LEGISLATIVE ASSEMBLY

Wednesday 25 October 2006

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Mr Speaker (The Hon. John Joseph Aquilina) took the chair at 10.00 a.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 country.

CRIMINAL PROCEDURE AMENDMENT (SEXUAL AND OTHER OFFENCES) BILL

Second Reading

Debate resumed from 18 October 2006.

Mr CHRIS HARTCHER (Gosford) [10.00 a.m.]: The Criminal Procedure Amendment (Sexual and Other Offences) Bill follows on from a task force established by the present Attorney General in 2004. The principal findings of the task force were released to the media in January 2006, which carried them at the time, and the report was made public in April 2006. A timeline has been prepared by one of those commentators. It is an extremely interesting document. It states that in December 2004 the Attorney General, the Hon. Bob Debus, assembled a special task force to consider major reforms that would revolutionise the way sexual assaults are dealt with by the legal system. The move followed 63 fresh reports of gang rape in the previous financial year and the additional revelation that, out of 9,532 reports of sexual and indecent assault, only 216 convictions were recorded. It is an extraordinary figure.

In December 2005 more than 300 victims responded to a landmark survey that found the legal system was failing complainants in just about every area. The task force used the study to help complete its submission. In January 2006, the task force, comprising judges, barristers, police, counsellors and academics and the Director of Public Prosecutions, delivered its final recommendations to the Government and there were newspaper reports about it in January 2006. In April 2006, the extraordinary cases involving some gang rapes in Sydney had been heavily reported in the media, and Tegan Wagner walked from court and proudly spelt her name out loud to reporters after seeing the conviction of the brothers who had so disgracefully raped her. Sexual assault counsellors hailed her courage and the resulting publicity as a major turning point. I mention the excellent book by Paul Sheehan that dealt with the case and was a best seller earlier this year. I congratulate Paul Sheehan on the extraordinary work he has done in highlighting this issue of major public concern.

In October 2006 the New South Wales Rape Crisis Centre reported a huge surge in calls from complainants, including a 28 per cent increase from people who were sexually assaulted in the previous seven days. The New South Wales Government announced major law reforms that would allow these cases to be heard in an environment that provides comfort and support. Accordingly, this legislation is now presented to the Parliament.

The original task force report, produced in April, contained 70 recommendations to the Government. They were designed to ensure that victims were better treated by the system, and that conviction rates were increased and victim trauma was reduced. In welcoming the report, the Attorney General at the time—again the Hon. Bob Debus—announced that he would implement many of the major legislative reforms it recommended. The report recommended a number of matters that are not capable of legislative action, such as education programs for judges and for court staff. Its principal recommendation was the establishment of a one-stop sexual assault centre for victims, because at present victims must attend up to six different locations seeking help. That is arguably the principal reform recommended. As I said, that is not capable of legislative action; that is an administrative matter to be developed by the Government and to be funded by the Government. Unfortunately, to date the Government has not made an announcement on when that one-stop sexual assault centre will be established, how it will be funded and who will staff it. One hopes that the Attorney General will address that issue as this bill progresses through the Parliament.

Not only was there a 28 per cent increase in first-time callers in October, there was a 131 per cent increase in all calls for the first quarter of the financial year. The New South Wales Rape Crisis Centre reported a 41 per cent increase in callers who had been sexually assaulted as children. The whole dark area of sexual assault has had many lights turned upon it in recent years. The New South Wales Rape Crisis Centre report is another one of those, but the reaction of government, including this Government, is slow and it is painful to see the very slow progress that has been made even in the legislative response to this task force report. Some months ago, through the shadow spokesperson for women, the Hon. Catherine Cusack, and the Leader of the Opposition, the Coalition called for urgent action for the implementation of the task force report. The Hon. Catherine Cusack will be speaking on this issue when the matter comes before the Legislative Council.

The report also recommended that there be consideration of establishing a special sexual assault court as there is for gun crimes. The Government stated, according to media reports, that this was being considered. Again, the Government has not made a statement about it. The task force was established in November 2004 and the report was subsequently released. But there has been no statement made by the Attorney or by the Government that such a court will be established. In 2004, before the release of the report, the New South Wales sexual assault and court conviction statistics, which were released in November, revealed that 11,000 people contacted NSW Police in the past financial year to report a sexual assault, which included the figures of 63 gang rape offences and 320 child sexual assaults. A further 3,352 cries for help were received by the New South Wales Rape Crisis Centre, the State's only 24 hour rape counselling service.

Together with all honourable members, I commend the wonderful work done by the New South Wales Rape Crisis Centre in assisting so many women who are tragically victims of sexual assault. Those at the centre display enormous patience and compassion in endeavouring to assist victims. The media reports stated at the time that the historic reform of a sex crime court would be a first for Australia and would be a successful implementation of intensive lobbying by the New South Wales Rape Crisis Centre. The centre manager, Karen Willis, who attended a meeting with the Attorney General, his senior policy advisers and the State Government's law reform section, said:

> We spoke at length about a place where everybody from the judge to the cleaner would be trained to deal specifically within this area; the idea being that victims get treated with greater dignity, respect and, of course, that justice is served.

Ms Willis said that the gathering was sparked by statistics, which she argued proved that rape victims were being let down now more than ever. The New South Wales Bureau of Crime Statistics and Research figures show a dramatic increase in the number of sexual assaults reported to police—in 2002-03, 9,151 and to the end of June 2004, 11,000. As well as the staggering number of reported gang rapes and child sexual assault the New South Wales Rape Crisis Centre reported 196 adults stepping forward for the first time to admit they were sexually assaulted when they were children. There were 77 people aged 55 and older who reported being raped. In addition, the bureau report showed that 63 people contacted the service believing they had fallen prey to sexual assault as a result of drink spiking. Ms Willis said:

> Sexual assault figures are increasing across the board, but it's impossible to know whether it's the number of incidents that are rising or the number of women deciding to come forward.

The Australian Bureau of Statistics estimates that only 20 per cent of rapes are reported, which means we are looking at a potential figure of approximately 60,000 sexual assaults in New South Wales in the past year. For that same period, there were just 247 convictions. So the gap between reported sexual assaults and convictions is enormous. It is a serious challenge to our society that must be accepted and met if our society is going to afford women the protection and dignity to which they are entitled and the respect and protection that the law must afford all its citizens. A further report in January of this year in respect to the 300 people who responded to the landmark survey of 2005, that I have already addressed, stated that the latest figures showed that 98 per cent of accused sex attackers walked free in 2004. That would equate with a figure that was supplied to me—and I believe is accurate but I cannot find its source—that only 1 per cent of sexual assault complaints result in a prison sentence. Any society in which 98 per cent of sex attackers can walk free is a society that does not adequately address the issue.

I know that members of the Government will support this legislation, and the Coalition does not oppose it. One has to express disappointment with this legislation because it in no way is a comprehensive legislative response to the task force report. The legislation makes limited changes to the legislative system. I acknowledge, as I have earlier, that quite a number of the recommendations in the task force report dealt with matters that are outside the legislative framework, such as: the establishment of the single centre to look after victims; the education programs for judges and court staff; the need for special training for police and medical staff in

handling these offences; and the need to further assist and resource organisations like the New South Wales Rape Crisis Centre.

The task force made 70 recommendations and only a few of them are reflected in this legislation. To be fair to the Attorney, he has stated in other reports that this legislation would only address some of the issues and that further consideration will be given to the other issues raised by the task force. I hope that they are. I believe that all honourable members should approach these sorts of matters in a responsible way. They need careful consideration but I would have thought they had received careful consideration by the task force, which included not only judges and academics but also the Director of Public Prosecutions. The Director of Public Prosecutions overwhelmingly handles sexual assault cases that come before the courts. I would have thought that the Attorney would have more readily accepted some of the recommendations of the task force, especially the recommendation for a statutory definition of consent, which is not reflected in this legislation.

