

# LEGISLATIVE ASSEMBLY

Tuesday 26 September 2006

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**Mr Speaker (The Hon. John Joseph Aquilina)** took the chair at 2.15 p.m.

**Mr Speaker** offered the Prayer.

**Mr SPEAKER:** I acknowledge the Gadigal clan of the Eora nation and its elders and thank them for their custodianship of this land.

## AUSTRALIAN WOMEN'S BASKETBALL TEAM WORLD CHAMPIONSHIP GOLD MEDAL

### Ministerial Statement

**Mr MORRIS IEMMA** (Lakemba—Premier, Minister for State Development, and Minister for Citizenship) [2.15 p.m.]: We were privileged on Friday night to see a magnificent sporting event at Telstra Stadium with the Swans charging into their second straight grand final. I know that all honourable members of the House will be cheering on the Swans when they resume their rivalry with the West Coast Eagles this weekend. The less we say about Saturday night at Telstra Stadium the better. However, while the Swans captured our attention on the local sporting stage over the weekend, a team of young Australians competing in Brazil created a special piece of sporting history.

The Australian Opals became the first national senior basketball team to win a world championship gold medal. They soundly defeated Russia in Sunday morning's final 91 points to 74 after beating the hosts, Brazil, in the semi-finals. Russia had earlier defeated the United States of America in the semi-finals, breaking a 50-game winning streak in major international events for the United States that stretched back to the 1996 Atlanta Olympics. The Australian Opals have been placed in the top three at every major event since Atlanta. But there was no doubt that the Opals were the best team in this competition and were deserved gold medallists. They finished the tournament with nine wins and no losses. Penny Taylor won the tournament's most valuable player award, just shading the brilliant captain, Lauren Jackson, Albury born and bred, who was the top scorer for the entire event.

**Mr Brad Hazzard:** The best female player in the world.

**Mr MORRIS IEMMA:** The honourable member for Wakehurst says she is the best female player in the world. Indeed, I would say she is the best player in the world. Lauren Jackson is carrying on a very impressive family tradition, as both of her parents represented Australia in basketball. At just 25, she is already one of the biggest female sports stars, both here and in the United States, where she plays with the Seattle Storm. Along with her team-mates, Lauren has now created history, apart from attracting a new legion of admirers. The Opals gold medal will no doubt spark new interest in another international sport that Australians compete in so well. I again congratulate the Australian Opals on a magnificent achievement, and I look forward to them receiving the recognition that is due to them when they return home.

**Mr GEORGE SOURIS** (Upper Hunter) [2.18 p.m.]: On behalf of the Coalition I have pleasure in joining the Premier in expressing the heartfelt congratulations of us all on the marvellous victory the Australian women's basketball team, the Opals, produced on Saturday night. They join the Australian netballers, who have been world champions a number of times in the past. The Opals win brings women's basketball to the fore and into the world championship league. The win is absolutely marvellous and uplifting and, as the Premier has said, it will be a shining inspiration to girls everywhere to participate in the wonderful world of women's basketball, take up the sport, especially, I hope, at school level.

I also join the Premier in offering our very best wishes to the only New South Wales team who will be performing this Saturday, the Sydney Swans. Ironically, the Sydney Swans will play in a match under the Australian Football League code, the Melbourne heartland code. The match will not feature any Victorian teams. At the same time, in the rugby league heartland of New South Wales we will see, unfortunately, an

encounter that will not feature any New South Wales teams. On this rare single occasion, perhaps on account of my lingering feelings about the State of Origin, I will support the Melbourne team. I extend the best wishes of us all to the Swans. I hope they can make it a second flag in a row. I wish the Melbourne Storm good luck, and I extend our heartfelt congratulations to the wonderful Australian Opals basketball team.

## **LEGISLATION REVIEW COMMITTEE**

### **Report**

**Mr Allan Shearan**, as Chairman, tabled the report entitled "Legislation Review Digest No. 12 of 2006", dated 26 September 2006, together with minute extracts regarding "Legislation Review Digest No. 10 of 2006" and "Legislation Review Digest No. 11 of 2006".

**Report ordered to be printed.**

## **PETITIONS**

### **Artarmon Public School Bus Service**

Petition requesting the provision of a school bus for the children within the southern precincts of the catchment area for Artarmon Public School, received from **Ms Gladys Berejiklian**.

### **Bus Service 311**

Petition praying that the Government urgently improve bus service 311 to make it more frequent and more reliable, received from **Ms Clover Moore**.

### **National Art School**

Petition opposing proposed changes to the National Art School, received from **Ms Clover Moore**.

### **Breast Screening Funding**

Petitions requesting funding to ensure access to breast screening services for women aged 40 to 79 years and to reverse falling participation rates, received from **Mrs Judy Hopwood** and **Mr Michael Richardson**.

### **Sunflower House, Wagga Wagga**

Petition requesting funding to facilitate the operation of Sunflower House, Wagga Wagga, received from **Mr Daryl Maguire**.

### **Cammeray Open Space Rezoning**

Petition opposing the rezoning of 2 Vale Street, Cammeray, from open space to residential C, received from **Ms Gladys Berejiklian**.

### **Sow Stall Ban**

Petition requesting the total ban of sow stalls, received from **Ms Clover Moore**.

### **Private Native Forestry**

Petition requesting a review of the draft code of practice for private native forestry, received from **Mr Adrian Piccoli**.

### **Recreational Fishing**

Petition opposing any restrictions on recreational fishing in the mid North Coast waters, received from **Mr John Turner**.

### **Alcohol and Drug Services**

Petition requesting increased funding for, and expansion of, inner city alcohol and drug services, received from **Ms Clover Moore**.

### **CSR Quarry, Hornsby**

Petition requesting a public inquiry into Hornsby Shire Council's acquisition of CSR Quarry in Hornsby, received from **Mrs Judy Hopwood**.

### **Road Tunnel Air Filtration**

Petition asking the Government to ensure that all Sydney road tunnels are fitted with air filters, received from **Ms Clover Moore**.

### **Public Housing**

Petition requesting that the Government not sell any inner city public housing stock and that it increase funding for public housing maintenance, received from **Ms Clover Moore**.

## **QUESTIONS WITHOUT NOTICE**

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### **MINISTER FOR POLICE MINISTERIAL PERFORMANCE**

**Mr PETER DEBNAM:** My question is directed to the Premier. Given that the current Minister for Police has failed for 12 years in the ministries of Public Works, Roads, Transport, Housing and now Police and has been caught out again today disbanding a critical police strike force, when will the Premier finally sack him and start holding his other Ministers accountable for their poor performances?

**Mr SPEAKER:** Order! The Minister for Police will come to order. The Premier has the call.

**Mr MORRIS IEMMA:** How much of his pay will the Leader of the Opposition be docked for that stupid question?

**Mr Peter Debnam:** Point of order—

**Mr SPEAKER:** Order! Merely because the Premier has asked a rhetorical question, the Leader of the Opposition should not feel compelled to respond. I take it the Leader of the Opposition has a point of order.

**Mr Peter Debnam:** My point of order relates to \$2.4 million over 12 years.

**Mr SPEAKER:** Order! The Leader of the Opposition knows only too well there is no point of order. He will resume his seat so that the Premier can answer the question.

**Mr MORRIS IEMMA:** There is a story doing the rounds in the corridors that if Coalition Ministers are docked any performance pay they will just pilfer the 4 per cent from their junior staff. It is a well-established precedent. The Leader of the Opposition took the 4 per cent but he did not apply it to all his staff: he just gave it to the four senior staff in his office whom he wants to look after and left the junior staff without a pay rise. That is what is in store for New South Wales workers if the Leader of the Opposition ever gets to this side of the House.

In relation to arson I can inform the House—and the Leader of the Opposition well knows this—that within the State Crime Command there are police officers who work day in day out on tracking, investigating and bringing arsonists to justice. He would also be aware that following the Christmas 2001 bushfires, and after police received advice that arsonists had been involved, a special strike force was established to deal with specific incidents that arose during those bushfires. That strike force was very successful in bringing a number of people to justice over the deliberate lighting of those bushfires.

That strike force was deactivated but then reactivated in another bushfire season—I understand it was the Helensburgh bushfires. After allegations of fires being deliberately lit in that bushfire season, a task force was established to investigate specific instances of arson attacks. That task force was also successful in bringing a number of persons to justice. Given that Commissioner Koperberg has raised the possibility that some of the fires at the weekend may have been deliberately lit, it is right and proper that a strike force be reactivated, and the police commissioner has advised the Government that that will occur.

**Mr Peter Debnam:** Point of order: My point of order is relevance.

**Mr SPEAKER:** Order! I do not know which question time the Leader of the Opposition is sitting in, but I listened intently to the Premier's response and it was totally relevant to the question asked.

**Mr Peter Debnam:** The question was about disbanding the task force. The Government cut 650 police. That is the reason the task force was disbanded, and the Minister for Police did it.

**Mr SPEAKER:** Order! There is no point of order. The Premier has answered the question and, indeed, he has gone beyond the question.

**Mr MORRIS IEMMA:** There are 2,000 more police today than in 1995. It is a police force that is above authorised strength, not below authorised strength like the police force the Opposition left when it was in government. I do not know why the Leader of the Opposition ever talks about police numbers. There will be an additional 750 police at the end of January. The only plan the Leader of the Opposition has got for the New South Wales police force is fewer police, because there is no way that he can sack 29,000 public sector workers without cutting police numbers. The Leader of the Opposition directs a question about police numbers to a Government and a Minister that have increased police numbers to the point where we have 2,000 more New South Wales police than we had in 1995—above authorised strength—with another 750 hitting the front line at the end of January. That stands in stark contrast to the Leader of the Opposition's promise to cut police numbers.

#### CRIME PREVENTION PARTNERSHIPS AND CRIME REDUCTION

**Mr PAUL PEARCE:** My question without notice is directed to the Premier. What is the latest information on government initiatives to cut red tape and reduce crime?

**Mr MORRIS IEMMA:** Over the past 12 months the Government has been working hard to cut red tape, not only as it impacts on business, but red tape within government that stops public sector agencies working effectively together.

**Mr SPEAKER:** Order! The honourable member for Wakehurst will cease calling out.

**Mr MORRIS IEMMA:** That is hugely important when it comes to innovative programs like the Crime Prevention Partnerships, which were launched recently. Those partnerships have been established by the Government to bring together public sector agencies to drive down crime, particularly assault in public places. Another new initiative is our antisocial behaviour pilot project. The Government has set up this project to crack down on antisocial behaviour by young people and help steer them away from a life of crime. Contrary to what those opposite assert, crime levels in New South Wales are falling. We will continue to equip the police with the resources they need to keep on doing the job.

However, a small number of young people are causing a disproportionate amount of crime, and they are also more likely to be the victims of crime. In our target areas approximately 50 per cent of all assaults in public places are committed by people under the age of 25, and a similar proportion of victims are also under 25 years of age. A big part of the solution will come from government agencies working together on those cases, developing individual plans to help set young people back on the right track. At the moment that is difficult due to privacy legislation, which means problem cases slip through the net because government departments do not have the full story.

That is plainly a ridiculous situation. That is why the Government will cut red tape so that agencies can sit down together and solve their most problematic cases. The source of this red tape is twofold. First, only the Department of Community Service [DOCS] has the power to initiate information sharing regarding those under the age of 16, but DOCS may not be the agency that first comes into contact with these young people. For example, it could be the police. Second, there is no legislation that allows information sharing for people over

the age of 16, so agencies face a wall of privacy laws in an attempt to share information about offenders in the 16 years of age to 25 years of age bracket. The answer is a targeted privacy exemption allowing any agency to initiate action where they believe a child or young person is a serious risk either to themselves or to the community.

This trial builds on the success of a similar exemption trialled in the Redfern-Waterloo area, which will now be extended to another six areas across the State. The Government is conscious of the need for a balance between the need to protect privacy and the need to protect the community. That is why we have also set up an expert committee, including the Privacy Commissioner, to monitor the trial. It is about untying the hands of the police and other agencies to battle antisocial behaviour, ensuring that red tape does not stand in the way of our fight against crime.

### POLICE RESOURCES

**Mr ANDREW STONER:** My question is directed to the Premier. In view of his statement that he intends to cut red tape impinging on law enforcement and given that country New South Wales desperately needs more police on the streets, can he explain why valuable police resources are wasted on bureaucratic red tape, such as officers being required to undertake a five-week training course and an annual refresher course on how to ride pushbikes on patrol?

**Mr MORRIS IEMMA:** For the benefit of the Leader of The Nationals, who was not listening to his leader's question and the answer that followed, there will be an additional 750 police at the end of January for New South Wales. In addition to that, as I mentioned a few minutes ago, there has been an additional 2,000 police since 1995. For the benefit of the Leader of The Nationals, I can also provide a breakdown on those figures in the New South Wales police force. As at June 2006 advice on the breakdown is that the total number of police in rural and regional New South Wales was 4,791. That is 32 per cent of police located in rural areas—1,196 more police in rural and regional areas than when the Coalition was last in government. I can also inform the Leader of The Nationals that as at 1 November 1994 the authorised strength under the former Coalition Government was 3,761. As at June 2006 the figure was 4,791.

**Mr Andrew Stoner:** Point of order: My point of order relates to relevance under Standing Order 138. I want to know why officers are required to take a five-week training course and annual refreshers on how to ride a bike. That is where our police resources are going. The Premier is just boasting about cutting red tape to police instead of answering the question.

**Mr SPEAKER:** Order! The Leader of The Nationals will resume his seat. Although the latter part of the question related to a five-week training course, the initial part of the question was far broader. The Premier is answering the question.

**Mr MORRIS IEMMA:** That question highlights why we are so fortunate to have someone like Commissioner Moroney and his team in charge of NSW Police, rather than an idiot like the Leader of The Nationals.

**Mr SPEAKER:** Order! The Leader of The Nationals will come to order.

**Mr MORRIS IEMMA:** Today we have seen another example. Whenever Opposition members say something stupid or they are in strife, they try to get out of it by traducing the reputation of the New South Wales police force. That is standard practice and today is no different.

**Ms Clover Moore:** Because they are good.

**Mr MORRIS IEMMA:** As the honourable member for Bligh, the Lord Mayor of Sydney, has just pointed out, because they are good. The bike patrols are a very effective resource within NSW Police and the Leader of The Nationals should not come in here and slander them as he does.

**Mr SPEAKER:** Order! The Leader of The Nationals will cease interjecting.

**Mr MORRIS IEMMA:** Whenever he says something stupid or is in strife, he always tries to trash the reputation of the New South Wales police force.

**Mr Andrew Stoner:** Point of order: We want more police on bikes on our streets. We are supporting the police, not tying them up in red tape like the Government.

**Mr SPEAKER:** Order! The Leader of The Nationals knows that this is question time. It is not a time to make a speech.

**Mr MORRIS IEMMA:** He does not want them to undergo training. Next he will not want police officers to be armed. No wonder Steve Price called him ignorant and an idiot. He does not like the bike officers; he does not think they are effective.

**Mr SPEAKER:** Order! The Leader of The Nationals will cease calling out.

**Mr MORRIS IEMMA:** Everyone else not only endorses them but also supports the work that they do. He does not want us to back them with training. When small business had Polities for Business Week, it was a pity that the Leader of The Nationals did not get some training in the business he worked at for the first few minutes when he said, "Gee, I don't think it worked all that well. I got in the way a lot more than I was able to help." A bit of training would not have gone astray on that day for him.

**Mr SPEAKER:** Order! The Leader of The Nationals will resume his seat.

**Mr MORRIS IEMMA:** And one never knows, they might even give him some bonus pay in that café.

#### MINISTERS PERFORMANCE PAY

**Mr JEFF HUNTER:** I address my question without notice to the Deputy Premier. Will the Government adopt the Opposition's scheme to introduce performance pay for Ministers?

**Mr JOHN WATKINS:** The simple answer is that we will not because it is the silliest idea I have ever heard. But it was not me who said that; it is a direct quote yesterday from the former Liberal Attorney General John Dowd, who took aim and shot the Leader of the Opposition down in flames because of his crazy idea, which we can call from now on the Coalition's cash-for-competence scheme. The Opposition leader's claim that he will introduce performance pay for Ministers is nothing more than a stunt to cover up that he has no policies. It will not deliver one extra hospital bed, no more new trains or buses, not one extra police officer on the beat.

The scheme of the Leader of the Opposition is simply a sham to line the Liberals' pockets if they ever have the misfortune to get into government in New South Wales. They will never take pay cuts, only bonuses. Members should look at today's *Daily Telegraph*, which states, "Telstra chief Sol Trujillo has seen almost \$9 billion wiped from the value of shares" since he has been there. He must have been working pretty hard to lose \$9 billion. But he has just taken home a pay packet of \$8.7 million, which included \$309,000 in performance pay.

The Leader of the Opposition is so confident about winning the next election in March that he is already allocating to himself and his favoured few on the front bench the extra bonuses that they are going to get. It is just like his other scam where he pilfered the entitlements of most of the members of his office to put it into the pockets of the four fat cats, the guys with big smiles and new suits—the ones we see over there. If the Leader of the Opposition is really serious about this policy he will not wait until the next election; he will do it right now. He will not make it contingent upon winning the election. After all, the Leader of the Opposition and several members of the front bench are also paid special entitlements because of their positions. Look out! The Leader of The Nationals has gone pale at the idea that performance pay may be introduced early. They are terrified.

**Mr SPEAKER:** Order! The honourable member for Wentworthville will come to order.

**Mr JOHN WATKINS:** I, for one, would like to see the pay of the Leader of the Opposition adjusted to his current performance. I would like to see it, because nobody knows who he is and he has yet to deliver one workable policy in New South Wales. Instead, he has made undeliverable promises to every community and business group and corporate donor that he has met. He has amassed \$25 billion in unfunded promises and, at the same time, has failed to stand up to Canberra on WorkChoices, the goods and services tax rip-off, interest rates and spiralling petrol prices. He has proved to be completely incapable of stamping out the extremism that has now taken over the New South Wales Branch of the Liberal Party. If the Leader of the Opposition were paid

on performance he would be paying back money to the taxpayer for years! Thankfully, there are voices of reason in the Coalition. They are few and far between, but they are there. As I said, John Dowd described it as the silliest idea he had ever heard of. Another member of the Coalition, who is in the House today, shares Mr Dowd's strong concern. The Coalition member to whom I refer told his local media exactly what he thought of the idea, and the fact that the Leader of the Opposition was entirely to blame for it, when he said:

Oh, I don't know how that's going to work out.

And I'd hate to be the one making the decision who's going to administer it and how they're going to check the levels off ... but Peter Debnam's come up with that idea.

I'm perhaps a little sceptical at the moment ... because I don't really understand.

They are the immortal words of the honourable member for Orange.

**Mr SPEAKER:** Order! I call the honourable member for Bathurst to order.

**Mr Andrew Stoner:** You are opposed to this because you would lose a motza!

**Mr JOHN WATKINS:** He is trying, Mr Speaker. The Deputy Prime Minister Mark Vaile, a man who has just been removed from his portfolio after repeated mistakes, when asked about this matter over the weekend, back-pedalled at a million miles an hour. In 2000 when this matter last came up the then Opposition shadow Treasurer, Stephen O'Doherty, said the system was:

... opening the way for huge bonuses to be paid ... under a different guise.

I guess it is a relief that the Leader of the Opposition has finally admitted his front bench is so bad that he needs to threaten their salaries just to get them to turn up in the morning.

### POLICE RESOURCES

**Mr PETER DEBNAM:** My question is directed to the Minister for Police. Given that police are begging him to resource the force—

**Mr SPEAKER:** Order! Government members will come to order.

**Mr PETER DEBNAM:** —and given that Police Association Secretary Peter Remfrey said, "... we don't have the resources to do enough proactive policing", why will the Minister not resource the force so they can protect families living in fear, like the family who had this brick thrown through their bedroom window in Macquarie Fields?

**Mr SPEAKER:** Order! The Leader of the Opposition will resume his seat.

**Mr CARL SCULLY:** Tinkie, is it a crime to take evidence from a crime scene? Andrew, I need to know. It must be a crime, what he has just done. Should we refer him to the cops and have him investigated? Yes, we are resourcing the force. Every time the police have requested powers, we have given it to them. The honourable member will recall that following the Cronulla riots emergency powers were requested and they were given. In fact, those powers are the envy of police forces around the country. All of the resources and equipment requested by police have been given. Those opposite are embarrassed because they know when they were in office they were 229 under authorised strength, which is nearly 2,000 fewer police than we currently have.

**Mr Peter Debnam:** Point of order: This Minister is just dismissing out of hand the Police Association. The campaign is called, "Resource the Force"—

**Mr SPEAKER:** Order! There is no point of order. The Leader of the Opposition is debating the question, which clearly contravenes the standing orders. The Minister for Police has the call. The Leader of the Opposition will resume his seat.

**Mr CARL SCULLY:** The union has put a case for 3,000 extra police. Every time the union comments it does not say tomorrow, next week, next month or next year.

**Mr Brad Hazzard:** They do.

**Mr CARL SCULLY:** No. They do not. I have meetings with them. Heaven help them if they ever meet with you!

*[Interruption]*

He will burn in hell before they meet with him. They have made it clear that they want 3,000 extra police over several years. On my reckoning 750 out of 3,000 is a big chunk of 3,000. When will they come on board? Not years, but months—in fact, in less than six months. On 30 January, 750 extra police will be falling from the sky across New South Wales, in every electorate and in every command. I have bad news for the Opposition. The union and every association and every command level is going to receive them well. They know that is the first instalment of what they are campaigning for.

**Mr Brad Hazzard:** Point of order—

**Mr CARL SCULLY:** What would you like, Brad?

**Mr Brad Hazzard:** What I would like, on behalf of the people of Pittwater RSL, is for you to tell us how many police we are getting back to Mona Vale and Avalon—

**Mr SPEAKER:** Order! The honourable member for Wakehurst will resume his seat.

*[Interruption]*

**Mr SPEAKER:** Order! The honourable member for Wakehurst will resume his seat. He can make his impassioned plea at the proper time.

**Mr CARL SCULLY:** Members opposite never get up and say, "Police, well done." Why should they do that? Because crime rates are falling or stable. That reflects a government that resources the force and will continue to do so, with powers, equipment, resources and troops. There is a notion that it is just about troops. It is partly about troops, but is also about smart policing and that is why Ken Moroney and his team have done very well in using technological advances. If honourable members were to any police station they would see the wonderful improvements. No-one uses ink for fingerprinting. Not since the days when half of the members opposite were prosecuted as university students have we used ink for fingerprinting. They need not worry, it is no-one's business—all their files are confidential. It is just kept with me. It will be our secret.

**Mr SPEAKER:** Order! The honourable member for Gosford will come to order.

**Mr CARL SCULLY:** We are using technology and setting up a forensic centre. I am offended on behalf of the police at the suggestion that they are not capable and not resourced effectively to continue the fight to reduce crime rates.

## CRIMINAL INVESTIGATIONS AND POLITICAL INTERFERENCE

**Mr GEOFF CORRIGAN:** My question without notice is addressed to the Minister for Police. What is the Government's response to ongoing community concerns about political interference in criminal investigations and related matters?

**Mr Adrian Piccoli:** Point of order: Over the past week we have heard that matters are under investigation by the Independent Commission Against Corruption and there are also criminal matters. I refer you to a question asked on 8 November 2005 about the Cross City Tunnel, to which the Minister for Police answered:

Members would be aware that it is a convention of this House that when matters are before the ICAC they should not be discussed.

I draw your attention to that answer and ask you to apply the rule in this instance and rule this question out of order.

**Mr SPEAKER:** Order! Former Speakers and I have delivered numerous rulings relating to the Independent Commission Against Corruption. The matter referred to by the honourable member for Murrumbidgee related to a detailed investigation of financial issues and commercial-in-confidence matters. Members well know that matters referred to the Independent Commission Against Corruption do not involve the sub judice rule. It is a matter for the Speaker and the House to decide whether the seriousness of the issue or the fact that it has been referred to the Independent Commission Against Corruption prevents it from being discussed in the Chamber. The Minister has been asked a question relating to criminal investigations. No specific issue has been raised, and the Minister is perfectly in order in providing the House with additional information in response to the question.

**Mr Adrian Piccoli:** Further to the point of order—

**Mr SPEAKER:** Order! I have ruled on the matter. The honourable member for Murrumbidgee will resume his seat.

**Mr CARL SCULLY:** He is docked \$1,000 out of his performance pay for that. As everyone knows, the current situation is untenable. The situation cannot continue where Mr Smith is both a prosecutor and a candidate. Yes, matters have been referred to ICAC, and it is a matter for ICAC how it determines the request for that to be investigated. My concern is that the Leader of the Opposition has not dealt adequately with this situation. He has not exerted his authority. One cannot be a prosecutor and a candidate. The other day the Leader of the Opposition was going around everywhere promising that Mr Smith would resign. "Quit and start doorknocking, Debnam tells Smith." That was decisive. He was exerting his authority, saying that he was going to end this. What happened? Mr Smith defied his leader. As we know, the Leader of the Opposition has cast a long, dark shadow over the office of the Director of Public Prosecutions—phone conversations, party brochures and inappropriate relationships with a prosecutor that should be independent of his candidacy. This was the pamphlet put out in his preselection—

**Mr Adrian Piccoli:** Point of order: The Minister is canvassing matters that he says himself have been referred to ICAC. I have six other examples of rulings made by you, Mr Speaker. They related to the retired Ministers' cooling-off period, donations made to the honourable member for Strathfield in February 2005, and the question relating to the director general of the cross city tunnel and the Independent Commission Against Corruption. To all those questions, the current and former Premiers gave answers, saying that it was inappropriate to canvass matters and discuss details that have been referred to ICAC.

