre for the region. On the other hand, Byron Bay, on the coast, is the major recreational centre, and Murwillumbah is the gateway to four world heritage areas.

It is an unfortunate reflection on the Labor Party in this State that all this outrage and protest by the community, and even by members of the Labor Party, was ignored by the Carr Government and now the Iemma Government. The branch line closed on the eve of its centenary, 17 May 2004. That was a very long night for the community, with vigils and protests taking place at every station to mark the departure of the last train. I attended Lismore station, where a vigil was awaiting the arrival of the last XPT from Sydney, and was passing through Lismore on its way to Byron Bay, Mullumbimby and Murwillumbah stations.

The train was greeted by supporters at every stop. It refuelled at Murwillumbah station and was farewelled by a platform jammed with supporters waving placards, wearing red, and shouting slogans. A similar reception greeted the train at Mullumbimby and at Byron Bay. While, with others, I was waiting for the XPT to

return to Lismore for the last time from Murwillumbah, on that freezing night of 17 May 2004 I crossed the road from the station and shared a few beers in the Railway Hotel with a number of former CountryLink staff. These men were broken-hearted, to say the least. When the XPT finally arrived at Lismore—it was running a little bit late because of the sheer number of people who had turned out to see it at the previous three stations—it received a rapturous welcome. Though this was very late at night, around 11.30 p.m., hundreds and hundreds of people wearing red crowded the platform and the waiting room and spilled onto the outside car park.

The community had arranged hot food and entertainment for this event, and State Rail had organised two men in black to supervise the protesters. Nobody on the North Coast knew who those men in black were. We had never seen people dressed like that at any of our railway stations. The people on the platform looked at each other and at the men in black in bewilderment. It turned out of course that they were security guards. They had never been to Lismore before. I felt quite sorry for them; they had no idea what was going on around them. This also demonstrated that the Government has no understanding of the spirit of our community and the spirit of this protest.

As the XPT arrived, the assembled crowd lit candles and a mock funeral procession was staged. I still have in my office the black coffin that was signed by members of the community with messages of dismay to be conveyed to the Government. It was entrusted to me by a very senior public servant based in the area whom I will not name because of the harassment the person would be subjected to by the Government. I was quite surprised to see this person at the gathering, given that person's high profile in our community. I asked why the person had decided to take such a public stand and the reply I received was, "I am disgusted by the arrogance of this Government in just axing this service. It is just so arrogant. It is just so arrogant." Those words summed up the feelings of our community. The anger and the outrage on the North Coast have not diminished one iota. It is seething beneath the surface.

The House has supported the North Coast residents throughout this crisis, particularly the inquiry conducted by General Purpose Standing Committee No. 4, which became a major focus for the community. In the letter I read out earlier, Karin Kolbe expressed the community's appreciation for the important role the House has been able to play. Today I ask the House to acknowledge that, even though more than two years have passed, the issue remains unresolved. But it must be resolved, and the only resolution can be the re-opening of the Casino to Murwillumbah branch line. The Government must spend the money it says it has to re-open the branch line now. I thank honourable members for their support in the past, and I hope I can look forward to their support for this important motion.

**Mr IAN COHEN** [3.31 p.m.]: I support the motion moved by the Hon. Catherine Cusack. As a North Coast resident, I have attended a number of protests and have been involved in many attempts by the community to undo a truly reprehensible act by the Government. I was shocked when the Government move with such bullying belligerence to override the sensitivities of a community, against the wishes of the whole community, and against the obvious accrued social and environmental benefits that attach to the maintenance of the rail line. The former Minister for Transport Services, Michael Costa, decided to shut down the line on the basis of some very rubbery figures and assessments for bridge construction. The Minister's decision was an indication of his zealotry for rampaging like a bull in a china shop across the sensitivities of a community that might be perceived by the Labor Government to be of a different political persuasion—although I do not understand how that adds up given that the Tweed is a marginal seat on the North Coast. Nevertheless, when Michael Costa was the Minister for Transport Services he acted with stupidity, which seems to be the hallmark of his behaviour in whatever portfolio he holds.

We are also dealing on the North Coast with another legacy of Michael Costa when he was Minister for Roads, the development of the motorway and all the dislocation to community and personal hurt and upset that has caused. For the life of me I cannot see the logic of the Government's actions in this regard. It is tragic that the general public does not seem to be able to be made sufficiently aware of the Government's attitude. There has been so much waste of time and energy of so many good people who have worked to right these terrible wrongs to create a degree of social harmony and to ensure the appropriate use of resources in the northern regions. That part of the world is absolutely crippled by a lack of public transport infrastructure. There are various arguments relating to the XPT and rail transport to Sydney—which could have a huge amount of positive benefit—and local commuter transport. There are many stories about young kids who have to hitchhike in the northern region. Many young kids who live along the rail route could use the service to transport themselves to the many educational facilities in Lismore. At the moment they have to drive cars on a very dangerous highway. Consideration should also be given to the fact that the motor vehicles owned by young

people are quite often not in the best condition, because they just cannot afford to maintain them. Rising petrol prices and the cost of motor vehicle repairs makes things very difficult for young people.

These problems could be so easily resolved if there were a decent commuter system between Lismore, Murwillumbah and Casino. It could carry young people to the coast and to Murwillumbah, which is the gateway to world heritage areas. The potential benefits to tourism are obvious. So much advantage is gained by tourists arriving on a train at a railway station, and being picked up by commuter transport and taken out to world heritage areas. It is a focus, it is a funnelling, and it is an opportunity for a more structured approach to tourism, which is currently struggling to cope with decreasing numbers because of increased costs. The opportunity to see beautiful world heritage sites would be enhanced by a railway system and the provision of commuter transport. I congratulate everyone from Trains on Our Tracks [TOOT]—Karin Kolbe, the president; Basil Cameron, the vice president; Nick Casmirri, the secretary; Louise Doran, the treasurer; and Robin Spragg and Mandy Hallinan—all of whom have, with many others, worked long and tirelessly to campaign for the reopening of the Casino to Murwillumbah branch line. I sincerely hope that they are successful in their campaign.

TOOT has been working consistently on the campaign. I have attended a number of protests on Byron station. When the train travelled from the North Coast to Sydney I was at Central station with Ms Lee Rhiannon to support the campaign. It was wonderful to see so many people at the protest and to hear such an outpouring of sentiment. I congratulate TOOT on its strong campaign. TOOT proposes the introduction of a local commuter rail system on the Casino to Murwillumbah line, commencing with four return services a day and increasing to eight return services a day within the first five years. The TOOT commuter service proposal is based on publicly available costings published in the 2004 public works committee report. TOOT's proposed commuter service would provide local travel options for numerous groups in our community, including workers, students, shoppers and seniors. It would also cater for the region's enormous tourist market.

The commuter service would incorporate facilities at Casino, thus effectively restoring the XPT rail link to Sydney. The New South Wales Government has stated that it is prepared to spend a total of \$75 million contingent upon matching funds from Canberra. The New South Wales Government says that the initial cost of reopening the line is \$21.7 million. TOOT believes that, as a show of good faith, the New South Wales Government should spend the money and start work now. The huge difference in costing between the Government's proposal and the public works committee's study is partially due to the fact that it proposes a different standard of rail line. However, there are considerable doubts about a summary of figures provided by the Government to justify taking no action. The Government is refusing to release its engineering report used to generate the \$150 million estimate. Without independent scrutiny of this report, we do not know if the Government's figures are accurate.

People do not believe the Government's promises. They want to see work beginning on the line right now. If the Government gets its act together, a local community rail service could start running before the State election. The Northern Rivers community would love a full class 2 upgrade of the Northern Rivers rail line, but if the Government is not prepared to do that, there is the option before the State election of adopting TOOT's plan, which could deliver local rail services, serve the needs of the community, and use funds that are already available. The worst deterioration of the line over the past two years has been mostly due to natural disasters and record flooding in the Brunswick River in June-July 2005. This motion is an opportunity for the Government to come good, move forward and institute a commuter network that will resolve the impasse.

TOOT has some specific criticisms of the Government. The Government is proposing the return of the nightly XPT service, but this will not serve regional transport needs. It assumes that local people need to travel only to Sydney. The target date for resumption of services is January 2008 after the State and Federal elections. The community is cynical about this proposal as the Government's poor record of honesty on this issue leads people to believe that this is simply a pre-election promise that will be broken after the elections. TOOT wants action now to avoid that problem. The Government's costings are dubious. Does every single bridge really need to be replaced in the first five years? The Standing Committee on Public Works found that a number of bridges are in good condition. The XPT was travelling over all of them as recently as May 2004.

TOOT has called for a copy of the Gutteridge Haskins and Davey engineering report to be released and, despite having been repeatedly assured of receiving a copy, has received only a summary report instead, which does not provide specific details. It is important to remember when considering the costings of the Government and pronouncements made by the former Minister for Transport Services, Mr Costa, that many of the bridges are made out of timber and are so well made that only repairs may be necessary. On the one hand the

Government is saying that all the railway bridges should be pulled down and replaced, and on the other hand the Government claims that replacement costs are too prohibitive for that to be undertaken. I stand to be corrected if I am wrong, but many of the bridges need only be partly dismantled. The parts of the bridges in disrepair can be replaced without whole bridges being pulled apart, and that will bring the bridges up to the required standard. I am assured by people who have a great deal of knowledge about railways, construction and bridges that the Government's assessment of the issue is not accurate.