Mr Bob Debus: It will be.

Mr CHRIS HARTCHER: I accept the assurance of the Attorney that that important matter will be reflected. I will not say any more other than to quote the Director of Public Prosecutions who is a person with whom I, and the Opposition, have come into conflict on various matters. However, I have always said that we respect his integrity and his ability, and have only ever argued with him on issues of public accountability. In 2006 a media report quoted Mr Cowdrey in relation to the definition of "consent":

> But a majority of taskforce members—including the Director of Public Prosecutions, Nicholas Cowdrey, QC—said a definition [of consent] would educate the public, provide consistency and "make it clearer for the community to understand what does and what does not amount to consent".

The task force noted problems in the criminal justice system, including court delays and low rates of conviction. It recommended that sex assault cases receive separate treatment in the system and that lawyers, judges and police be trained in dealing with vulnerable witnesses. I would have thought that almost all witnesses in sexual assault cases are vulnerable. About one third of sexual assault matters take more than two years to complete, which is an extremely disturbing statistic because it means that these victims are in agony for such a long time. It went on to say:

> More than 90 per cent of reported rapes do not result in convictions and only 17 per cent end up in court.

Those figures are appallingly low. This legislation is designed to help overcome the low reporting of rapes. I do not wish to go through the legislation. The Coalition has done so and has determined that the legislation should not be opposed and will not seek amendments to it. I am gratified by the assurance of the Attorney General that he is working on a statutory definition of "consent". I understand that it is a difficult matter on which to set good judicial grounding. Such definitions can be argued in court and sometimes become counterproductive, especially as the common law definition of "consent" is well established.

The sections dealing with a judge's power to make certain directions to the jury are illuminating. I was not aware that this was a matter of concern. The Act specifically states that a judge must not warn a jury or make any suggestion to a jury that complainants as a class are unreliable witnesses. I would have hoped that would not be a problem. Clearly it was a problem, otherwise the task force would not have felt it necessary to make such a recommendation. The proposed section specifically prohibits the giving of a warning to a jury of the danger of convicting on the uncorroborated evidence of a complaint. Certain matters need to be considered where evidence is uncorroborated, but the task force has clearly considered whether it needs to be expressed as a warning and has found that is not appropriate. I do not believe for a moment that such a provision prevents the issue being raised because, after all, uncorroborated evidence should be considered carefully and deliberately.

The Coalition very much welcomes a number of the proposed sections, particularly the section that provides for the admission of a record of evidence given by a complainant in sexual offence proceedings in a new trial, following the discontinuation of a trial. When a jury is discharged for whatever reason or it fails to reach a verdict and a trial is discontinued, it is in the interests of the public and complainants that sexual assault victims are not required to give their evidence again. Again I commend the excellent book by Paul Sheehan, which drew the public's attention in a very readable fashion to the many problems associated with sexual assault trials.

This important legislation continues the shining of light into the dark world of sexual assault. Significantly, the Parliament is dealing with these issues. I hope that the Government through its Executive

deals with other issues in the report, including the establishment of a one-stop centre and education programs. The Coalition welcomes the announcement by the Attorney General about education programs. I assume those matters will be dealt with through the Judicial Commission of New South Wales. This legislation is important and significant and deserves to be acknowledged as such.

Ms LINDA BURNEY (Canterbury—Parliamentary Secretary) [10.23 a.m.]: The House has dealt with the scourge of sexual assault on a number of occasions. The Attorney General and the Government have done an enormous amount of work in legislative reform in relation to sexual assault. It is an ongoing issue that needs to be dealt with carefully. For example, the Criminal Procedure Amendment (Evidence) Bill 2005 is part of a raft of legislation. I acknowledge the presence in the public gallery of Karen Willis, Manager of the New South Wales Rape Crisis Centre. I can assure the House that she is committed to working in this area; it is not just her job. It has been recognised in response to the report that not only legislative changes are needed. Cultural changes are also needed, not only in society but also in the judiciary and the way that justice is served in the interests of victims of sexual assault. The Rape Crisis Centre has talked about this issue for a long time. I briefly point out that cultural change is not particular to New South Wales or Australia. It has been only in recent times that sexual assault and rape have been recognised as instruments of war, as we have seen in the trouble spots of Bosnia and Sudan.

The bill addresses some of the issues associated with the low rate of conviction in sexual offences, including evidentiary matters and the withdrawal of the complainant. It is acknowledged that the attrition rates have been a driving force behind this legislation. Evidentiary matters, including the admissibility and reliability of evidence, have a significant impact on the likelihood that the accused will be convicted. In typical sexual assaults—if any sexual assault can be described as typical—the offence is committed in private with no witnesses to corroborate the complainant's version of events. Many factors such as intimidation, shame, self-blame and uncertainty as to whether an offence has been committed can result in delayed reporting.

The bill amends the directions that judges can give to juries about a complainant's evidence. In particular, it prohibits a judge from warning a jury that it is dangerous to convict on the uncorroborated evidence of any complainant. It also prevents a judge from stating or suggesting to a jury that complainants as a class are unreliable witnesses. Those provisions reflect the motivation behind this legislation, that is, making sure the judiciary is sensitive to these issues and better able to respond to them. The bill amends the directions a judge may give a jury in respect of delay in complaint. In particular, it adds to existing provisions by providing that a judge does not warn a jury that the delay is relevant to the victim's credibility unless there is sufficient evidence to justify it. Honourable members may be amazed that we need such legislation to provide those directions. However, in the past the attitudes of and directions by members of the judiciary in some sexual assault matters have been inappropriate and would have caused great distress to the men, women and children—particularly women and children—who were the victims of sexual assault.

The bill limits warnings about delay to circumstances where the delay is significant and the judge is satisfied that as a result the accused has suffered a significant forensic disadvantage. The withdrawal of a complainant is another significant factor in the low rate of conviction. This often occurs following committal proceedings, as the complainant is often too distressed by the experience to continue and to have to face revictimisation at trial. This is a critically important part of the legislation. It takes into account the emotional distress and physical injury suffered by victims from the long-term effect of sexual assault. The distress can be so great that the complainant cannot continue with the trial.

This bill tightens up the procedures for calling complainants at committal hearings, to ensure that the court is satisfied that there are special reasons in the interests of justice to direct a complainant to attend a committal hearing to give evidence. It also enables the written statement of the complainant to be admitted as his or her evidence-in-chief. Complainants often do not wish to continue after a trial has been aborted or resulted in a hung jury, or discontinued for any other reason, because they cannot face the trauma of giving such evidence all over again. The bill provides for the complainant's previous evidence to be tendered as evidence in the subsequent trial—usually in the form of video recording—so that the complainant will not have to go through that court experience again. There will be a presumption against calling the complainant to give further evidence, although there will be some scope to do so where it is clearly in the interests of justice.

I finalise my comments by saying that the trauma of a sexual assault trial is enormous. This bill addresses not only the sensational issues that are easy to focus upon; it reminds us that sexual assault occurs in all parts of society, often in our homes, and far too frequently. The bill is about all people who have been victims of such horrendous crimes, not just about the sensational cases. I commend the bill to the House.

Mrs JUDY HOPWOOD (Hornsby) [10.31 a.m.]: The Criminal Procedure Amendment (Sexual and Other Offences) Bill 2006 is a bill for an Act to amend the Criminal Procedure Act 1986 to make further provisions with respect to proceedings for sexual and other offences and the protection of certain persons in such proceedings, and for other purposes.