**Mr SPEAKER:** Order! The honourable member for Murrumbidgee completely misunderstands the context in which those questions were asked.

[Interruption]

**Mr SPEAKER:** Order! The honourable member for Murrumbidgee will resume his seat.

[Interruption]

**Mr SPEAKER:** Order! I call the honourable member for Murrumbidgee to order. If the Minister is asked a question relating to a matter before the Independent Commission Against Corruption, and the Minister chooses not to answer it because he anticipates responding to the Independent Commission Against Corruption, that is a matter for him. I specifically recall the question asked of the Minister for Police about the cross city tunnel. On that occasion he said, "I will answer the question at the Independent Commission Against Corruption." That was his prerogative. This is an entirely different situation, and the Minister's response to the question is perfectly in order.

**Mr CARL SCULLY:** This pamphlet was issued by the prosecutor/candidate for Epping, in which his ability to assert that somehow he can delineate between his independent role as a prosecutor and his political role as a candidate has been put to rest. This is important because it puts to rest the false claim that the Leader of the Opposition has been making that this person can distinguish between the separate roles of prosecutor and candidate.

**Mr Andrew Stoner:** Point of order: Consistent with previous Speakers' rulings, questions and answers should pertain to the portfolio of the Minister who answers the question. This question clearly relates to the Deputy Director of Public Prosecutions, which falls within the portfolio of the Attorney General, not the

portfolio of the Minister the Police. If the Minister wants to talk about police matters, he can be asked dorothy dixer questions. This has to do with the functioning of the DPP.

**Mr SPEAKER:** Order! The Leader of The Nationals again reveals an imperfect knowledge of the standing orders. He well knows there is no point of order. The Minister for Police has the call.

**Mr CARL SCULLY:** "Do Not Pass Go", Do Not Collect \$200", Go to Gaol." Didn't you hate getting those cards as a kid? He obviously just got another one. The Opposition will not want this alluded to in Parliament because it puts to rest the false claims that Mr Smith can separate roles. The Leader of the Opposition said to preselection voters, "As second in charge of the legal team in New South Wales responsible for putting criminals in gaol, Greg has seen first-hand the failings of the New South Wales Government to deal with our rising crime rate." For a start, here we have a prosecutor telling untruths about the crime rate that this Government has successfully managed to reduce.

**Mr SPEAKER:** Order! I call the honourable member for Wakehurst to order.

**Mr CARL SCULLY:** Here we have a bloke falsely accusing the Government about crime rates and wanting to get preselection votes.

**Mr Peter Debnam:** Point of order: The Minister for Police is a sleaze bag in the gutter.

**Mr SPEAKER:** Order! The Leader of the Opposition is again flouting the standing orders. He will resume his seat.

*[Interruption]*

**Mr SPEAKER:** Order! I call the Leader of the Opposition to order.

**Mr CARL SCULLY:** I did not type this up, he did. He handed it out. He peddled the fact that he is a prosecutor and a candidate and falsely made accusations about the crime rate. That suggests a political hack who is mischievous with the truth. Okay, go doorknocking; do not prosecute.

**Mr Peter Debnam:** It is the truth.

**Mr CARL SCULLY:** No, it is not the truth, and the Leader of the Opposition knows it. Mr Smith has shown he cannot focus on victims and their families, which is what a prosecutor should do with a total 100 per cent unadulterated focus on convicting and incarcerating criminals that cause victims and their loved ones grief. That is what he should do, but he has the left part of his brain on the next party function, the next garnering of votes, the next problem solving with the Leader of the Opposition. He has one foot in the door of being a prosecutor and one foot in the door of being a candidate. This is untenable.

I ask the Leader of the Opposition to call him—he seems to have the ability to have phone conversations regularly. He should ring him and say stop bringing the office of the DPP into disrepute. This has been a tawdry example of the sordid affair of the candidate for Epping. No wonder the former member for Epping has voted with his feet. No wonder the member for Southern Highlands has voted with her feet. She has already gone. It is reasonable to ask: If the Leader of the Opposition cannot manage the affairs of his party how can he manage the affairs of State? He cannot.

**Mr SPEAKER:** Order! The Deputy Leader of the Opposition will cease calling out.

**Mr CARL SCULLY:** I have a letter from the branch stripper at Davidson. Would you like to hear it? It is fantastic. Andrew says: "Dear branch member, at the suggestion of some long-term Liberal Party members, who are unable to attend events—

**Mr Barry O'Farrell:** Point of order: Mr Speaker, I draw your attention to Standing Order 138. The Minister's answer does not relate to the question. Further, Standing Order 139 does not allow the Minister to debate an answer.

**Mr SPEAKER:** Order! There is merit in the point of order. The Minister for Police will return to the question.

**Mr CARL SCULLY:** I just received some advice. Pittwater is up for auction. What are we bidding—26 per cent performance dollars? The honourable member for Davidson wrote to his branch members—

**Mr Chris Hartcher:** Point of order: The Minister for Police is canvassing the ruling. He should accept the ruling and sit down.

**Mr SPEAKER:** Order! The Minister for Police will return to the leave of the question.

**Mr CARL SCULLY:** I will table that letter later. I need to make clear that the questions before the people of New South Wales are: Can the Leader of the Opposition manage the tawdry affairs of his own party? No. Is he capable of running the affairs of State? No. Should he pull the pin and go? Yes. I hope that the next time the branch-stripping frisbee thrower from Fiji is at the beach he does not do anything more drastic.

#### WESTERN REGION POLICE NUMBERS

**Mr STEVE CANSDELL:** My question is directed to the Minister for Police. In view of the Police Association's recent comments that every command in western New South Wales, particularly at Dubbo, is short staffed, in situations that are considered dangerous, will he please stop wasting the Parliament's time with dirty politics and listen to the hundreds of people who have joined our campaign for more country cops and get on with the job of stopping crime in country New South Wales? That is a comment from the Police Association. The Minister should listen to them.

**Mr SPEAKER:** For a question without notice that was almost a speech.

**Mr CARL SCULLY:** I have received some advice: A vote for Steve Cansdell is a vote for Peter Debnam to hand over the industrial relations powers. I cannot use that in my answer. The honourable member for Clarence reminds me of what they used to say about President Ford: Great bloke, played too much gridiron without a helmet. The honourable member for Clarence is a great bloke, we all love him, but he has done too much boxing without a helmet.

As I have said previously, show me the commander who says he does not want more cops. There ain't one! Everywhere I go they always say, "We want more police." The Police Association is a union and its job is to put a case for increased police numbers and improved working conditions for its members. I do not have a problem with that. The Opposition should not disparage the work of Dubbo police. Dubbo has a very effective local member, local commander, and local police. Crime rates are either stable or falling.

**Mr SPEAKER:** Order! There is too much calling out.

**Mr CARL SCULLY:** New South Wales has 750 more police, a number of whom will be stationed in country areas. Unsurprisingly, some commands would like more police, and more are coming.

#### PLAIN ENGLISH REPORT CARDS

**Mr BARRY COLLIER:** My question without notice is addressed to the Minister for Education and Training. What is the Government doing to ensure that parents receive plain English report cards?

**Ms CARMEL TEBBUTT:** I am pleased to report to the House on our initiative to improve student reports in New South Wales.

[Interruption]

Previously the honourable member for Wakehurst did not manage to last the whole of question time. Hopefully, today he will be able to listen to the response.

**Mr Brad Hazzard:** Point of order: I will last the whole of question time when the Minister for Education and Training has the courage to debate Education policies. She has never wanted to participate in a serious debate.

**Mr SPEAKER:** Order! There is no point of order. The honourable member for Wakehurst will resume his seat. I call him to order for the second time.

**Mr Brad Hazzard:** The Minister may not have the mean and nasty streak of that halfwit, but she has not got the intellectual force to do anything worthwhile in Education in New South Wales.

**Mr SPEAKER:** Order! The honourable member for Wakehurst is now on two calls to order. Some time remains for questions without notice; he may end up on three calls.

**Ms CARMEL TEBBUTT:** Today I acted to end the uncertainty with student reports in New South Wales. As I have previously informed the House, the uncertainty was caused by the Commonwealth Government's continually changing its position and shifting the goal posts on student reports.

**Mr SPEAKER:** Order! The Minister for Education and Training has the call. She will be heard in silence.

**Ms CARMEL TEBBUTT:** The Commonwealth Government refused to endorse the New South Wales Government's approach to student reporting, placing at risk \$3.7 billion worth of Federal funding for State schools. The New South Wales Government was not prepared to entertain such an outcome. We will not place at risk the \$3.7 billion in Commonwealth funding for our State schools. Yet the Commonwealth Government was prepared to deny the funding to New South Wales schools.

Student reports are a powerful record of students' achievements at school. Parents have strong views about the reports. They have said clearly they want plain English report cards that provide clear and honest reporting on their child's progress at school. Too often reports have failed that test. Parents have complained that current reports do not provide the information they need to measure whether their child is coping, progressing or struggling.

The New South Wales Government has set a new direction for student reports. We recognise they are important documents. We know that parents pore over their children's reports. Parents use them as an opportunity to celebrate their child's successes; or a report can alert parents that extra support may be needed if their child is not keeping up. Parents all over New South Wales keep reports for years as a memento and record of their child's achievements at school. Parents consider school reports as critical documents and the Government is determined to get them right.

We are meeting our commitment to use plain language that parents understand, to provide information on student learning in each subject, to use a five-point achievement scale to compare each student's achievement against a statewide syllabus, to include teacher comments that identify areas of students' strengths and weaknesses, and to provide information about each student's effort and social development. We have to meet the Commonwealth funding requirements to make sure we receive \$3.7 billion funding over four years.

Earlier today I announced changes to student reports that fulfil these requirements and the conditions of the Commonwealth funding agreement. The changes have been developed following consultation with parents, teachers and students. All schools will use the five-point achievement scale that has been developed by the Board of Studies for reporting student achievement. Schools will have the choice of describing student performance by using either "A" to "E", or word descriptors ranging from "outstanding" to "limited". So the five-point achievement scale remains.

**Mr SPEAKER:** Order! I call the honourable member for Wakehurst to order for the third time.

**Ms CARMEL TEBBUTT:** That is a fair solution. We have got the balance right. As planned, by the end of this year parents will receive clear, concise report cards. At the same time schools will have the flexibility, which they told us they need, to be able to implement the new reporting system. This approach is supported by parents and principals. The Government has worked assiduously to address the Commonwealth's requirements, to deal with the concerns of teachers, principals and parents, and also to maintain its commitment to plain English reporting. The Government must show leadership in balancing these issues. One might expect to see similar leadership from the Coalition, given that its Federal colleagues are imposing some of these conditions on the New South Wales Government.

**Mr Brad Hazzard:** Point of order: You created 10 months of chaos and we told you from day one that what you were doing would be a disaster.

**Mr SPEAKER:** Order! The honourable member for Wakehurst will resume his seat. He knows that under no circumstances is that a point of order.

**Mr Brad Hazzard:** Mr Speaker, you would never have introduced this when you were Minister for Education.

**Mr SPEAKER:** Order! The honourable member for Wakehurst will resume his seat. The Minister for Education and Training has the call. I call the honourable member for Wakehurst to order.

**Ms CARMEL TEBBUTT:** The fact remains that the honourable member for Wakehurst is very sensitive about this issue. We know why. It is because he believes that student reports should be dumped. They were his comments: Dump plain English reporting; dump consistent reporting; dump A-to-E reporting. That is why he is so sensitive. However, he does not have the support of the honourable member for Vacluse, who thinks that simplified reporting is a good idea. But the honourable member for Vacluse has not had the authority to impose that view on the honourable member for Wakehurst. The honourable member for Wakehurst has unfortunately allowed political correctness to get in the way of good education policy.

**Mr Barry O'Farrell:** Point of order—

**Mr SPEAKER:** Is the Deputy Leader of the Opposition seeking to make a personal explanation?

**Mr Barry O'Farrell:** No. Standing Order 138 relates to relevance. The honourable member for Wakehurst's performance or otherwise was not part of the question. And, Standing Order 139 does not allow the Minister to debate the answer.

**Mr SPEAKER:** Order! I uphold the point of order. The Minister for Education and Training will return to the question.

**Ms CARMEL TEBBUTT:** The Government is committed to plain English reporting and providing clear, honest information to parents about how their children are progressing at school. Feigned concern for young children is all very well—

**Mr SPEAKER:** Order! I call the honourable member for Wakehurst to order.

**Ms CARMEL TEBBUTT:** —but the reality is that there is a big distinction between protecting children from knowing the truth about how they are performing at school, protecting parents from knowing the truth about how their children are performing at school, and supporting and encouraging children. The honourable member for Wakehurst has the balance wrong.

**Mr Brad Hazzard:** Point of order: Only a minute ago you ruled that the Minister is not entitled debate the issue—

**Mr SPEAKER:** Order! The Minister was not debating the issue.

**Mr Brad Hazzard:** She is precisely debating the issue. If she wants to have the debate she can explain to us why—

**Mr SPEAKER:** Order! The honourable member for Wakehurst well knows that is no point of order. He will resume his seat. The Minister for Education and Training has the call. Her answer is totally in order.

**Ms CARMEL TEBBUTT:** Supporters of one school of thought want to protect young children from any sort of adverse circumstances. While that is admirable, the truth is that if we are not honest with children when they are young about how they are performing at school, we will not ensure that they have the support they need and the ability to address areas of weakness to progress through their school years. As I said before, we do not support races without a winner, sporting games without a score, or exams without a result. We need to be honest with students and their parents, and that is what the New South Wales Government student reports do. They will end the confusion and ensure that parents get plain-English, clear reports about their children's progress at school.

## MINISTERIAL CODE OF CONDUCT

**Mr PETER DEBNAM:** I direct my question to the Premier. Given that the Premier told this House on 28 March that his ministerial code of conduct "will be amended to impose new obligations on Ministers and former Ministers", will he now table his updated ministerial code of conduct and make it public so the performance of his Ministers can be judged against it?

**Mr MORRIS IEMMA:** I stand by the comments made then and the efforts the Government has continually made with regard to performance, as well as measures such as secondary employment following a number of cases that have been referred to the Independent Commission Against Corruption in relation to honourable members opposite.

**Mr SPEAKER:** Order! The Deputy Leader of the Opposition will come to order.

**Mr MORRIS IEMMA:** While we are on the issue of performance and accountability, on 19 July this year the Leader of the Opposition had the benefit of an interview with Mr FitzSimmons and Mr Carlton on Radio 2UE during which the rule of law and the principle of the separation of powers arose. Mr FitzSimmons asked:

Mr Debnam, Mr Debnam, can I ask you do you believe in the doctrine of the separation of powers? ... Do you believe in the doctrine of the separation of powers or not, because what you're advocating is not that.

To which the Leader of the Opposition replied:

Which separation of powers are you talking about?

**Mr SPEAKER:** Order! The Minister for Planning will come to order.

**Mr MORRIS IEMMA:** Or, as Pauline said many years ago, "Please explain." A stunned Mr FitzSimmons said:

Sorry?

The Leader of the Opposition said again:

Which separation of powers are you talking about?

To which Mr Carlton interjected:

If you don't know, we have a problem!

The Nationals have only just found out about the Leader of the Opposition's special performance plan.

**Mr Peter Debnam:** Point of order: My point of order is relevance.

**Mr SPEAKER:** Order! The Leader of the Opposition will be heard in silence.

**Mr Peter Debnam:** The question is very simple: Is the Premier going to table the code of conduct?

**Mr SPEAKER:** Order! The Leader of the Opposition knows the Premier is in order. I cannot direct him how to answer the question.

**Mr MORRIS IEMMA:** The *Goulburn Post's* advice to the Leader of the Opposition is headed "Come clean Mr Debnam". Its article states:

Something smells politically fishy and no-one can really put a finger on it. When asked when he first knew of the present member for Southern Highlands' decision to withdraw her Liberal Party endorsement—

**Mr Barry O'Farrell:** Point of order: My point of order relates to Standing Order 138. Morris, why won't you table—

**Mr SPEAKER:** Order! The Deputy Leader of the Opposition will address the Chair.

**Mr Barry O'Farrell:** What is the point of a ministerial code that its author is not prepared to table publicly?

**Mr SPEAKER:** Order! The Deputy Leader of the Opposition will resume his seat.

[*Interruption*]

**Mr SPEAKER:** Order! I call the Deputy Leader of the Opposition to order. He will resume his seat.

[*Interruption*]

**Mr SPEAKER:** Order! I call the Deputy Leader of the Opposition to order for the second time. The Premier has the call.

**Mr MORRIS IEMMA:** The Nationals have just discovered that the special performance plan is for them. The Leader of the Opposition does not believe that members of The Nationals should be paid at all. As the *Goulburn Post* has demanded, come clean!

**Mr Peter Debnam:** Point of order: The point of order is relevance. The question is simple: Will the Premier table the ministerial code of conduct?

**Mr MORRIS IEMMA:** I withdraw that previous comment. His plan for performance pay is not so ridiculous; he has been paying people for years to be his friends.

**Mr PETER DEBNAM:** I ask a supplementary question. Given that the Premier has spoken about performance, when will he table the ministerial code of conduct?

**Mr SPEAKER:** Order! The Leader of the Opposition will resume his seat. That is not a supplementary question. It is merely a repetition, in a different form, of the original question. The honourable member for Wallsend has the call.

[*Interruption*]

**Mr SPEAKER:** Order! The Leader of the Opposition will resume his seat.

**Mr Barry O'Farrell:** Point of order: Clearly the supplementary question is in order. The original question related to the mythical ministerial code of conduct—

**Mr SPEAKER:** Order! I have already ruled on the supplementary question asked by the Leader of the Opposition.

[*Interruption*]

**Mr SPEAKER:** Order! The Premier will resume his seat. The Deputy Leader of the Opposition will resume his seat. The honourable member for Wallsend has the call.

[*Interruption*]

**Mr SPEAKER:** Order! I call the Deputy Leader of the Opposition to order for the third time.

[*Interruption*]

**Mr SPEAKER:** Order! The Deputy Leader of the Opposition will resume his seat.

[*Interruption*]

**MR SPEAKER:** Order! I ask the Deputy Serjeant-at-Arms to remove the Deputy Leader of the Opposition.

[*The honourable member for Ku-ring-gai left the Chamber, accompanied by the Deputy Serjeant-at-Arms.*]

**Mr SPEAKER:** Order! The Deputy Premier will cease calling out. The honourable member for Gosford has the call.

**Mr Chris Hartcher:** Point of order: Under Standing Orders 138 and 139, a simple question has been put to the Premier: yes or no?

**Mr SPEAKER:** Order! The honourable member for Gosford well knows there is no basis for directing the Minister to answer a question yes or no. The honourable member for Gosford will resume his seat.

*[Interruption]*

**Mr SPEAKER:** Order! I call the honourable member for Gosford to order. The honourable member for Wallsend has the call.

### THE HUNGRY MILE, EAST DARLING HARBOUR

**Mr JOHN MILLS:** My question without notice is addressed to the Minister for Planning. How is the Government honouring the memory of maritime workers at East Darling Harbour?

**Mr FRANK SARTOR:** The Government has a plan to give East Darling Harbour back to the people of Sydney: tearing up the concrete and reuniting the city with its western edge. It is a decade-long renewal process, and we are making progress. But this development would be incomplete without acknowledging the unique maritime heritage of Sydney Harbour, which can be summed up in three words: The Hungry Mile. The wharfie poet Ernest Antony captured it best back in 1932, writing about life on the Sydney docks during the depths of the Great Depression. Antony wrote:

They toil and sweat in slavery, 'twould make the devil smile  
To see the Sydney wharfies tramping down the hungry mile.

These were the days before containerisation and roll-on, roll-off ships. The work was backbreaking, dangerous, poorly paid, and insecure. It was the unsung labour that helped build a nation. Those struggles will not be forgotten. This Labor Government will never dishonour the memory of those workers, their suffering, their sacrifices, and their achievements. That is why today I was honoured to join representatives of the Maritime Union of Australia, including its veterans, for the Premier's announcement that Hickson Road at East Darling Harbour will be renamed The Hungry Mile. Even though our harbour is changing, The Hungry Mile will live on in our hearts and minds forever, commemorated in a grand boulevard running from Wynyard all the way to Walsh Bay.

Under our package we will also ensure that the area's history is commemorated in other tangible ways. In consultation with the Maritime Union of Australia, we will develop an historical walk to highlight the significance of The Hungry Mile and its rich maritime history. We will work to develop art work to reflect the area's history, which may include a reproduction of the famous "wharfies' mural". We will install the commemorative sculpture entitled "The Push" in the New waterfront park, and we will name the new ferry wharf to reflect the site's maritime heritage.

We do these things because on this side of the House we will not forget those whose backbreaking labour helped make this country great. And we will not forget those who banded together to put the Australian ideals of mateship and a fair go into practice through the trade union movement. Unlike those opposite, we celebrate the union movement, and the fairness and decency for which it stands. So we are very proud to rename Hickson Road as The Hungry Mile, and equally proud that East Darling Harbour will have monuments to the workers who sweated and struggled for more than 100 years down on those grimy docks. The times may have changed, but our debt to them never will. The Hungry Mile will live on, and the final lines of Ernest Antony's poem may come to pass:

When none shall feel the hunger nor tramp in misery  
To beg the right to slave for bread, the children may then smile  
At those strange tales that tell of what was once the hungry mile.

**Questions without notice concluded.**

**BROWNLOW MEDAL RECIPIENT ADAM GOODES****Ministerial Statement**

**Mr MILTON ORKOPOULOS** (Swansea—Minister for Aboriginal Affairs, and Minister Assisting the Premier on Citizenship) [3.36 p.m.]: As the House would be aware, Adam Goodes was last night awarded the highest accolade in the Australian Football League [AFL], the Brownlow Medal, for the second time. This is the most prestigious honour an AFL player can win, and it could not go to anyone more deserving than this great Sydney footballer. To win it twice has simply confirmed what we all knew: Adam is a superstar. On behalf of the New South Wales Government I would like to congratulate Adam on his achievement.

Adam is not only a great footballer, he is also a great role model for children—not just those in New South Wales but all Australian children, both Aboriginal and non-Aboriginal. Adam was raised by his mother, Lisa May, a member of the Stolen Generations. He is involved with charity work through the Sydney Swans and with the AFL Player's Association Charity Fund. Adam has been Sydney's AFL Players Association delegate since 2000, and he joined the AFL Players Association Executive in 2004.

Adam's achievements are numerous. In 2003 he was joint Brownlow Medallist, and in 2004 he won the National Aboriginal and Torres Strait Islands Day of Observance Committee Sportsman of the Year Award. He played in last year's grand final winning Sydney Swans team, and last week he was awarded a Deadly (National Indigenous Awards) award for outstanding achievement in AFL. Today I added to that list by declaring Adam a "Hero" under the New South Wales Government's Aboriginal Local Hero's Recognition Program. The Local Hero Scheme recognises Aboriginal achievement.

Adam not only is an achiever in sport but is a tireless advocate and role model for the indigenous community. Under the scheme Adam will have the opportunity to nominate an organisation or project for a grant of up to \$5,000 that will benefit Aboriginal people. Adam is a tremendous role model for all of us, both Aboriginal and non-Aboriginal. His dedication and self-discipline set a shining example to us all. He deserves our heartfelt congratulations on all his success. All our best wishes for a victory for the Swans this Saturday!

**Mr BRAD HAZZARD** (Wakehurst) [3.38 p.m.]: As shadow Minister for Aboriginal Affairs and on behalf of the State Liberal and National parties, I join the Government in congratulating Adam Goodes on being the recipient of his second Brownlow Medal. As a young fellow I lived in Victoria for a number of years and played AFL at school—

**Mr SPEAKER:** Order! The honourable member for Coffs Harbour will come to order.

**Mr BRAD HAZZARD:** —not as well as Adam Goodes, but nevertheless I played it. Every year we looked forward to hearing who was going to be the recipient of the Brownlow Medal. I recall that when I was very young, Ron Barassi was the recipient. To think that Adam Goodes is following in the footsteps of so many great AFL players, such as Ron Barassi, is a great compliment to his skill. The Swans came out of South Melbourne in, I think, 1984. Interestingly, Adam has come out of Melbourne as well, from the Horsham-North Ballarat team. He joined the Swans in 1999 and won his first Brownlow Medal in 2003, and of course now has his second Brownlow Medal. He is one of many amazing AFL players in Australia, and certainly the New South Wales Liberal and National parties recognise his talent and congratulate him on being the recipient of this medal.

Adam Goodes is a role model for all Australians, not just Aboriginal Australians. His achievements have been extraordinary. He joins many other great Australians with an Aboriginal background. I am thinking of people I have met over the years, including Nova Peris-Kneebone, Cathy Freeman and Karl Vander-Kuyp. There have been many Aboriginal sportsmen and many leaders. We should also at this time reflect on some of the lesser-known people: Mick Mundine, who is fighting for the Block, and Marjorie Woodrow, who is fighting for her rights to get compensation for stolen wages. They would like the Government to listen to some of the other heroes. I am sure Adam Goodes and many other famous heroes would like to have the Labor Government support some of the lesser-known heroes in the Aboriginal community.