Country areas have many timber bridges that are used for both road and rail transport. Local councils have been maintaining them as part of the road network for many years. The Government should focus on being able to repair its timber bridges in a far more efficient, effective, environmentally sustainable and cheaper manner than the method that the Government claims is the only way forward. The Government's proposal has been developed without community consultation, and that is typical. This House has tried to take the Government to a higher level of public consultation. I commend General Purpose Standing Committee No. 4 on its inquiry, but an inquiry is certainly not a substitute for proper consultation being undertaken by the Government. The proposal seems to have been developed without consulting the Rail Corridor Working Party, which was established by Minister Costa in 2004 to consider the future of the rail line. The working party has not delivered a report and apparently it has ceased to meet.

The joint task force, which involves Queensland representation as well, is investigating the extension of the Queensland rail line to Kingscliff, which is still approximately 17 kilometres short of Murwillumbah and is not an actual link between the rail lines of the two States. In meetings with local TOOT representatives and in media reports, the Minister has repeatedly dismissed the prospect of a link, saying that it may be considered in 30, 40 or 50 years time, if there is sufficient demand. He has described the concept of a passenger service linking the Northern Rivers with south-east Queensland as nothing more than a dream. Given the direction the Government is taking, it certainly is a dream. Given the policies adopted by the Government, it will not become a reality. It can only be described as a dream because the Government's policy is not to maintain the rail service, even to a reasonable level of safety let alone for passenger transport.

The rail service will not be able to be extended at some point in the future because the current New South Wales Labor Government has allowed the rail infrastructure to break down. If the cost involved for initial works to reopen the line is only \$21.7 million, there is more than enough money to cover that in the \$75 million that the Government is prepared to commit, so work should begin immediately instead of being held back pending Federal funding. If the Government adopted that policy, it would demonstrate to the community that it is making a serious commitment. Why is the Government making the project contingent upon Federal funding when, by its own admission, it can finance the initial stages itself? The position adopted by the Government makes the whole episode appear to be simply a political game.

It is reprehensible for the major political parties to use honest and hardworking people in the community as pawns to gain political advantage. In this instance, the Government is responsible for a terrible failure. There are many opportunities that a good rail system could facilitate. TOOT has listed 10 good reasons for 16 trains a day compared to a less frequent service or a daily XPT service only. Sixteen trains a day would reduce unstable transport and take more cars off the roads; they would increase sustainable transport and encourage more people to travel by public transport; in terms of convenience, they would provide services every one to two hours throughout the day to major regional towns and some villages; in the context of safety, they would maximise the use of the rail infrastructure, which is safer than travelling by road, specially for younger and older people; in terms of capacity, they would provide the maximum number of seats per day more economically than building new freeways or regional roads; in the context of employment, they would provide more permanent employment than would road projects.

In the context of economics, 16 trains a day would represent low cost, high revenue by minimising the cost per seat and maximise revenue from the line—a \$5 average fare for 5,100 passenger trips would help to generate \$2.6 million per annum and a \$10 average fare would represent \$5.8 million per annum. Further, they would support bus services, channelling passengers into connecting bus services and taxis, thereby increasing patronage; they would create greater equality of opportunity by facilitating independent travel being undertaken by less mobile people who cannot drive, people who are on a low income, people who do not own motor vehicles and people who are unemployed, and would increase their opportunity to more fully participate in society; they would support bicycle users by encouraging more people to use bicycles and extending their range of travel.

Rail travel on the Casino to Murwillumbah branch line would create an obvious advantage for the entire Northern Rivers community. As someone who lives just south of Byron Bay and who is fortunate enough to be able to enjoy a beautiful coastal environment, I know it would be wonderful to have a service that would allow young people to come and go from the beaches by train, to bring their surfboards and pushbikes and enjoy a day at the beach. If a reasonable number of rail services were provided, people could leave home and return when it suits them. When the Government is making its calculations, the real economic benefit of young people having the opportunity to access recreational areas—to have a good time, to spend time in the surf and go home in the train exhausted at the end of the day—is never taken into account. As a kid, I used to do exactly that. I lived in the western suburbs and every weekend I would catch a train to go to Cronulla beach.

I know what it is like to pile onto a train with a surfboard and a pushbike, have a great time at the beach and return totally exhausted at the end of the day. Being able to enjoy that type of activity would surely mitigate to some extent the incidence of delinquency and destruction of property—which everyone is very quick to attribute to young people. It is important to provide young people with adequate facilities. I know how difficult it is for young people who want to use a skateboard ramp to travel from Byron Bay to Mullumbimby and return.

**The Hon. Catherine Cusack:** Or to Casino.

**Mr IAN COHEN:** Indeed. There is no skateboard ramp in Bryon Bay and it is difficult for young people to get to Mullumbimby to use the ramp in that township. There are so many opportunities that would arise, and businesses would be facilitated. The whole community and the local economy would flourish if only the Government would listen to the very reasonable objections—the dreams and aspirations—of TOOT and the community that it represents. I commend the motion to the House.

**The Hon. JENNIFER GARDINER** [3.49 p.m.]: I support the motion, which quite properly notes the second anniversary of the closure of the rail services on the Casino to Murwillumbah rail line. The motion asks the House to call on the Iemma Government to immediately move to reinstate rail services for North Coast residents. As other honourable members pointed out, it is almost two years since General Purpose Standing Committee No. 4 reported to the House on this very important matter, the peremptory closure of the Casino to Murwillumbah rail service. The committee called on the Government to immediately introduce a new regular rail commuter service from Casino to Murwillumbah, which would connect at Casino with the XPT service between Sydney and Brisbane.

Along with my colleagues the Hon. Catherine Cusack and Mr Ian Cohen I note that the strong campaign by the local community has been admirably unrelenting in calling for the Government to restore a passenger rail service in the Northern Rivers region. Trains On Our Tracks [TOOT] and other campaigners are to be commended for not giving up. The Nationals and the Liberals, and, if I may say so, the Greens, are more than happy to continue to help them because they are doing a service to their communities by allocating such extraordinary amounts of their personal time and effort in trying to regain a basic public transport infrastructure.

It is quite amazing to think back on a media release by the former Treasurer, Mr Egan, and the former Minister for Transport Services—the current Treasurer—to cancel the services, all for a supposed saving of \$5 million a year. One wonders what political cost that was to the Carr-Iemma Government: I suggest it endangered the Government's standing in the community, including support from its own small, but no doubt loyal, membership of the Australian Labor Party [ALP]. There was no logic to what the former Ministers have done, and for a lousy \$5 million they have done great damage to their party's cause.

In supporting The Nationals candidate for the Tweed electorate, Mr Geoff Provest, the shadow Minister for Transport, Mr Barry O'Farrell, has pointed out that having a passenger rail service for the Tweed and Northern Rivers areas is plainly a matter of regional development. How can there be any notion of a regional development policy for one of the State's fastest-growing population areas without providing a rail service? On the Queensland side of the border the Beattie Government is investing heavily in developing new and expanded rail services in south-east Queensland, and extending the rail line from Robina to Coolangatta. On the New South Wales side of the border the Carr-Iemma Government has been busily denuding the Northern Rivers of its rail services. The contrast could not be more stark.

The Minister for Transport, Mr Watkins, is another Labor Minister who, it seems, does not have any appreciation of the effect that the elimination of the passenger rail service in that part of the State has on people. In recent weeks Minister Watkins has been engaging in childish pranks that have served only to make people in the Northern Rivers area angrier about the elimination of the rail service. Playing games with secret documents,

releasing only 15 pages of a document instead of the whole document, only adds to people's cynicism about the Government and its behaviour on this important local issue.

The PricewaterhouseCoopers report that has been referred to was made public during the parliamentary inquiry into the closure of that rail service by General Purpose Standing Committee No. 4. It is quite clear to everyone that the State Government's current supposed costings on restoring the rail service should also be made public, so that people can check their dodginess and how much rubber the Government used in compiling the statistics.

Most people in the north of the State know perfectly well that the provision of passenger rail services is a core responsibility of the State Government, and they are not fooled by the attempts of Mr Watkins to engage in chronic blame shifting to the Federal Government. I join with my colleagues in saying that Mr Watkins should just get on with it and take responsibility for the disaster he has inherited from the former Minister for Transport and former Treasurer Egan and set about reopening the rail service.

I usually do not agree with the former leader of the Federal Labor Party, Mr Latham, on anything, but I do agree with his comment about his State Government colleagues in the Australian Labor Party [ALP]: it was a stupid move to eliminate that rail service. That decision was so stupid that no doubt the Carr-Iemma Government would have done some polling, particularly in the marginal seat of Tweed. In the past few days the Government has deluged the electorate with radio commercials. I guess that was recognition by the Labor Party strategists in Sussex Street that the ALP is copping it very hard, and that the Labor Party has made a strategic error in the lead-up to the coming State election. As has been said, none of the communities in the Northern Rivers region are going quiet on this issue. They continue to be industrious in their attempts to get the Government to change its mind.

The Labor Party is now trying to brainwash people into putting out some spin-doctor messages about the rail service; again trying to shift responsibility onto the Federal Government. The ALP radio commercials have fallen not on deaf ears but on very cynical ears. Hopefully the Labor Party will continue to waste its money on saturating radio commercials. The Labor Party is, of course, very worried that Tweed will fall to The Nationals and when it does the elimination of the rail service will be a very important contributor to that victory. Upon a change of government The Nationals will, as we have committed, restore passenger services to the Casino to Murwillumbah branch line. The passenger service that many people in the north-east want restored is—as recommended by General Purpose Standing Committee No. 4, and based on a lot of research—a regular rail commuter service, not necessarily the XPT. The Government should get its brain into gear and look at the options available to achieve that.

As other honourable members said, the State Government supposedly put some money on the table for the reopening of a rail service, a belated response as more than two years have elapsed. The political damage is now so great that the Government decided to find some money, but it insisted that it had to be tied to contributions from the Federal Government. This Government has enough money to commence passenger rail services without any assistance from the Federal Government, so that is what it should do. Premier Iemma is making his Ministers draft a plan for a State Plan. How on earth will the Government come up with a plan for the north-east of New South Wales that does not include the restoration of passenger rail services?