The objects of the bill are to clarify the circumstances in which complainants may be called to give evidence in committal proceedings for certain sexual offences and to make it clear that child complainants may never be called; to provide that witnesses in criminal proceedings who have difficulty communicating are entitled to use a person or a communication aid to assist in giving evidence; to make further provisions with respect to the non-publication of the names of sexual assault complainants and make provision for the non-publication of evidence in relation to certain sexual assault proceedings; to clarify and provide for various jury directions given in certain sexual offence proceedings in relation to complainants; to give lawyers who are appointed in certain sexual offence proceedings to ask questions of a complainant on behalf of an accused person in unity from liability; and to permit the admission of a record of evidence given by a complainant in certain sexual offence proceedings in any new trial that is listed following a trial that has been discontinued. The bill also makes other minor amendments.

I will not enlarge upon the contribution made by my colleague the honourable member for Gosford. He noted that the bill follows the Sexual Assault Task Force report to the Attorney General last January, and also that after nine months the Iemma-Costa Government finally has implemented some of the recommendations of that task force. The Coalition will not oppose the bill. We will support anything that endeavours to facilitate courtroom proceedings with respect to such emotionally charged and very difficult matters as sexual assault and other criminal matters, and to address the difficulties often experienced by the victims and in the conduct of the trial. The failure of the Government to implement all the recommendations of its own Sexual Assault Task Force is noted. I was privileged to be part of a briefing given by that task force.

I commend the contribution to the Sexual Assault Task Force made by the New South Wales Rape Crisis Centre, which is working against sexual violence. This is a statewide, 24-hour telephone and online crisis, support and referral service for women who have experienced sexual violence. It is committed to upholding the rights of women to live in a socially just, equitable and non-violent society. Counsellors work in partnership with women to expand their choices, facilitate healing and encourage personal growth. The fundamental service principles on which the centre operates are that all forms of sexual violence are a crime; all women have the human right to live free of violence; sexual assault is an extreme act of violence; perpetrators of sexual violence aim to terrorise, degrade and humiliate their victim and place themselves in a position of power and control; and sexual assault is indicative of patriarchy. The information that I gathered from the web site of the Rape Crisis Centre states:

> In all its practices the Centre asserts that anyone who has experienced sexual violence has the right to be treated with dignity, compassion and respect and be informed of, and have access to, legal assistance, counselling, health and welfare services.

The web site gives statistics of the work of the New South Wales Rape Crisis Centre from 1 July 2005 to 30 June 2006. In that period the centre had 1,433 new callers and 2,177 repeat callers. The most common issues presented by new callers were sexual assault, 574 reports; child sexual assault, 402 reports; calls from supporters, 183 reports; gang rape, 34 reports; and drug and assault related sexual assaults, 41 reports. In relation to the cultural backgrounds of new callers, 824 were Australian, 25 were Aboriginal and Torres Strait Islanders, 105 were European, 27 were Middle Eastern, 7 were North American, 8 were South American, 3 were African, 36 were Asian, and 14 were Pacific Islanders. The age groups of callers were as follows: 0 to 15, 40; 16 to 25, 331; 26 to 35, 251; 36 to 45, 187; 46 to 55, 110; and 55 and over, 53. There were 56 new callers with a disability. It can be seen from those statistics that rape and sexual assault is a widespread issue, occurring amongst communities of all backgrounds and age groups. Obviously this is a very serious problem, and I commend the Rape Crisis Centre on its work and its contribution to the formulation of this bill.

I point out that White Ribbon Day is on 25 November. I support the work of Unifem Australia in regard to the elimination of violence against women. The White Ribbon campaign is the first male-led campaign against violence in the world. On 25 November each year, the International Day for the Elimination of Violence against Women, hundreds of thousands of men across the globe will wear a white ribbon as a pledge to help end violence against women. The White Ribbon Day brochure notes that 57 per cent of Australian women will experience an incident of physical or sexual violence by a man in their lifetime; more than 30 per cent of women will experience abuse in a relationship in their lifetime; and young women and girls face a particularly high risk of violence. That both men and women come together in an attempt to address this extremely serious issue is commendable.

I acknowledge the many letters written by women involved with domestic violence, of which sexual assault is only part. My own domestic violence network group, which meets monthly, is doing a fantastic job. Its motto is "No person should live in fear of domestic violence". Obviously that feeds directly into the purpose of this legislation, which is to assist those who have had that experience to have their case addressed. The Hornsby-Ku-ring-gai area has a wonderful domestic violence court assistance scheme. I again pay tribute to Josie Gregory for leading the charge. The scheme is designed to encourage and assist victims of domestic violence to use the justice system to ensure protection from further violence. It is funded by the State Government and administered by the Legal Aid Commission of New South Wales.

As I have already stated, a number of parties have been consulted and the Coalition will not oppose this legislation. However, it is disappointing that not all of the recommendations in the Government's Criminal Justice Sexual Offences Taskforce have been incorporated. I reiterate that it is vital that the New South Wales Government deal with sexual assault, which also affects men. A great deal more could and should be done in this area.

Mr PAUL LYNCH (Liverpool) [10.41 a.m.]: I support the Criminal Procedure Amendment (Sexual and Other Offences) Bill. The law relating to sexual assault has always been a significant issue for legislators. Greg Woods' book *A History of Criminal Law in New South Wales: The Colonial Period 1788-1900*, for example, refers to lengthy and passionate parliamentary debates in the nineteenth century about what was then called "rape". People such as Sir Alfred Stephen, who was normally a staunch defender of the death penalty, opposed it as the maximum penalty for rape because, among other reasons, there was an increased disinclination on the part of juries to convict if the accused would be likely to be hanged. Legislative attention is often drawn by notorious but atypical incidents that are subject to massive media attention. However, this bill deals with fundamentally more important issues than simply the penalty. It deals with the "attrition process". The report of the Criminal Justice Sexual Offences Taskforce entitled "Responding to sexual assault: the way forward" states:

> Evidence derived from past surveys shows that only a small proportion of sexual assaults enter the criminal justice system, and many of these are filtered out or do not proceed to a conviction.

That seems to be a much more important issue than the maximum potential sentence. Of course, the sentence is completely irrelevant unless there is a conviction, and there is no conviction unless there is a report. On the other hand, there are important protection principles that must be defended, such as an accused's right to a fair trial and the prosecution establishing criminal guilt beyond reasonable doubt. Of course, there is the possibility of conflict between these traditional principles and the importance of reducing the attrition rate. We should not establish competing principles, but have a system and set of laws and procedures that adhere to both principles, and this legislation largely manages to achieve that. One of the reasons for that is the way in which the bill was developed.

The bill arose out of the Criminal Justice Sexual Offences Taskforce report, which was published in April 2006. The task force was established in December 2004 and was chaired by Lloyd Babb, who was then the Director of the Criminal Law Review Division of the Attorney General's Department. Some of us in this place came to know him through the debate on the State terror laws. The task force included a significant range of participants with very different perspectives. I note that Karen Willis, the manager of the Rape Crisis Centre, is in the gallery today. That process has resulted in a useful report which has attracted a fair degree of consensus and which has adhered to both sets of principles to which I referred a moment ago.