## CONSIDERATION OF URGENT MOTIONS

### Child Care Services

**Ms REBA MEAGHER** (Cabramatta—Minister for Community Services, and Minister for Youth) [3.40 p.m.]: The hardworking police of New South Wales deserve child care services that are affordable, accessible and meet their needs. In June, the Australian Bureau of Statistics found that nearly 61,000 parents in New South Wales could not get the child care they needed. On top of that, another 40,000 said they would not even bother to look for child care because the cost was beyond their means. That is 100,000 families in New South Wales that the Federal Government has failed with its appalling child care system.

This matter is urgent on a number of levels. The lack of affordable and accessible child care is preventing hardworking parents from achieving the kinds of lives they want and are entitled to. Parents who want to work or study cannot because there just is not enough child care to go around. The Federal Government refuses to recognise the need for a child care system based on research, planning and the needs of families, particularly young families with children under two years of age, who find it almost impossible to get a child care place.

Too often families that cannot find child care are forced to go without because the Federal Government's system for subsidising child care is more geared towards lining the pockets of ABC Learning Centres than supporting the hardworking families that want to get ahead. This State is facing a child care crisis that must be addressed as a matter of urgency. We have a system that is crumbling because the Federal Government refuses to do its job. The system is failing the hardworking families of New South Wales. That is not just an act of negligence, it is an act of gross irresponsibility. The matter is urgent.

### Ministerial Accountability

**Mr PETER DEBNAM** (Vaucluse—Leader of the Opposition) [3.42 p.m.]: There are a number of matters in this State that are urgent and one of them is blame shifting by Government Ministers. That is why I gave notice today of the following motion:

That this House condemns the Carr-Iemma Labor Government for its failure to hold Ministers accountable.

The Minister for Community Services has just ranted and raved and she is now using a prop in the Chamber, which is against your rulings, Mr Speaker. If you applied rulings to both sides of the House you would throw the Minister out, but that will not happen because we have a Labor Speaker.

If members look at the last question I asked in question time today they will see that nothing is more urgent for the people of New South Wales than to find out under what code of conduct Labor Ministers are operating. Under what code of conduct do the Minister for Police, the Minister for Energy, the Treasurer, the Minister for Finance and the Premier operate? Is there such a document? One of the realities of life in New South Wales at the moment is trying to track down the Government's objectives. What is the Government's code of conduct and how are Ministers kept accountable?

The Government will be held accountable by the people of New South Wales on 24 March 2007, but we want to know how the Government's Ministers are kept accountable from day to day. As I indicated in my first question of the Premier today, nothing could be more urgent than the scandal that erupted today when we found out that the Minister for Police secretly disbanded the police task force.

**Mr Milton Orkopoulos:** Point of order: My point of order relates to the standing orders, which require the Leader of the Opposition to give reasons why his motion should have priority over the Government's motion. He is rambling about question time and a whole range of other things, but he is not complying with the standing orders. I ask you to bring him within the leave of the standing orders.

**Mr SPEAKER:** Order! At this stage the Leader of the Opposition is in order. However, he is aware of the standing orders, and I draw his attention to the point of order raised by the Minister for Aboriginal Affairs.

**Mr PETER DEBNAM:** This motion is about the lack of accountability of Labor Ministers. During 12 years of Labor government the current Minister for Police has been the Minister for Public Works, the Minister for Transport and the Minister for Housing, and he has failed in every single portfolio.

**Mr SPEAKER:** Order! The honourable member for East Hills will come to order.

**Mr PETER DEBNAM:** But the Minister is still paid a fortune. He has racked up \$2.4 million in his time.

**Mr Alan Ashton:** Point of order: The Opposition's motion is that this House condemns the Carr-Iemma Labor Government for its failure to hold its Ministers accountable. In the last two minutes all we have heard is a personal attack on one Minister, the Minister for Police. If the Leader of the Opposition wants to make a personal attack on the Minister he should move a substantive motion about the performance of the Minister for Police.

**Mr SPEAKER:** Order! I have heard sufficient from the honourable member for East Hills. He seems to be inviting the Leader of the Opposition to widen his attack to other Ministers.

**Mr PETER DEBNAM:** Let us move on to the Deputy Premier, who has again refused to link 50 per cent of the ministerial salary to performance. That is because Labor rewards failure. Let us have a look at the Premier.

**Mr SPEAKER:** Order! The Minister for Aboriginal Affairs should not bait the Leader of the Opposition.

**Mr PETER DEBNAM:** In the past decade, when he was Minister for Health, the Premier presided over record waiting lists in this State. That is why he is Premier—because he achieved new records for the Labor Party. Let us look at the Minister for Energy. He presided over the cross city tunnel and the Pacific Highway debacles. He also ignored the pleas of people when he was Minister for Public Housing. Let us look again at the Minister for Police. The Deputy Premier and the Minister for Police presided over the sacking of 650 police over the past three years. The Minister for Planning is overruling democratically elected local councils—and the Government calls that accountable!

**Mr Steve Whan:** Point of order: The five-minute time frame is supposed to be used to justify urgency. All we have heard is a list of unfounded accusations against Ministers of the Crown. I would ask you to draw the Leader of the Opposition back to his very vague and waffly motion.

**Mr SPEAKER:** Order! If I had the opportunity I might have decided to do that, but the speaking time of the Leader of the Opposition has expired.

**Question—That the motion for urgent consideration of the honourable member for Cabramatta be proceeded with—put.**

**The House divided.**

**Ayes, 47**

Ms Allan	Mr Greene	Mr Orkopoulos
Mr Amery	Ms Hay	Mrs Paluzzano
Ms Andrews	Mr Hickey	Mr Pearce
Ms Beamer	Mr Hunter	Mrs Perry
Mr Black	Ms Judge	Mr Price
Mr Brown	Ms Keneally	Ms Saliba
Ms Burney	Mr Lynch	Mr Sartor
Mr Campbell	Mr McBride	Mr Shearan
Mr Chaytor	Mr McLeay	Mr Stewart
Mr Collier	Mr McTaggart	Ms Tebbutt
Mr Corrigan	Ms Meagher	Mr Tripodi
Mr Crittenden	Ms Megarrity	Mr Whan
Mr Daley	Mr Mills	Mr Yeadon
Mr Debus	Mr Morris	<i>Tellers,</i>
Mrs Fardell	Mr Newell	Mr Ashton
Mr Gaudry	Ms Nori	Mr Martin

**Noes, 31**

Mr Aplin	Mrs Hopwood	Mrs Skinner
Mr Barr	Mr Humpherson	Mr Slack-Smith
Ms Berejiklian	Mr Kerr	Mr Souris
Mr Cansdell	Mr Merton	Mr Stoner
Mr Constance	Ms Moore	Mr Tink
Mr Debnam	Mr Oakeshott	Mr Torbay
Mr Draper	Mr Page	Mr J. H. Turner
Mr Fraser	Mr Piccoli	
Mrs Hancock	Mr Pringle	<i>Tellers,</i>
Mr Hartcher	Mr Richardson	Mr Maguire
Mr Hazzard	Mr Roberts	Mr R. W. Turner

**Pairs**

Ms D'Amore	Mr George
Mr Gibson	Ms Seaton

**Question resolved in the affirmative.**

**CHILD CARE SERVICES****Urgent Motion**

**Ms REBA MEAGHER** (Cabramatta—Minister for Community Services, and Minister for Youth)  
[3.54 p.m.]: I move:

That this House:

- (1) calls on the Federal Government to increase the child care benefit for children two and under in order to address the massive shortage of child care places for these children; and
- (2) calls on the Federal Government to provide the child care benefit to families who send their children to preschool, especially in areas where preschool is the only option available.

The Federal Government's failure to address the crisis in child care has created a desperate situation for the hardworking families of New South Wales. These families are struggling to find quality child care where and when they need it at an affordable price. Raising a child in Australia has become a battle. Parents often have little choice but to work in order to meet the extraordinary costs of everyday living, costs such as interest rates and the price of petrol. On the other hand, while Peter Costello is urging families to have one for the country, parents are being let down by the Federal Government at every point.

Child care costs are a second mortgage for many New South Wales families. Women who leave the work force to have a child struggle to find child care before their child turns two. Figures from the Australian Bureau of Statistics show that around 61,000 parents who want to work still cannot get the child care they need. While report after report tells us that care for this age group is the greatest area of need, the Federal government refuses to intervene to address the chronic shortage of child care places for children aged between 0 to two years. Children of this age need more one-on-one attention. They are more dependent on their carers and they need constant supervision. Because young children require extra attention, it costs more to look after them and, therefore, they generate less profit for private providers.

If the Federal Government wanted to, it could encourage children's services to grant more places for this age group by recognising their higher needs in the child care benefit scheme and increasing subsidies for children 0 to 2 years of age. But does it? Despite continual calls from the New South Wales Government to recognise the needs of very young children and their families, once again the answer from Canberra is a resounding no. The Federal Government would prefer to offer a market-driven scheme which supports the operators of private child care like ABC Learning Centres over and above the needs of hardworking families.

Last week I noted with some concern that the Chief Executive Officer of ABC Learning Centres, Eddy Groves, has just been named as the richest young man in Australia, with a staggering \$260 million fortune—

money that has been made thanks to the growing child care fees paid by Australian families, both directly and through their taxes. It seems that child care is a profitable business, especially if one sets up where the demand is greatest and offers a standard, no-frills service.

But when a child needs a little extra care, a bit more attention, that is when the profit incentive drops away. All too often it is up to our community-based non-profit child care sector to step into the breach. And this situation is repeated in our rural and coastal areas where demand for child care is often less and the for-profit child care providers simply do not want to set up. The Commonwealth Child Care Benefit Scheme provides absolutely no incentive for children's services to set up in areas with small populations or in disadvantaged areas, which is often where quality children's services are most needed. As far as the Federal Government is concerned parents can sink or swim at the whim of wealthy private operators. The Federal Government refuses to take any responsibility for ensuring that hardworking families across this State, regardless of where they live, have equal access to quality children's services that meet their needs.

Under the current system parents who choose preschool for their children miss out on up to \$60 a week in assistance. That is up to \$4,000 a year. This arbitrary distinction not only discriminates against parents who choose to use those services but also penalises the small business people and community groups who provide preschools and home-based services, often as a labour of love. The Federal Government says this distinction is based on whether the service in question offers hours of care that allow parents to return to the work force. But what about those families who live in areas where preschool is the only child care option—those regional centres that the members opposite claim to care so much about—The Nationals heartland? The Federal Government is prepared to discriminate against them purely on the basis of where they live—areas that cannot attract any other kind of service usually because there is not enough profit to be made.

We have called on the Federal Government to do something about the plight of hardworking families in rural and remote communities and low-income areas that are suffering from a shortage of child care places. These regions often have great difficulty attracting children's services because of their low populations or because they do not have the capacity to pay high fees. The Commonwealth Child Care Benefit Scheme could be the perfect tool for encouraging services to set up in those areas by providing a higher level of subsidies. But no, the Federal Government is once again prepared to let the market run roughshod over the needs of working families and put profits before people. Honourable members will probably not be surprised to hear that the New South Wales Opposition is no better in regard to this issue. It simply will not stand up to Canberra and continues to do nothing to stand up for the rights of the families of New South Wales.

But it does not end there. We must not forget the second arm of the Federal Government's children's services policy, the child care rebate. The 30 per cent out-of-pocket rebate was announced with much fanfare during the Federal Coalition's 2004 election campaign. What it did not tell the voting public, among many things we were later to discover, was that the rebate would be available only retrospectively two years later. It is a sad indictment of this policy that of the 600,000 families that were eligible for the rebate, for the first time this year only around 78,000 or 13 per cent have submitted a claim. Because of the complexity of this system half a million families have missed out on a rebate that is their right. Like the rest of the Federal Government's approach to children's services this is a fiasco. It would be laughable if it were not such an important issue for so many Australians.

The Iemma Government will continue to call upon the Federal Government to fulfil its responsibility to the hardworking families of New South Wales, to stop passing the buck to the private sector and to take an active role in making sure that parents who need child care can get it. If Mr Costello wants families to have more kids and remain in the work force, then he must ensure they have access to the quality, affordable, child care they need. This is a Federal Government responsibility. It must stop putting private profit before the needs of hardworking families.

**Ms GLADYS BEREJIKLIAN** (Willoughby) [4.04 p.m.]: The motion moved by the Minister for Community Services is clearly an admission on her part that she has failed to deliver an adequate policy for community-based preschools throughout New South Wales. The Labor Party has had 12 years to get its policy right in relation to community-based preschools, but at every opportunity it has either ignored the issue or tried to blame anyone but itself, as it has in this instance. It is disgraceful, given that community-based preschools across New South Wales have urged successive Ministers for community services, including the current Minister, for additional funding for preschools. The Minister has ignored their plight on every occasion. In fact, as recently as 8 September, community-based preschools throughout New South Wales expressed concern about funding, which the State Government has failed—

**Ms Reba Meagher:** Point of order: It would appear that the honourable member for Willoughby is telling lies again. This week's edition of the *North Shore Times*—

**Mr ACTING-SPEAKER (Mr Paul Lynch):** Order! There is no point of order. The honourable member for Willoughby has the call.

[Interruption]

**Mr ACTING-SPEAKER (Mr Paul Lynch):** Order! The Minister will resume her seat. The honourable member for Willoughby has the call.

**Ms GLADYS BEREJIKLIAN:** It is a great shame that the Minister for Community Services, rather than concentrating her energies on delivering a better service outcome for both children and parents in relation to community-based preschools, inevitably resorts to baseless personal attacks. It is a disgrace! Instead of blaming the Federal Government for lack of preschool support, she should look to her own policies. It is embarrassing that she had to resort to moving a motion in this House to—

**Ms Reba Meagher:** Point of order: It would appear the honourable member for Willoughby does not understand the difference between child care and community-based preschools, which is a problem for parents in her electorate.

**Mr ACTING-SPEAKER (Mr Paul Lynch):** Order! There is no point of order. The honourable member for Willoughby has the call.

**Ms GLADYS BEREJIKLIAN:** In relation to child care places, for the record I draw the attention of the Minister to the fact that when the Federal Government took office in 1996, there were 306,575 child care places and in June 2006 there were 588,205 places. In addition, in 2000 the Federal Coalition introduced the child care benefit, which Labor refused to do in its 13 years in office. More pertinently, the motion moved by the Minister for Community Services today is confirmation that she has failed to deliver on critical preschool funding. The Coalition has committed \$362 million over four years to support community-based preschools. The Labor Party's pathetic response is \$85 million over four years. Moreover, in June 2006 the Minister promised emergency funding of \$8 million to community-based preschools. The majority of community-based preschools were not even aware they could apply for funding.

Contrary to what the Minister has said on the record, many community-based preschools have contacted my office disgusted and upset by their lack of access to the Minister and by the Minister's failure to understand the different and unique role that preschools have in our community. Coalition members on this side of the Chamber support choice. Parents should have the choice as to whether they send their children to child care or to preschool, but this Minister has taken the choice out of parents' hands. She is saying to the community, "We refuse to fund community-based preschools. Let someone else worry about that." That is despite the fact that community-based preschools are a State government responsibility. She has failed on every occasion to make the distinction that parents deserve choice. In some areas there is only a community-based preschool, but she has failed to fund them. In other communities there are only child care places.

As I said, members on this side of the House support choice for parents. The Federal Government has come to the party by providing rebate schemes for parents choosing child care, because that is a Federal Government responsibility. What has the State Government done in relation to support for community-based preschools? It has offered \$85 million over four years, which amounts to approximately one-quarter of the Coalition's commitment. Instead of standing up to explain her position on preschools, the Minister has tried to shirk her responsibility for early education and push it on to other levels of government. I move:

That the motion be amended by leaving out all words after "That" with a view to inserting instead:

"this House:

- (1) notes the complete failure of the Carr-Iemma Government to adequately fund community-based preschools, and
- (2) calls on the Minister for Community Services to match the Coalition's \$362 million a preschool package.

The Minister refuses to stand up for community-based preschools. Many community-based organisations that support preschools have been disgusted by her lack of understanding of the importance of the issue. She is

trying to use this Chamber and parliamentary privilege to muddy the waters in relation to child care and preschools. Child care funding is predominantly a Federal Government responsibility.

The Minister for Community Services is responsible for funding community-based preschools. The Department of Community Services has about 840 community-based preschools for which it is responsible. It has continually dragged the chain and continually disappointed so many parents who seek choice. We have no right to impose the type of early childhood options we want on parents. The State Government is eliminating that choice by not making community-based preschools viable. It is refusing to fund community-based preschools. This means that parents are paying up to \$35 a day a child, depending on where they live and depending on what other options exist. That is totally unacceptable. Those who are affected understand the difference, understand the Government's failure and understand the Minister's desire to blame everybody but herself. She has shown on a number of occasions that she is not up to the job of standing up to those who are responsible in her department for funding.

She has also misled Parliament in that she has advised both an estimates committee and other fora that all of the 840 community-based preschools were aware of the Government's emergency funding package to June 2006, which clearly is not the case. Many community-based preschools have written to me about their concerns. They have told me that even those who have received a few thousand dollars of funding have said it will make them viable only for the next two or three months or until Christmas. The Government has failed to ensure the medium to long-term viability of many community-based preschools. That is the difference between the Government side of the House and this side.

We support choice for parents in relation to early childhood issues. For that reason we have put on the table a comprehensive package of \$362 million over four years compared with this Minister's \$85 million. We will allow the community to judge which package provides choice to parents and which maintains the medium to long-term viability of preschools. For the Minister to criticise the Federal Government and its policies in this Chamber when she has neglected to provide sufficient funding for community-based preschools is outrageous. As I said, the Federal Government has increased the number of child care places substantially. It has introduced the child care benefit to help working families. I refer the Minister to a table provided by the Australian Institute of Health and Welfare, in the category of sole parent, which addresses the issue of affordability of child care. [*Time expired.*]

**Ms ALISON MEGARRITY** (Menai—Parliamentary Secretary) [4.14 p.m.]: I support the Minister's important motion. It is universally recognized these days that all children benefit from a year of learning before they enter the formal education system. It helps them to socialise, to adapt to routine structure and to get some basics under their belts before the school experience begins. This is particularly true of kids from disadvantaged backgrounds, but we believe that all four-year-olds have the right to a year of learning before going into formal education. The Iemma Government has invested more in community-based preschools in New South Wales than any previous Government, to ensure that all four-year-olds in New South Wales have access to two days a week in a preschool program if that is what their families want for them. It is about choice.

Families in my electorate will join our continued call on the Federal Government to recognize the vital role preschools play in our community and to extend Commonwealth child care benefit [CCB] payments to parents who send their kids to preschool. Hardworking families who use preschools miss out on up to \$4,000 a year because under the CCB system parents whose children go to preschool get no support from the Federal Government. They miss out on the subsidies paid to parents who send their kids to long day care because the Federal Government does not recognize that preschools are an important part of the children's services spectrum.

We are asking the Federal Government to recognize children's services as more than childminding facilities, more than large-scale babysitting businesses. The Federal Government likes to use the rhetoric of choice, and we have seen that here today. The Iemma Government believes families that choose to send their children to preschool should be entitled to the same level of support as families using long day care centres. Why should a family be disadvantaged because it prefers to send its children to preschool because it believes preschool is the best option for its children? What about families who do not have a long day care centre nearby? Thanks to the Federal Government's refusal to take children's services planning seriously, more and more families are finding themselves with fewer and fewer child care options.

I often get calls in my electorate office from distraught parents needing to return to work and who just cannot find a place for their children, particularly those with children under two years old. They cannot even get

information on how many local child care places are available. The Federal Government's child care hotline is pretty much nothing more than a yellow pages, because all parents get are sheets of information telling them where the centres are, with the proviso that they have to ring every child care centre to get the information themselves. That is a great help, I must say.

The Commonwealth's approach to the care of our precious children could be described as heartless when it comes to my electorate. Holsworthy preschool's neighbour, the Holsworthy Occasional Care Centre, is a non-profit child care centre, now in financial peril and facing the real threat of closure. The building used by both services is owned by the Defence Housing Authority, which has apparently decided to sell the property. Concerned parents have told me that during lease renegotiations in June this year both services were served with two undesirable options. First, sign a lease until June 2009 but with an annual rent increase to \$89,100. Furthermore, and more bad news, the Defence Housing Authority's 32.7 per cent rent rebate would be abolished.

In the second option the Defence Housing Authority rebate would continue but only until December 2007, with no lease renewal, and they will have to vacate the premises. Holsworthy Occasional Care Centre cannot afford rent of \$89,100, but it has only until this Friday, 29 September, to choose option one or option two. Neither option is acceptable to local families, many of whom—more than 100—are defence families. If the Federal Government will put that sort of pressure on its own dedicated defence families, many with fathers or mothers serving overseas, what chance do other families in my electorate have for affordable and accessible child care? I sincerely hope, especially given the massive Federal budget surplus, that the land will not be sold from beneath these important community services and the rent rebate will continue. I will certainly do everything I can to support these worried families.

I also support a strong and sustainable community preschool sector in New South Wales. The Iemma Government has already delivered more than \$8 million in emergency funding for over 400 preschools that were facing immediate threats to their viability. Preschools in my electorate have already received more than \$74,000 to help them meet immediate needs. Another round of funding is on its way and should be delivered before the end of the year. I believe the schools have already received packages on how to apply for that round of funding and information sessions will be held all over the State to assist them. We are making progress. We recognize there is more to do but the New South Wales Government takes our children's early education seriously. Preschool is an important element of prior-to-school learning for many families. We call on the Federal Government to recognize the vital role of preschools and to extend the child care benefit to families of children who use these services. [*Time expired.*]

**Mr STEVE CANSDELL** (Clarence) [4.19 p.m.]: I support the amendment of the honourable member for Willoughby and the shadow Minister for Community Services, which notes the complete failure of the Carr-Iemma Government to adequately fund community-based preschools and calls on the Minister for Community Services to match the Coalition's \$362 million preschool package. The honourable member for Menai just endorsed this motion and reinforced the failure of the Government to adequately fund preschools. She also mentioned option and choice. She is right: This is about option and choice. There is no choice for many communities. At a reduced, subsidised rate these schools have to charge \$16 a day and up to \$35 a day.

**Ms Alison Megarritty:** You have missed the point—

**Mr STEVE CANSDELL:** The honourable member for Menai has had her five minutes. I commend the Minister for trying on behalf of preschools. The \$8 million that was acquired for emergency funding at least kept open the doors of preschools like Copmanhurst, which was in danger of imminent closure, and many others of the 18 preschools in my area. But that is all it did. It was stopgap funding and has kept the doors open for 12 months. The same issue will arise next year, and the year after and the following year. These are low socioeconomic communities. They cannot afford to pay top dollar and there are no alternative day care centres where they can get accommodation for \$5 to \$10 a day.

Tabulam preschool is located near a large Aboriginal community. The parents drop their children off at the preschool in the morning, but they cannot afford to pay the fees. The preschool teachers have two options: put the children in a car and drive them back to the mission where they will not get fed and could be abused, or let them stay, feed them, cop the loss and hope they get the money from somewhere to keep the doors open. That happens right across the State. The motion and the amended motion relate to two separate issues, one Federal and one State. Preschools in New South Wales have 60 per cent attendance compared to preschool attendance of 90 to 95 per cent in every other State; that is, 40 per cent of our children do not have a preschool education.

Any public school teacher will tell you the dramatic difference between children who have attended preschool and those who have not. Many of the children who have not had preschool preparation have never

held a pencil. They do not have appropriate social skills, they cannot interact with other children, they do not know to put their hand up to go to the toilet and they cannot follow directions. We are far behind other States and we are slipping backwards. We are behind Queensland, Victoria, South Australia and Tasmania. Tasmania used to be at the bottom, but now it has passed New South Wales.

The Government calls on the Federal Government to help fund preschools; however, preschool funding is a State responsibility. Perhaps the Federal Government should fund the State's police, hospitals, education and roads. It is the old story: the dog ate my homework. The Government must accept its responsibilities. The Minister for Community Services tries hard to obtain funding, but the Government is run by the Sopranos who do not care about country New South Wales. They give piecemeal funding to the Minister. She is probably getting more than other Ministers—and I congratulate her on that—but it is not enough to keep open the doors of country preschools. I hope that between now and the next election the Minister convinces the Sopranos to come up with an option that will keep preschools open not just for another 6 or 12 months but for a long time in the future. I recently visited Copmanhurst preschool, which desperately needs funds. When I participate in the Pedals for Preschool fundraiser, I give it 100 per cent. If the Minister gives 100 per cent she might get more funding. She should knock on the doors of the Sopranos and stand over them with her fists.

**Ms Reba Meagher:** I do not know why you are not the Premier.

**Mr STEVE CANSDELL:** I am on the wrong side of the House. The Minister needs to do a lot more work to convince the rabble running this State that preschools are a priority. [*Time expired.*]

**Mrs KARYN PALUZZANO** (Penrith) [4.24 p.m.]: My colleagues the Minister for Community Services and the honourable member for Menai have spoken at length about the dire state of children's services in this country and the refusal of the Federal Government to take responsibility for the mess it has created. The chronic shortage of child care places has placed pressure on hardworking families in New South Wales. That is particularly true for parents of children up to the age of two who need child care so they can join the work force. The Federal Government is aware that all the evidence shows that the greatest lack of places is for that age group. Even its own members of Parliament have begged the Government to do something about the mess. In January this year John Howard's close ally, the member for Lindsay, Jackie Kelly, called on the Federal Government to scrap "the shambles the child care system has become". Unfortunately, the State Opposition has not come to grips with the fact that we are debating the child care system. Jackie Kelly bemoaned that the current system did nothing to meet the needs of working women and called on her colleagues to pull the whole thing down and start again from scratch.