It is simply absurd to have an infrastructure plan and a public transport plan that do not cater for passenger rail services. I am looking forward to the next instalment—sadly, I guess it will be at taxpayers' expense—of Mr Iemma's plan for a plan, but it must include the restoration of passenger rail services. My final message is: The Labor Party made a mistake, all for a lousy \$5 million savings in its desperate mini-budget brought down by Mr Egan, the former Treasurer, and supported by the Hon. Michael Costa, who now, unfortunately for New South Wales, is the new Treasurer. It is really up to the Hon. Michael Costa's successor as Minister for Transport and Mr Iemma to fix up Costa's catastrophe and restore passenger rail services—and to do it before Christmas 2006.

**The Hon. JAN BURNSWOODS** [4.02 p.m.]: The Government opposes the motion and later I will move an amendment to it. Basically, there is a simple response to the motion, which was placed on the notice paper in May. Opposition members need to keep themselves informed of progress on this issue. During the parliamentary break they used their calculators, their abacuses, their fingers and their toes to try to find a way to pay for all the day one promises they have made. In this case their promise was to have a commuter service on the rail line within three weeks of the election.

Those who know anything at all about the Casino to Murwillumbah rail line—members who served on the General Purpose Standing Committee No. 4 committee inquiry into this matter would—know that this promise is logically impossible. Opposition members are now desperately trying to find a way out of this logically impossible promise as well as their other logically impossible promises. In the meantime the Iemma Government and the Minister for Transport have been busy developing a fair dinkum proposal to restore the Casino to Murwillumbah line.

In June the New South Wales Cabinet met in the Tweed area—the area graced by Neville Newell, the well-known and excellent local member—and spent several days before and after the meeting in the region. In that time it met with community members and a number of community organisations and discussed a broad range of issues. Cabinet spent that time getting to know in more detail the challenges and concerns of the region. That has continued in the State Plan process, which is proceeding so well in so many different parts of the State.

As I said earlier, Opposition members should keep up to date with events. The substance of the motion has already been addressed. During that Cabinet visit in June, the Deputy Premier, the Minister for Transport, announced a \$150 million proposal to restore the Casino to Murwillumbah rail line in a joint partnership with the Federal Government. The Iemma Government has put its \$75 million on the table. Its contribution is already on the table. The Federal Government promised \$30 million to help restore the rail line. As I said earlier, members who served on the committee that inquired into this matter had a good opportunity to look at the line, to look at photographs, and to hear evidence about the state of many timber bridges on the line, the state of the line and the sleepers.

The Federal Government previously promised to allocate \$30 million. All we are now asking it to do is to increase its commitment to \$75 million, to match the Iemma Government's commitment. That reflects the increased cost of restoring the line and would enable the line to be reopened. If Opposition members were fair dinkum they would agree that that is what they want. However, it appears as though that is not what they want. If it were otherwise, why would they move this motion?

I am advised that the estimate of \$150 million, which comprises \$75 million from the New South Wales Government and \$75 million from the Federal Government if it comes good, is based on recent expert engineering assessments of the condition of the line. Those assessments have been considered together with engineering knowledge of the costs associated with such work. The experts advised that the restoration would be undertaken over five years and that it would include a number of separate items.

First, 10 major bridges would be immediately replaced. Second, all timber bridges—from memory I think there were 200—would be replaced over five years. Third, 30,000 timber sleepers would be replaced with steel sleepers, again in the first five years. Fourth, the signalling systems would be upgraded. And fifth, a number of corridors would be upgraded, including vegetation control and fencing. The Government wrote to the Federal transport Minister outlining this proposal. The Government has given the Federal Government a deadline of November 2006, two months, to ensure the Federal Government has plenty of time to give this proposal its full consideration. Sometimes the Federal Government takes a lot of time getting around to things.

Our priority, of course, is to restore the line. If the line is not restored, no trains can run on it. Opposition members do not seem to understand that simple point: If the line is not restored, no trains can run on it, and the Government requires a great deal of money to restore it. I have already listed the major items of repair, including the immediate replacement of 10 major bridges, the replacement of all timber bridges, the replacement of sleepers, and so on.

Unless those things happen, the trains cannot run. If the Hon. Catherine Cusack were genuinely interested in this project for her community she would support any proposal to restore the line. She could certainly start by putting her energy into lobbying her Federal counterparts to join us in funding the project. But, as we have found on other issues that have been discussed in this Chamber, particularly the health issues I have been debating over the past few weeks, Liberal-Nationals members seem unable to commence lobbying their Federal counterparts, let alone achieve any success in that area.

All honourable members are aware that the Northern Rivers community strongly advocated for the restoration of the rail services. We all know there has been a focus on introducing a new commuter service. I am advised that a preliminary assessment of the proposal developed by Northern Rivers Trains for the Future raises serious concerns about its feasibility for the following reasons. The line is unable to sustain any rail service in its current condition. It will take a minimum of 19 months to restore the line to a state that would allow a

once-daily return XPT service to be reintroduced. The \$150 million five-year restoration project I spelt out in some detail earlier would, of course, be needed before the proposed 16 services a day—which, by the way, is a dramatically increased number of services—could be considered. Even excluding the cost of restoring the line, the proposed commuter service that Opposition members have mentioned today would cost in the vicinity of \$143.2 million over five years.

I am advised that that cost would comprise some of the following components. In order to run trains, we need trains. I would have thought that was fairly obvious! To be precise, we would need \$56 million worth of new diesel trains. At present there are no spare diesel trains in the RailCorp fleet. In addition to the \$56 million for new trains, we would need \$10 million to build a crossing loop to achieve the frequency of service proposed in this debate. We would need \$19.2 million to build a local maintenance facility, without which trains on the line would have to travel to Newcastle for maintenance. It is estimated that \$10 million would be needed for station works, and that operating costs would total \$48 million. As a consequence of this careful cost assessment, we estimate that \$143.2 million would be needed over five years. When combined with the restoration work on the line and the bridges, that makes a total cost of almost \$300 million.

The Opposition claims it will fund the project from the existing rail budget, using trains from the existing fleet. I heard several ill-informed interjections to that effect during this debate. If the Opposition is to do as it proposes, it will have to take one or more of the following actions. It could start by dismantling the new rail safety regime and withdraw the recommendations of the Waterfall inquiry, which are already being implemented. The Opposition could scrap every one of those. Let us remember that the Opposition has to find \$300 million.

If it decided not to scrap the safety recommendations of the Waterfall inquiry it would have the option of cancelling all country rail network maintenance, forcing grain and passenger lines into disrepair and subsequently shutting down all CountryLink services across New South Wales. Remember that we are trying to find a way for the Opposition to find the \$300 million it needs. The Opposition could choose one or other of the first two options and it would also need to end diesel rail services elsewhere in New South Wales. Perhaps the Opposition would pick on the Hunter Valley, the Southern Highlands or the South Coast. It would have to source the diesel trains from somewhere; it could not wave a magic wand and pluck a train from thin air.

In case there is still some doubt about the level of work that will be needed to restore the line to operating conditions, I direct honourable members' attention to the recent inspection that was conducted. Some very misguided statements have been made in this place about the Government's so-called interest in inflating the cost estimates of the project. It would certainly be great if we could do the work for less—and the Deputy Premier would certainly like to do it for less—but it simply cannot be done. We cannot run trains over tracks that hang in thin air. We cannot run trains over tracks when washaways have removed all the soil. We cannot run a train through a landslip or over old, rotten and dangerous timber bridges. As a member of the parliamentary committee that inquired into this matter, I have seen evidence of the substandard state of the line and the bridges.

Earlier this month the Deputy Premier, the honourable member for Tweed, rail engineers, safety experts and representatives from the Northern Rivers Trains for the Future group were joined on the line inspection by none other than Don Page, the honourable member for Ballina. The group saw at firsthand the washaways, landslips and timber bridges. The honourable member for Ballina, Don Page, has since conceded that the Opposition's claim that it will need to spend only \$4 million a year on the line over a few years is quite unrealistic. On 19 August the *Northern Star* stated:

Mr Page agreed the Opposition might have to scale up its estimates on the initial repair bill.

On 21 August the *Northern Star* stated:

Don Page and Karin Kolbe say they are willing to consider the possibility that State Transport Minister John Watkins' \$150 million repair bill for the train line is accurate.

Given the comments by the honourable member for Ballina and the people involved in the local organisation, we must question the motivation of the Hon. Catherine Cusack in moving this motion. She has feigned a certain amount of interest in some of these issues before. Mention has been made of the North Coast rail corridor working party. The Hon. Catherine Cusack was a member of that working party but she failed to attend any of the three meetings it held last year. Her colleagues in The Nationals attended but the Hon. Catherine Cusack did not. And now she is accusing others of not taking an interest in the North Coast and its railway line!

The Hon. Catherine Cusack needs to answer some questions. Does she endorse the document from Northern Rivers Trains for the Future, which she has circulated? It suggests stealing funds from the Pacific Highway upgrade to restore the rail line. Does the Hon. Catherine Cusack endorse that proposal? Does the Opposition endorse the proposal? I think an awful lot of people across New South Wales, and on the North Coast in particular, would like to know whether the Opposition plans to fund its proposal by taking funds from the Pacific Highway upgrade and spending them instead on the Casino to Murwillumbah rail line. I move:

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

notes the Lemma Government has committed \$75 million to reopening the Casino to Murwillumbah rail line and calls on the Federal Government to match this funding dollar for dollar within the November timeframe requested by the New South Wales Government.