The evidence about attrition in the report is stark. It refers to a crime and safety survey which states that only one-third of respondents notified police about the most recent incident of sexual assault. Australian Bureau of Statistics data suggests that only 10 per cent to 30 per cent of adult female sexual assault victims report their victimisation to police. One of the reasons is a fear of re-victimisation once the report has been made. The report also suggests that most women are sexually assaulted by someone known to them, and by one rather than many perpetrators. One study reports that alcohol was involved in approximately 40 per cent of incidents. Referring to those factors and some others, the report states:

> It is important to keep these characteristics in mind when considering issues relating to attrition. Often atypical cases capture the attention of the media and the public, possibly creating a distorted view of sexual assault, and these are not the most suitable vehicle for influencing the development of policy in this area.

Of course, attrition is not restricted to reporting. Issues also arise following a police investigation, the laying of charges, at the prosecution stage and at trial. The report states:

> High rates of attrition in sexual assault cases within the criminal justice system reduces the capacity of criminal sanctions to act as a deterrent to offending, and undermines community confidence in law and justice processes.

The bill is designed to address those issues without compromising other important principles. The bill also extends non-publication orders so that they may be maintained after a verdict in proceedings. This aims to reduce problems arising from adverse publicity. It also makes clear that publishing includes broadcast over the Internet. Other provisions strengthen already existing restrictions on calling complaints to give evidence at committal hearings. Another provision makes changes to possible jury directions by a judge. This is in the interest of justice in making the position clearer and more precise. Greater support is also provided to vulnerable witnesses in courtrooms. A recorded interview of a child complaint can be admitted as evidence even when the child is now over 18 years.

There are other provisions in the bill that do not arise from the task force report. One deals with the prohibition of cross-examination of complainants by the accused. I have mentioned that issue previously. The bill also provides an indemnity for the lawyers who are acting as the mouthpiece for the accused. The bill does not contain a provision relating to consent. I find that a difficult argument. There are arguments on both sides of the ledger about whether consent should be codified, and chapter 3 of the report deals with that very well. Those of us who are interested in law reform and progressive changes in the law would traditionally support codification, and that has been my position for some time.

The difficulty emerges when one tries to codify and draft a provision; it can sometimes make the situation worse than the situation being addressed. It is certainly not a new argument; arguments about codification have been raging in this Chamber since 1856. According to the history of criminal law in New South Wales, people have been arguing about codification for as long as there have been members of the Legislative Assembly. I do not see it as a particularly easy debate. In that context, taking a bit more time to consider the codification argument, which is what the Attorney General indicated today and in the second reading speech, can be no bad thing. If it is to be codified then it must be done very carefully, and taking a bit of time to do that can only be welcomed. This is a very good bill. It has dealt with a series of legal principles well and it should be welcomed.

Mr BARRY COLLIER (Miranda) [10.48 a.m.]: I support the Criminal Procedure Amendment (Sexual and Other Offences) Bill. This is landmark legislation. As a member of the Bar who has appeared in sexual assault trials, both for the prosecution and the defence, I can tell the House that there is no more difficult trial than a sexual assault matter. Of course, the person for whom it is most difficult is the alleged victim. I will refer to women in this debate, but we all know that men are also victims of sexual assault. We have come a long way from the days when if the alleged victim of sexual assault did not raise a hue and cry, or make a complaint within a very short space of time and if there was no corroboration, she would not be believed. Many women over the centuries have fallen victim to sexual assault and justice has not been done.

The reforms and clarification of the law provided for in this bill are significant. They will, in my view, make a substantial difference to the conduct of trials of sexual assault matters. It can be extremely difficult for the complainant in a sexual assault trial to give evidence. Some do not want to give evidence and dread the prospect of being embarrassed, and some have feelings of shame as if they are in some way to blame for what has happened. They dread having to relive the trauma they have endured for months, even years, after such a horrific, violent event—sometimes more than one event perpetrated over a lengthy period. In some instances the sexual assault is linked to domestic violence. The difficulty many experience in giving evidence is one of the principal barriers to victims of sexual assault coming forward, and a factor in the underreporting of a crime which really should bring shame on us as members of a civilised society.

The bill includes several important steps and I will refer to just some of them. First of all, it clarifies the circumstances in which the complainant may be called to give evidence in committal proceedings. Over time there have been changes from the situation where a complainant would give evidence not only in committal proceedings but also in the trial—a double whammy, if you like; a double dose of trauma, embarrassment or shame. Another important step over time has been the change to the law that enabled the accused to give a statement from the dock. In other words, accused persons could get up in the dock and say whatever they liked without having to face cross-examination on it. That right has long been abolished.

The bill clarifies the circumstances in which complainants may be called to give evidence in committal proceedings for certain sexual offences, and makes it clear that a child complainant can never be called to give evidence in committal proceedings. Requiring a child to give evidence in a trial is difficult enough for the child, the child's family and/or supporter. Over the years there has been a change to the law to enable a child to have a support person and give evidence by way of video link, which is very important for the child. Making it clear that a child cannot be called to give evidence in committal proceedings is a step in the right direction, one of those clarifications of the law that I spoke about earlier.

An important part of any criminal trial, of course, involves the directions that the judge gives to the jury. The judge is the judge of the law; the jury is the judge of the facts. The current Act provides that in certain sexual offence proceedings, where evidence is given or a question asked of a witness that tends to suggest an absence of complaint or delay in making a claim about the alleged offence, the judge is to warn the jury that the lack of complaint or delay in complaining does not necessarily indicate that the allegation is false. In fact, there may be good reasons why a victim of sexual assault may hesitate in making, or refrain from making, a complaint about the assault. There may be many reasons why a person does not make a complaint. They may regard it as a one-off event and say, "This is never going to happen again." That is particularly the case if domestic violence is involved.

As the honourable member for Liverpool correctly stated, in many instances the victim of a sexual assault knows the person who has assaulted him or her, and in some cases is in a domestic relationship with that person. The bill goes further and provides that the judge must not warn the jury that delay is relevant to the victim's credibility unless there is sufficient evidence to justify such a warning. That provision achieves the right balance in a trial. The judge may warn the jury, but only if the parties to the proceedings request that he or she do so; and the judge may give the warning only as to the nature of the disadvantage caused or likely to be caused—perhaps a forensic disadvantage arising from the loss of relevant evidence that may point to the innocence of the accused.

With regard to the judge's directions to the jury, the bill provides that in certain sexual offence proceedings a judge must not warn a jury or make any suggestion to a jury that complainants as a class are unreliable witnesses. We are all different. We have different motives and different lifestyles. It is important that judges do not warn the jury or make any suggestion that complainants in sexual assault matters are unreliable or that they are fabricating their evidence. It is just another way of saying the complainant deserved to be assaulted, which of course is a lie. It is appropriate that judges are directed that they must not suggest that the alleged victims of sexual assault are fabricating evidence for some other reason. That is an important step in encouraging victims to come forward to give evidence.

I should say, also, that it is a brave woman that comes forward to give evidence in a sexual assault matter. It takes a great deal of courage on her part. She may have family present in court and having to go through the trauma of giving evidence is something that really turns victims away from coming to court. They constantly see television shows—either a television program based on the American justice system or one based on the Australian justice system—that depict the complainant being dragged through the hoops and breaking down in the witness box. The bill is an important step forward in that it provides for a record of evidence given by a complainant in sexual offence proceedings to be admitted in any new trial that is listed following a trial that has been discontinued. In other words, if a complainant, the alleged victim of a sexual assault, gives evidence in a trial that is aborted or in which there is a hung jury, or for some reason the trial is discontinued, that evidence can be admitted in any subsequent trial without the complainant being required to enter into the witness box and go through the trauma of giving evidence again.