Recently the Federal Minister for Families, Community Services and Indigenous Affairs, Mal Brough, and the Minister for Human Services, Joe Hockey, made a big show of hosting a child care forum. They did not want to make it rough for themselves, so they did not go to Lindsay. They did not go to areas of great need, such as Western Sydney, the Inner West or Penrith. They did not go to a regional community, as referred to by the honourable member for Clarence. They held a child care forum in the Liberal heartland of Crows Nest. If they had come to Penrith the parents would have told them they do not get enough rebate or the 12 months' claim time is far too long. They would have told them they need help every week, not once a year. Mal and Joe were told clearly that the greatest shortage in child care was for newborns to two-years-old. The Coalition made a big show of listening to its faithful, but it has done nothing. The Federal Government could ease the pressure on families, but chooses not to.

Time and again the New South Wales Government has urged the Federal Government to look at ways to encourage child care providers to create more places in this area of desperate need and to acknowledge the more intensive level of care our youngest children need by providing higher child care benefits for this age group. The Federal Government knows what needs to be done but it has washed its hands of responsibility and will not fix the mess it has created. Shame on them and on the New South Wales Coalition for refusing to stand up to Canberra! They have put their loyalty to John Howard before the interests of the people of this State. The Opposition has proved that kowtowing to Canberra is a higher priority than looking after hardworking families in their constituencies.

The Federal Government's industrial relations initiative, WorkChoices, removes workplace and income security for families and places pressure and strain on family relationships. We have faced consecutive hikes in interest rates. When he was after votes John Howard boasted that would not happen on his watch. The Federal Government is creating an economic environment that makes it virtually impossible for families to survive on less than two incomes, yet it will not lift a finger to provide affordable child care for families so they can go to

work. It is obscene. The Opposition refuses, as it has done in this debate, to stand up for families against the Federal Government's destructive agenda.

Families who are able to access child care often spend a huge proportion of their day's earnings to pay for it. In January this year music teacher Philippa Waters said, "I get about \$180 a day after tax and for two children in child care that is \$150, which leaves me \$30 to live on." She has decided to exit the work force. The Federal Government's scheme is destroying the affordability of child care and the lack of child care places is destroying families. Often grandparents have to fill the gap. Recently the President of Older People Speak Out talked about the increasing reliance on grandparents to provide child care. The Iemma Government will continue to pursue the Federal Government. [*Time expired.*]

**Ms REBA MEAGHER** (Cabramatta—Minister for Community Services, and Minister for Youth) [4.29 p.m.], in reply: The Opposition has just told 100,000 families in New South Wales that the issue of child care does not count. It will not debate that issue. It wants to debate the issue of community-based preschools instead. I have waited six or seven months in this House for the honourable member for Willoughby to ask me a question about preschools. I would be very happy to answer her, but she has not asked me.

**Mr ACTING-SPEAKER (Mr Paul Lynch):** Order! I call the honourable member for Wakehurst to order.

**Ms REBA MEAGHER:** The New South Wales Opposition does not want to debate the issue of child care because they would have to criticise their colleagues in Canberra. Their colleagues have created a system where 100,000 families in New South Wales cannot access child care or the child care rebate. They cannot access Federal Government support. For families who are able to access the scheme, the system is so complicated they do not submit their tab for a rebate from Federal Treasury. The Federal Government is actively discriminating against women who want to re-enter the work force and educate themselves and achieve a better life for themselves, their children and their families. That is what we get from Canberra.

The scrooges in Canberra sit on top of huge surpluses but deny families a fair go. The New South Wales Opposition does nothing. All we get from them is consistent silence. They will not stand up for families in New South Wales. They have never stood up for them and they have signalled today that they have no intention of ever standing up for them. That is why they should never make their way onto this side of the House. Let us turn to the issue of community-based preschools, because I am never going to get a question on that from the Opposition. Despite this rhetoric of a lavish and generous package they are peddling around to the preschool sector, it is a cruel hoax on the families of New South Wales.

**Mr ACTING-SPEAKER (Mr Paul Lynch):** Order! The honourable member for Wakehurst will come to order.

**Ms REBA MEAGHER:** They cannot pay for it and it just adds to the Peter meter, to the \$20 billion of unfunded promises they cannot afford. Contrary to the ridiculous promises made by the Opposition, which it has no intention of funding, the Iemma Government has committed its money. The money is on the table. As the honourable member for Clarence acknowledged, the money is already making its way into the sector. Rural preschools are grateful for that money because it means they can keep their doors open. Other preschools have been able to do much-needed capital upgrades or meet unfunded liabilities. That was just the first tranche of our reform package and a second tranche is on its way. Another \$17.6 million is on the table and we want preschools to apply for that now. That tranche will be followed by another \$21 million. This Government will be able to offer every four-year-old in New South Wales a universal year of preschool. The Iemma Government understands the importance of the early years of schooling. We cannot trust the Opposition, because when it was last in office it froze preschool funding; it imposed a freeze on preschool funding that was lifted by the new Labor Government.

**Mr Brad Hazzard:** Point of order: The reality is that you kept the freeze in place for the entire—

**Mr ACTING-SPEAKER (Mr Paul Lynch):** Order! That is not a point of order. The honourable member for Wakehurst will resume his seat.

[*Interruption*]

**Mr ACTING-SPEAKER (Mr Paul Lynch):** Order! I call the honourable member for Wakehurst to order for the second time.

**Ms REBA MEAGHER:** The New South Wales Coalition went to the last State election with a policy for preschool funding involving an allocation of \$50 million over four years. I will quote the press release issued by the Coalition because the honourable member for Wakehurst, who was the Minister for Community Services said:

This massive infusion of \$50 million over four years will make the difference between pre-schools surviving and doing a great job for children or just disappearing.

That was \$50 million.

**Mr Brad Hazzard:** That was five years ago.

**Ms REBA MEAGHER:** It was three years ago.

**Mr Brad Hazzard:** Point of order: That was five years ago.

**Mr ACTING-SPEAKER (Mr Paul Lynch):** Order! There is no point of order. The honourable member for Wakehurst will resume his seat.

**Ms REBA MEAGHER:** The Coalition is lying to the parents of New South Wales.

**Question—That the words stand—put.**

**The House divided.**

**Ayes, 45**

Ms Allan	Ms Hay	Mr Pearce
Mr Amery	Mr Hickey	Mrs Perry
Ms Andrews	Mr Hunter	Mr Price
Ms Beamer	Ms Judge	Ms Saliba
Mr Black	Ms Keneally	Mr Sartor
Mr Brown	Mr Lynch	Mr Shearan
Ms Burney	Mr McBride	Mr Stewart
Mr Campbell	Mr McLeay	Ms Tebbutt
Mr Chaytor	Ms Meagher	Mr Tripodi
Mr Collier	Ms Megarrity	Mr Whan
Mr Corrigan	Mr Mills	Mr Yeadon
Mr Crittenden	Mr Morris	<i>Tellers,</i>
Mr Daley	Mr Newell	Mr Ashton
Mr Debus	Ms Nori	Mr Martin
Mr Gaudry	Mr Orkopoulos	
Mr Greene	Mrs Paluzzano	

**Noes, 32**

Mr Aplin	Mrs Hopwood	Mr Roberts
Mr Barr	Mr Humpherson	Mrs Skinner
Ms Berejiklian	Mr Kerr	Mr Slack-Smith
Mr Cansdell	Mr McTaggart	Mr Souris
Mr Constance	Mr Merton	Mr Stoner
Mr Draper	Ms Moore	Mr Tink
Mrs Fardell	Mr Oakeshott	Mr Torbay
Mr Fraser	Mr Page	Mr J. H. Turner
Mrs Hancock	Mr Piccoli	<i>Tellers,</i>
Mr Hartcher	Mr Pringle	Mr Maguire
Mr Hazzard	Mr Richardson	Mr R. W. Turner

**Pairs**

Ms D'Amore  
Mr Gibson

Mr George  
Ms Seaton

**Question resolved in the affirmative.**

**Amendment negatived.**

**Motion agreed to.**

**DROUGHT****Matter of Public Importance**

**Mr ADRIAN PICCOLI** (Murrumbidgee) [4.43 p.m.]: As I am sure all members of this Parliament are aware, New South Wales is in the grip of perhaps the worst drought in recorded history. We are in about the sixth year of this prolonged drought, and this year looks to be probably the toughest of them all, which is unfortunate because commodity prices are pretty good at the moment. Last year's crop, at least in south-western New South Wales where I come from, was not too bad. The crop looked very bad in about June last year, but on the June long weekend and since then good rains came. Unfortunately, however, as is often the case in agriculture, when the crop is there, the price is not there. Last year was certainly one of those years when people had good crops but prices were very low, and in some cases historically low.

This year the opposite looks like occurring. Prices are at almost record highs. People are talking about the price of Australian standard white wheat, certainly in south-western New South Wales, being about \$220 a tonne. Indeed, I think contracts are being offered at the moment for \$220 a tonne, and farmers are being advised not to sign up those contracts because there is a strong belief that the price will go even higher, potentially up to \$280 or \$300 a tonne. However, as I said, unfortunately, as is usually the case, when the crop is there the price is not, and when the price is there the crop is not. For many New South Wales farmers this year, it looks as though the crop will not be there.

On a recent trip to Henty I noted a lot of miserable-looking crops on farms in the area. There was the odd little patch of sunshine, so to speak, with the odd good crop, but I think this year the majority of crops will be very disappointing. When a season starts out not too bad, people spend a lot of money planting crops, spraying, fertilising, and preparing the ground, on diesel. The price of diesel has been extraordinary. For that reason, this year will be one of the toughest years in this prolonged drought. Most farmers are already financially under a lot of pressure.

The season seemed to start okay; there were some rains in autumn, and people have taken a punt and spent, in many cases, hundreds of thousands of dollars planting crops, in the hope that they would get a good crop. It is a different scenario when it does not rain at all in autumn: people do not spend the money. Although the situation is bad, they are in survival mode. But I think this will be one of the most dramatic drought years we have faced.

From my recent visit to Henty, from my travels around the electorate, and from talking to other members, such as those representing the electorates of Albury, Wagga Wagga, Barwon and Lachlan—and I am sure members from other country electorates are hearing the same thing—it is clear that there is a real fear that a lot of farmers will walk off their land. The Federal Government is offering a fair bit of drought relief, including interest rate subsidies, Centrelink payments, and other measures, which the farmers appreciate. But this year many of those farmers will not be able to sustain the severity of the drought.

What we need to do, in a bipartisan approach involving both the major New South Wales parties and the State and Commonwealth governments, is work together to make sure we keep farmers on the land. I know the drought, drought relief, and everything associated with the drought are often used for political purposes. There is a lot of political debate about the drought between the major New South Wales parties, and between the Commonwealth and the State governments, which I guess is part of our democracy. But this is a very serious situation we are facing in New South Wales. If people leave the land in droves—which may happen—obviously it will have a big impact on their lives.

But questions will also arise about what we will do about families that walk off their farms. What we will do about the communities that rely on the turnover from those farms? The business of those farms generates work for sowing contractors, spraying contractors, merchandisers who sell fertiliser to the farmers, and so on. If farmers leave the land there will be a big impact on so many country towns, which are already doing it tough.

Condobolin is a good example. It is a great, resilient community that has stood the test over the last four or five years, but it will be under great pressure this year. That is why we need to make sure that, between the State and Commonwealth governments, we do everything possible to assist those farmers, who will be doing it very tough. We often hear that farmers are the best assets for the environment because they manage something like 80 per cent of our landscape. In western New South Wales and in some areas where the environment is quite fragile, these are the people who are most expert and best placed to manage the land.

What will we do with that land and the environment if those farmers are forced off the land? Measures need to be put in place to ensure that the farmers are assisted as much as possible. What sort of things can we do? We can ease the costs that farmers will face. In recent times there has been talk about the Independent Pricing and Regulatory Tribunal determination. This drought is affecting not just dryland farmers but irrigation farmers. Irrigators are often maligned in Parliament and in public, for one reason or another—unjustifiably so—but they certainly have huge costs. In some of those valleys, such as the Lachlan and the Murray valleys, there is a zero water allocation. Just as you cannot run a factory without electricity, you cannot run an irrigation farm without water. They are still going to have to pay fixed charges for water, and in some cases tens of thousands of dollars in fixed water costs will have to be paid whilst those farmers are unable to produce any crops.

We can ease some of that pain and some of those costs, perhaps with the involvement of the State and the Commonwealth. It is time to set aside political differences on drought because the situation in New South Wales is becoming critical. As a Parliament we need to do everything we can to assist these farmers. I pray to God that we get the rain we need. It may not be too late, if it rains in the next week or so, to save those farmers, to save those businesses, and to save those communities. Once those farmers walk off the land they are not going to come back onto it.

I know that every farmer and every person in country New South Wales and even people in Sydney and on the coast—people not involved in farming—sympathise and empathise with farmers when it comes to drought, in the same way that farmers empathise with people in Sydney about the bushfires that occurred at the weekend. The drought is affecting all of us in one way or another. There is huge community sympathy for farmers. Let us see what we can do for them and let us pray that at least next year this ongoing, very annoying and debilitating drought comes to an end.

**Mr DAVID CAMPBELL** (Keira—Minister for Water Utilities, Minister for Small Business, Minister for Regional Development, and Minister for the Illawarra) [4.51 p.m.]: The New South Wales Government is standing behind rural and regional New South Wales as one of the worst droughts in the past 100 years grips our State. Whilst The Nationals fluff about with silly stunts the Iemma Government is getting on with the job of helping those feeling the pinch because of the drought. We have a range of policies and programs across government agencies to assist communities deal with the lack of rainfall.

Last week Minister Macdonald reported that four million hectares of winter crops in New South Wales are in dire need of rain. Without rain this week the potential winter crop harvest area could decline by 40 per cent, and the yield potential of the remaining crop could be reduced by up to 30 per cent. Drought-stricken farmers are just hanging on, and the State Government is hanging in there with them by offering assistance and support. Since 2002 the State Government has spent more than \$215 million on drought support measures. In May this year the Iemma Government announced a \$5.5 million package to assist drought-affected farmers. The Iemma Government has extended assistance services to further help our drought-affected farmers. This includes a transport subsidy program for all livestock producers in drought-affected regions.

Let me make one thing clear: the Labor Government has actively helped farmers for the full duration of the worst drought in 100 years, and that commitment is not about to change. The State Government remains committed to helping our farmers through these dry times. The best thing those opposite could do to help is rally their Federal mates to grant exceptional circumstances relief quickly where it is needed so that farmers have every chance to see this drought out. I call on members of the Opposition to support the Government and do something to help the State's farmers: go to their masters in Canberra in the diplomatic way that the honourable member for Murrumbidgee has been talking about and make sure exceptional circumstances relief is granted.

The Australian Government has chosen not to extend exceptional circumstances support for producers in the north-west and the remainder of the northern New England district. The north-west includes Coonabarabran, Moree, Narrabri, the northern slopes and Tamworth districts as well as parts of Coonamble, the Hunter, Mudgee and Merriwa. The Howard Government has essentially told producers in these areas that they are no longer in drought—never mind that they are continuing to cart water and feed to stock. The Minister for Primary Industries has written to the Australian Government requesting an urgent reconsideration of this decision and pointing out that it will take a sustained period of average or better conditions before farmers can recover.

To date, the Iemma Government has provided more than \$13 million during the current drought to assist local water utilities. This funding is used to ensure the security of town water supplies and to cart water to smaller communities where the cost of new water sources is not economically viable. With 92 per cent of the State drought declared and with a further 5 per cent classified as marginal, the New South Wales Government is monitoring all country town water supplies, and the New South Wales Department of Energy, Utilities and Sustainability [DEUS] continues to liaise with local water utilities. As of 21 September no towns have reported water carting to DEUS.

Some small communities may be subject to local cartage arranged by the local water utility as part of its normal operations. In recent months intermittent cartage has been undertaken to Bellbrook in the Kempsey shire, Byrock in the Bourke shire, and Carters opal fields in the Walgett shire. There are a further 11 schemes that, in the absence of any rainfall, may need to commence water carting in the coming months. They are Bigga, Binda, Bribbaree, Burcher, Byrock, Carters opal fields, Grabben Gullen, Ivanhoe, Laggan, Nimmitabel and Tuena. These communities have a total population of about 2,000.

Also, the New South Wales Government is providing \$300,000 to help drought-proof a number of small country towns that may need to rely on carting water if dry conditions continue. This funding will be used to build up to 20 high-flow capacity standpipes needed for filling larger water trucks for use by local water utilities to cart water to neighbouring communities. Likely locations for this work include Manildra, Grenfell, Blayney, Woodstock, Young, West Wyalong, Jugiong, Parkes, Peak Hill, Cowra, Forbes, Condobolin, Crookwell, Cooma, Bourke, Walgett, Coonabarabran, Cobar and Kempsey.

Goulburn is an example of a town that has been closely monitored for some time now. By working in close co-operation with the local water utility the Government has provided about \$2 million in assistance for emergency bore supplies, emergency pipelines, and the development of a water cartage contingency plan. These measures, together with a high level of community awareness of the drought situation, have resulted in the rational and capable management of the water supply. In addition to funding for emergency drought works, the New South Wales Government continues to improve security of water supplies through the \$915 million Country Towns Program. This program has provided more than \$1 million a week to country communities since it began in the mid-1990s. The New South Wales Government also provides assistance for businesses.

Unlike the Leader of the Opposition and The Nationals, who will not stand up to the Federal Government on crucial issues like petrol prices, we are getting on with the job of supporting struggling country communities. Where was the Leader of the Opposition or the Leader of The Nationals when their Federal Government masters did away with the regional fuel subsidy? With every country business being impacted by years of protracted drought, have we heard anything from the Opposition? Not a word. The Leader of the Opposition does not understand what families in our State's far west or, for that matter, the Orana region are experiencing. All he can come up with is a grab bag of irresponsible, unfunded promises.

The Iemma Government has a clear plan for the future of regional New South Wales. We are getting on with the job of supporting hardworking country businesses and giving greater security to communities across the State. Our State's economy is strong and our unemployment levels are the lowest in 25 years. We are encouraging community economic growth across regional New South Wales and our business drought assistance packages are giving small businesses new directions.

The State Government's Small Business Drought Assistance Program provides grants of \$3,000 to eligible companies in drought-declared areas. This includes firms that are a primary service or that draw supplies from farmers or those located in communities of less than 15,000 people that are dependent on farming. This has helped regional companies undertake new directions with credit and business management strategies. It has also helped other firms engage expert advice to help them develop ways to sustain their operations during this trying time.

Further assistance is provided through an assessment service that diagnoses the health of a business and provides financial guidance. The New South Wales Government has also provided support in the form of payroll tax relief for regional companies that are dependent on farm income. This has ensured that these companies continue to keep their skilled workers during these tough times and beyond. Since this program began in 2002, 68 offers of payroll tax assistance have been made, and this has helped to retain more than 1,200 regional jobs. Also, 137 small businesses have been supported through our small business drought assistance program. I urge all country businesses to take advantage of our business drought programs and seek advice through the Department of State and Regional Development. Today we heard the Federal Government's latest brainwave to solve the nation's water crisis. I hear members opposite ask: What is this brainwave? It is to establish a new Office of Water Resources.

This is little more than a political vehicle for Malcolm Turnbull. It is another level of the Canberra bureaucracy, which is unlikely to provide real support to the State governments, which are actually delivering water projects and reform. It is about time Messrs Howard, Costello and Turnbull stopped talking about water and took some concrete steps to help the Iemma Government deliver major projects and New South Wales communities deal with the crippling drought. The Howard Government talks a lot about water, but thus far there has been deafening silence about financial contribution to major projects.

There is no use in having another layer of bureaucracy and red tape under which Mr Turnbull will operate. That will not create more water or help the drought-affected communities of New South Wales. Mr Turnbull is big on the media carousel. Indeed, the only person who is on talkback radio more is his political next-door neighbour, the Leader of the Opposition in New South Wales. Mr Turnbull regularly tells anyone who will listen that we can have as much water as we want provided we are willing to pay for it. He regularly advocates that prices should be higher. He is a millionaire, so he is out of touch with the hardworking families of rural and regional New South Wales; he does not realise the hardship this would create.

Simply using higher prices to reduce water demand would create a situation where the rich could waste as much water as they could afford to buy while hardworking families struggled to buy enough water for their basic needs. The Leader of the Opposition and The Nationals have outsourced their water policy to Malcolm Turnbull. Does that mean the Leader of the Opposition and the New South Wales Opposition have a secret plan to increase water prices? Once and for all I call on them to ignore the advice of Malcolm Turnbull and their Canberra masters and stand up for the residents of New South Wales.

**Mr DARYL MAGUIRE** (Wagga Wagga) [5.01 p.m.]: I had hoped that the Government would give bipartisan support to this matter of public importance, but the Minister cannot resist the opportunity to shift the blame, point the finger, and engage in political opportunism. The drought is now affecting 92 per cent of the State and it remains to be seen whether, in fact, it will break. Forecasts suggest that it will not. Last week at the Wagga Wagga saleyards some 60,000 sheep were put up for sale whereas traditionally the number ranges from 18,000 to 30,000. Also, 1,800 cattle were booked in for sale yet 4,000 were brought to the yards. The drought has such a grip on regional and rural New South Wales that it will impact everywhere, including city areas.

Therefore, it was my hope that the State Government would suggest measures to assist those affected. The honourable member for Murrumbidgee highlighted the situation in regional and rural New South Wales. The availability of water has reached a desperate stage and I note the Minister's comments about towns and communities having to cart water. However, in places like Tumbarumba the dams are infected with algae, and the river cannot supply sufficient irrigation water for farmers in the Murrumbidgee area. On Saturday I heard anecdotal evidence that one farmer planted a 27,000 acre crop and will lose \$3 million. That is just one example of the losses that will be sustained in regional and rural New South Wales.

I have a list of exceptional circumstances declarations and I note that the Minister made a statement about an application that has been made for the Northern Tablelands. I agree that that is the way to approach the matter and I am sure that will be addressed. I am prepared to table the list so that honourable members can see the way in which the Federal Government is responding to requests for exceptional circumstances support. The drought is affecting business as well as agriculture. The agriculture industry produces significant economic benefits for New South Wales, indeed Australia.

The situation is extremely bad in Western Australia and South Australia as well as in New South Wales. Sheep and cattle cannot be sent to other areas for agistment because there is no feed. Cattle and sheep are being put into fields of crops that cost many thousands of dollars to plant. Farms will not have fodder because the crops are dying in the paddocks. Last Friday when I flew into Wagga Wagga the swathes through the crops

of yellow, which are only one or two inches high through the crops, were very evident, and the hot winds certainly will not help. Fodder may have to be carted along with water to maintain breeders. The alternative is for stock to be slaughtered or sold.

Business in regional and rural New South Wales and the cities will be impacted because local communities buy from the city and then supply goods and services to the towns. I note that the Government is providing some assistance, and the Minister referred to payroll tax. I implore the Government to consider reducing workers compensation premiums, because workers compensation has an impact on business as well. Instead of harping on about what the Federal Government should do, perhaps this Government should consider what measures it can take at its level. I appeal to Government members to speak to the Premier, the Treasurer, and relevant Ministers about any additional measures that can assist regional communities, because this will help cities in turn.

This drought is the worst in 100 years, indeed the worst ever recorded. It will take many years for Australia to recover from it, perhaps up to 10 years. In the meantime there will be loss of lives, break-up of families, impact on communities, and significant social costs. A drought places enormous pressure on people, including strain on their mental wellbeing. I implore members opposite to seek assistance from the Government and leave the lobbying of the Federal Government to us; but please let us do this on a non-political basis.

**Mr ADRIAN PICCOLI** (Murrumbidgee) [5.06 p.m.], in reply: I thank the Minister for Water Utilities and the honourable member for Wagga Wagga for their contributions. I reiterate that this year will be very telling. Potentially it could be a very sad year for many families in New South Wales. I have received feedback from members of Parliament from all persuasions, and at the Henty field day I was told that the situation is dire. Many farmers have invested significant sums of money in the hope of a good season and good prices being offered. They have been lumbered with an additional debt and if they do not get a good crop—which is looking less and less likely—things will be very bleak. I have never heard so much talk about farmers potentially being forced off the land.

I implore both the State and Commonwealth governments to stop the political bickering over drought support. Farmers are sick of it and there is no political mileage to be gained from politicising the drought. There may have been in the beginning but it has now reached crisis point. The State and Federal governments need to do everything they can to minimise the impact of this drought. It is obvious that no-one can make it rain, but measures can be taken to reduce the cost of running farming businesses, such as those dealing with occupational health and safety, workers compensation, and water cartage.

I call on the Government to postpone for at least 12 months any planned implementation of the recommendations of the Independent Pricing and Regulatory Tribunal to enable farmers, particularly those on a zero allocation, to survive through this year without any additional costs. I understand that relief can be offered for fixed water prices. Farmers could be relieved of many of the costs involved in running a farm business. The Commonwealth Government could also do something about costs. That would be the best thing the State and Federal governments could do, together within drought assistance, which is already available, interest-rate subsidies and the like. In many parts of New South Wales this year will be the survival year; it will be a telling year for many farm businesses.

As I said, it is not only farm businesses and families that will suffer the consequences of the drought; the communities that rely on them will also suffer. Many disadvantaged communities need more employment and economic opportunities. Unfortunately, as a result of this protracted drought there are likely to be fewer of those opportunities. As I said, few farmers who leave the land return to it. This year will make or break a lot of farmers. I call on the State and Commonwealth governments and all members of this House to join together and say a prayer for our farmers and to do everything we can to support them until the seasons turn.