**Reverend the Hon. FRED NILE** [4.18 p.m.]: The closure of rail services on the Casino to Murwillumbah line has seriously inconvenienced the people of the region. They want those services to be restored. I am disappointed that over the years the Government has failed to support the rail system in New South Wales. I recently visited some country centres out west. I travelled to Dubbo and Wellington and through Wagga Wagga and Albury, and in many places I saw rusting rail lines and empty stations. I thought back to the pioneers who had faith in our nation and built our rail lines before there were towns or large populations. Our rail system helped Australia to grow, and decentralisation was possible because people were able to reach country regions.

The winding back of the country railway system in New South Wales, and probably in other States, is a backward step. It may be argued that the rail services are no longer economical or that they do not have enough passengers. But I believe that with good organisation we should be able to plan a railway system to meet the needs of those who wish to use that system and those who want to use it for freight, to move primary products such as wheat across our nation. When I drive through country centres I find it difficult to pass the road trains—or B-doubles, which are two semi-trailers hooked together—that roar along our highways, sometimes three or four of them in convoy. When people try to pass these large vehicles, often road accidents occur and people are killed or seriously injured.

I often drive in the inside lane, the lane closest to the left boundary of the road, which semi-trailers also tend to use, and I have a most bumpy journey. It seems that those heavy vehicles are tearing the roads apart. People who want to have a smoother journey have to drive in the outside lane, nearest the dividing line, because it is not so bumpy. I have observed the damage that is being done to the road system. The Federal and State governments have joint responsibility for funding the repair of highways, and local councils have to contribute to the repair of roads in regional areas. It would be far simpler to have a good railway system so heavy transport, whether it be produce or equipment, can be transported in the railway system. I believe that should be a priority for the Government. This motion deals with one of the symptoms of the problem, and I believe it is a problem right across the State.

The Hon. Jan Burnswoods rightly pointed out that more than 200 wooden railway bridges that are rotting are now falling down. I ask: Why have they not been progressively repaired or replaced with concrete or new wooden bridges over the years? The answer is that the Government has not spent enough money on infrastructure. That has now been proven, because the Government has announced that it will borrow \$10 billion to fund its infrastructure projects. Over the past 12 years this Government and previous governments should have spent \$10 billion to progressively upgrade or replace the infrastructure. It is a disgrace that many of these bridges—perhaps the entire 200—are reaching the point where they are dangerous, simply because heavy trains damage them. It should not be a last-minute rush to suddenly repair these bridges; it should have been done progressively.

The Hon. Jan Burnswoods said that according to the Government's calculation it would cost \$150 million to open the line, for which New South Wales has offered \$75 million and this Government wants the Federal Government to provide the other \$75 million. I understand that originally the Federal Government offered \$30 million, but at that time it may not have known about the serious condition of the line and that it required greater expenditure. I do not see that as a problem for the Federal Government, and I would encourage the State Government to negotiate with it. We often hear Prime Minister Howard speak about the Federal Government's great budget surplus. The Federal budget surplus is about \$12 billion, \$13 billion or \$14 billion—it seems to increase every day. So the Federal Government should not have much problem finding \$75 million to upgrade this railway system.

The amendment moved by the Hon. Jan Burnswoods calls on the Federal Government to provide that extra funding, and I have no problem with that. Up until now railways have been the responsibility of State governments, but there has been greater co-operation in transferring the interstate lines into Commonwealth-supervised arrangements across the country. It appears, therefore, that the Federal Government is taking more responsibility for railway systems within States than it has ever done in the past. I am not critical of that. I simply suggest that, given that the Federal Government has surplus funds, it should be able to assist all State governments upgrade their railway infrastructure.

**Ms LEE RHIANNON** [4.25 p.m.]: The loss of the Casino to Murwillumbah rail line is another reminder of the disaster that follows Mr Costa's ministerial career—another rail line shut down. Over the decades too many of them have been lost. Public rail services should be maintained and expanded. The Greens believe that that should be a foundation of how governments operate. We believe that each generation should maintain these services and pass them on to the next generation in an improved and expanded condition rather than shut them down. The closure of this rail line is one of the tragedies that the Treasurer has delivered for the people of New South Wales and, indeed, all of us. The loss of the Casino to Murwillumbah line is a backward step for the people, the environment, and the local economy.

Public transport is critical for consolidating communities and boosting the local economy. We know that public transport is environmentally friendly. This Labor Government should have retained the XPT service and developed a commuter service. But, because of the arrogance of the Treasurer, his Labor colleagues are left to explain what cannot be justified: the closure of the Casino to Murwillumbah rail line. The Treasurer should be in the Chamber to justify his appalling action, but we have not seen him and we are not going to see him. It is disappointing that his Labor colleagues have to pick up the pieces for him in this Chamber. It is hard to believe they are convinced by the arguments they spout in opposition to this motion.

**The Hon. Jan Burnswoods:** We don't say that. We find it hard to be convinced that you believe the argument that you spout.

**Ms LEE RHIANNON:** I acknowledge that extraordinary comment.

**The Hon. John Ryan:** It is not as if that accusation is not made frequently by the Hon. Jan Burnswoods.

**Ms LEE RHIANNON:** Yes. I find what the Hon. Jan Burnswoods has just said extraordinary because my comments have clearly been in support of public transport, something I thought she would be committed to. I think the Hon. Jan Burnswoods is embarrassed because she has to do the running in this Chamber on behalf of the Treasurer. It must be embarrassing for anybody to be given that job. I congratulate the community in northern New South Wales on their sustained campaign to restore rail services on this line. We need to remember that the only reason Minister Watkins announced that the Government will consider reopening rail services is the perseverance and strength of the community voice for rail in northern New South Wales. This saga is a disgrace for the Labor Government. I endorse the comments of my colleague Mr Ian Cohen, who acknowledged the work of the local community members and councillors.

Trains on our Tracks [TOOT] deserves special congratulations. It is a credit to TOOT that it has kept this issue alive with passion and colour and that its commuter proposal is now being considered. Other groups also have commuter proposals. I am sure that sooner or later we will get such a proposal up. Obviously it will be a variation on what we have before us, but to have such concrete and detailed, costed proposals is absolutely fantastic and it is a credit to those groups. To my mind, that should be the job of government. The Government has the resources, and it should have brought forward such a proposal. It should now get behind this plan. Of course, the fine detail of the proposal will change, but such a service clearly is needed. The work on a commuter service for the Casino to Murwillumbah rail line stands in sharp contrast to the Government's failure to maintain and develop this rail line.

Let us reflect on some of the history of this campaign. The PricewaterhouseCoopers feasibility study into the Casino to Murwillumbah rail line vindicated the community's fight for rail services for the northern New South Wales community. When the report was released, the then Minister for Transport, Mr Costa, tried to use the PricewaterhouseCoopers feasibility study to justify his axing of the rail service. But the former transport Minister omitted the report's key finding:

... that a lower cost, reliable local rail commuter service could be introduced for as little as \$4.1 million per year for seven years in infrastructure maintenance, with a further annual operating subsidy of between \$4 million and \$7 million.

Mr Costa should apologise to the local community, which has been stuck with an infrequent, inconvenient and more dangerous replacement coach service at a cost of \$2 million a year, when the affordable option of a local rail commuter service was always there for implementation. The Northern Rivers community, which is experiencing strong population growth and an increase in tourism, needs a commuter train now. That is obvious, but the Government fails to do the basic job of government: maintain and expand public services.

The Government's plan clearly came about as a result of the intense pressure sustained by the local community. But the Government's plan is for the return of a nightly XPT service only. That will not service regional transport needs. With the rising cost of petrol, and the environmental damage caused by having more cars on the road, it is logical that the Government should be giving the lead, getting behind public transport, and developing it wherever there is an opportunity. But all we have from the Government is a return to the service that existed previously. That is a tired old response.

The target given by the Government for the resumption of services is January 2008—after the State and Federal elections! Understandably, the community is cynical about this proposal, as the Government has a poor record of honesty on this issue, leading people to believe that these are simply pre-election promises and that they will be broken after the elections. Understandably, people want action now. We well understand why they are cynical: unfortunately, all too often promises made coming into an election are broken.

Also, I believe that the Government's costings are dubious. Does every single bridge really need to be replaced in the first five years? One feels that some of the arguments coming from the Government on the return of rail services are quite self-serving. One argument put forward by Mr Watkins as to why trains cannot be restored until January 2008 is: "Good heavens, we might have to break the bus contract." That argument is quite interesting, given some of the roadways contracts that the Government is breaking in Sydney at the moment.

We must bear in mind that the people of northern New South Wales objected to the bus contract in the first place. They believe the Government should consider negotiating with sun State over the possibility of altering the contract so that it is for the provision of bus services connecting with the local train service. Again, that shows real vision. We can sit down and negotiate with the bus services, let them use other routes, bring people to the train service, and feed people into a commuter service. These are really good ideas coming from the locals, and the Government would be wise to listen to and act on them.

Another argument used by Minister Watkins to try to justify the new coach regime that he has put in place is that patronage of the bus services increased in the last year. How do we know? No figures have been provided to support that claim. That emphasises why people are so cynical about the Government. These airy-fairy statements are made, and you get the feeling that they are just pulled out of the hat to justify the latest argument that the Government comes up with to support its appalling approach to transport in northern New South Wales. There are 10 good reasons why we need a commuter rail service on the Casino to Murwillumbah rail line: reduced unsustainable transport, increased sustainable transport, convenience, safety, capacity, employment prospects, low cost and high revenue, support of local bus services, the creation of greater equality of opportunity, and the support of local bus users. I would like to give emphasis to the issue of equality of opportunity.