The record of such evidence is admissible if the prosecutor gives the court and the accused person notice of his or her intention to tender that record of evidence given in the first trial. The Act also provides that the hearsay rule, which lawyers are always interested in, will not prevent the admission or the use of that record in evidence. If the record of evidence given by the complainant in the first trial is admitted in subsequent trial proceedings, the complainant will not be compellable to provide any additional evidence. The alleged victim does not have to go into the witness box to give additional evidence, although he or she may elect to do so. As I said, that is a great step forward in encouraging victims to report the heinous crime of sexual assault. The prosecutor can say, "This has to be done, but only once." It does not have to be done on two, three or perhaps four occasions.

The bill contains procedural steps such as this that are landmarks in the law relating to sexual assault matters. I commend the Attorney General for introducing the legislation. I commend the Criminal Justice Sexual Offences Task Force, established in 2004, many of whose recommendations have been implemented with the introduction of this bill. I commend all the agencies involved. In my electorate of Miranda numerous agencies and numerous people work with victims of sexual assault and I commend them on the work that they do in respect of one of the most difficult matters to come before the court. It is a most difficult matter for people who are the victim of this crime and their families—parents, brothers and sisters—who go through the process with them, who sit in court day in and day out, and who are forced to listen to a description of shocking events. It is an extremely difficult time for victims who have the courage to come forward and report sexual assault offences. I admire them for doing so. I trust that this bill will encourage more victims of sexual assault to agree to give evidence in court. I commend the bill to the House.

Ms VIRGINIA JUDGE (Strathfield) [10.58 a.m.]: I support the Criminal Procedure Amendment (Sexual and Other Offences) Bill. I commend the Attorney General and his hardworking staff, and the departmental staff, for the efforts they have put into bringing this bill before the House today. It was interesting to listen to the very thoughtful, clear and concise contributions of the honourable member for Liverpool and the honourable member for Miranda. They spoke with considerable knowledge and experience of these laws, which I do not have. Their contributions highlighted some of the key issues addressed by the bill. Obviously they have a lot of experience in this area, which I believe is important in the process of ensuring that the legislation is effective.

I believe that Karen Willis from the Rape Crisis Centre in Drummoyne is in the public gallery this morning. It is great that she has taken time out from her busy schedule to come in here. I visited the Rape Crisis Centre a couple of years ago, when I met Karen and some of her staff. I was extremely impressed by the work they do at the centre. They are so compassionate and caring, and they try to make the best use of the resources they have available to them. Indeed, I bet they work long past the hours required of them to make sure they assist people who have, sadly, fallen victim to these horrendous crimes. It is probably about time I made a return visit to the centre. I will try to get there some time before Christmas or in the New Year to see where Karen and her staff are up to. I thank them for the way they welcomed me on my visit to the centre. Although the Rape Crisis Centre serves the entire State, I know that quite a few people in the inner west, particularly from my electorate of Strathfield, perhaps would have used the service. It is regrettable that it has to come to that, but at least Karen Willis and her staff are there to do the best they can to support people who have suffered from sexual offences committed against them.

In December 2004 the Attorney General established the Criminal Justice Sexual Offences Task Force to examine issues surrounding sexual assault in the community and the prosecution of such matters within the criminal justice system. The task force was to advise the Attorney General on ways to improve the responsiveness of the criminal justice system to victims of sexual assault, whilst ensuring that an accused person receives a fair trial. The report of the task force entitled "Responding to sexual assault: the way forward" made more than 70 recommendations for change, including a number of legislative amendments. These recommendations represent one of the most comprehensive reviews of the law in this area in the last 20 years. It is great that our Government has taken steps to allow that to occur. The task force reviewed the current law in New South Wales and other jurisdictions with respect to sexual assault offences and what amendments may be desirable and worthy of implementation.

In particular, the task force examined the number of reported sexual assault cases that are prosecuted and the outcomes of those matters, including the number of victims whose cases may not proceed through the criminal justice system and why so many cases do not proceed; how to improve the provision of information and services to people who have been sexually assaulted; the law in relation to consent; the test for the admissibility of evidence of sexual experience and reputation; the efficacy and practice regarding committal proceedings involving adult sexual assault complainants; non-publication orders in sexual assault trials; directions to juries in sexual assault trials; the test for admissibility of tendency and coincidence evidence; whether there should be a presumption that multiple complainants should be dealt with together in the same trial against the accused; the evidence of children, and whether existing mechanisms and court practices provide adequate safeguards against children being re-traumatised by the court process; practices and procedures regarding the safety, protection and rights afforded to people with intellectual disabilities and other cognitive impairment, and people living in aged care residential facilities in light of their vulnerability to sexual assault; whether there should be a specialist court, or a dedicated and specialised approach to prosecuting and hearing sexual offence cases; how to improve the management of sexual offences cases through the courts and reduce delays; and whether any alternative models or approaches should be included in any recommended specialised model.

The bill implements a number of those recommendations, including: improving the committal process for complainants; expanding the use of non-publication orders in these cases; simplifying jury directions; improving the situation for young people who are abused by allowing a recorded interview of a child complainant to be admitted as evidence even where the child is now over the age of 18; and providing that any witness who has difficulty in communicating unaided may use an intermediary or device when giving evidence, if that witness normally employs such a device to assist in communication. In addition, the bill makes two further amendments that were not specifically considered by the task force but have been raised by practitioners. The Government's previous amendments to allow transcript and other evidence from an original trial to be admitted in retrials will be extended to allow all or part of a complainant's previous evidence in criminal proceedings to be used in subsequent trials in circumstances where the earlier proceedings were discontinued

because the trial was aborted or there was a hung jury. There is some flexibility, however, to recall the complainant in circumstances where their evidence has not been fully completed; to clarify any matters arising from the original evidence; to canvass fresh material that has become available since the original proceedings were adjourned; or it is otherwise in the interests of justice to do so.

This is an extremely comprehensive review. These legislative changes will make a significant contribution towards easing the process of assisting sexual assault victims. I cannot for a moment imagine what it would be like to be sexually assaulted; it is something that would take one many, many years to get over, if one ever were to get over it. Any measures the Government can take to ease that process are welcome. In another area of law, the Carr-Iemma Government also introduced victim impact statements, which was an early initiative that has also proved to be very helpful.

I note that some wonderful young people from Homebush primary school, a school in my electorate of Strathfield, have just come into the Chamber. It is therefore fortuitous that I have been given the privilege to speak to and support the bill. I think this is the students' first visit to the Parliament. They are sitting in the public gallery so beautifully and listening intently to part of the wonderful democratic process we have in this country, a process that many countries do not have. It is simply wonderful that anyone can walk in off the street, sit in the public gallery, and be part of what is happening in this Parliament, or be part of tours such as the one that has been organised this morning. I hope the students enjoy their visit to the Parliament. I support the bill and commend it to the House.

Ms LINDA BURNEY (Canterbury—Parliamentary Secretary) [11.07 a.m.], in reply: On behalf of the Attorney General I speak in reply to the Criminal Procedure Amendment (Sexual and Other Offences) Bill. I do not intend to repeat much of what has been said. I thank the members representing the electorates of Gosford, Hornsby, Liverpool, Miranda and Strathfield for their contributions. I wish to respond to some of the matters raised by the Opposition. In particular I wish to address four specific points raised by the honourable member for Gosford to which he has rightly requested responses.

Clearly, the bill is about addressing and alleviating some of the stress and trauma experienced by those who are the victims of sexual assault. As I said in my second reading speech, the bill is not just about legislative reform and reform within the judiciary but also about attitudinal and cultural change. It is very distressing that when sexual assault is reported in the media or discussed in the public arena it is suggested that somehow or other the woman who has been the victim of sexual assault must have brought it on herself. That is one of the major cultural changes we are talking about: that somehow it is the victim who is at fault. I think we as a society are moving away from that, but let us not pretend that that attitude and those comments do not sneak into public discourse now and then.