**Discussion concluded.**

**Mr ACTING-SPEAKER (Mr John Mills):** Order! It being almost 5.15 p.m., with the leave of the House, I propose to take one private member's statement so that members who wish to give notices of motions have sufficient time to reach the House to do so. After the first private member's statements I will take notices of motions.

## PRIVATE MEMBERS' STATEMENTS

### COOMA AND HUME GAOLS

**Mr STEVE WHAN** (Monaro) [5.11 p.m.]: This evening I want to tell the House about a tale of two gaols—one loved and one definitely not loved; one wanted and the other not wanted. First I want to talk about is the gaol that is loved and wanted: Cooma gaol. The people of Cooma appreciate the benefits to their community of the local gaol. For some time I have been working with that community to develop a proposal to expand the gaol. Currently, it is a single security classification gaol. I have put a proposition to the Minister that the gaol be expanded to include a minimum-security facility which would be located on the old prison farm. That minimum-security facility could accommodate approximately 20 prisoners to start with. It would bring additional jobs into the region and enable the gaol to be more viable. Having two security levels would enable prisoners to be moved from one level to another.

The town would benefit from having the prisoners there because the low-security prisoners would be able to do more around the town. They would be able to maintain the old prison farm orchard, as well as the farm itself, and work in the fabulous Cooma gaol museum, which now hosts a lot of New South Wales Corrections historical displays. Cooma gaol, which is a vital part of the Cooma township and produces a lot of jobs, could be expanded to bring more jobs into Cooma. I have been pushing the proposal hard. I have referred it to the Minister and I am waiting to hear the outcome. I draw the attention of the House to the work that has been going on in relation to Cooma gaol, and I urge the Government to support the proposal. I know it has the enthusiastic support of those who work at the gaol, the Cooma-Monaro Shire Council and the community.

That enthusiastic support from the Cooma community for Cooma gaol is in stark contrast to the lack of support for the other gaol, the gaol that is not wanted. That is a gaol that the Australian Capital Territory Government is proposing to build in Hume, right near residents of New South Wales. Instead of building the gaol near its own residents, the Australian Capital Territory Government decided it would be more politically advantageous to build next to New South Wales' residents, who, of course, are not able to vote on the proposal. The proposal came out of the blue in early 2004. Since then I have been working with the community and with the Federal Liberal member, Gary Nairn, to oppose construction of the gaol in Hume. I have been concerned that it has proceeded as far as it has and that work has commenced on the site. In 2004 I persuaded the then Premier, Bob Carr, to write to the Australian Capital Territory Chief Minister suggesting that the gaol should not be built in Hume but at another location.

Recently I have asked the New South Wales Premier to restate that to the Australian Capital Territory Chief Minister, and I hope that will happen soon. I point out to the House and to those who read *Hansard* that Australian Capital Territory taxpayers are getting a poor deal. I have figures that show that in 2004-05 the Australian Capital Territory Government paid only \$8.2 million to New South Wales to accommodate its prisoners, but it will pay \$20 million a year in recurrent funding to operate the new gaol. The new gaol will also accommodate prisoners on remand, but the extra cost to the Australian Capital Territory taxpayers will be of the order of \$4 million to \$5 million a year. At a time when the Australian Capital Territory Government is looking at potentially closing some schools, that is not a good way to utilise its funds.

I reiterate the point made by the people of Jerrabomberra and Letchworth that by planning to construct the gaol without consultation with its neighbours and then calling in the planning process and ignoring the objections that have been raised, the Australian Capital Territory Government has not taken a neighbourly approach. Those actions are not consistent with the sorts of actions we would like to see from a co-operative government across the border. In the past few days I was intrigued to see a press release from the local Federal member, who, as I said before, has been working with me for some time in relation to this matter. He issued a press release calling on me to join his campaign.

I was somewhat surprised to see that at the eleventh hour, because we have been working with the community for some time. It was not a matter of joining one another's campaign; it is a matter of continuing the community's campaign. I have written to Garry Nairn to advise him that I have asked the Premier and the Minister to say something further about this issue, and pointing out to him that we have been campaigning since the beginning of 2004. I know that the people of Jerrabomberra are looking forward to him delivering on his promise, made in very big letters on signs at polling booths in Jerrabomberra, that he would stop the gaol.

*[Private members' statements interrupted.]*

## BUSINESS OF THE HOUSE

### Notices of Motions

**Mr DEPUTY-SPEAKER:** Order! Pursuant to the earlier ruling of the Acting-Speaker, the House will now deal with General Business Notices of Motions (General Notices).

**General Business Notices of Motions (General Notices) given.**

### PRIVATE MEMBERS' STATEMENTS

*[Private members' statements resumed.]*

#### EPHING BOYS HIGH SCHOOL SUPPORT TEACHER LEARNING ALLOCATION

**Mr ANDREW TINK** (Epping) [5.21 p.m.]: I raise a number of concerns on behalf of the community of Epping Boys High School relating to a cutback in their support teacher learning allocation. I am specifically raising these concerns on behalf of Sally Gooley, the president of the parents and citizens association, Robyn Scarf, the vice-president, and Cheryl Osborne, the president of the school auxiliary, who represent the whole school community. Each year between 15 and 20 year 7 students are identified as requiring high-priority support for their English language and literary assessment and their secondary numeracy assessment program tests. That number of students has been fairly constant over the past 10 years. Nevertheless, there has been a progressive reduction in funding for the support teacher learning allocation from 0.8 per cent to 0.2 per cent over the past four years with a further 50 per cent reduction this year. A number of parents are concerned that this will set up the students to fail and drop out of school early.

The results for the English language and literary assessment and secondary numeracy assessment program for year 8 students at Epping Boys High School have shown some improvement in student outcomes, but the school hastens to point out that that is due to its effective use of its limited resources. The strong view of the school community is that it is being penalised for good programming. The point is that to use the results of existing students in the secondary numeracy assessment program and the English language and literary assessment to assess the needs of incoming students is inherently flawed. It means that the achievement of one group denies the next group the same resources.

To give the House an idea of how strongly the school feels about this, it has been using community funds for some time and has supplemented the reduced departmental funding from the support learning program by upwards of \$20,000 each year for the past three years to allow for an effective program to continue despite a reduction from four days a week to two days a week. That is what this percentage funding cut means: it is cutting back the number of days available for this special support. The school believes the program cannot be stretched any further. The strong view of the school is that the department's latest actions will result in the program failing altogether. That will mean that students with intellectual disabilities will no longer be able to gain funding through the support learning program and their needs will be supported by the support learning teacher.

The view of the school is that that is impossible because it has that service only one day a week and it requires course work to be prepared specifically to meet those students' needs in most subjects. Classroom teachers simply do not have this expertise and depend on support learning teachers to assist in adapting the curriculum. The view is that the department is ignoring the needs of students with intellectual disabilities because there are too many of them. Why do they discriminate when students with visual or hearing disabilities are so well served? A student with a hearing difficulty receives a minimum of two to three hours individual help by a specialist teacher. Students with an intellectual disability, placed in the bottom 2 per cent of the population, receive no assistance. There will be significant gaps in their learning. If they are not successfully able to handle the high school curriculum they will develop behavioural problems and face dropping out early. That may lead to lifelong difficulties.

The school strongly believes there must be a successful support program, and I also believe it would be a serious mistake to cut this program at Epping Boys High School further. There has been a progressive cutback at this school over a number of years. The school has used community funds and its own resources to make up that gap. That is why it is so important that I speak on behalf of these people. It is their money, and they

represent the community. They only want a little bit of help from the State, and they want that funding to continue.

### **PORTLAND INDUSTRY LINKS PROGRAM**

**Mr GERARD MARTIN** (Bathurst) [5.26 p.m.]: Today I speak about the Portland Industry Links Program, which is a skilled industry partnership. During the recent winter break I attended the launch of this important program at Mount Piper Power Station. The industry links initiative is a pilot program supported by the Department of Education and Training and is exploring new ways of delivering meaningful education for our senior students; it is attempting to deliver a comprehensive curriculum that incorporates academic and vocational courses.

The Portland Industry Links Program provides an opportunity for industry and education to work together. It has been operating under the motto: Get a Head Start to Trade by Joining the Portland Industry Links Program. The program is a partnership between local area industries, Portland Central School and TAFE, and provides students with an opportunity to acquire skills sought by industries in their potential apprentices and engineering candidates. As John Lamberton, the training area resources manager for Masterfoods in Bathurst, said, "We are looking for quality candidates for employment as apprentices, and the program is providing that platform."

Every student at Portland Central School is given the opportunity to participate in this project. It provides intensive skills development as sound grounding for work readiness. The program has provided industries such as Masterfoods with employees with industry experience. As student Brendon West said, this experience is invaluable in helping them to further develop what they want to do in their vocation. They can see what is expected in the workplace and have a clear view of the jobs they would be suited to.

Local industries acknowledge the current skills shortage and demonstrate the value of the program by their substantial support for it. As it is a costly process to employ an apprentice, it is important that industry has an opportunity to make the right choice. Through this program students are viewed in the workplace. The industry participants range from major international companies to a motor repair business in Portland. They are Delta Electricity, Masterfoods Bathurst, ADI Lithgow, Lithgow City Council and R. and B. Lorimer Motor Repairs. This impressive program is typical of initiatives undertaken by our public education system. The program has been driven largely by staff of Portland Central School under principal George Lovecek. A mentoring program for students from year 5 through to year 8 with Charles Sturt University in Bathurst focuses on young people appreciating the value of ongoing education. Those programs, which have been undertaken by a school in a small country town of about 2,000 people, underscore the great work of teachers in our public school system.

At the launch of the Portland Industry Links Program addresses were given by Steve Saladine, Commercial Manager of Delta Electricity Bruce Hutton, Manufacturing Operations Manager of ADI Lithgow and John Lamberton from Masterfoods. Two students who participated in the program, Joel Hutchison and Rochelle Robertson, gave their views on the program. Rochelle has been undertaking the traditional male trade of engineering fitter. The great beauty of the program is that during years 11 and 12 students work 72 days on the job, which is a step up from work experience during vacation periods. They get hands-on experience, working with a range of employees. They attend the job one day a week and are treated like employees in the organisation. Then they come back into the school environment. They are setting themselves up for a trade qualification and attaining an educational background. By staying at school until year 12, they will be able to undertake further tertiary education. I commend Portland Central School and all those involved for their work on this program.

**Ms LINDA BURNEY** (Canterbury—Parliamentary Secretary) [5.31 p.m.]: I am familiar with the Portland Industry Links Program. As the honourable member for Bathurst said, the program is a combination of vocational and academic work. More students stay at school to year 12. The program is accredited through the curriculum and it creates fabulous partnerships between communities and businesses. I congratulate Portland Central School on this initiative and thank the honourable member for Bathurst for sharing this positive story with us.

### **BHP BILLITON CAROONA MINE PROJECT**

**Mr GEORGE SOURIS** (Upper Hunter) [5.32 p.m.]: Tonight I want to inform the House about matters pertaining to Caroon coalmining in an area near the town of Quirindi, south of Gunnedah, in my electorate. I raise this matter in the House because the Government has granted BHP Billiton a coal exploration licence in the area. I put on the record my general opposition to any form of mining on the Breeza Plains, particularly coalmining, both open cut and underground. The area known as the Breeza Plains, sometimes known as the Liverpool slopes and plains or the north-west slopes and plains, is a delicate area in terms of hydrology. Only a few years ago the Government demonstrated the delicate nature of the ground water resource in the Namoi Valley by introducing restrictions and reductions in licence entitlements, which in some zones were up to 90 per cent.

That shows how critical the Government deemed the underground water resource. I am surprised that the Government has granted an exploration licence to BHP with the prospect of an open-cut or underground coalmine in the area. The Breeza Plains, with their alluvial black soils, could be regarded as one of the world's leading grain production areas. I have no doubt that underground mining, particularly the longwall method, would destroy the delicate hydrology and intricate pattern of channels and irrigation on the surface.

I also want the House to note my displeasure and that of the community about something that was revealed in a budget estimates committee hearing. The Minister was asked whether there was any prospect of an electricity generation plant, a power station, being built in the area. The Minister revealed that BHP Billiton had asked the Government for indicative approval to include a thermal power station, which would use some of the resource mined in that area, in utilisation studies in preparation for environmental assessment. The Minister said that it was an initiative of BHP, but that BHP had the approval of the Government to embark on these utilisation studies. I put on the parliamentary record that I oppose any form of mining on the Breeza Plains. Further, I oppose any form of electricity power station in the vicinity, partly because of my general opposition to a power plant in the area but specifically because coalmining activity would take place so that the resource could feed the power station.

My displeasure arises primarily because the power plant proposal was never made public. The Minister did not make an announcement about it at the time of the granting of the exploration licence or even at the time indicative approval was given by the Government for BHP to include a proposal for a power station in its utilisation studies. If the Minister had not made the statement in reply to a question at a budget estimates committee hearing, it may have gone completely unnoticed and the community would have remained ignorant that BHP was examining plans for an electricity power station in the area.

There has been a lack of information from the Department of Mineral Resources, the Minister for Mineral Resources and the proponent, BHP Billiton, on resource management and the impact of the proposal on the environment and natural resources, particularly the hydrology. Now the community is surprised to learn of an additional potential use and that the impact is being studied by BHP Billiton with the approval of the Government. Again I express my displeasure that the Government has not seen fit to make a formal announcement about the proposal. It is patently obvious that following the estimates committee hearing the Government should have formalised an announcement.

### **WALLARAH NO. 2 UNDERGROUND COAL PROJECT**

**Mr JEFF HUNTER** (Lake Macquarie) [5.37 p.m.]: Tonight I raise community concerns about the proposed Wallarah No. 2 underground coal project. In May this year Wyong Areas Coal Joint Venture, the company exploring the Wyong area coal reserves, announced it was moving forward with a plan to mine an area west of the F3 freeway in the Wyong shire. The company said that it would seek approval to extract coal from seams between 350 and 650 metres below the surface. The coal would be mined over 42 years from beneath the Dooralong Valley and State Forest and brought by a four kilometre underground drift to the pit top at Tooheys Road near the intersection of the Doyalson link road and the F3. The coal would be moved from the site by rail.

This announcement caused a great deal of concern amongst local residents, who subsequently approached me for assistance. The area, while currently in the electorate of Wyong, will form part of the redrawn Lake Macquarie electorate at the election in March next year. I have received a number of letters from concerned local residents and met with the community group fighting the coalmine proposal, the Australian Gas Alliance [AGA]. That same group fought the Sydney Gas proposal to extract methane gas from this area. I also attended the public meeting held on 27 August at Wyong to discuss the coal proposal. Since then I have again

met with the AGA and have received its "Submission on the Impact of Longwall Coal Mining on the Proclaimed Wyong Water Catchment Valleys (Dooralong and Yarramalong Valleys)". Alan Hayes, the AGA spokesperson, stated in a letter to me:

Dear Jeff

Further to our various conversations and meetings I confirm acknowledgement of your support to protect the public water resources drawn from the Wyong Water Catchment.

As you are aware, the Wyong valleys (Dooralong and Yarramalong) account for fifty per cent (50%) of the water resource for the entire Central Coast of NSW. They were proclaimed as a water catchment area in 1950, gazette number 153 of the Local Government Act 1919.

Additionally, the Wyong River and Creek, Wyong catchment weir and the 'pump pool' of the Mardi dam are located within the horizontal subsidence zone of the proposed coal mine project. This horizontal subsidence zone also encroaches on the northern boundary of Mardi dam and a portion of the dam itself, which was proclaimed water catchment in 1987.

There are also a number of international waders, recorded under the Australian Government agreements with China and Japan, whose fragile habitat is entirely dependent upon the health of the water catchment river systems, and thirty-three (33) endangered or threatened species of flora and fauna within the catchment valleys.

Longwall coal mining not only poses a threat to the water supply, both surface and subsurface, it also poses a threat to the habitat of the various endangered and threatened species of flora and fauna.

To enable yourself to fully understand the disastrous impact that longwall coal mining will have upon the water supply and the environment, a precise report is attached, with extracted information from a report commissioned by the original lease holders that supports the fact that the integrity of the surface and subsurface groundwater systems could be compromised.

It is interesting to note that a report on the Jilliby Jilliby creek, prepared in 2004 by River Care, in association with Hunter-Central Rivers Catchment Management Authority, National Heritage Trust and the Department of Infrastructure, Planning and Natural Resources, declared this water system as one of the most pristine in New South Wales. This report also condemns the damage that will be caused by the impact of longwall coal mining.

The letter goes on to say that should I require additional information, the AGA would be happy to provide it to me. The submission outlines the principal concerns about the coalmine, including: likely water contamination; potential loss of aquifers and water catchment river systems; and the potential loss of 50 per cent of our drinking water catchment. It lists in detail the concerns of the local community. I have forwarded this submission to the Minister for Planning, Frank Sartor, and the Minister for the Environment, Bob Debus, and the Minister for Water Utilities, David Campbell, and asked for meetings with them so that members of a delegation from the AGA can put their case and their concerns about this proposed coalmine.

I share many of the concerns raised by the AGA and the valley communities. I do not support any proposal that will threaten the water supplies of the Central Coast. I look forward to meeting in coming weeks with Ministers Sartor, Debus and Campbell and the AGA. I also look forward to a meeting on Thursday with the Minister for the Central Coast, the Hon. Grant McBride, so that we can raise the local community's concerns.

**Mr GRANT MCBRIDE** (The Entrance—Minister for Gaming and Racing, and Minister for the Central Coast) [5.42 p.m.]: I commend the honourable member for Lake Macquarie for his active involvement in this issue and his commitment to pursuing the interests of the Australian Gas Alliance and the broader community. He is not yet the member for that area, but he has made a strong commitment to resolving this issue. A number of people who live in Jilliby Jilliby and the Dooralong and Yarramalong valleys have told me that they are pleased about his commitment and his active pursuit to stop long wall coalmining in the area. This is a big issue, but there is a bigger issue with water.

Alan Hayes, accompanied by the honourable member for Lake Macquarie, will be meeting with me at 12.30 p.m. on Thursday. The plan is to ensure that the local area and the local community are protected from any negative consequences that may result from long-wall mining. During the Legislative Council's budget estimates committee hearing on Friday 1 September, I publicly opposed any mining proposal that would impact negatively on the region's precious water supply. In reply to a question, I said:

I give a commitment that, as to long wall mining in the Dooralong and Yarramalong Valleys, I will not accept any proposal that will have a negative effect on the water catchment or the people of that area.

I am pleased to support the private member's statement of the honourable member for Lake Macquarie. As the Minister for the Central Coast, I will be working with the honourable member and other members from that area to ensure that water and its sustainability for the Central Coast are of paramount concern in the consideration of

any issues relating to the local catchment. I again congratulate the honourable member on his interest in this area. We will be working together to ensure that we achieve the best outcome for the people of the Central Coast.

### LAND USE FORUM

**Mr STEVEN PRINGLE** (Hawkesbury) [5.44 p.m.]: On Sunday 27 August I had the privilege of attending a land use forum at UTS Hawkesbury. As is the case with the majority of Australia, the question of appropriate land use is vital in an area renowned for its agricultural diversity and great scenic values. The forum was a collaborative effort supported by the Hawkesbury Rainforest Network, Hawkesbury City Council, the University of Western Sydney, Hawkesbury Nepean Landcare, the Hawkesbury Nepean Catchment Management Authority, the Blue Mountains World Heritage Institute and the world-renowned Hawkesbury Harvest. It attracted more than 100 local residents and interested individuals to hear about the issues of land management and care for our natural, cultural and economic heritage, and to listen to people who are doing something in their own backyards to help to rectify problems in these areas.

However, what also emerged on the day was the passion that people feel about the future of our Hawkesbury region. Feedback from attendees revealed that they valued the chance to hear about the full range of issues from bush care to farming, from conservation to fire management, from farm diversification to tourism and to tourism working to save endangered remnant habitats on private property in the Kurrajong Hills. It not only highlighted the potential we have in the Hawkesbury but also, and more importantly, the heritage assets we have to pass on to future generations of Sydneysiders. There was a great sense of the asset riches in the Hawkesbury. However, the forum also raised a number of fears about what we stand to lose if we do not continue to build awareness and to plan properly to look after these assets.

The day finished with a series of workshops on farming, nature and rural lifestyle. Despite a demanding schedule that we expected might have tired our attendees, the energy and enthusiasm in these workshops was palpable. People were anxious to engage in the debate and problem solving about their land and the community's unique landscape assets and their impact on future generations. A constructive process allowed participants in the workshops to articulate their key concerns and to think creatively about a way forward. It is important that they came up with constructive and realistic ideas. These messages are being collated as I speak and will be issued as a communiqué in the near future.

The forum had already received support from the then Mayor of Hawkesbury, Bart Bassett, in taking these messages to the appropriate authorities—that is, the State Government and the Federal Government. It is clear to us all now that the legacy of land management passed down from the traditional land owners had vision. I refer in particular to the practicality of Governor Lachlan Macquarie's five towns plan, covering Windsor, Richmond, Pittown, Castlereagh and Wilberforce. They all had a vision of Sydney's food bowl. That vision has left us with a special landscape that is important for remnant endangered habitats and in providing fresh food for Sydney. About 80 per cent of Sydney's fresh food is still grown in the Sydney basin. The forum also considered the region's world-class wine and food culture.

The State Government has nominated the Hawkesbury as "resource lands". We now have a much broader and culturally relevant understanding of what that term means when people refer to "Our Hawkesbury". The enduring legacy of the day was to reinforce the importance of the Hawkesbury in so many ways to the wider Sydney community and Australia as a whole. Forum participants hope that the richness of the natural, cultural and economic heritage, and the potential future role of this for people's quality of life in Sydney, will be recognised and that planning for our region will recognise these values explicitly.

It is also clear that the Hawkesbury is not alone in these endeavours. As forum chairman, Ian Knowd attended a review meeting for a Rural Industries Research and Development Corporation-funded project that is looking at the buffering and wider roles that farming and rural lands play in protecting and managing the famous Blue Mountains World Heritage area. It seems that many communities beyond the Hawkesbury have a vested interest in the wider role of the Hawkesbury. I congratulate Ian Knowd, the forum chairman, and his committee on organising the very informative forum *Your Land, Your Lifestyle, Our Hawkesbury*.

### PACIFIC HIGHWAY UPGRADE

**Mr NEVILLE NEWELL** (Tweed—Parliamentary Secretary) [5.49 p.m.]: Yesterday and today the Iemma Labor Government made two significant announcements with regard to the continued upgrading of the

Pacific Highway. Yesterday I had the pleasure of joining the Minister for Roads, the Hon. Eric Roozendaal, in announcing our preferred concept design for the upgrading of the Pacific Highway at Banora Point. This has been an ongoing process, and involved an extensive period of consultation with the community before the announcement. As part of that consultation process, the Roads and Traffic Authority [RTA] released two options, option A and option B. As a result of some community concern about those options, a further option, option C, was put forward.

At the community Cabinet meeting that was held in the Tweed a few months earlier, the Minister took on board the concerns of community groups and had option C—which ostensibly provides for a tunnel under Sextons Hill—costed by an independent person, to ensure that what the RTA was saying was indeed correct. The costings came back at the end of August, and I am pleased that the Government has acted quickly to make this announcement. Because of the nature of the engineering involved, the costings for the tunnel are some \$60 million more than the option chosen. The RTA, in taking on a modified option B for this section of the highway, has incorporated the traffic suggestions put forward by the local community, the chambers of commerce, the council, and me.

I am pleased that that modification includes northbound and southbound on and off ramps on the Minjunbal Drive section of the highway at South Tweed. The community, particularly the commercial community, was concerned that without those ramps traffic that was destined for South Tweed would have to leave the highway back at the bridge at Barneys Point, and that that would deter many people from taking the longer, convoluted route—as it would be once the modified option B was in place. Once that upgrade was in place, traffic would probably go straight across the highway into Queensland, rather than into South Tweed, and hence that contribution to our local economy would be lost.

The Government, after considering all the options carefully, has made its decision on that. The process will involve building a cutting, with vertical walls of up to 20 metres high and a land bridge over a walled section. The proposal has been well understood for quite some time. The route that has been chosen was earmarked many years ago and resumptions were undertaken at that time. The community has certainly been aware of where the road was to be constructed; there was simply contention about whether the tunnel option was feasible. Detailed consideration has been given to all the options put forward. I am pleased that the Iemma Labor Government is now moving forward to an environmental impact statement, and planning and tender stages for that section of the highway.

With regard to the on and off ramps to which I referred earlier, the local roads, East Banora Road, Terranora Road and Darlington Drive, will be adjusted to ensure better access arrangements for the local community. This has Tweed Shire Council approval. A master plan was also released for the road from Barneys Point Bridge right through to Terranora Inlet, where the highway joins the C4 and Tugan bypass, and that also has council approval. Comments have been made with regard to the time frame for on and off ramps at Kirkwood Road, a road that is yet to be built. The road is essentially a council responsibility, and the time frame that has been put in place for that road is essentially a matter for council. Kirkwood Road will not be constructed until about 2012 or 2015.

I understand that the President of the Local Chamber of Commerce, Michael Tree, also welcomed the announcement. However, he referred to his frustration that the Kirkwood Road ramps were unlikely to be brought forward from 2015. Nevertheless, I am very pleased that the Iemma Government is getting on with this section of the highway and that a preferred route for the Tintenbar to Ewingsdale section was also announced, which is most important. The community has been waiting for that for some time. Overall, it is a great result for the North Coast area to see these two sections of road finally getting under way.