As the Greens spokesperson on transport, I do a lot of work in regional New South Wales. I often catch trains, giving out our leaflets and collecting signatures on petitions. One of the comments people make to me time and again is how important their rail services are. One comment I hear many times, mainly from elderly people and people of reduced mobility, is that if there was not a rail service, in many cases they would not be able to catch a coach because that is physically too tough for them. On rail, they can move around more, and it is easier on their bodies.

When coach services are introduced and we lose our rail services, we are fracturing our communities; there are fewer opportunities for people to pick up their grandchildren after school, go to the next town and do some volunteer work, or go and visit their friends. This results in a real breakdown in communities. There are so many good reasons why we need a commuter service, and we need to be expanding our rail services across the State. The Greens are very pleased to support the motion.

**The Hon. MELINDA PAVEY** [4.36 p.m.]: I welcome the opportunity to speak to the motion moved by my colleague the Hon. Catherine Cusack, to note the anniversary of the closure of the rail line on 17 May 2006 and to call on the Iemma Government to move immediately to reinstate rail services for North Coast residents. Many in our community deserve recognition for the work they have done on this matter and for

continuing their commitment to have rail services returned to the region. The people of the Northern Rivers and the North Coast of New South Wales are sick of the lies, manipulation and deviousness of the New South Wales Labor Party. That deviousness was evident today in the comments of the Hon. Jan Burnswoods, who came into the Chamber with notes that I am sure were prepared by the office of her friend the Hon. John Watkins. She claimed that there are 200 timber bridges on the rail line that has been closed.

**The Hon. Jan Burnswoods:** I never said that.

**The Hon. MELINDA PAVEY:** You did say that.

**The Hon. Jan Burnswoods:** I was speaking from memory of my service on the committee, and said I thought there were something like 200 timber bridges.

**The Hon. MELINDA PAVEY:** Well, you are wrong.

**The Hon. Jan Burnswoods:** Someone else said there were 169.

**The Hon. John Ryan:** If they have not got a case, they make it up. We have seen that tonight.

**The Hon. MELINDA PAVEY:** The Hon. Jan Burnswoods has made it up. She was on General Purpose Standing Committee No. 4, which looked into this issue, and its report refers to 169 timber bridges. The issue is accountability and integrity, and honesty in debate. Labor Party members have shown no honesty in this debate: they have been very flippant with the truth and costings, and they deserve to be condemned for the way they have treated the region by taking away rail services. Reverend the Hon. Fred Nile raised some valid points about the running down of infrastructure in this State. The question remains: Why were the timber bridges run down to their current state?

**The Hon. Jan Burnswoods:** Interestingly, Reverend the Hon. Fred Nile mentioned the Federal Government surplus. Did you hear what he said about the Federal Government surplus, and what a good idea it would be if that Government put some money into infrastructure?

**The DEPUTY-PRESIDENT (The Hon. Kayee Griffin):** Order! The Hon. Jan Burnswoods will come to order.

**The Hon. MELINDA PAVEY:** New South Wales has never had it so good when it comes to the money coming into this State. Over the past 12 years the amount of money coming into Treasury coffers has doubled, but because the Labor Party does not have the ability to manage money, or the desire to set it aside to maintain vital infrastructure, it has had to close down rail lines. It is relevant to refer to what John Watkins promised during a recent visit to the Tweed in June. He gave a commitment to the people of the Tweed that he would release the engineering report and the costings, which have changed over time. But has he provided the report or the figures? No. Has he been true to his word? No.

**The Hon. Catherine Cusack:** He promised it.

**The Hon. MELINDA PAVEY:** He promised it.

**The Hon. Catherine Cusack:** But he did not deliver it.

**The Hon. MELINDA PAVEY:** He promised it. He looked people in the face and he said, "Yes, I will provide details of how I came to that \$75 million. I will explain it to you." But he walked away, got on his plane, and came back to Sydney. What did the Opposition have to do? We submitted a freedom of information application through the shadow Minister for Transport to get the details of what the Government was talking about. It is not only the people of the Tweed who want to know how the Government came up with a figure of \$75 million. I refer to a letter from the Hon. Warren Truss, the Federal Minister for Transport and Regional Services, who wrote to Mr Watkins in July, one month after his visit to the Tweed. The letter stated:

I was surprised to receive your letter proposing a reopening of the Casino-Murwillumbah line given your Government's consistent position that there were no plans to revisit the decision to cease passenger rail services between Casino and Murwillumbah.

But, in very good faith, the Hon. Warren Truss went on to say:

Fundamentally, the restoration and operation of passenger services in NSW is a matter for the NSW Government—

I think everyone would agree with that—

a point the state government has repeatedly made when discussing real issues in relation to its intrastate network.

Before considering your request for Australian Government funding for the Casino-Murwillumbah I would appreciate you providing me with a copy of the engineering study and a detailed project proposal for consideration. In this regard, I am aware that alternative rail options have been suggested for the line and I would be interested as to whether these options have been considered by the NSW Government.

It is a reasonable letter. Has the Hon. Warren Truss been provided with a copy of the engineering report? He has received nothing.

**The Hon. Jennifer Gardiner:** Cover-up!

**The Hon. MELINDA PAVEY:** It is a cover-up.

**The Hon. Catherine Cusack:** You would think they were locked in negotiations, from what the Hon. Jan Burnswoods said.

**The Hon. MELINDA PAVEY:** As my colleague the Hon. Catherine Cusack points out, you would think they were in negotiations and that it had all been settled. Why can the Minister not give us the engineering report?

**The Hon. Jan Burnswoods:** Why can't the Federal Government hand over the money?

**The Hon. Catherine Cusack:** You just want \$75 million.

**The Hon. Jennifer Gardiner:** They are a wake-up to you.

**The Hon. Catherine Cusack:** A one-page letter, and you want \$75 million. You are kidding!

**The Hon. Jan Burnswoods:** That sounds like a good deal.

**The Hon. Catherine Cusack:** That is why New South Wales is a basket case.

**The Hon. Jan Burnswoods:** Billions and billions, as Reverend the Hon. Fred Nile pointed out.

**The Hon. John Ryan:** They want a \$75 million reward for closing a rail line.

**The Hon. Henry Tsang:** No, it is a dollar-for-dollar basis.

**The DEPUTY-PRESIDENT (The Hon. Kayee Griffin):** Order! Honourable members will cease interjecting. The member with the call cannot compete with the level of noise in the Chamber.

**The Hon. MELINDA PAVEY:** I join my Opposition colleagues and the crossbench members in urging the House to support the motion. This latest attempt by the Government in the lead-up to the State election is incredible. It is an amazing attempt at political point scoring, but it will not wash with the people up north. Until the engineering report is released and we can see what is on the table, the Government will be treated with the contempt it deserves. The proposal has no credibility. The Government cannot be serious, which is why it cannot release the report. It is not genuine. Ultimately, the people of the North Coast and the Northern Rivers will be the judges—and they will judge the Government very harshly.

**The Hon. JOHN RYAN [4.44 p.m.]:** I refer briefly to the amendment to the motion, which calls on the Federal Government to match State funding for this project, moved by the Hon. Jan Burnswoods. The State Government has been in the habit of attaching a bill to every problem in the State and sending it to the Commonwealth Government. It is almost becoming a bad habit. Only recently the provision of disability services was debated in the lower House. Lo and behold, the Government asked the Opposition to join it in asking the Commonwealth for more funds to provide services for people with disabilities. What do we have now? The Government is asking the Opposition to join it in finding more funds for this rail line. What sort of an

astonishing case would the Government make? How many other States would deliberately close rail lines to get—

[*Interruption*]

Will the Hon. Jan Burnswoods stop carping?

[*Interruption*]

It will take a lot more than the Hon. Jan Burnswoods to get my temper going.

**The Hon. Jan Burnswoods:** You did respond.

**The Hon. JOHN RYAN:** Give it a miss. How many other States would use closing a rail line to get a special reward from the Commonwealth, which in this case is \$75 million? How could John Howard possibly run the nation if he responded to single-page letters for generic requests for more money for disability services? I note that the Government asked for more money for disability services when it was sitting on \$38 million in the Home and Community Care budget, which the Commonwealth gave the State Government but which it has not yet spent. What sort of a nation would John Howard run if, every time a State asked the Commonwealth for money with a single-page letter, the money was provided? It would not be possible to run the economy that John Howard has been able to run so successfully for the people of this country. The provision of rail services is absolutely and utterly a State responsibility. There is no good reason, or if there is one I have not heard it in the debate, why the—

**The Hon. Jan Burnswoods:** Have you heard that dental services are under the Commonwealth Constitution as a Federal responsibility? Does that worry you? No.

**The Hon. JOHN RYAN:** That is another area the Government wants to pass off to the Commonwealth.

**The Hon. Jan Burnswoods:** It is in the Commonwealth Constitution.

**The Hon. Rick Colless:** Point of order: Madam Deputy-President, as you have ruled on many occasions, interjections are disorderly at all times. I ask that you call the Hon. Jan Burnswoods to order so we can hear the member who has the call.

**The Hon. Peter Primrose:** To the point of order: The Hon. Jan Burnswoods is being baited by the Opposition, including the member who has the call. It is appropriate that you ask all honourable members to desist from interjecting, particularly those on the Opposition benches.

**The DEPUTY-PRESIDENT (The Hon. Kayee Griffin):** Order! I remind honourable members that interjections are disorderly at all times. I ask the Hon. John Ryan to continue his contribution and to ignore interjections.

**The Hon. JOHN RYAN:** I thank the Hon. Jan Burnswoods for reminding me that dental services are yet another area in which the Government has asked the Commonwealth to step in and rescue it from its responsibilities. New South Wales is the only State in the Commonwealth that has not provided adequate funds for dental services. New South Wales is the only State in the Commonwealth that has funds in its Home and Community Care budget from the Commonwealth that it has not spent. The Government then has the hide to ask for another \$75 million to open up a rail line that it closed. What sort of a country would the Commonwealth Government run if, every time a State government asked for money without justification, it granted the request?