People have spoken at length about the small proportion of sexual assaults that enter the criminal justice system and the even smaller number where convictions are attained, but also, worryingly, the amount of attrition in connection with sexual assault cases getting as far as conviction. The Australian Bureau of Crime Statistics and Research Crime and Safety report of 2004 said that each year between 10 and 30 per cent of adult female sexual assault victims report their experience to the police. However, community perceptions of the potential revictimisation of sexual assault complainants when participating in the criminal justice process may be reflected in low reporting decisions. The previous comments I made go some way to address that particular issue.

I know other members have spoken about this but let me be very specific about the three main stages of attrition: the point of investigation, the decision of the prosecutors not to proceed to trial, and acquittal of the accused after a trial or defended summary hearing. A complex range of procedural, evidential and non-legal factors influence the attrition process. As the honourable member for Miranda said, some victims of sexual assault have had the strength and courage to go and make a complaint but they are worn down by the process; they are traumatised over and over again, in many cases, by the process. This situation is at the heart of this bill.

The Bureau of Crime Statistics and Research estimates also that more than 80 per cent of sexual offences reported to police do not proceed to prosecution. Today we have talked about factors that contribute to the alarming and unacceptable situation where the victim is revictimised and eventually withdraws. The distress and the capacity to cope can only be properly understood if one can stand in the shoes of the people who have been victims of sexual assault. Evidentiary factors that can affect the admissibility and reliability of evidence also increase the difficulty of complainants. As I pointed out, lower rates of conviction for sexual offences undermine community confidence in law and justice processes, distresses the people who are trying to get some

justice, and may also dissuade victims from coming forward. That is, in essence, what we are seeking to address with this bill.

I address the four issues particularly raised by the honourable member for Gosford, and specifically the issue of one-stop shops. That matter is a high priority and the subject of much discussion. I want to assure the Parliament and the people who are taking great note of this debate that the task force recommended that consideration be given to the implementation of one-stop shops to allow victims to get early access to health counselling services at one location. A young woman who was a victim of an awful sexual assault, but who sadly has passed on, subsequently was dragged from pillar to post, from doctors to hospitals to police, in a traumatised state. The notion of one-stop shops is to stop victims of sexual assault having to attend several locations for several different reasons.

The plan currently is under consideration by the Department of Health and the Human Services Chief Executive Officers Committee. One-stop shops would have particular relevance in rural areas where there is not necessarily the same availability of services for victims of sexual assault that we might find in more populated areas. I cannot say what the outcome of the committee's consideration will be but I can say that the argument for one-stop shops has been heard very clearly and there will be a recommendation shortly.

The honourable member for Gosford asked what the Government has done to assist sexual assault complainants in the past. Those who have listened to and participated in this debate would understand that there has been a raft of legislative changes and amendments over a number of years to make the process of giving evidence in sexual events cases less traumatic. In fact, my recollection is that since I have been a member of this Parliament there have been at least four or five bills, including some of the ones that the honourable member for Strathfield referred to, in relation to reform in this area.

Some of the amendments include prohibiting a child complainant from being called at committal; prohibiting an accused from personally cross-examining the complainant; establishing remote witnesses facilities and allowing complainants to use closed-circuit television from these facilities to give their evidence; creating a positive duty on the court to disallow improper questions; closing the court when the victim gives evidence in sexual offence proceedings; introducing new rules governing the service of sensitive evidence; improving the case management of these cases by introducing pre-trial binding directions; and legislative acknowledgment of the role of a support person in legislation.

In relation to future legislative reform, especially in relation to consent, the honourable member for Liverpool canvassed the very difficult but very important definition of "consent". The Government intends to introduce further legislative reforms that will provide further support and protection for sexual assault complainants. A separate bill bringing forward reforms to vulnerable victims is under way. It will contain a comprehensive definition of "intellectual impairment"; it will contain provisions to enable a video recording of the statement of an intellectually impaired complainant to be admitted as his or her evidence in chief; and it will allow cross-examination via closed-circuit television, similar to the present arrangements in place for children. Offences with respect to victims with intellectual impairment will also be clarified to provide greater certainty for the victim.

I underline that the Government is developing also a consultation bill and paper on issues surrounding consent. This will include a statutory definition of "consent", as well as expansion of the list of circumstances that vitiate consent. There will also be an objective fault test, which places the onus on the accused to demonstrate what steps he or she took to ascertain if the victim was consenting. This is a major change to a complex area of law and will benefit from further consultation with practitioners and interested parties.

Finally, I address the issue of the introduction of a specialist court. I attended a launch here at the Parliament of, I think it was called, Black and Purple, that raised awareness about these issues. The Criminal Justice Sexual Offences Task Force examined the issue of specialist courts and studied similar schemes established in other jurisdictions such as Canada and South Africa. When examining the specialist courts in other jurisdictions the common elements integral to their success appear to be a dedicated and separate case management list; specially trained prosecution teams; a dedicated co-ordinator to facilitate specialist listings; specialist witness support; specialised court staff; and specialist police training.

One criticism is that there is a potential for special courts to emulate the same problems as existing courts. If training is incomplete or inadequate, common goals are not implemented in practice and responses are not necessarily adequately resourced. However, after close consideration of these models—and this may be a

disappointment to some people—the task force did not support the introduction of a specialist sexual assault court at this point. Specialist courts can also create additional problems, such as burnout amongst professionals involved, leading to high staff turnover, resulting in a lack of continuity and a lag in the provision of such specialist services. Debate will continue on this point. The task force report concluded that while some of the measures employed by specialist courts are worth adopting in our general court system, the concept of a specialist sexual assault court is not necessarily a magic panacea. The focus is on our existing court structures and system.

Task force recommendation Nos 66 and 67 concern a specialised response to sexual assault prosecution. The Attorney General's Department has established an advisory panel to consider Recommendation No. 66. The panel consists of representatives of the judiciary, the Office of the Director of Public Prosecutions, the principal administrator of the courts and the Legal Aid Commission. This bill recognises the needs of victims and inadequacies in the current legislation. I thank those involved in the drafting of the bill, including advocacy groups. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

CHARTER OF BUDGET HONESTY (ELECTION PROMISES COSTING) BILL

Second Reading

Debate resumed from 17 October 2006.

Ms PETA SEATON (Southern Highlands) [11.22 a.m.]: I speak for the Opposition on the Charter of Budget Honesty (Election Promises Costing) Bill. I thank Treasury Secretary John Pierce and his Treasury colleague Ian Neale for their courtesy and assistance in briefing me on the bill yesterday and in answering a number of questions. There are some concerns yet to be resolved and I look forward to their advice. The bona fides of the New South Wales Treasury and its professionalism in this regard is above question.

The Opposition's concerns, which are no doubt widespread throughout the community, are about the irony of the Iemma-Costa Government's naming its exercise "budget honesty". Let us not forget that ultimately the Treasurer and the Premier will be the ones pulling the levers on this and will, no doubt, continue their well-entrenched practice of cover-up and excuses about the real financial situation in New South Wales. Labor will do whatever it takes to obtain whatever public advantage it can in the lead-up to the 24 March election. It will continue to make unfounded and outrageous claims about the Opposition. It is already spending millions of dollars in taxpayers' money on political advertising, trying to cover up 12 years of failure with even more excuses.