#### **CLARENCE ELECTORATE ROAD SAFETY**

**Mr STEVE CANSDELL** (Clarence) [5.54 p.m.]: I wish to raise two road safety issues in the Clarence. Both issues are about cutting speed limits from 100 to 80 kilometres an hour, and both have been badly mishandled by the Carr-Iemma Government and its Minister for Roads, the Hon. Eric Roozendaal. The first issue concerns the safety of schoolchildren attending three schools on the Pacific Highway at Clarenza, just north of Grafton. For months and months, McCauley Catholic College Principal Gerry Crooks, Clarence Valley Anglican School Principal Chris Ivey, St Andrews Christian School Principal Frank Bailey and I have been imploring the Government to cut the speed limit on the Pacific Highway at Clarenza from 100 to 80 kilometres an hour. This would only be along a 1,500-metre stretch of the highway and would only increase travel times by 13.5 seconds.

We have been lobbying like mad to cut the speed limit to 80 kilometres an hour on a small but dangerous section of the Pacific Highway just north of Grafton before schoolchildren get hurt, but the Government will not listen. Last week I even brought the Labor member for Blacktown, the Parliament's Staysafe Committee Chairman, to the Clarenza accident black spot to see the problem directly. The member for Blacktown immediately understood what the principals of McCauley Catholic College, Clarence Valley Anglican School and St Andrews Christian School have been telling the Government for months, and declared it was "an accident waiting to happen". I implore the Minister to listen to the schools, the parents, and me, and now the Chairman of the Staysafe Committee and the manager who attended with him. I implore the Minister to fix this problem now, before we have another Cowper-type bus tragedy. That is no exaggeration: people need to see the black spot to understand the seriousness of it.

The second issue is also about cutting the speed limit from 100 to 80 kilometres an hour, but this time Labor has been too obliging. I implore the Minister to immediately go back on his ill-informed and discriminatory decision to slash the speed limit along the full stretch of Iluka Road. The speed limit there needed to be reduced along some small sections in Woombah, where school buses stop, and in the immediate vicinity of Iluka to Johnsons Lane. But, prodded by Clarence Valley Mayor Ian Tiley and a petition with 50 signatures only, the Minister has slashed the limit along the full 18 kilometres of the only access road to town, from Iluka to the highway, claiming that it does not matter because it is only a holiday village.

The Minister did not answer my urgent letters of months ago and last week. That is why I now raise the matter directly in the people's forum, Australia's first Parliament, along with 800 signatures taken in three days, to show the real community interest there. Labor was quick to slash the speed limit to 80 kilometres an hour on Iluka Road in a misguided attempt to protect emus, while refusing to take the same measure to protect schoolchildren on the Pacific Highway at Clarenza. Does the Government care more about emus than it does about schoolchildren? That question does not come from me; many of my constituents are drawing the same parallel. For example, in a feature letter in today's Grafton *Daily Examiner* titled "Emus protected better than kids", Mark Dougherty of Grafton writes:

Well, we can all be assured and it is now clear, the State Government puts the lives of emus ahead of the lives of people, at least in the Clarence Valley. You can only shake your head in disbelief that the State Government would act so quickly and with little community consultation to protect the lives of emus on the Iluka Road.

However, when it comes to protecting the lives of the people using the Clarenza section of the Pacific Highway, the efforts of many have come to nought.

Mr Dougherty goes on to suggest that the only way to get the Labor Government to act on the fears for the wellbeing of affected children at the three schools would be to relocate some endangered wildlife to Clarenza—either that or change the Government. What I am asking here today—and what the Coalition has been asking for some time—is for this Government to start being proactive and not reactive. Unfortunately, the Roads and Traffic Authority does not react to anything until there are bodies on the roads: that is why it talks about black spots.

When I was in the area with the honourable member for Blacktown we saw trucks coming down the hill doing 110 kilometres an hour. The honourable member for Blacktown was amazed. The manager even told me today that when he wrote this letter to the Minister for Roads, the more he thought about the dangers he started to sweat in fear of something tragic happening. We need this Government to be proactive and to reduce the speed limit now from 100 kilometres an hour to 80 kilometres an hour for 1.5 kilometres and avert a major disaster.

### **"PAINTING INTO ABSTRACTION" ART EXHIBITION**

**Ms VIRGINIA JUDGE** (Strathfield) [5.59 p.m.]: I inform the House of a wonderful event that I recently attended in Ashfield. The new Mayor of Ashfield, Ted Cassidy, invited me to the opening of an art exhibition called "Painting into Abstraction". I congratulate Councillor Cassidy on his achieving the mayoralty and I thank him, the Deputy Mayor and all the councillors for their support of this exhibition. The exhibition, opened by the Mayor, was held in a beautiful building called Thirning Villa at Pratten Park, 40 Arthur Street, Ashfield. Ashfield Council has restored the beautiful late Victorian building—I think it was built around the 1880's—and it is now going to be used as an artist's studio and residence.

The council funds and supports a wonderful program called the Artists-in-Residence Program. The program is extended to artists—preference is given to local artists—for a minimum of three months on a

competitive basis. I think this is a fantastic initiative. It would be wonderful if more councils supported cultural activities, although I know many councils already do. The more we can do to support cultural activities the better because cultural activities are what build communities in that they bring people together and connect people. The arts and culture are part of who we are. When we think about Australian values we think about our culture, how we think, how we feel, how we relate, the stories we tell to our children, how our family rates and so forth.

There is a great need for space for budding artists to show their works and a space for people to come in to view those works and support artists. When artists create something they are giving a gift of themselves freely to the viewer. When I had the great privilege of serving Strathfield as mayor for four terms, one of the first things I did was to set up the very first art exhibition, which started an art collection for the community. It was called the Strathfield Eco Art Prize. The prize was \$10,000, which is a good prize for an art exhibition; it is almost equivalent to some of the big exhibitions held in the city. There were about 300 entries and Premier Bob Carr visited the exhibition. I managed to secure funds to employ a curator and we had a team of three judges. The two winning paintings are now hanging locally: one in the brand new library, which was one of the other projects that I supported as Mayor, and one in the big new community room, which was another one of our initiatives.

To see Ashfield Council taking on board this project is fantastic and I cannot commend the council highly enough. I hope the project continues. Artists in the program are invited to work with the community for 10 hours a week by holding workshops for the community free of charge in the studio space, and workshops are held also in local nursing homes and centres for people with disabilities. Open access is provided to the studio so that the public may watch the artist at work. The artists-in-residence generally gift a piece of work to the council at the completion of their residency, so the council has now started to build up a lovely collection for people to appreciate and enjoy.

A large number of local artists had their work shown at the formal opening of the exhibition. Some of those artists were Margaret North, Barbara Pyrzakwky, Irene Knight, Jan Hampson, Bharti Patel, Biruta Clark, Yvette Carreno, Juni Smetana, Vanda O'Donnell, Maude Lee, Sheila Gooding and Emily North. There was a good mixture of artists who did works of quite different styles: abstract, expressionist-style paintings, paintings that explored the artist's inner emotions and displayed them on canvas, paintings on the meaning of life and paintings inspired by Daffodil Day—all beautiful works and displayed beautifully. I commend the council.

## GRAFFITI CRIME

**Mr MALCOLM KERR** (Cronulla) [6.04 p.m.]: The honourable member for Strathfield spoke about artistry and beauty, whereas regrettably I speak on a problem that is plaguing my electorate—graffiti—which is not beauty and is not artistry. The honourable member for Strathfield may recall the words of the Minister for Fair Trading when she introduced the Summary Offences Amendment (Display of Spray Paint Cans) Bill. The Minister said:

Graffiti is a problem which costs New South Wales tens of millions of dollars each year. In 2004-05 alone RailCorp spent \$2.3 million removing graffiti from trains, thus using up valuable tax dollars that could have been better spent on other services. Local councils, private organisations and individuals spend millions more removing graffiti from public and private property.

That bill was introduced and despite the promises of the Carr-Iemma Government that there would be a reduction in graffiti in the Sutherland shire, we have seen the reverse—an outbreak of graffiti vandalism in the Sutherland shire. I emphasise: graffiti is not art; it is a crime. Reputable artists have a variety of means of expression available to them in the community, and the honourable member for Strathfield mentioned some of those. In the Sutherland shire we have an art gallery at Hazelhurst and people who have artistic talents are encouraged to give expression to those talents there.

We can all help in stamping out the graffiti scourge by reporting it to the police and removing it. Removal sends a message to offenders that the community cares and that graffiti will not be tolerated. From 1 November retailers will be required to restrict access to spray paint cans. Had the Labor Government adopted similar Opposition legislation proposed by the honourable member for The Hills years ago, the community would have been spared tens of millions of dollars worth of damage. A growing type of graffiti plague has hit the streets—glass etching. Glass etching is performed by vandals using etching tools or acid-based products.

Glass etching, unlike other types of graffiti, cannot be removed or painted over; it is permanent. It can only be removed by replacing the entire window at considerable cost to shop owners.

Last weekend a dozen shop windows in Port Hacking Road, Caringbah, were etched. With replacements costing approximately \$2,000 each, this represents \$24,000 worth of damage. The impact on the community from glass etching has the potential to be huge. In his book, *The Tipping Point*, Malcolm Gladwell comments on the "broken windows" theory of crime that was first popularised in 1982 by sociologists James Q. Wilson and George L. Kelling. Gladwell described the theory as follows:

If a window is broken and left unrepaired, people walking by will conclude that no one cares and no one is in charge. Soon more windows will be broken, and the sense of anarchy will spread from the building to the street it faces, sending a signal that anything goes. In a city, relatively minor problems like graffiti, public disorder, and panhandling are all the equivalent of broken windows, invitations to more serious crimes.

We have seen that plague in Caringbah and particularly Cronulla. The results of the graffiti are still evident in both those places. This is a major problem that needs to be tackled expeditiously. To do otherwise is to invite further crime. It sends a message to the community that people who commit acts of vandalism will not be punished which, in turn, suggests that more serious crimes against a person will be tolerated.

### MACQUARIE VALLEY VIGNERON SUPPORT

**Mrs DAWN FARDELL** (Dubbo) [6.09 p.m.]: Today I give my support to the vignerons from the Macquarie Valley, predominately the Orana region in the Central West of New South Wales. In February 2006 the members of Macquarie Valley Food and Wine Incorporated wrote to the Minister for Gaming and Racing seeking my representation regarding the draft amendment to New South Wales liquor laws. Their submission requested that clause 29 of division 6 of the Liquor Act be amended. Vignerons from the Macquarie Valley, predominately the Orana region in Central West New South Wales, have requested that they be permitted to sell glasses of wine, opened and unopened bottles of wine, and cases of wine at farmers markets, food and wine festivals and luncheons.

The current legislation allows wine tastings, the sale of opened bottles of wine and orders to be taken at various events. At food and wine festivals vignerons would prefer not to have to apply for a hoteliers licence for them to sell opened bottles of wine. The current laws are very limiting for vignerons as they impede on wine sales, ultimately inhibiting business returns and development. The wine industry is an extremely competitive marketplace, making it difficult for smaller boutique wineries, which Macquarie Valley Food and Wine Inc. is representing, to compete with large wine corporations nationally. Farmers markets and food and wine festivals provide opportunities for smaller scale producers to sell products and increase returns.

There are positive implications in being able to purchase wine from the producer directly at community events. Customers can speak directly with the winemaker, and when they purchase a bottle of wine they have an opportunity that they do not have in a bottle shop. More often than not customers would prefer to take an unopened bottle of wine home with them after tasting the wine and speaking directly with the winemaker. The Victorian Labor Government has permitted boutique wine businesses to sell their wines at farmers markets, and their sales have improved. Those businesses have commented that they sell more wine at markets than they do from their cellar doors. This statement was made at the Australian National Farmers Market Conference in August 2005.

Macquarie Valley Food and Wine Inc. supports primary producers and value adders. It provides opportunities for businesses from the region to develop. The implementation of the proposed changes to current liquor laws will result in positive economic outcomes for a greater range of primary producers by including wineries. It will also show that the New South Wales Government supports all primary producers. Providing wineries with an additional channel of sales through farmers markets, food and wine festivals and functions not only will improve the attractiveness for sales for producers and customers but will significantly improve greater growth prospects for the industry.

Macquarie Valley Food and Wine Inc. requests that the legislation be reviewed in accordance with its request. Each fortnight it conducts a wonderful market in the passive recreation area near the Dubbo tourist and information centre. Growers and producers come from Blackheath, Orange, Coonamble and Gin Gin. They are all registered as members of the association and they pay weekly stall fees. The market is conducted from 8.00 a.m. to 12 noon and is attended by many people in the Dubbo community. People use the market as an

opportunity to meet with friends and purchase wonderful produce from the Central West and Orana regions. The market is ideally located near the highway and attracts many tourists.

The vigneron attend the market but they would also like to have the opportunity to accept invitations to show their wines at agricultural shows, food expos and many other festivals held throughout the region. However, the cost of some sites is \$1,000 to \$1,400, which is impossible if vigneron are not able to sell directly to the public at these events. As the vigneron said, the customers they attract only taste the wine, they do not drink it on the spot. They take it home to enjoy. Wine growing and producing is a growth industry in my electorate and needs support from the Government and the community. The industry is not a threat to local hotels and liquor stores.

I fully support Macquarie Valley Food and Wine in its endeavour to amend the law to enable vigneron to sell sealed bottles of wine at these markets. Local produce is the drawcard at festival events, and the opportunity for vigneron to sell wine locally to an established market is one they can ill afford to lose. Financial returns at such events would greatly benefit smaller-scale producers that have to compete with large wine corporations. On 6 September 2006 I asked the Minister for Gaming and Racing a question without notice as to whether the amendment to the Liquor Act would be introduced into Parliament before November. The Minister replied:

The Liquor Act has had around 800 submissions in regard to the current draft ... Whether it will be before the end of November this year will be a decision for Cabinet.

I urge the Government not to delay this decision but to introduce this amendment for debate in the Parliament immediately.

### **MID NORTH COAST RAIL SERVICES**

**Mr ROBERT OAKESHOTT** (Port Macquarie) [6.14 p.m.]: Tonight I want to talk about the potential for improving rail services on the mid North Coast, and the North Coast in general. The Federal Government fully funded a survey by Ernst and Young and that company's report, which many people have been waiting a long time to see, was delivered a week ago. It reviewed four options for developing a north-south rail link, essentially between the Port of Melbourne and the Port of Brisbane, building an integrated transport solution that includes the Port of Sydney and, I would hope, the Port of Newcastle. This has been on the Federal Government's agenda for some time and obviously the State Government will have an interest in it, depending on where the rail link will go.

My parochial interest as a mid North Coast representative relates first to the tourism benefits that will result from a significantly improved rail option for passenger travel. This was identified only two weeks ago by the former Federal Minister for Transport, Warren Truss, who said in a media statement that passenger benefits will accrue from the rail link. The second parochial interest I have is in getting some of the interstate trucks off the Pacific Highway. It is an absolute disgrace that we have interstate long-distance trucks mixed in with domestic users on the mid North Coast and North Coast. They are my parochial interests in this issue. The four options that were considered by the Federal Government were essentially an inland route or a coastal route and two hybrid models, which contained bits of each.

I was somewhat surprised that, within a week of Ernst and Young's fully funded report being delivered, the Federal Leader of The Nationals, who is a coastal member of Parliament and the Minister for Transport, and the State Leader of The Nationals, who is a coastal member, heavily endorsed the inland rail option, which will completely bypass the ports of Sydney and Newcastle. I ask that cool heads prevail in respect of this matter because, as I said, the report was delivered only last week. The report considered four options, primarily the coastal option or the inland option. It proposed three funding models: expenditure of \$1.5 billion, expenditure of \$3 billion and expenditure of unlimited dollars. According to the Ernst and Young report, the \$1.5 billion option would cut 40 minutes travel off the coastal route. In my view that is worthy of further consideration and exploration by the two coastal members of Parliament who are now heavily backing the inland route.

I also note the comments of the new transport Minister, who said that one of the key issues he wants to work on is the interface between ports and rail. I fully support that, but I do not understand how his backing of the inland rail option supports an interface with the Port of Newcastle, when the report clearly indicates a downgrading of the Port of Newcastle if the inland option is taken up. I question why he is being so bullish in his support of the inland option. Surely the critical component of any of this is the integration between the ports

of Sydney and Newcastle and the north-south rail line, and no information is currently available from either the State or Federal governments about how this is going to happen.

I strongly urge the New South Wales Minister for Transport to try to provide an answer for my benefit and for that of my community. We are interested in significantly improved rail as an option on the North Coast. At the moment it is not a genuine option for passengers or for tourism in our area. We would like to be part of a genuine option, and if it means being part of a north-south rail integrated transport network connecting the ports of Melbourne, Sydney, Newcastle and Brisbane, I am sure the community would fully understand that and, I hope, endorse it.

**Private members' statements noted.**

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

**Message received from the Legislative Council returning the bill without amendment.**

*[Mr Deputy-Speaker left the chair at 6.22 p.m. The House resumed at 7.30 p.m.]*

**LEGISLATION REVIEW COMMITTEE**

**Report**

**Mr Allan Shearan**, as Chairman, by leave, tabled the report entitled "Legislation Review Digest No. 13 of 2006", dated 26 September 2006.

**Ordered to be printed.**

**APIARIES AMENDMENT BILL**

**Second Reading**

**Debate resumed from 30 August 2006.**

**Mr RUSSELL TURNER** (Orange) [7.31 p.m.]: I lead for the Opposition, which will not oppose the Apiaries Amendment Bill, but a few of my colleagues and I would like to make a few remarks on it. The purpose of the bill is to abolish the office of Registrar of Beekeepers and provide for the functions of the registrar to be exercised by the Director General of the Department of Primary Industries; provide for the relocation or forfeiture of beehives in certain circumstances; and allow certain persons, including inspectors under the Act, police officers, and local council employees acting in that capacity to inspect and take copies from the Registrar of Beekeepers free of charge.

Beekeeping and the honey industry are very important to New South Wales, not only for the production of honey but also for the production of queen bees for export. Millions of dollars worth of queen bees are sent overseas each year, and the same applies to honey. Like all other agricultural pursuits in Australia at the moment, the bee industry is seriously affected by the drought. A couple of years ago, when we were in the first stages of this ongoing drought, we were importing honey to maintain supplies. That was corrected somewhat last year when we had a reasonable spring: the bees were busy and beekeepers were heading towards being viable again. We are getting towards the need to import again as there is not enough pollen around for the bees and production is dropping dramatically.

The other morning I was talking to someone at the Rotary Sunday markets, where honey is regularly sold. He reported that a number of hives in the central west had been stolen. Although there is no evidence as to who stole the hives, it is suspected that it was experienced beekeepers. The lady who reported this said, correctly, that anyone who does not know a lot about bees would hardly be likely to steal a hive. It is assumed that licensed or experienced beekeepers are stealing the hives, and this is aggravating the situation of those who are struggling.

Amongst other things, managed hives are a low risk to human safety and have been associated with only two deaths in New South Wales, most recently in early March 2000. Each season when the queen bee gets past her use-by date, a young queen bee comes along and throws out the old queen bee. The old queen bee and

her drones will try to make a hive elsewhere. I understand if the beekeeper can get to the queen bee and her drones quickly enough another hive can be created. If not, the bees go in the wild and form a hive in a tree or a hollow log and can be dangerous if disturbed. Many people are allergic to bee stings. A worker on my farm disturbed a hive of bees in a hollow log when he bumped it with a bulldozer. The bees were furious. He was allergic to bee stings and within five to 10 minutes he could not see because his face was so swollen. Although many people are allergic to bees, very few deaths have been recorded.

The amendments further promote responsible beekeeping, enhance compliance with the Act and regulation and minimise any risk to human safety. The provisions in the amended bill allow inspectors to seize and remove hives in emergency situations and on public land where the beekeeper has not been given permission to locate his hives. Currently a number of beekeepers do not meet registration requirements. The amendments require that all beekeepers and hives are registered. The inspectors will be able to inspect registration certificates. If the hives are not registered, the inspectors will take them into custody. I am glad I do not have that job.

Honey is part of a healthy life. It comes in a variety of flavours—box, stringy bark and lucerne. If you like it strong, tea tree honey is preferred. My favourite is the popular creamed honey, which is whipped and has a creamy texture. Honey is a healthy, natural food. Commercial beekeepers perform an important role for horticulturists. When I had an orchard, every year when the stone fruit was in flower I hired beehives to ensure pollination. It cost about \$1,200 for the hives. Whilst pollination can occur by wild bees, or even flies and insects, to guarantee pollination a commercial operator hires bees to perform the task.

The bee industry is important to the income of the horticultural industry and to our economy from the export of queen bees and honey. In relation to wild and native bees, a few years ago the Government tried to exclude exotic bees—that is, hive bees—from national parks. It considered that the hive bees would take over the habitat of wild or native bees and the native bees would become endangered. I do not know how to stop a bee from flying into a national park because bees can travel up to 20 kilometres looking for food.

**Mr Steve Cansdell:** With bee fences.

**Mr RUSSELL TURNER:** The honourable member for Clarence suggested putting up bee fences. I do not know whether that would work. The fences would have to be pulled down when the hives were taken away. In country areas—and, I presume, at Sunday markets and farmers' markets in the Sydney Basin—there is always someone selling honey. Over the past few months roadside stalls have been selling honey for \$5 or \$6 a kilo. Because it is a natural product, people stop and buy the honey from the beekeepers.

The Coalition does not oppose the bill. We do not believe that the amendments will achieve the objective of the bill, but they will help to regulate the industry and ensure that more beekeepers are registered. Small beekeepers with only one hive do not need to be registered. I am pleased to see that under the new arrangements inspectors will have the power to seize and remove any hives that are not identified with a registration number. The bill repeals the provisions in the Act that restrict the introduction of bees into New South Wales. That provision imposed an unnecessary restriction on interstate trade. Bees do not know that the Murray River is the border between New South Wales and Victoria. It is all part of Australia. We have better things to worry about, such as guarding against the introduction of overseas diseases, than bees coming from interstate.

The bill includes other minor miscellaneous amendments. I hope that the amendments will result in a more responsible bee industry. Once the crippling drought is over, beekeepers will be able to return to a viable industry and do what they do best, that is, produce quality Australian honey in a variety of flavours to suit our different tastes. Beekeeping is an important part of the horticultural industry and provides valuable export dollars from the export of queen bees and honey. I hope we soon get past the stage where we import honey to meet local demand and that the industry returns to the viable business it once was. The Coalition does not oppose the bill.

**Mr STEVE CANSDELL** (Clarence) [7.48 p.m.]: The objectives of the Apiaries Amendment Bill is to promote responsible beekeeping, enhance compliance with the Act and regulation and minimise any potential risk to human safety. Although it is doubtful the bill will achieve those objectives, The Nationals will not oppose it. Key amendments include providing inspectors with the power to seize and remove hives in emergency situations and provisions to enhance the requirement for all beekeepers to be registered and to display registration numbers on their hives. The bill repeals a provision restricting the introduction of bees into

New South Wales. One sensible measure in the bill is a change in the way that beehives are marked. At present beehives must be branded with a hot iron. Fortunately, the beehives and not the bees are branded. Branding bees would be difficult. It does not seem unreasonable to allow beekeepers to paint, rather than brand, the numbers on their hives. The beehive seizure provisions are not well thought out. The Government fails to explain what it will do with the beehives that are forfeited by their owners.

There is no doubt that beekeeping has become an important rural industry in Australia since European honeybees were introduced from England by Samuel Marsden in 1810. As the honourable member for Orange said, a couple of years ago the Labor Government tried to prevent European bees flying into national parks. At one stage conservation groups were calling on apiarists to use native bees rather than European bees. Unfortunately, the native bees did not like working; they made only enough honey for themselves. As a result that idea was nipped in the bud. Australia is a great producer of honey because our climate and vegetation provide two essential ingredients: warmth and the blossoms from which the nectar is made.

Before supporting or rejecting any legislation, honourable members opposite should get to the source of the issue. In spring last year I was at a friend's property and we shook a eucalyptus branch that was dripping with nectar. It dripped all over our hands and made us uncomfortable for a while. Australia's eucalyptus trees are a good source of nectar and they help to give our honey its distinctive taste and density. Wayne Fuller, an apiarist in the Clarence area, phoned me the other day and asked me to mention the Varroa mite, which is one of the problems facing the honey industry. The Varroa mite feeds on the blood of the bees and quickly transmits disease. It recently hit New Zealand and put 1,500 beekeepers out of business. Australia is the only significant honey-producing nation not to have the Varroa mite, and the industry's top priority is to keep it at bay.

As the honourable member for Orange said, the drought is having a major impact in many areas of New South Wales. However, the honey industry is also being challenged by an African hive beetle infestation. It can wipe out 20 per cent of bee swarms. It has recently hit New South Wales, and possibly the rest of Australia, and it has had a major impact. The industry is also facing imports from China and Argentina. It costs Australian apiarists close to \$2.30 a kilogram to produce honey, but the imported honey is coming into the country at \$1.50 a kilogram. I acknowledge that there is only so much that the State can do legislatively, but the Federal Government should also look at the problems facing the industry. Despite the hurdles faced by apiarists with imports and pests, they work hard to ensure their industry survives and supplies quality honey. There is nothing better than a honey sandwich for the kids.

The European honey industry has made a living out of pollinating crops for many years. The honourable member for Orange said that he paid \$1,200 for beekeepers to put their hives onto his property to pollinate his crop. The bees ensure that the crop is pollinated, thereby giving the farmer certainty. Beekeepers in Europe make more money pollinating crops than they do from selling honey. The Australian honey industry delivers \$50 million a year just in honey, but it has the potential to earn \$50 billion a year from pollination services. That demonstrates the industry's potential to expand and to reap the true worth of its product.