I have not heard any justification for the \$75 million, with the one exception given by Reverend the Hon. Fred Nile, which was that the Federal Government has a large surplus. Therefore it is okay to ask the Federal Government to spend it in New South Wales! I am not sure that is an argument that the Commonwealth is likely to find compelling. Every single State is likely to be able to make out a case, no matter how good or bad the case may be, for spending the Commonwealth's surplus. New South Wales simply has to make out a cogent case to show the special reason why the Commonwealth Government should step in to save the railway line.

The State Government has shown how much it values the line—by closing it already! How on earth could the Commonwealth listen to a State Government request for funds to reinstitute rail services when the line has already been closed? The fact that the rail line is closed is an indication of how valuable the State Government regards the railway line to be. Honourable members would be able to imagine how credible the representation to the Commonwealth Government for additional funding to reopen the rail line would be when demonstrably the line is such a high priority for the current State Government that it has closed it! Even if there were some justification for the request, what credibility would a State Government have, even with the valiant support of my colleagues in the Coalition, after making such a request? How could the Commonwealth Government possibly even listen to such a request? Moreover, the request for funds is a single-page letter.

The Government's approach is nothing more than a stunt. I make my comments in the context of the amendment that has been moved by the Government. It is a shonky attempt by the Government to pass off its responsibility for properly managing the State budget. The Government is speaking openly about borrowing loads of money for other areas of infrastructure, and there is no reason why the Northern Rivers rail line infrastructure could not be included among the Government's priorities. There is no special reason to approach the Commonwealth Government for funding to reinstitute the rail line.

**The Hon. Greg Donnelly:** You have not addressed the vertical fiscal imbalance.

**The Hon. JOHN RYAN:** I love the way that newcomers like to make wonderful debating points. I inform the Hon. Greg Donnelly that I have read and spoken more about vertical fiscal imbalance than he will be able to forget. I do not believe that the amendment is compelling. The strength of the motion moved by my colleague the Hon. Catherine Cusack would be undermined if it were altered in any way.

**The Hon. CATHERINE CUSACK** [4.52 p.m.], in reply: I commence by thanking all honourable members who spoke during the debate. Mr Ian Cohen spoke about the lack of consultation surrounding the decision to axe services to the branch line and questioned the credibility of the Government's costings. They were not believable at the time we were told initially that the line would be closed to save \$5 million. Subsequently we were told that the cost of reopening the line would \$175 million. In the latest costing—based on a one and a half page letter, which is really the only information we have—the cost is now stated to be \$150 million. As Mr Ian Cohen said, we really cannot blame the community for being cynical about the credibility of the figures in the sense that they have been deliberately inflated to make something that is simple seem difficult.

Mr Ian Cohen also spoke with great passion, as he always does, about the importance to the youth in our region of rail and public transport. I thank him for that. It is terribly important for young people to have adequate transport. He referred to the number of hitchhikers on roadways. Each year a huge number of young people are killed in motor car accidents. Their inability to move around is obvious. Recently I travelled home to Ballina by bus from the airport at approximately 2.00 a.m. after a flight had been diverted and I was astonished by the number of very young people hitchhiking along the side of the road. It was just incredible. It is the right of young people to be able to move around safely. An adequate rail service would solve many problems for elderly people and would provide access to health care.

The Hon. Jennifer Gardiner did an absolutely magnificent job of chairing the inquiry conducted by General Purpose Standing Committee No. 4. The committee was completely engaged with the community and elicited an enormous amount of information. I congratulate the Hon. Jennifer Gardiner on the job she did. The inquiry destroyed the credibility of much of the detailed information that the Government provided. The inquiry really communicated effectively to the Government the strength of feeling of people who live on the North Coast. Despite that, here we are more than two years later, having this debate. I hope nobody on the Government side is under any illusion that this matter will go away. It will not go away and the line has to be reopened. Reverend the Hon. Fred Nile referred to the issue of freight and the economic and social costs of freight and passenger transport being moved onto roads. As I understand it, there is not a huge demand for running freight on the line as it is. The dream that everyone in my electorate has is to have a line through to the Queensland rail system which would mean that our region would be connected to the Port of Brisbane. That is why the two issues of freight transport and passenger transport go together.

In the interests of finalising this debate today, I will quickly thank the other honourable members who contributed to the debate—Ms Lee Rhiannon, the Hon. Melinda Pavey and the Hon. John Ryan. In response to the comments made by the Hon. Jan Burnswoods, I express my regret that a very straightforward debate on a motion that I believe every member of this House can support has been degraded yet again by a Labor Party

stunt in an attempt to deflect blame from a proposal that has not been fully laid out before this House. Even the Hon. Jan Burnswoods could tell us very little about this proposal. I ask all members of the House not to fall into Labor's trap. This issue has been unresolved for two and a half years and the community is sick of it.

Let us agree to a motion that all of us can support, a motion that acknowledges that this issue has been unresolved for more than two years and that asks for the rail line to be reopened. It is a clean motion. It does not do anything other than support all of the inquiries and decisions in principle that this House has supported every inch of the way on behalf of the community. I ask honourable members to please not let the Labor Party continue to play games with tactics such as the silly amendment that is before the House. It is really important for all honourable members to support the motion as it is and not fall into Labor's trap. I ask all honourable members to support the motion in its original form.

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

**The House divided.**

**Ayes, 15**

Ms Burnswoods	Mr Hatzistergos	Mr Tsang
Mr Catanzariti	Mr Kelly	
Mr Costa	Mr Obeid	
Mr Della Bosca	Ms Robertson	<i>Tellers,</i>
Mr Donnelly	Mr Roozendaal	Mr Primrose
Ms Griffin	Ms Sharpe	Mr West

**Noes, 20**

Mr Breen	Mr Gallacher	Ms Parker
Mr Brown	Miss Gardiner	Mrs Pavey
Dr Chesterfield-Evans	Mr Gay	Ms Rhiannon
Mr Clarke	Ms Hale	Mr Ryan
Mr Cohen	Reverend Dr Moyes	<i>Tellers,</i>
Ms Cusack	Reverend Nile	Mr Colless
Mrs Forsythe	Mr Oldfield	Mr Harwin

**Pairs**

Dr Burgmann	Mr Lynn
Mr Macdonald	Mr Pearce

**Question resolved in the negative.**

**Amendment negatived.**

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

**The House divided.**

**Ayes, 20**

Mr Breen	Mr Gallacher	Ms Parker
Mr Brown	Miss Gardiner	Mrs Pavey
Dr Chesterfield-Evans	Mr Gay	Ms Rhiannon
Mr Clarke	Ms Hale	Mr Ryan
Mr Cohen	Reverend Dr Moyes	<i>Tellers,</i>
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Mr Donnelly	Mr Roozendaal	Mr Primrose
Ms Griffin	Ms Sharpe	Mr West

**Pairs**

Mr Lynn	Dr Burgmann
Mr Pearce	Mr Macdonald

**Question resolved in the affirmative.**

**Motion agreed to.**

**Pursuant to sessional orders business interrupted.**

**SPECIAL ADJOURNMENT**

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

That this House at its rising today do adjourn until Tuesday 19 September 2006 at 2.30 p.m.

**ADJOURNMENT**

**The Hon. HENRY TSANG** (Parliamentary Secretary) [5.09 p.m.]: I move:

That this House do now adjourn.

**HUNTER REGION HEALTH CARE**

**The Hon. ROBYN PARKER** [5.09 p.m.]: One year and four months ago, around this same time of night, I referred in this House to a dire situation facing health care in the Hunter region. I might sound like a broken record, but the sad reality is that not much has changed in public health care in the Hunter. People are still suffering, their problems are worsening and mismanagement is rife. I put it to honourable members that the new direction in which Labor wishes to take this State is a lie. The community is still crying out for assistance but, unfortunately, the Government does not hear anything that does not resonate 10 kilometres beyond the Sydney central business district.

**The Hon. John Hatzistergos:** Point of order: The honourable member is misleading the House. It is against standing orders to mislead the House. Everyone knows that we have constructed a new health centre at Newcastle.

**The ACTING-PRESIDENT:** Order! The Minister will resume his seat. He is making a debating point; he is not taking a point of order.

*[Interruption]*

**The ACTING-PRESIDENT:** Order! The Minister will sit down.

*[Interruption]*

**The ACTING-PRESIDENT:** Order! I call the Minister to order for the first time. The Hon. Robyn Parker may proceed.

**The Hon. ROBYN PARKER:** Last year the Health Services Union campaigned strongly for two-person crews on ambulances following the tragic death of Rutherford schoolgirl Kayleigh Bradshaw. Single-officer crewing on the Rutherford rescue truck has still not been abolished. It could be six months before

five new positions are filled at the station. How many more people are lone paramedics expected to treat in that time? How many more will they watch die? Ambulance officers have a hectic, stressful job and they might be required to lift heavy equipment, liaise with doctors at a hospital and move patients. How would the Minister feel if he were one of the State's brave ambulance officers trying, on his own, to restart someone's heart and clear his or her airways at the same time? This health Minister is incapable of fronting up to a budget estimates committee without a sizeable entourage.

**The Hon. John Hatzistergos:** Point of order: These matters are currently before the Industrial Commission. The honourable member should not be referring to matters that are before the courts.

**The ACTING-PRESIDENT:** Order! Unless the Minister is taking a point of order on sub judice he will resume his seat.

**The Hon. John Hatzistergos:** The matter is before the Industrial Commission.

**The ACTING-PRESIDENT:** Order! That does not count for sub judice purposes. The Minister will resume his seat. The Hon. Robyn Parker may continue.