It has tried to convince people that long overdue infrastructure works are being delivered when there is not a single dollar allocated to them. George Orwell would be proud of Labor. It has mastered the art of Newspeak and we see Michael Costa and Morris Iemma stand up every day and tell people with a straight face that black is white. It has had long enough, but I have no doubt that wherever there is an opportunity to cover up or manipulate a process, regardless of the genuine intentions of Treasury professionals, the Labor Party will do so. I thank officials from Treasury for their briefing and their professionalism.

Mr ALAN ASHTON (East Hills) [11.24 a.m.]: The honourable member for Southern Highlands damned with faint praise and I can understand why. The Charter of Budget Honesty (Election Promises Costing) Bill is no threat to the Labor Government. As the Opposition spokesperson briefly said in her one-minute speech, she trusts Treasury to be totally upfront, to be accurate in its accounting and to produce the correct figures. All Government members would be concerned about how restrictive Treasury seems to be at times in the way it interprets figures and we would like to see it be a little more generous, but the bottom line for Treasury is financial accounting and auditing. Treasury has to get it right.

In the Federal Parliament there is a practice before a Federal election of a similar bill being introduced by John Howard and Treasury basically doing everything that the Opposition has promised over the previous three or four elections. The Federal Opposition might use Treasury figures or it might seek to use a different auditing company. The Federal Government might say that its figures are Treasury costed but a private company might cost the Opposition's figures. Do people believe the Treasury of the nation or the private company? The

New South Wales Labor Government is more fair dinkum. Both the Government and the Opposition will have their costings balanced and checked by Treasury. There will be no hiding on this matter.

It is not a matter of spin, as the honourable member for Southern Highlands indicated. It is a matter of acknowledging that going into an election the Opposition has already promised $25 billion worth of funds uncosted and unaccounted for, yet it has not indicated where it will get that money from. It is obvious to people who are not even economists that to spend an extra $25 billion over a period of time one must show how that money will be raised. If the Opposition cannot raise that money, it will have to do what it has said it will do and sack 29,000 public servants. If it sacks 29,000 teachers, nurses, hospital staff, and Treasury officials, that will not equate to $25 billion in savings. The real figure will be more like 39,000 or 40,000 sackings. When I was a schoolteacher in the 1980s a man called Terry Metherell was famous for swimming nude in the Parliament's pool. He caught a lift up to level 11 or level 12. I was in the lift at the time and saw him wearing a white towel. It was rather offensive and I have never got over it.

Ms Noreen Hay: You are not over it yet.

Mr ALAN ASHTON: I am still shocked. Terry sacked 2,500 teachers.

Mr Thomas George: How did you last?

Mr ALAN ASHTON: Because I had a masters degree in history and was a very good teacher of history. I was very popular.

Mr Thomas George: Self-praise is no recommendation.

Mr ALAN ASHTON: Ray Hadley said that to me once and I said to him, "In this business, mate, if you don't self-praise yourself, no-one else will." The honourable member for Lismore knows that, too. If he cannot get out there in Lismore and say that he is a great performer, he should not come back. With respect to the wonderful dinner last night, I will say that the honourable member for Lismore is a great bloke and so is the honourable member for Wagga Wagga. I am sure that the Minister for Planning is both frank and happy, and so is the honourable member for Wollongong. One must be proud of one's own achievements. The Deputy Leader of the Opposition is proud of his achievements and why should he not be. I digress—and I have only another 20 or 30 minutes to speak.

I ask the question: Where will they get the money from? That is part of the reason for this bill. If we do not guarantee that election promises are properly costed the triple A credit rating that New South Wales has had for more than a decade under the State Labor Government—unlike the previous Government, which was placed on credit watch in 1991—will be threatened. It is important that the greatest State in this great country has a triple A credit rating that is not threatened by willy-nilly promises that are not backed up by expenditure that cannot be found. That is a vital part of this legislation. If I understand the bill correctly, if an Opposition promises something and then finds it cannot justify that promise it can say, "We will deduct that from our promises". Equally, the Government will be able to do the same thing. If the Government is caught out on a promise that it cannot account for, it can deduct that.

Madam ACTING-SPEAKER (Ms Marie Andrews): Order! There is too much noise in the Chamber.

Mr ALAN ASHTON: Under the bill Treasury can contradict the costings of both the Opposition and the Government. It will probably be four bureaucrats who work for both sides of politics and who will not hesitate to say, "Hang on, the Government's figures do not stack up." That would be embarrassing. The bill also provides for Treasury figures to be made available to people who request them. As I understand the bill, if the Opposition requests a proper costing from Treasury those figures will not be dumped on the Government but given to the Leader of the Opposition, who can then work out what to do with them. If he chooses not to publish the figures people can work out what that might mean and make a decision accordingly.

Another critical aspect is that the legislation will be effective for three years, which is important. For example, the Coalition has promised $25 billion worth of extra expenditure. If the Coalition is elected to government—although that is unlikely—and John Howard then said, "Guess what? We will give you back the $3 billion we take off you every year under the GST rort", the Coalition Government would be well and truly on its way to making a couple of quid and being able to make promises. Although the State Government has turned

a projected deficit into a projected surplus of $1 billion, it could make outrageous election promises and blow that surplus in one year, which would not be smart economics. That would blow out the triple-A credit rating to at least a double-A credit rating and being placed on credit watch, or a single-A credit rating and credit watch. So the three years are crucial.

A government cannot spend what must be accounted for as expenditure and recurrent funding and simply say, "We will spend that." Where does the money come from for the salaries of teachers, doctors, nurses, front-line police, Department of Community Services workers and everybody else whom the Coalition has threatened to remove if it wins the State election next year? That would simply bankrupt the State in one year. As I said, the bill provides for Treasury figures to be kept secret if the Government or Opposition so chooses. However, the fact that people know that Treasury has been asked for an account clearly means that whoever is making the request does so at their peril. So the triple-A credit rating must be maintained. Earlier I alluded to one of the most famous quotes in Australian politics, which is, "Where is the money coming from?" The New South Wales Labor Government's budgets have been in the black for 11 years; there was a projected deficit but that has been turned around. In contrast, the Coalition Government had five or six budget deficits during its years in office.

Mr Barry O'Farrell: What was that? The budget deficit has turned around? Did you say that?

Mr ALAN ASHTON: Yes. We are now looking at a potential surplus.

Mr Barry O'Farrell: Are we?

Mr ALAN ASHTON: I think so.

Mr Barry O'Farrell: I think you've got it wrong, but I am happy for *Hansard* to show you saying that.

Mr ALAN ASHTON: I am happy to be in *Hansard*. The Deputy Leader of the Opposition should be happy that *Hansard* will show him challenging my statement.

Mr Barry O'Farrell: Compare last year's financial surplus with the projection for this financial year.

Mr ALAN ASHTON: The Deputy Leader of the Opposition will have a chance to make irrelevant comments later. He will have an opportunity to answer questions about the triple A credit rating, where the money is coming from and how many people a Coalition government would sack. When he does so I will interject on him, so we will be square. We always get square. That is the nature of the Labor Party. The Peter meter, which is at $25 billion and rising, will be reintroduced. The Coalition cannot show how it would fund its promises. The only way is to say, "All right, we will definitely find the $25 billion, that is absolutely guaranteed, but we have to sack a lot of important people." Earlier I listed the obvious people who deliver services—train drivers, hospital workers, nurses, Department of Community Services workers, mental health unit employees, people who work in paramedic services, parliamentary staff and people who work in many other places—and whom the Coalition has marked for the sack.