If they were to hire out their bees to pollinate crops, apiarists would add value because the farmers would be guaranteed a good crop. At the moment, very few beekeepers are paid for pollinating crops. Many are simply asked to put their hives near someone's orchard so they can get nectar. It is a two-way street, but the street is uneven. Hopefully, the beekeepers and the industry will gain the benefit of the work of the bees. As I said, The Nationals will not oppose the bill because it will create some certainty. Hopefully, it will not lead simply to more regulations being imposed on an already struggling industry.

**Mr STEVEN PRINGLE** (Hawkesbury) [7.55 p.m.]: This bill is relevant to the Hawkesbury, which has a long tradition of beekeeping. That is not surprising because the Hawkesbury is a rich agriculture area and it has had a strong agricultural industry since the foundation of New South Wales. The Hawkesbury has a large citrus industry and extensive national parks, both of which are important to the beekeeping industry. Frank Malfroy from Freeman's Reach is one of the leading apiarists in the Hawkesbury. I thank him for his advice and comments on this bill. Frank supplies Australian Beekeepers Direct at Dubbo and his product appears in a variety of specialist stores and on supermarket shelves. He is famous for his stringybark honey. His hives are based around the Hawkesbury River, where they feed on various citrus flowers, pasture and weeds. He is also a migratory beekeeper and his hives are based in the Dubbo and Forbes areas. Frank is feeling the pinch of the drought and that is seriously impacting on the viability of his industry.

Bees feed on canola crops at this time of year in parts of western New South Wales. However, thanks to the drought, the canola is stressed and as a result the bees are also stressed. The industry is going through a

flat spot and it needs encouragement, but much more than that offered in the bill. The Government needs reminding that world honey prices are low and as a result local prices have decreased, but at the same time costs have increased. The transfer of State forests to national parks is also having an impact on the apiary industry, but the Government has not addressed that issue. Apiarists are allowed to use former State Forest sites that are now in national parks, but the situation is becoming increasingly difficult because many of the four-wheel drive tracks have become overgrown or have been washed out and they cannot be used. It is now impossible for apiarists to move hives from site to site. Clearly that issue must be addressed, not only for apiarists but also for firefighters. This weekend's massive fires demonstrate the need for decent tracks in all national parks and on other Crown land.

I hope the bill will encourage the Government to get serious about introduced pests that affect the industry. One recently arrived pest is the small hive beetle that is particularly destructive in coastal areas of New South Wales. It must be eradicated or the industry will be put at risk and our export markets will yet again be jeopardised. Australia has strong export industries apart from the coal and iron ore industries. The many primary products we export are important to the prosperity of New South Wales and Australia. Today we heard that the tourism industry is suffering, which emphasises the fact that New South Wales needs a variety of industries to ensure its prosperity.

In good times about half of our honey production is exported. However, there is also a strong market for live bees in Europe and Canada. Australian bees are exported to almond producers in the United States to pollinate crops. They are particularly important when the winters are harsh because local bee numbers are drastically reduced thanks to the weather and the Varroa mite, which is rampant in the United States because of its growing pesticide resistance. The bill is a first step. The Government needs to get far more serious about ensuring that all the other aspects of maintaining the viability of the industry are addressed. It must also ensure that the industry is able to continue to export. That includes eradicating pests, maintaining tracks in good condition, and generally supporting the industry.

**Motion agreed to.**

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

## **BUSINESS NAMES AMENDMENT BILL**

### **Second Reading**

**Debate resumed from 6 September 2006.**

**Mrs KARYN PALUZZANO** (Penrith) [8.02 p.m.]: I am happy to support the Business Names Amendment Bill, which makes a number of amendments to the Business Names Act to ensure that the business name registration scheme continues to operate fairly for business operators and consumers. The amendments will simplify the administration of the Act and guarantee more certainty for all concerned. The main purpose of the Business Names Act is to provide a mechanism for consumers to identify and locate the entity behind a business's trading name. Having access to this information helps consumers and other businesses, such as suppliers, to protect their rights, for example, if they need to pursue legal action.

The process of registering a business name also allows the Government to prevent businesses from using names that may be misleading to the public. To that end, the Act requires registration to be refused if the proposed name is identical to, or closely resembles, an existing registered business name under which business is being carried on. However, there is currently uncertainty about whether the name is available for use by others when registration of a name expires. The bill makes changes to the Act that will provide more assurance for business operators who have a registered business name.

To carry on business in New South Wales under a name other than a person's own name, an application must be made to the Office of Fair Trading to register a business name. Business name registrations last for three years. At the end of the three-year period, if the business owner wishes to continue to use the name an application to renew the registration must be lodged with the Office of Fair Trading. My colleague the Minister for Fair Trading informs me that the Office of Fair Trading sends out renewal reminder letters eight weeks before the expiration of a registered name. Under the legislation, the registration automatically lapses if it is not renewed on time. A new application to register the name may then be made. It would be extremely problematic for a business owner if someone else registers the name before he or she has been able to renew it.

The Government understands that there are many pressures on business operators, and acknowledges that there are occasions when expiry dates can be missed or overlooked. So as not to inconvenience business owners, the practice of the Office of Fair Trading has been to accept late registration renewals. The amendments in the bill will regularise that practice by allowing the registration holder a three-month period immediately following the expiry date in which to restore the business name. During this period the Commissioner for Fair Trading will be able to refuse other applications to register the name. That will ensure better continuity for a business name holder as it will provide a three-month time frame during which the registration holder will be able to renew the registration and during which the name will not be able to be registered by someone else.

To recap, these amendments will make the system fairer for all by, first, protecting the registration of a name for three months when the proprietor has overlooked the renewal date and, second, allowing another trader to apply to register the name if it is genuinely no longer being used. Business operators can relax, knowing that if, for whatever reason, they are not able to renew their names on time, they have a legislated right to apply to restore the names. The three-month limit to the restoration period further supports the business name system by ensuring lapsed names do not remain unavailable indefinitely.

The bill makes several other amendments that are important for the fairness and effectiveness of the business names registration scheme. One of these amendments deals with the age at which a person may apply for a transfer of registration. The amendment will ensure that a person aged 16 or older who purchases or takes over a business can have the details registered in relation to the business name. That amendment will improve the scheme's capacity to meet the needs of today's business environment. Given that it is already possible for a 16-year-old to run a business and to register a business name, it is appropriate that 16-year-olds should also be able to take over the registration of the name of existing businesses they have taken on.

A further amendment relates to the use of the word "sheriff" in a business name. I have already indicated that an important function of the Act is to prevent the use of business names that would be misleading to the public. The use of business names containing the words "police" or "sheriff" could convey a false impression that a business venture is in some way associated with the police force or the sheriff's office. Accordingly, the use of those words in business names is restricted under the Police Act and the Sheriff Act respectively.

The Business Names Act supports the administration of the Police Act by enabling the Commissioner for Fair Trading to refuse to register a name containing the word "police" unless its use has been approved by the Commissioner of Police. Registration may also be cancelled if the approval to use the name is revoked. The amendment will ensure that the Business Names Act embodies the same approach in relation to approvals to use the word "sheriff" in a business name. The amendments set out in the Business Names Amendment Bill are being made to enhance the administration of the Act so it continues to meet current and future business needs. I am, therefore, pleased to support the bill.

**Mr JOHN TURNER** (Myall Lakes) [8.07 p.m.]: The Opposition supports the Business Names Amendment Bill. However, I raise a technical issue which I have also raised with the Minister's staff. The bill amends the Act to allow a 16-year-old to transfer a business name. Under the current legislation, a 16-year-old is able to register a business name but is not permitted to transfer a business name. However, that brings into question contract law, which specifies that a 16-year-old does not have the legal capacity to enter into a contract; the contractual age is 18. That raises a question as to whether the proposed amendment, which allows a 16-year-old to transfer a business name, is permitted under contract law. Normally, the consent of the parent, under the provisions of the Minors (Property and Contracts) Act, would be required to facilitate the transfer. Apart from raising that technical issue, the Opposition supports the bill.

**Ms DIANE BEAMER** (Mulgoa—Minister for Western Sydney, Minister for Fair Trading, and Minister Assisting the Minister for Commerce) [8.09 p.m.], in reply: I thank the honourable member for Penrith and the honourable member for Myall Lakes for their contributions to the debate and I thank them for their support. The Business Names Amendment Act will achieve the following reforms: it will provide for the restoration of an expired registration; it will provide for the refusal or cancellation of registration of a name containing the word "sheriff"; and it will provide for the transfer of registration to a person aged 16 years or over—the honourable member for Myall Lakes was concerned about that provision. It means registration will be transferred to a person aged 16 years or over. Some young people may wish to establish a business before they are 18 or they may be involved in the operation of a family business.

Registration of a business name creates a public record of who is using a particular business name to conduct a business. Registration does not create any right to conduct a business or enter into contracts and should not have any impact on contract laws. The bill also includes a specific regulation-making power with respect to the refund and waiver of fees payable under the Act and some minor amendments by way of statute law revision. I commend the bill to the House.

**Motion agreed to.**

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

### **BAIL AMENDMENT (LIFETIME PAROLE) BILL**

#### **Second Reading**

**Debate resumed from 19 September 2006.**

**Mr ANDREW HUMPHERSON** (Davidson) [8.11 p.m.]: The Bail Amendment (Lifetime Parole) Bill would be better entitled—to save the Government embarrassment over John Lewthwaite—the John Lewthwaite Freedom Bill. The purpose of the bill is a pathetic attempt to try to screen the embarrassment the Government experienced when John Lewthwaite was charged, whilst on parole, with wilful and obscene exposure and it failed to return him to custody as it should have. This Government promised the public of this State seven years ago that if John Lewthwaite stepped out of line he would be returned to custody forthwith, and that did not occur.

This bill is a pale, pathetic attempt to try to screen the fact that Government oversight of parole has been left wanting with regard to the John Lewthwaite matter. The bill seeks to amend the Bail Act to provide for a presumption against bail for persons on lifetime parole who are then charged with offences that carry a penalty of imprisonment. In the case of John Lewthwaite, if that provision had been in place it would not have guaranteed that he would be returned to custody. This is a presumption against bail, not a guarantee against bail. It completely ignores the fact that the problem rests with a bunch of Labor Party hacks who comprise the Parole Authority in New South Wales, and who have a great disposition towards giving offenders sympathy. The Parole Authority has a willingness to release offenders into the community earlier, it fails to respect victims of crime and it fails to give the community protection.

This legislation would apply to a very small class of offenders; fortunately, there are not many John Lewthwaites on this planet. I dare say a little more than a dozen or so offenders in this State would fall into the category of offenders given a life sentence prior to truth in sentencing, who have had their sentences predetermined with a lifetime parole component and who happen to be alive still. Frankly, every one of those offenders, if they commit an offence for which the penalty is potential imprisonment, should have their parole revoked immediately. That is where the problem lies.

In regard to the Lewthwaite problem, the Parole Authority should have convened immediately, it should have revoked his parole forthwith and allowed the further charges made against him to be heard before reconsidering whether his parole should or could be reinstated. This highlights the failure of the Parole Authority in this State. Sadly, the honourable member for Kiama seems to be very sympathetic to offenders such as John Lewthwaite. Many victims and families of victims would like to see offenders such as John Lewthwaite returned to gaol when charged with further offences. In fact, the family of John Lewthwaite's victims would like to have seen him kept in gaol forever. Frankly, that is where he should be. However, there are sympathisers for child killers and sympathisers for self-confessed paedophiles—which is what John Lewthwaite is.

Those sympathisers were happy to leave John Lewthwaite out in the community where he has committed an unknown number of offences, has not been supervised for at least three or four years by the probation and parole service and, despite being supposedly on the paedophile register, has not been supervised by the police. The Minister for Police admitted that. Two or three brief cups of tea when he turned up at the local police station are evidence that there has been no supervision of John Lewthwaite for the past four years. In this Chamber seven years ago the then Minister for Corrective Services, now the Attorney General, said if John Lewthwaite transgressed in the most trifling way he would return to gaol. It did not happen. That was a lie.

The community has no idea how many offences John Lewthwaite has committed in the past seven years because he has not been supervised. Some 2,400 paedophiles are on the register in this State. We have no idea where they are; we have no idea of the extent of their supervision. If Lewthwaite is a measure, we know there is no supervision. We have no idea how many other offences they might be committing, particularly when

it is known that paedophiles are highly disposed towards reoffending and are beyond rehabilitation in almost every case.

We will not oppose this legislation: it will make little or no difference. The solution to the situation is to clear out the Parole Authority and replace its members with people who have values that are in keeping with the wider community, who recognise that families of victims should be considered and respected, and that far greater weight should be placed on public protection. One sees Labor luminaries, such as John Whelan, Faye Lo Po' and other people who are members of the Parole Authority by virtue of their Labor Party connections, making decisions to keep people like John Lewthwaite on the streets. They are putting the community at risk, releasing multiple other serious offenders at the first possible opportunity, even though they pose a high risk of reoffending and have shown no remorse for their crimes. Clearly, in these circumstances, it is time to clear out the Parole Authority and appoint people who will do the job properly. That is the solution.

This legislation would not be necessary if the Parole Authority was not as full of Labor Party hacks as it is. We make a clear commitment that we will clear out the Parole Authority, we will appoint people to the authority who will do the job of protecting the community and will respect victims of crime and their families. We will also be looking at whether it is necessary to give the Minister greater power to correct or at least step in when the Parole Authority gets it wrong. Under the current Government we have seen the Parole Authority get it wrong more or less month in and month out, releasing serious offenders where they have not completed courses to address their behaviour and where they have not shown remorse for their crime—except at the point of time when they approach the Parole Authority.

Parole is not something that should be granted automatically. It is a privilege to be earned, and offenders should earn it only if they have behaved while in the prison system, if they have correctly and properly completed courses that address their behaviour, if they have shown remorse for their crimes and they are not assessed as posing a threat to the community. Yet time and again that is what has occurred. We had the ridiculous situation in the past couple of months of Maddison Hall. That offender had been assessed as having a 60 per cent probability of reoffending at the first opportunity and had 5½ years remaining on his or her sentence, and was going to be released by the Parole Authority before the families of the victims stood up and said, "No, this is wrong".

It should not be up to the families of victims on a regular basis—sometimes annually, sometimes more frequently—to stand in front of the Parole Authority and argue to keep an offender behind bars. They know the offender poses a threat to the community; they know the offender, in some cases, is a psychopath; they know they are likely to reoffend and that their behaviour was not addressed in gaol. If there is a classic example, it is Maddison Hall, someone who has raped women whilst placed in a women's prison and undergoing a sex change program, and someone who has committed numerous offences against male and female prisoners within the prison system, including rape of all types, which I will not go into in the Chamber.

That is the type of offender that the current Parole Authority allows out in the community. The Opposition does not believe that sort of person should ever see the light of day unless their behaviour is addressed and they are no longer a threat to the community, and until they are shown to have genuine remorse for their crime. The Opposition will allow the legislation to pass both Houses of Parliament. However, I make the point that the problem is not so much the bail laws; the key problem is the Parole Authority and its willingness to allow serious offenders to be released too early and to remain out in the community.

**Mr CHRIS HARTCHER** (Gosford) [8.20 p.m.]: This legislation has been forced upon the Iemma Labor Government by a strong media campaign led by the *Daily Telegraph* and a strong campaign sponsored by the honourable member for Davidson as shadow Minister for Justice. It is yet another example of the Iemma Government's attitude to law and order, which is totally reactive. It has no policy on law and order; it simply reacts to campaigns against it. We saw that illustrated earlier this year when it finally succumbed, after something like seven years of urging by the honourable member for Epping, on majority verdicts. On that occasion the Government had the incredible hypocrisy to vote against the bill introduced by the honourable member for Epping, and the very next week it introduced a bill in exactly the same terms.

The Government showed the same hypocrisy with respect to the penalty for sexual assault in company being increased to life imprisonment. The honourable member for Epping introduced a private member's bill on that. The Government finally succumbed and introduced its own legislation to enact that as an amendment to the Crimes Act. The Government has been caught out badly in its conduct of the parole system. It has been embarrassed by the incompetence of the Parole Authority, whose sacking the honourable member for Davidson

has rightly called for. It has been embarrassed by the fact that the Parole Authority appeared completely inept, completely ham-fisted in dealing with John Lewthwaite, a dangerous criminal who was let loose in the community, unsupervised for several years, despite the fact that he was supposed to be supervised, committing further offences allegedly on Wanda Beach involving indecent exposure. He was allowed to wander at large because of the inadequacy of the bail system and the gross inadequacy of the Government's parole system. This Government has nothing to be proud of in respect to the administration of parole in New South Wales. The Government simply reacts to headlines.

The New South Wales Government should overhaul its parole system and finally take an axe to its political appointments on the Parole Authority. Many of them are simply Labor Party hacks, Labor Party trade union officials, people whose service has not been to the community but to a political party. It should ensure that the Parole Authority is a truly representative group, which actually approaches parole with the fundamental tenet, the main aim of parole, to ensure that the community is protected from further crimes committed by criminals. That was not done in this case. Clearly, it was allowed simply to happen.

We all recall the words of the now Minister for Police in opposition and addressing the Australian Labor Party [ALP] annual conference when he talked about applications to release John Lewthwaite. He said, "Should John Lewthwaite be released? Not on my watch." They were his words back in 1993-94 when he was strident on the issue of John Lewthwaite. Honourable members can refer to the ALP annual conference reports. It was captured on the television and in the media. As always the Minister for Police was anxious to make a name for himself and anxious to show how hardline he was. He was hardline and made a name for himself. He pledged that Lewthwaite would not be released on his watch but what happened?

As soon as Labor took office in 1995, the process was set in motion for the release of Mr Lewthwaite. Mr Lewthwaite was released, and he was released on Carl Scully's watch. That was the acid test of his word and this Government's commitment to the protection of the community. It was the acid test of how this Government treats serious criminals in the State. If the Government can get away with it, it will do so by way of subterfuge and under the blanket, but it is only when it is exposed, it is only when the cold light of reality shines upon this Government that it takes any action to protect the community or to ensure that serious criminals are locked up.

We had a serious criminal convicted of the terrible, atrocious murder of a young girl out on parole, committing further offences on Wanda Beach, yet the Government did nothing. If it had not been for the honourable member for Davidson and the *Daily Telegraph* campaign it would still have done nothing. The Coalition will not oppose the legislation, but it is yet another nail in the coffin of a decaying and decadent Government, which cannot even honour its own promises. The Minister for Police could not honour the commitment he gave to the ALP annual conference that John Lewthwaite would never be released on his watch, and it was on his watch the John Lewthwaite was in fact released.

**Motion agreed to.**

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

## **PROFESSIONAL STANDARDS AMENDMENT (DEFENCE COSTS) BILL**

### **Second Reading**

**Debate resumed from 19 September 2006.**

**Mr CHRIS HARTCHER** (Gosford) [8.27 p.m.]: The Professional Standards Amendment (Defence Costs) Bill relates to the professional indemnity policy taken out by professional groups such as lawyers, doctors, engineers, accountants, surveyors and valuers. It implements a decision of the Standing Committee of Attorneys General to enable professionals who are members of schemes to hold either costs-inclusive or costs-in-addition insurance policies. The Attorney General canvassed these matters in his second reading speech. The Coalition does not oppose the legislation so there is no point in the canvassing them once more.

I simply wish to say two things: First, I commend the Standing Committee of Attorneys-General for its ongoing role in trying to ensure, as far as possible, a uniform approach to law where that is important—and it is certainly important in relationship to the national economy we now have in Australia. Clearly, people now use

lawyers, valuers and accountants who cross State boundaries. Many of the larger firms are multi-State and it resolves many of their problems if laws can be uniform, particularly with matters such as their professional indemnity insurance. That is important work being carried out by the Standing Committee of Attorneys-General.

Second, I commend the role that the professions themselves have undertaken in recent years, since around about 1994 when nearly all the professions adopted comprehensive professional indemnity insurance schemes. These are a great protection to the public. They provide great assurance to the public because they operate as a form of quality control and ensure that if things go wrong—and we all hope they do not—in the conduct of legal or accountancy practices or with engineers, there is satisfactory recourse. This legislation will hopefully make that recourse even clearer and more patent to those who are users of the various services professionals in our community offer.

There is a distinction between costs-inclusive policies and costs-in-addition policies. As I say, they were spelled out in the Attorney General's second reading speech. It is appropriate that we acknowledge the role of the professional bodies and that we on this side of the House acknowledge the role of one of our predecessors, the Hon. John Hannaford, who, in 1994, introduced the scheme in New South Wales. It was landmark legislation in legal reform in New South Wales and he deserves to be credited with it. The legislation has worked extremely well and has been adopted by the various professions. It is appropriate that it be reviewed from time to time, as it has been reviewed in this particular instance, and it is entitled to the support of House.

**Ms VIRGINIA JUDGE** (Strathfield) [8.30 p.m.]: I support the Professional Standards Amendment (Defence Costs) Bill 2006. I commend the Minister and his departmental staff for having brought this matter before the House tonight and for the hard work involved in doing so. The bill extends the coverage of professional standards legislation to professional associations who hold costs-inclusive insurance policies. The professional standards legislation has three pivotal aims: to improve occupational standards, to limit the occupational liability of professionals and to protect consumers. I would like to address the House on some of the consumer protection measures built into the professional standards legislation that apply to this bill. Three key measures in the Professional Standards Act mandate the Professional Standards Council to take into account consumer protection issues when exercising its powers under the Act.

Firstly, one of the stated objects of the Act is to protect the consumers of the services provided by professional and others. In exercising its functions under the Act, the council must comply with this object. Secondly, before approving a scheme, the council must consider a number of matters set out in section 10 of the Act. I will now summarise those matters. The council must consider all comments and submissions made to it in response to the public notification of a proposed scheme. The Act requires the council to advertise proposed schemes in the local press for a period of three weeks. The council also engages in targeted consultations with relevant stakeholders, including relevant consumer groups. The council is also required to consider the position of persons who may be affected by limiting the occupational liability of members of the occupational association concerned. This requirement ensures that the council takes into account the interests of consumers of the services provided by professionals.

Before approving a scheme the council must also consider risk management policies of the professional association. The risk management policies of a professional association may include the adoption of a code of ethics, the establishment of a complaints and discipline system, and the provision of continuing professional development programs. These strategies will help to improve occupational standards and decrease the risk of the professional acting in a way detrimental to consumers. The standard of insurance held by an association is also considered before any scheme benefiting its members is approved. In February 2005, the council adopted a Policy Statement on Professional Indemnity Insurance, which provides guidelines for associations when developing their insurance standards. Finally, the council must consider the cost and availability of insurance in the market before approving a scheme for a professional association.

It is important to keep in mind that requiring professionals to purchase very high levels of insurance to try to guarantee that every claim is met may in fact mean that few professionals participate in professional standards schemes. Such professionals may purchase no insurance at all, and not commit to engaging in risk management strategies, which are required of those who enjoy the benefit of a scheme. The Professional Standards Council is required to take into consideration all of these issues when deciding whether or not to approve a scheme. The interests of consumers are further protected by section 26 of the Act. Under this provision, before determining the limitation of liability in a scheme, the council is required to have regard to the number and amounts of claims made against persons within the occupational association concerned and the need to adequately protect consumers.

Caps are generally set at a level that vastly exceeds the average claim amount and the vast majority of claims for the class of professionals concerned. In order to ensure that the limitation of liability is set at the appropriate level the council receives independent actuarial advice. The adoption of professional standards legislation has raised occupational standards of risk management and has helped to ensure that professionals are able to obtain affordable occupational liability insurance. Consumers and professionals both benefit under an effective professional standards system and tonight I have outlined to the House the consumer protection framework that applies to the bill before us. I commend the bill to the House.

**Mr BOB DEBUS** (Blue Mountains—Attorney General, Minister for the Environment, and Minister for the Arts) [8.35 p.m.], in reply: I thank the honourable members for the electorates of Strathfield and Gosford for their contributions to the debate. The bill before us has a modest but, nevertheless, significant role. It is the result of work by attorneys general across Australia co-operating together through the Standing Committee of Attorneys General to address an issue identified by the Professional Standards Council. I am quite willing to acknowledge the role of the Hon. John Hannaford back in 1994 in the establishment of the professional standards scheme and the council in New South Wales. It is only in much more recent times that we have been able to negotiate the expansion of the scheme across the country, and many benefits flow there from.

The amendments contained in the bill will be introduced by other States and Territories and that will ensure that all States and Territories continue to have nationally consistent professional standards legislation. The bill recognises the realities of the insurance market and provides for flexibility for members of schemes to hold either costs-inclusive or costs-in-addition insurance policies, and enables professionals to purchase the types of policy that are best suited to their needs. At the same time, the bill ensures that consumers will be protected regardless of whether they deal with a professional who holds a costs-inclusive or costs-in-addition policy. I have pleasure in commending the bill to the House.

**Motion agreed to.**

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

## **SUCCESSION BILL**

### **Second Reading**

**Debate resumed from 19 September 2006.**

**Mr CHRIS HARTCHER** (Gosford) [8.38 p.m.]: I lead for the Coalitional on the Succession Bill. Like the previous bill, the Professional Standards Amendment (Defence Costs) Bill, this legislation flows from meetings of the Standing Committee of Attorneys-General. It implements the National Committee for Uniform Succession Laws, which brought down its first report in 1995, according to the Minister's second reading speech, which is quite comprehensive on this matter. The Law Reform Commission release its report in April 1998 and the model bill, which was based on the Victorian Wills Act 1994, was in turn based on a bill contained in the Victorian Parliament's Law Reform Committee's 1994 report reforming the law of wills. The Attorney General advises that the Succession Bill largely mirrors the model bill.