**The Hon. ROBYN PARKER:** How many more health care workers could be employed if the wages of the Minister's many bureaucrats were redistributed? However, the Government is not redistributing funds; it is redistributing the truth.

**The Hon. John Hatzistergos:** Point of order. The Leader of the Opposition is the one that has not been paying pay increases to staff members.

**The ACTING-PRESIDENT:** Order! The Minister will resume his seat. The Hon. Robyn Parker may proceed.

**The Hon. ROBYN PARKER:** The Government is redistributing the truth, like it did with the Nelson Bay polyclinic—or, should I say, the Tomaree community hospital. Rather than providing the clinic with more funds for a full-time after-hours doctor, the obvious solution for this Labor health Minister was to change the name and call the polyclinic a hospital. Perhaps the Minister thought that by changing one word on some signage an after-hours doctor would magically appear.

**The Hon. John Hatzistergos:** That wasn't done when I was there.

**The Hon. ROBYN PARKER:** Nothing has magically appeared in Nelson Bay and the single after-hours doctor is now servicing many more residents.

**The Hon. John Hatzistergos:** That is not true.

**The Hon. ROBYN PARKER:** I acknowledge the Minister's interjection. He said that that was not done when he was Minister. I assume he is prepared to reverse the situation and ensure that Nelson Bay has a proper work force. According to the Australian Bureau of Statistics and Research the population of Nelson Bay has increased by a dramatic 43 per cent since the doors of the polyclinic were opened in 1988. Colloquially known as sea changers, these new residents are drawn to the bay area for a superior way of life. That was before the Government announced its intention to create a marine park in that area. Those residents are now finding that there are an inadequate number of hospital beds in Port Stephens.

Every day in the Hunter region the lives of women in particular are being put at risk. The Director of the Hunter New England Health Gynaecological Cancer Centre, Associate Professor Anthony Proietto, recently described waiting times in the region as "totally unacceptable" and "detrimental to the health and prognosis" of gynaecological cancer patients. According to the latest figures printed in the Newcastle *Herald* in August, the average wait for cancer surgery is eight to ten weeks in the Hunter and another six to eight weeks, on average, to see a chemotherapy consultant.

The Cancer Institute of New South Wales said that women should have surgery within two weeks of diagnosis of gynaecological cancer. The emergency department at Maitland hospital is still struggling to treat emergency patients on time. The annual report of NSW Health shows that 700 or more triaged patients at Maitland hospital emergency ward were not seen in the recommended time frame. A direct correlation can be

drawn between the ever-increasing waiting times and the increased stress that the Labor Government is placing on already overworked nurses in the New South Wales health system. [*Time expired.*]

### FEDERAL GOVERNMENT INDUSTRIAL RELATIONS WORKCHOICES LEGISLATION

**The Hon. GREG DONNELLY** [5.14 p.m.]: Like a kangaroo caught by the driving lights of a fully laden B-double cutting through the misty fog on the Pacific Highway just north of Grafton, The Nationals just do not get it. To be fair, members of the Liberal Party are suffering from the same self-denial. It is as though not one of them studied physics at high school. None of them seems to recall Newton's laws of motion and the principles that underpin them. The mass combined with the velocity of the B-double means that when it collides with the kangaroo, the kangaroo comes off second best.

Voters in New South Wales are counting down the days to 24 March 2007 when they will get the chance to flatten both Coalition parties and their candidates for their blind, slavish support for John Howard's WorkChoices legislation. Like the kangaroo, members of the Coalition have absolutely nowhere to go. Pathetic attempts to deny it was their fault and blame their Federal colleagues have not, and will not, succeed. You can choose your friends but you cannot choose your family. The Liberal-Nationals in New South Wales were amongst the biggest supporters of John Howard's WorkChoices legislation. Every last one of them championed the cause of these terrible workplace laws. Indeed, some of them truly believed that the laws did not go far enough.

Those cowards, afraid to speak up and draw attention to themselves, believe in their hearts that our labour laws should set little more than a basic hourly rate of pay and that everything else should be left to the market to set. They see the work of people as little more than a cost that must be managed and kept as low as possible. Tragically, as time passes, the list of WorkChoices victims grows. As we approach the six-month anniversary of the legislation we find that tens of thousands of workers have been ground up and spat out by the legislation. Some brave individuals have spoken up about the grave injustices caused by WorkChoices and I commend them for what they have done.

The people who are speaking up are precisely the people who I, and many others, said would suffer grievously at the hands of WorkChoices—women, young people, part-timers, casuals, the semi-skilled and the unskilled. Their stories have been told and will continue to be told because the truth about WorkChoices will prevail. The other day I had the privilege of meeting Amber Oswald and her father. Amber was one of the earliest victims of WorkChoices. As the details of her case are well known I do not intend to repeat them. Suffice it to say that Amber, with the support of her union, the Shop, Distributive and Allied Employees Union [SDA], stood her ground and took on her employer, Pulp Juices Pty Ltd.

The Australian workplace agreement that the company tried to impose on her cut her weekly wage from \$99 to \$59. Pulp Juices did that because it thought it could. In litigation that is now before a Federal magistrate the company has admitted that it failed to pay its 21 workers under the terms of the certified agreement. It has acknowledged that what it did to Amber and her workmates was illegal. Interestingly, and rather tragically, the truth of this matter is that if the company had been less ham-fisted in the way it went about executing the plan, it could have got away with this all above board. I guess that Pulp Juices and the many other companies that follow its footsteps in the future will not make the same mistake twice.

What about Annette Harris from Spotlight, Coffs Harbour? Once again I do not intend to canvass the details in relation to this matter. She, too, with her support of her union, the SDA, stood her ground. Annette continues to enjoy the benefits of her State award. However, there is no similar luck for new employees at Coffs Harbour or any other stores around Australia. To twist the knife a bit further, whilst Coffs Harbour employees were offered the princely sum of an extra 2¢ an hour to remove a whole range of State award entitlements, employees at the recently opened Mount Druitt store lost the whole lot for nothing—a swag of State award entitlements given the chop for not 1¢ of compensation. In a moment of frankness about the whole issue, Spotlight's general manager for marketing said:

We are doing what we were told to do by the legislation.

Perhaps I was incorrect in describing Opposition members as kangaroos. Instead of being kangaroos perhaps Liberal-Nationals members are the bunnies; I am not sure. In the end, though, it does not matter. The B-double is bearing down on them and I am glad that I am in the cab of the truck and not sitting on the Pacific highway dazed and confused and pondering what will happen next.

## PRISON POPULATION

**The Hon. PETER BREEN** [5.19 p.m.]: I take this opportunity to bring to the attention of the House the difficulties faced by prisoners in New South Wales as a result of staff shortages and inadequate funding. New South Wales has an incarceration rate per head of population double that of Victoria because we lack the imagination to devise diversionary programs and the political will to help our prisoners recover their lives. The prison population has been increasing at around 400 prisoners annually, which means that we need to build one gaol each year just to keep pace with the increase. Needless to say, we cannot afford capital works on such a scale so we make cuts elsewhere in order to cope with the expanding prison population. Inevitably, it is the prisoners who bear the brunt of cuts, with more lockdowns, fewer education and training programs, and tighter restrictions on out-of-cell activities.

Last month I received a letter from a prisoner at Lithgow Correctional Complex who informed me that he had been in lockdown for more than 100 days in the past three years. Under the sensible and compassionate arrangements that exist in Victoria, for example, this modern form of solitary confinement would entitle the prisoner to one year's remission on his sentence. In New South Wales, however, remissions for government-inflicted cruelty are a thing of the past. It is hardly surprising that we are failing to rehabilitate our prisoners and that more than half of them re-offend and return to prison within five years. The cost to the community, particularly to the victims of crime, of our lack of care towards prisoners is a matter of great concern. As well as the obvious accommodation cost for prisoners, which is now running at around \$200,000 per year for some prisoners, the cost of re-offending is incalculable for the victims of crime.

Last year the Department of Corrective Services introduced a further cost-cutting measure by splitting all-day visits into morning and afternoon visits. The change is designed to suit the convenience of staff rosters and allows prison management between one and two hours in the middle of the day to make up for staff shortages. One direct consequence of this new roster arrangement has been an increase in lockdowns. Another consequence is more hurdles and hoops for families and friends of visitors. At Emu Plains prison, for example, the reason given for the policy change to provide an extra hour in the middle of the day for staff shortages was "to allow visitors to have lunch". Of course, this statement is arrant nonsense, since prior to the change prisoners had lunch with their visitors. Now the visitors are put out of the prison at lunchtime, and prisoners and visitors have separate arrangements for lunch.

The department labelled the changes at Emu Plains a trial but, like the so-called trial for visitors terminating their visits in order to go to the toilet, the new arrangements for visitors to lunch outside the prison is better described as a tribulation than a trial. I have never seen the results of any Corrective Services trial—but that is another story. The bottom line is that the department has withdrawn traditional all-day visits for families and friends of the women inmates at Emu Plains. Often the visitors are the women's children and they simply go home during the lunch break, thus denying mothers important contact with their families.

Officers of the department were asked questions about the visiting arrangements at Emu Plains during a budget estimates hearing on 28 August. A casual reader of the transcript of these proceedings might think the officers misled Parliament when they said the prisoners and their families asked for and supported the changes to visiting arrangements at Emu Plains. The officers also said the new arrangements were in the best interests of the children. The local Rotary Club traditionally put on a barbeque lunch for the 177 women inmates and their family visitors, so it is difficult to know how the children would benefit from terminating such an arrangement. A number of members of this House have complained to the Minister for Justice about the new visiting arrangements at Emu Plains prison. In a letter the President of the Legislative Council, the Hon. Meredith Burgmann, said:

We fought for many years for this type of facility [for women inmates] ... It would be a sad situation if the children stop visiting regularly and their families suffered as a direct result of these changes.