Succession is one of the subjects that every law student studies. It is an important part of legal practice in all societies, not just common law countries. Death is inevitable and the disposal of one's property after death is therefore a requirement of all legal systems. The law of wills reflects very much the historic development of the common law throughout the English-speaking countries. For a long time it was under the jurisdiction of the ecclesiastical courts, not under the common law courts, simply because wills were associated with the preparation for death and the preparation for death was pre-eminently the role of the church. The role of wills has been significant for historical purposes.

An aside, which might interest the honourable member for Strathfield is that the way the progress of the Reformation was charted across England was the way wills were analysed. The formula for wills and will making changed with the Reformation as people adopted new formulas of words because the original wills and wills in mediaeval times were largely religious documents, although they also disposed of property. It was only in the nineteenth century that the ecclesiastical courts gave way to the statutory courts—not the common law courts—to interpret and enforce wills and probate and the general administration of estates in countries that accepted the common law system. That is why the United States still has separate courts. Some of the original

13 colonies had surrogate courts that dealt with wills, as they did at the time of America's break with England in the 1770s.

This is a landmark bill. It adopts a uniform standard for wills and for succession across Australia. I note the Attorney's remark that the other jurisdictions that have implemented the model bill are Victoria, Northern Territory, Queensland and Western Australia. It certainly is significant that we have a far more standardised model of legislation. As I have said on many occasions, and I say in relation to this bill, we are now living in one economy, and we are now living very much in one society. It is not appropriate that the colonial boundaries that were in force at the time of Federation in 1901 should contain the residents of each State in separate silos. People are far more mobile, so it is desirable that legislation as important in people's lives as legislation relating to wills, the disposition of their property, and the protection of their loved ones is kept as uniform as possible so there is minimal inconvenience.

No State rights or colonial rights are associated with this legislation. They are just practices that have grown up over a period of time through lack of contact between the States. That is now largely being resolved. As with the previous legislation, I commend the work of the Standing Committee of Attorneys-General to ensure greater uniformity and greater consumer protection, leading overall to greater benefit to the community, both of New South Wales and Australia.

**Ms VIRGINIA JUDGE** (Strathfield) [8.43 p.m.]: I support the Succession Bill. Once again I commend the Attorney General for his hard work with the other Attorneys General, and also his ministerial staff and the department for the preparation of this bill. It was nice to hear the honourable member for Gosford give the hardworking member for Peats a lovely hello this evening. The law of wills is an area of law every member of the community will come into contact with at some point in their lives. Considering that this law affects almost everyone, it needs to be easy for lay people like me to understand and use.

The Succession Bill is an achievement in plain English language drafting. It modernises the law and the language of an Act that is over 100 years old. The arcane legal terms of the old law are replaced with much more user-friendly language. For example, nowhere in the new bill will one find old-fashioned terms such as "hereinbefore", "hereditament", or "pur autre vie". One initiative that has been used to make this bill easier to read and understand is the framing of sections as questions and answers. For example, clause 4 of the bill is headed "What property may be disposed of by will?" and it then goes on to answer that question in five brief subclauses. This compares favourably with the equivalent provision in the Wills, Probate and Administration Act, which uses a 14-line sentence to explain what property can be disposed of by a will.

As well as modernising the language, the Succession Bill makes the law of wills in New South Wales consistent with the law of wills in other States and Territories. That is a significant step in the right direction. The bill is based on a model bill developed by the National Committee for Uniform Succession Laws, which is a subcommittee of the Standing Committee of Attorneys-General. A number of other States have already implemented the model bill. By implementing nationally consistent succession laws we make it easier and less costly to administer the estates of people who have moved between, or who have held assets in, different States and Territories. In order to ensure that legal practitioners and the community at large are made aware of the changes this bill makes to the law of succession, an implementation committee has been established. The committee includes representatives from the Supreme Court, the Public Trustee, the legal profession, legal educators, and the Attorney General's Department. The committee has a variety of plans to help educate practitioners and the public about the benefits of the new law. I commend the bill to the House.

**Mr BARRY COLLIER** (Miranda) [8.46 p.m.]: I am delighted to speak on this historic bill. It amends the Wills, Probate and Administration Act 1888 with respect to wills. It promotes consistency in succession laws across Australia and sets out its provisions very clearly and unambiguously. The object of the bill is to restate, with amendments, the law relating to wills in New South Wales in order to implement, with modifications, the recommendations of the National Committee for Uniform Succession Laws relating to the law of wills contained in the final report of the Standing Committee of Attorneys-General in December 1997. These recommendations were endorsed by the New South Wales Law Reform Commission in its "Report 85 (1998) Uniform Succession Laws: The Law of Wills".

The bill contains some significant changes with respect to wills, including the introduction of authorised wills for persons who lack testamentary capacity; the provision of statutory guidance in relation to matters to be taken into consideration by the court in authorising a minor to make a will; new rules about beneficiaries who witness wills; new rules about survivorship; revision of the law relating to foreign wills, to

bring New South Wales Law in relation to choice of law issues in line with that in other jurisdictions; new provisions in relation to who is entitled to see a will on the death of a testator; new provisions relating to the deposit of wills; and provisions relating to the admission of limited evidence to aid in the interpretation of wills.

I would like to speak about a few of these provisions. One in particular is the new rule in relation to beneficiaries who witness wills. Currently the rules operate to disqualify the spouse of an attesting witness or person claiming under a spouse of an attesting witness from benefiting under the will. Often these rules are justified on the basis that if a spouse attests a will, some sort of undue influence or undue pressure is placed on the testator. Sometimes unintended consequences flow from that. In particular, if the beneficiary dies and leaves his estate to the person who witnessed the will, that is his spouse, she may well become a beneficiary under that first will and that disentitles her from inheriting a devise or receiving a gift under the original testator's will. The bill does away with that unintended consequence.

Secondly, the bill modernises the law relating to wills for minors. Currently, minors who need to apply to the court for authority to make a will must rely on the case law to know the evidence the court will require in order to be satisfied that an order should be made. The model bill removes the uncertainty of the common law by providing a list of factors that the court must be satisfied about before authorising a minor to make a will. This measure will assist applicants to prepare a sound case for consideration by the court. Thirdly, there are new rules that relate to who is entitled to see a will before the grant of probate. Currently, only a named beneficiary has a right to see a will. The bill allows persons with a proper interest in the will of a deceased person, such as possible beneficiaries, to inspect the will. Individuals with a right to see the will may assist those who wish to make a claim against the estate, for example, dependents of the deceased person who wish to make a family provision application.

Part 2.3 of the bill, construction of wills, deals in division 1 with general rules about the construction of wills and, in division 2, with the construction of particular provisions in wills. I would like to emphasise some of those provisions. Clause 29, which specifies the interest in property that may be disposed of by a will, replaces section 20 of the Wills, Probate and Administration Act. It provides that where subsequent to the making of a will a testator disposes of a part interest in the property disposed of by the will, the will operates to dispose of a remaining interest in the property. That overcomes the problem of partial intestacy and is designed to prevent the failure of a disposition, which would otherwise fall into the testator's residuary estate.

Clause 30, which will be of great interest to lawyers, provides that a will takes effect as if it had been executed immediately before the death of the testator. It replaces section 21 of the Wills, Probate and Administration Act and is designed to ensure that property acquired by the testator after he or she made the will but before death can be disposed of by it. Clause 31 again operates to avoid a partial intestacy by providing that if any disposition of property is ineffective, the will takes effect as if the property were part of the residuary estate of the testator.

Clause 35 requires a beneficiary to survive a testator by 30 days before receiving a benefit under the testator's will, subject to a contrary intention appearing in the will. In many cases a contrary intention does appear in a will. Again, the bill clearly sets out the impact and effect of not so providing. The bill is welcome. It provides uniform guidance to lawyers throughout Australia and to non-lawyers in clear, plain language. I commend the Attorney General and the Standing Committee of Attorneys-General, and I commend the bill to the House.

**Mr MALCOLM KERR** (Cronulla) [8.52 p.m.]: I also support the Succession Bill, which will have practical consequences for everybody. It is a regrettable fact that everybody will eventually die.

**Mr Barry Collier:** I don't know about Osama Bin Laden.

**Mr MALCOLM KERR:** The honourable member for Miranda may think he will escape death, but I can assure him that surveys have been quite conclusive. I would be interested to hear the legal argument on that. That shows the practicality of the bill before the House. It will affect most people in this State, certainly in my electorate in the Sutherland shire.

**Mr Barry Collier:** Everybody dies in the shire too.

**Mr MALCOLM KERR:** It is a regrettable fact that even in the shire, people die. It may be heaven but that does not mean the lifespan is everlasting.

**Mr Barry Collier:** Heaven is only a local call.

**Mr MALCOLM KERR:** That is true. I am glad there are some things the honourable member for Miranda and I agree on. The honourable member for Gosford, the honourable member for Strathfield and the honourable member for Miranda have outlined the practical implications of the bill. It is the harvest of a great many years of work. In 1991 the Standing Committee of Attorneys General initiated the uniform succession laws project, and this bill is the fruition of that work. The objective of the project was to develop model legislation to be used as a basis for reform by Australian States and Territories with a view to each jurisdiction adopting uniform or at least consistent succession laws. That is what we are debating tonight. Both sides of the House are in general agreement that the bill is progressive and has a considerable amount of public benefit, particularly for those who are fortunate enough to become beneficiaries. I commend the bill to the House and look forward to its speedy implementation.

**Mr PAUL LYNCH** (Liverpool) [8.55 p.m.]: I support the Succession Bill 2006, which is an example of a powerful trend in contemporary Australian legislation. It represents progress towards consistent or uniform succession laws across the nation. Succession is one of many examples where there is increasing pressure for nationally consistent rules. This is not just academically satisfying. More importantly, it reflects changes in technology and contemporary life experiences for many Australians.

The few of us in this Chamber who were lawyers are perhaps not intimidated by the apparent obscurity of this topic. It is important for a number of people in this country, albeit usually those who themselves are rich or whose relatives were rich enough to be concerned about assets. The law relating to succession is the law relating to wills and estates. As with the rest of our legal system, the law came from England. As a student and practitioner I always thought the best way to understand the law relating to succession was to remember that it developed and evolved as the rules regulating property relations among the English ruling classes. I remember being inspired by that thought while poring over my succession textbook, edited I think by Olive Wood, R. A. Woodman and the ex-Trotskyist Judge Frank Hutley.

The bill comes from a process undertaken by the National Committee for Uniform Succession Laws, which carried out the work of the uniform succession laws project initiated by the Standing Committee of Attorneys General. The national committee released a report and model bill on wills which was endorsed by the New South Wales Law Reform Commission in 1998 in Report 85 entitled "Uniform Succession Laws: The Law of Wills". This bill is based on that model bill, although it is not identical. A number of changes are made to the current law relating to wills. The bill repeals provisions of the Wills, Probate and Administration Act relating to wills, and it renames the remainder the Probate and Administration Act. There are a significant number of changes to the bill.

Clause 10 deals with interested witnesses to a will. In plain language, a beneficiary under a will could not be a witness to the will. This would, of course, have the potential to frustrate the intention of the testator, although there are obvious public policy reasons—such as to discourage fraud or intimidation—why the rule was introduced. I remember, however, the look of disbelief on the faces of husband and wife clients for whom I had drafted wills when I told them they could not witness each other's wills.

Clause 10 somewhat mitigates this rule. This clause retains the rule that a disposition to a beneficiary under a will is void to a witness. A number of exceptions are introduced to this rule. One exception is if all the people who could benefit directly under the will consent in writing to the distribution. Another is if the court is satisfied that the testator knew and approved of the disposition and it was given or made freely and voluntarily by the testator. This provision shows an emphasis upon complying with a testator's intention, as does clause 7, which means a will is validly executed even if witnesses did not know it was a will. They are required to confirm that it is the testator's signature, not that it is a will.

I will note briefly a number of other provisions in the legislation. Clauses 18 to 26 make provision for court-authorized wills for people who lack testamentary capacity. Clauses 16 and 17 provide a degree of statutory guidance for the court to consider when authorising a minor to make a will. The law on foreign wills is revised in clauses 46 to 50. There are also new rules on survivorship and the deposit of wills.

Clause 32, which is an interesting provision, provides for the admission of limited evidence to aid in the interpretation of wills. This seems to be a new provision. The court can admit extrinsic evidence of the testator's actual intention in the purpose of construing a will where the language is ambiguous or meaningless. Clause 54 is also interesting in that it specifies those who are entitled to inspect and make copies of the will of

someone who has died. The list is broader than simply those named as beneficiaries, although it is not broad and is restricted in precise terms. The bill is a sensible and useful contribution to the law in this State and I am delighted to express my support for it.

**Mr BOB DEBUS** (Blue Mountains—Attorney General, Minister for the Environment, and Minister for the Arts) [9.00 p.m.], in reply. I sincerely thank honourable members who contributed to the debate on this bill. Succession law is not self-evidently a gripping topic for many honourable members, society or, indeed, this House.

**Mr Brad Hazzard:** It is very exciting.

**Mr BOB DEBUS:** However, for lawyers—not excepting the honourable member for Wakehurst—the law of succession has always been a familiar if somewhat arcane beast. A dusty copy of the Wills, Probate and Administration Act occupies a place on every solicitor's shelf, next to Fleming's *The Law of Torts* and Carter and Harland's *Cases and Materials on Contract Law in Australia*.

As has been said, the bill will bring New South Wales into line with other jurisdictions in relation to the way it regulates the law of wills. That circumstance will in turn make it easier and less costly to administer the estates of people who move between, or who have held assets in, different jurisdictions. I am proud of the work of the Standing Committee of Attorneys General. The uniform succession law project that has produced this legislation is one of a number of projects that has the purpose of harmonising important statutes in Australia and, in so doing, meeting the needs of contemporary society and improving the laws of the country into the bargain.

I anticipate that the uniform succession law project will produce a number of other bills during the next 12 months. I also anticipate that a measure concerning family provision, another concerning intestacy, and a third concerning the administration of estates will be introduced and incorporated into what will be upon passage of this bill the Succession Act 2006. I again stress that if someone has a valid will, it will still be effective even though we are about to have a new Act regulating the law of wills.

Nevertheless, the introduction of this bill is a good reminder to people to consider making or reviewing their will. A will lets people decide how their assets will be distributed; and if they do not have one, the State will do it for them. I discussed the provisions in the bill in great detail in the second reading speech. In summary, the bill modernises the law of wills in this State and represents a significant step in the achievement of total consistency of succession laws across Australia. I commend the bill to the House.

**Motion agreed to.**

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

## **SPECIAL ADJOURNMENT**

**Motion by Mr Bob Debus agreed to:**

That the House at its rising this day do adjourn until Wednesday 27 September 2006 at 10.00 a.m.

## **BUSINESS OF THE HOUSE**

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

**Motion by Mr Bob Debus agreed to:**

That standing and sessional orders be suspended to allow the introduction of the following bills, notice of which was given this day for tomorrow, up to and including the Minister's second reading speeches:

Mount Panorama Motor Racing Amendment Bill  
Sydney Water Catchment Management Amendment (Warragamba) Bill

**SYDNEY WATER CATCHMENT MANAGEMENT AMENDMENT (WARRAGAMBA) BILL**

**Bill introduced and read a first time.**

**Second Reading**

**Mr BOB DEBUS** (Blue Mountains—Attorney General, Minister for the Environment, and Minister for the Arts) [9.05 p.m.]: I move:

That this bill be now read a second time.

The Sydney Water Catchment Management Amendment (Warragamba) Bill allows for a minor change to the Sydney Water Catchment Management Act 1998 to de-proclaim 494 hectares of the Warragamba Special Area. The amendment is necessary because Sydney Catchment Authority [SCA] Special Areas can, for very good reasons, be repealed only by an Act of Parliament. This change is important because it will allow the local Wollondilly Shire Council to access SCA land to provide important recreational opportunities to the local community. It will also streamline the regulatory processes because this land is presently being regulated to protect water quality despite the fact it is downstream of any water storage facilities. Special Areas are tracts of land adjacent to SCA dams. The SCA regulates access and other activities on these lands to protect the quality of the water in a dam, or to maintain ecological integrity. Restrictions on access and activities in Special Areas apply only to land owned by the SCA or the Crown and do not apply to privately owned land.

When the Warragamba Special Area was first proclaimed in 1942 it included the protection of a catchment area surrounding Warragamba Weir. The weir was part of the Warragamba Emergency Supply Scheme built in the 1940s as an emergency measure during the 1934 to 1942 drought, and it continued to be used during the construction of Warragamba Dam. Warragamba Weir is downstream of Warragamba Dam and has since been decommissioned. In other words, this portion of the Warragamba Special Area is an historical legacy because the weir is no longer used as a water supply source. That is, the area is outside the hydrological catchment because it no longer drains to any water supply. I can reassure the House that there is no intention to de-proclaim any Special Area lands upstream of the Warragamba Dam wall because those lands do form part of the hydrological catchment that drains into Lake Burragorang. These lands are vital for the protection of water quality in the lake and will remain Special Areas.

As I said, the bill has a very practical outcome. De-proclaiming this portion of the Warragamba Special Area means that the SCA can now formally consider and support the local council's request to acquire an SCA picnic ground that is adjacent to the council's community recreation facilities. The council facilities also include tennis courts and an oval. When the bill is enacted, the council will be in a position to consider constructing a proposed community centre and to provide additional open space for community recreation activities for Warragamba residents. I am aware that the honourable member for Camden supports this outcome for his local community. The aspirations of council to provide additional facilities to the community are not possible under the current Special Areas classification.

As I said, de-proclaiming the Warragamba Special Area will also result in the removal of unnecessary regulations that are presently placed on the Warragamba community. The portion of the Warragamba Special Area to be de-proclaimed includes the townships of Warragamba and Silverdale. While Special Area restrictions on access do not apply to privately owned land, some activities, such as the operation of on-site sewage management systems and animal husbandry, are strictly regulated in Special Areas regardless of the ownership of the land. The Government is keen to ensure that unnecessary regulations and impacts on private landowners are avoided. Where the bill de-proclaims Warragamba Special Area land, and that land contains Sydney Catchment Authority infrastructure, the land will be declared to be what is known as a "controlled area". This will occur under the Sydney Catchment Authority's existing regulation-making powers, ensuring continued restricted access to those lands containing water supply related infrastructure. I commend the bill to the House.

**Debate adjourned on motion by Mr Russell Turner.**

**MOUNT PANORAMA MOTOR RACING AMENDMENT BILL****Bill introduced and read a first time.****Second Reading**

**Ms SANDRA NORI** (Port Jackson—Minister for Tourism and Sport and Recreation, Minister for Women, and Minister Assisting the Minister for State Development) [9.11 p.m.]: I move:

That this bill be now read a second time.

I take great pleasure in introducing the Mount Panorama Motor Racing Amendment Bill, which amends certain provisions of the Mount Panorama Motor Racing Act 1989. The purpose of the bill is to increase to five the maximum permissible annual number of events using the whole Mount Panorama motor racing circuit under the Mount Panorama Motor Racing Act 1989. By promoting increased visitation to the area, this measure will assist the Bathurst Regional Council, the owner of the circuit, in developing a significant local tourism resource.

The bill increases the penalties for two offences to a maximum of 100 penalty points each. This measure will ensure that the penalties are commensurate with the seriousness of the offences. It also indicates the determination of the New South Wales Government to promote the maximum standard of safety at motor racing events. Mount Panorama, at Bathurst, is one of the sacred places of motor racing in Australia. It is a national treasure for motor racing. It is one of the major motor racing circuits in the world, and its special character sets it apart from others.

It is perhaps unfortunate that our deliberations today follow soon after the recent tragic passing of Peter Brock, one of Australia's greatest sporting heroes and a major figure in motor racing for three decades. Many of his achievements occurred at Mount Panorama, and for many he will be regarded as the King of the Mountain forever. I expect there to be a special poignancy about this year's Supercheap Auto 1,000-kilometre event in particular, coming so soon after the accident in which he was killed. It is wonderful news that a perpetual trophy will be awarded to the winners of the 1,000-kilometre race, which will be named the Peter Brock Trophy.

Since 1938, when it was a dirt track, there has been motor racing at Mount Panorama, and most of the significant Australian motor racing identities have competed there and created a strong tradition. There are few comparable circuits in the world. The physical beauty of the location is staggering. For many years the mountain was a mecca for Australian motorcycle racing as well, with a special mystique, a long tradition, some significant heroes, and its own folklore. Many motorcyclists regarded the pilgrimage to the Easter races as the high point of their year. Sadly for that tradition, the motorcycles are now gone. Safety concerns have really made it impossible, given the speeds that modern bikes can achieve.

But the cars are still there every year, and thousands of Australians, not just from New South Wales, make the trip in October to see the big V8 race, currently under the name of the Supercheap Auto 1000, and the other events during the five days. This is the major annual tourism event for the Bathurst area. At Easter there is the International Festival of Motor Sport, also over five days, with a variety of motor sport events and entertainment off track. On-track events include a 12-hour production race, historic touring cars, Aussie racing cars, the Australian GT Championship, Hot Laps and a legends race.

The New South Wales Government contributed \$10 million in 2002-03 on a one-for-one basis with the Commonwealth Government to assist Bathurst Regional Council, which contributed \$4 million, in developing the facilities at Mount Panorama as part of the Mount Panorama Regional Tourism and Recreation Strategy. This initiative focuses on the Mount Panorama precinct as the most significant asset among the area's tourism attractions. Mount Panorama has been a tourist drawcard for more than half a century. It is estimated that 2.5 million Australian viewers watch the annual V8 race, which can be seen in some 700 million homes in 54 countries. About 300,000 people drive the circuit every year.

The Government contribution to Mount Panorama has seen the development of larger pit bays, corporate suites, a state-of-the art control tower, 400 camping sites, spectator mounds, amenities blocks, and an enhanced pedestrian bridge over the pit strait. Mount Panorama is estimated to contribute \$27 million a year and 630 jobs to the regional economy, \$46 million and 810 jobs to the New South Wales economy and 1,500 jobs to the national economy. International visitor numbers are expected to rise from 75,000 to 100,000 bed nights a

year with the redeveloped facilities. This is clearly a big bonus for Bathurst. Part of the special character of Mount Panorama is due to the circuit also being a public road. Unlike other venues in New South Wales, it is not regulated according to the provisions of the Motor Vehicle Sports (Public Safety) Act 1985, which applies to motor racing grounds on enclosed land.

The amendments proposed in this bill will assist the Bathurst Regional Council in promoting Mount Panorama, and the beautiful area generally, through an increase in the number of motor racing events it will be permitted to hold each year. The current Mount Panorama Motor Racing Act allows only two race meetings on the full circuit per year, and the proposed amendment will increase the limit to five per year under the Act. This will promote greater use of the facilities at Mount Panorama and increase the flow of tourism to the area with a corresponding financial benefit.

The new arrangement will provide the Bathurst Regional Council with the opportunity to conduct up to five motor racing meetings under the Act, subject to the provision of public safety reports by NSW Police and scrutiny of the circuit and facilities by the relevant motor sports organisations. This is in keeping with current practice, with an enhanced role for the council. It will be important for the council to maintain a close working relationship with police to ensure that the specific public safety requirements of motor sport events are properly addressed.

Being designated "authorised officers", council officers will be important participants in the process of implementing and monitoring safety standards. The provisions relating to penalties under the existing Act have also been addressed. They are primarily intended to act as a deterrent to foolish or impulsive acts and to communicate the seriousness of the safety issues at this unique racing circuit. Some of the existing penalties for quite dangerous behaviour were inadequate and have been increased significantly. For example, should anyone drive a vehicle unlawfully onto the circuit during a race, the penalty could be 100 points, or currently \$11,000. This is appropriate because motor racing events need to be made as safe as possible for all concerned. Similarly, any attempt to place obstacles on the track will attract a penalty of 100 points. Some other lesser penalties will be implemented in the regulation, which will be amended to accompany this bill. Those penalties have been reviewed and, in many cases, will be increased.

Certain administrative matters are addressed in the bill to acknowledge and support the role of the Bathurst Regional Council in fostering activity at Mount Panorama. The important role of the police will continue in fulfilling the requirement for public safety reports to be provided to council and to New South Wales Sport and Recreation. This contribution by the police is crucial to ensuring adequate provision for public safety. In the period following the passage of this bill, it will be important to ensure that local concerns are heard and addressed. The current arrangement for an advisory committee comprising representatives of council, New South Wales Sport and Recreation, police and local residents will also continue, and I am confident that this consultative mechanism will promote co-operation as well as recognition of the interests of local residents in the preparations for motor racing events at Mount Panorama.

The council also will meet regularly with residents and maintain channels of communication with the Mount Panorama Residents Committee. As the frequency of motor racing events increases, this consultative process will assume a greater importance as local people and council assess the impacts. I am confident that the amendments proposed in this bill will assist in ensuring a safe environment on and around the Mount Panorama circuit, as well as promoting the further development of motor racing in New South Wales, and at Bathurst in particular, while also enhancing the prospects for tourism in the area. I commend the bill to the House.

**Debate adjourned on motion by Mr Russell Turner.**

**The House adjourned at 9.20 p.m. until Wednesday 27 September 2006 at 10.00 a.m.**

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