Members in the other place who have voiced their concerns include Clover Moore, Paul Lynch, Linda Burney, Noreen Hay and the Minister for Women, Sandra Nori. Justice Action wrote to the Minister on 30 August suggesting the establishment of a community panel to oversee the reinstatement of full-day visits at Emu Plains. This community panel could give inmates an opportunity to have some input into the arrangements. I urge the Minister to respond to the community action that is mounting in response to the situation at Emu Plains and to support the women inmates by taking appropriate action to restore all-day visits.

## MOTORCYCLIST SAFETY

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS** [5.24 p.m.]: The Motorcycle Council of New South Wales has been running a long campaign against wire rope crash barriers, which act like cheese graters when motorcyclists lose control and come into contact with them. Motorcyclists are either cut by the narrow wire rope or they bump into a series of posts at an acute angle, and are effectively grated against them. The Motorcycle Council of New South Wales is the peak organisation for motorcycle clubs and it has again drawn attention to the death of Les Finn, who hit a wire rope barrier at Frazer Park on the Pacific Highway in December 2003.

Crash barriers are generally designed for much heavier vehicles and present an extremely aggressive aspect to the motorcycle rider. In the face of continued concern and the open refusal by road authorities to acknowledge the problem, the Motorcycle Council of New South Wales commissioned Human Impact Engineering to study the literature in order to gain a basic understanding of the effects of a rider colliding with the various crash barriers currently in use in this State. The documents reviewed were "Motorcycles and Crash Barriers" by Gibson and Benetatos, Motorcycle Council of New South Wales, November 2000; and "Final Report of the Motorcyclists and Crash Barriers Project", Federation of European Motorcyclists Association, February 2000.

The Roads and Traffic Authority also conducted research into driver and rider attitudes, and published the document "Motorcycle safety—results of quantitative research with motorcyclists and drivers", by Taylor Nelson Sofres, dated September 2002. Of particular interest in that document is a note at the bottom of page 5 which indicates that only 6 per cent of drivers interviewed referred to changing lanes as a situation when particular care should be taken of motorcycle riders. The lack of an adequate clear zone between the edge of the lane and the barrier is also a matter of concern. I have raised this issue with the Minister, particularly regarding the F4 Freeway, where there is quite a large run-off between the lanes but the barrier is at the edge of the paved road and not in the median strip.

England's Highways Agency has instructed the use of concrete barriers as a preferred option. If the average annual daily traffic on a road exceeds 25,000 vehicles per day the agency has asked for the construction of strong, concrete barriers. These barriers bear a heavier load and motorcyclists do not come into contact with narrow posts or wires. Obviously, if people glance off crash barriers more slowly, their deceleration will be greater and the force on their bodies will be less. It is a question of devising a crash barrier that does not do more harm than good when people come into contact with it. The camber of roads is also important because people are less likely to strike the crash barriers on a well-cambered road.

Motorcyclists must be taken into account when designing crash barriers, which should be more motorcycle friendly. Unfortunately, most roads in New South Wales are constructed to meet the needs of cars and trucks, and motorcycles are ignored. If fuel costs continue to rise, there are likely to be more and more motorcycles on our roads. Motorcycles cause less road congestion and thus benefit other motorists. Motorcyclists have a right to have their safety needs considered and I ask the Roads and Traffic Authority to pay more attention to this issue.

## KINGS CROSS MEDICALLY SUPERVISED INJECTING ROOM

**The Hon. JAN BURNSWOODS** [5.29 p.m.]: At the end of July I was very concerned to read a story in the *Daily Telegraph* and see photographs of what it claimed to be 100 potentially deadly blood-tainted needles that had been found in a bin near the medical supervised injecting centre in Kings Cross. The following day the *Sydney Morning Herald* wrote a detailed story that contained several comments from Ingrid van Beek, the highly respected director of the Sydney Medically Supervised Injecting Room, saying that the syringes certainly did not come from the centre. She pointed out that they were not the kind of syringes used by the centre or drug users in the area.

The bin where the *Daily Telegraph* claimed to have found the needles was owned by a restaurant and was near the rear of the injecting centre. Those of us who have visited the centre and admired its life-saving work over the years would know that the needle bins used by the centre are indoors and are emptied twice a week by a specialist waste management company. By the way, 220 people use this life-saving service every day. It was established following the very successful Drug Summit in Parliament House some years ago. Not surprisingly Dr van Beek suggested there might have been some stunt involved. The *Daily Telegraph* denied

any involvement in a stunt and claimed it had been contacted by a Kings Cross resident and worker who had found the needles. The spokesperson for the *Daily Telegraph* said:

Any suggestion that the needles were put there by our newspaper or anyone else at our instigation is completely incorrect and designed to diminish the genuine concerns of the public about the value of the injecting room ...

Before that statement had been put out, none other than Peter Debnam jumped on the bandwagon, held a news conference, demanded the centre be closed, denied his conference was a knee-jerk reaction, and claimed he had no information that questioned the veracity of the report. The *Daily Telegraph* obviously decided it had to be careful and the following day published a very small story in which it claimed everything it had done was perfect and it was not a stunt, and referred people to its editorial page. When one turned over the pages of the *Daily Telegraph* one found a variety of different subjects mentioned in the editorial but no mention of the injecting centre or the needles being found.

Of course, it was a total stunt; they were the wrong sort of needles in the wrong place and they could have, and were conclusively proved to have, nothing to do with the injecting centre. But the *Daily Telegraph* splashed the story around and, as usual, the New South Wales Leader of the Opposition, Peter Debnam, tried to jump on the bandwagon and called for the closure of the centre. We know that more honourable members of the Liberal Party, including the Hon. John Ryan and John Brogden, supported the establishment of the centre.

**The Hon. Don Harwin:** Point of order: The honourable member was making remarks about a member in another place. I listened to her remarks in several sentences very carefully. She then made a remark which reflected on a member of the other place.

**The ACTING-PRESIDENT:** Order! I uphold the point of order. It is disorderly to make reflections on members of either this Chamber or the other. The honourable member may continue with modified remarks.

**The Hon. JAN BURNSWOODS:** I will finish by saying that a couple of weeks ago the source of the needles, and the way in which the whole stunt was carried out, was discovered. The needles belonged to a diabetic cat and the owner of the cat had moved house and left the cardboard box in which he stored the needles. I am not sure whether the cat was called Bailey, Casey, Miriam, Sheba—

**The Hon. John Hatzistergos:** Tiddles.

**The Hon. JAN BURNSWOODS:** We will call the cat Tiddles. The person had put the box containing the used needles on the footpath and someone—maybe the *Daily Telegraph* and maybe Peter Debnam—had picked up the box of needles, put it in the garbage can and started the whole story. [*Time expired.*]

#### PRINCE HENRY HOSPITAL SITE REDEVELOPMENT

**The Hon. GREG PEARCE** [6.34 p.m.]: I draw to the attention of the House some very heavy-handed behaviour which I experienced, along with a number of residents of the eastern Botany area, last Saturday. I was astonished by the behaviour of Landcom toward the residents of the electorate of Maroubra. At the request of Councillor Robert Belleli, I, together with approximately 80 to 100 residents, attended a public meeting at Jennifer Street, Little Bay, near the site of the former Prince Henry Hospital. The local member, Michael Daley, also came along for part of this meeting, which followed a meeting the previous week which was also attended by approximately 85 people. I went along because it was important to see the locale to understand the community's very important concerns.

At the very southern end of the Prince Henry development site, a proposed street to be known as Harvey Street is shown on the master plan. The residents are concerned that the construction of Harvey Street will cause a number of problems. First, it is very close to the intersection of Jennifer Street and Anzac Parade, where two deaths have occurred in recent times. Second, the construction of the street will introduce a barrier in the very valuable eastern suburbs banksia scrub on that headland. The question of building this street had been before Randwick council a number of times. In most recent times, in October 2005, Mr Garry Bauer, Project Director, Landcom, suggested in a letter to council that Landcom did not think it would be appropriate to go ahead and build Harvey Street, for the very reasons I stated. In fact, Landcom requested council not to proceed with the recommendation to build Harvey Street.

At some stage Landcom discovered it had made a mess of the development of the former Prince Henry site. In the letter it said it had bungled its budget, which had blown out by \$39 million for remediation and other

costs. Its solution was to add three storeys to one of the buildings proposed to be built on the site. Not surprisingly, the master plan having been developed in, I think, 2000 and -looked at again a number of times since then, the residents objected to the extra three storeys, and supported Landcom's suggestion that Harvey Street not be built. When it became apparent that that was going to be the decision of Randwick council, last Saturday Landcom undertook what I can only describe as extraordinary tactics. Landcom was invited to send a representative along to meet with local residents but it refused to do so. Instead it sent not one, but two huge Caterpillar machines which were set to work on construction work for this road, notwithstanding that Landcom does not have approval to do construction work.

When I was there last Saturday Landcom had the two machines running from 9.00 a.m. to 10.00 a.m., not actually doing anything but just running backwards and forwards and intimidating the local residents at the meeting. I thought that was extraordinary behaviour by Landcom. If it has messed up this project, that is consistent with many other projects with cost over-runs and delays in which the Government has been involved. But to undertake those sorts of tactics is something that should be brought to the attention of the House. It was of no assistance to the residents to have Mr Daley there and arguing that Landcom is some sort of independent authority over which his Government has no role in managing or keeping accountable. Indeed, he was on the council in 2001 when the master plan was moved and he owes it to the residents of the area to take up this issue and ensure that that sort of behaviour by Landcom is not repeated.

**Motion agreed to.**

**The House adjourned at 5.39 p.m. until Tuesday 19 September 2006 at 2.30 p.m.**

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