Honourable members should remember that the Coalition Opposition is also working on WorkChoices. The Leader of the Opposition and the Deputy Leader of the Opposition have indicated that a Coalition goverment will send the New South Wales industrial laws straight to Canberra—and John Howard will send them straight back, saying, "Get rid of all those workers, put workers on individual contracts." That group of vulnerable workers includes my daughter, who works for a fast food outlet for $11 an hour. Although she was told that her shift would be four hours, six and a half hours later, at 3.30 in the morning, I was banging on the door of her workplace after waiting to take her home. If she leaves work early she will lose her job. There are countless stories like that. Under this legislation, we will be able to get Treasury to test what is happening.

Political parties should not make lavish promises of cash that does not exist to every interest group and on every demand in every electorate. In Port Stephens and other electorates that it has its sights on the Coalition has promised schools in areas that cannot provide sufficient enrolments and all sorts of things. Meanwhile, where is the $75 million for the railway that the honourable member for Lismore keeps requesting for his electorate? The Premier said that the Government will provide $75 million if the Federal Government comes to the party. Don't tell me that Tony Abbott does not do the same thing! When Tony Abbott says, "I'll put in some money but you put in the rest", remember that he has a $16 billion budget surplus. He is swanning around with buckets of money that belongs to New South Wales citizens. He will drop those buckets a few weeks before the next election in the form of tax cuts and a few promises in seats held by the Coalition.

He will provide a couple of million dollars to wash out a creek in the Federal electorate of Robertson and a couple of million dollars to provide a horse stable so that John Anderson can win his seat. Nothing goes to

the Federal seat of Banks. I think the Federal seat of Banks got about $48,000, and millions of dollars were thrown at all the marginal Federal seats held by Liberals. That might be politics, but we will hold the Coalition accountable. We will find out where the Coalition wants to throw money and where it will get the money from. We do not think the Coalition can raise the money without sacking countless employees in New South Wales. Remember that sacking countless public servants in New South Wales—

Mr Thomas George: Point of order: The honourable member for East Hills should explain to the House how John Anderson will retain his seat.

Madam ACTING-SPEAKER (Ms Marie Andrews): Order! There is no point of order. The honourable member for East Hills has the call.

Mr ALAN ASHTON: The point is that John Anderson held his seat at the last Federal election, unfortunately. He then decided to give up politics: he cut and ran, as I think many Nationals will do shortly. Mark Vaile has already cut and run from the trade portfolio.

Mr Frank Sartor: They'd become extinct.

Mr ALAN ASHTON: Yes. The Australian Wheat Board inquiry is too much of a threat. There is a lot more to come out of that inquiry, the terms of reference of which were insufficient, because John Howard is shrewd. For the benefit of the countless people in the public gallery who are listening to the debate, and the hundreds of people in offices who are watching it, the first Howard Government made many promises relating to Federal seats held by Coalition members. Those promises helped to get Coalition members re-elected. But what is most interesting is that they were all re-elected on the basis of a fraud about how much money was spent in electorates held by the Coalition.

Madam ACTING-SPEAKER (Ms Marie Andrews): Order! The honourable member for Lismore will remain silent.

Mr ALAN ASHTON: On occasions Federal governments have doled out money to organisations that did not request funding, although Federal members such as the member for Banks submitted detailed requests for funding and received virtually nothing. That is on the public record, and those requests will be released after the election. I make the point—the honourable member for Lismore will understand this because he operates farms and does well at it—that resources are finite but demands are infinite. The Leader of the Opposition and the Coalition are feeling confident enough to simply say, "We'll give you everything. We'll buy your votes." That is on the basis that people in the community do not vote necessarily in appreciation of what governments do. They have a genuine right to expect governments to do the right thing, to fund government infrastructure, and to fund interest paid by private schools when they borrow and have debts. They are very appreciative of that. That brings me back to the point that there is only so much finance and it can only be spent in so many ways. I seek an extension of time.

Question—That the member's time be extended—put.

The House divided.

Ayes, 53

Ms Allan	Mr Gibson	Mrs Paluzzano
Mr Amery	Mr Greene	Mr Pearce
Ms Andrews	Ms Hay	Mrs Perry
Mr Barr	Mr Hickey	Mr Price
Mr Bartlett	Mr Hunter	Ms Saliba
Ms Beamer	Ms Judge	Mr Sartor
Mr Black	Ms Keneally	Mr Shearan
Mr Brown	Mr Lynch	Mr Stewart
Ms Burney	Mr McLeay	Ms Tebbutt
Mr Campbell	Mr McTaggart	Mr Torbay
Mr Chaytor	Ms Meagher	Mr Tripodi
Mr Collier	Ms Megarrity	Mr Watkins
Mr Corrigan	Mr Mills	Mr West
Mr Crittenden	Ms Moore	Mr Whan
Mr Daley	Mr Morris	Mr Yeadon
Ms D'Amore	Mr Newell	*Tellers,*
Ms Gadiel	Ms Nori	Mr Ashton
Mr Gaudry	Mr Orkopoulos	Mr Martin

Noes, 30

Mr Aplin	Mrs Hopwood	Mrs Skinner
Ms Berejiklian	Mr Humpherson	Mr Slack-Smith
Mr Cansdell	Mr Kerr	Mr Stoner
Mr Constance	Mr Merton	Mr Tink
Mr Draper	Mr O'Farrell	Mr J. H. Turner
Mrs Fardell	Mr Page	Mr R. W. Turner
Mr Fraser	Mr Piccoli	
Mrs Hancock	Mr Pringle	
Mr Hartcher	Mr Richardson	*Tellers,*
Mr Hazzard	Mr Roberts	Mr George
Ms Hodgkinson	Ms Seaton	Mr Maguire

Question resolved in the affirmative.

Extension of time agreed to.

Mr ALAN ASHTON (East Hills) [11.49 a.m.]: The Opposition tried to deny me the right to conclude my speech. I thank the Independents who supported my right to continue speaking. The bill will make the Government and the Opposition accountable. Obviously, with a $25 billion expenditure plan, the Opposition will have to say where the money will come from, who the money will come from or who will be sacked to fund its election promises. Clearly, the Opposition cannot do that and has no intention of doing so. That is why the Opposition did not agree to my request for an extension of time. It is a tradition of the House that members are granted leave to speak for an extra minute or two. The Government always grants leave for Opposition members to do so. We may have to revisit our position. No government necessarily gets elected as a result of appreciation. If the Opposition hopes to be elected, it should be made aware that people will not vote for it on falsely made and inaccurately costed expenditure. If it believes they will, it is completely wrong. I commend the bill to all in the House. I know that the Opposition does not have the courage to vote against it, even though it hates it.

Mr FRANK SARTOR (Rockdale—Minister for Planning, Minister for Redfern Waterloo, Minister for Science and Medical Research, and Minister Assisting the Minister for Health (Cancer)) [11.51 a.m.], in reply: I thank honourable members for their contributions to the debate. I was interested to see the monumental backflip by the Opposition. I welcome its first step on the road to salvation. Recently, in relation to Treasury evaluating election promises, the Leader of the Opposition said:

> There is no way I am going to trust the government of New South Wales Treasury to actually cost our promises. We will do what we do every election and that is get an independent costing. We pay for that and we get that independently.

He said further:

> New South Wales Treasury has worked with this Labor Government for 12 years. The New South Wales Treasury has no credibility around Australia amongst its peers.

Today the Opposition did a triple backflip with pike. I was pleased to hear the shadow Treasurer, the honourable member for Southern Highlands, attest to the Opposition's enormous respect for the integrity and competence of our Treasury. I do not want to prolong the debate, but the Charter of Budget Honesty (Election Promises Costing) Bill is an important initiative and I am pleased the Opposition supports it. The bill provides an impartial framework for costing election promises in the lead-up to the New South Wales election. The bill ensures that the New South Wales Treasury will be made available to cost election promises that are made by both the Government and the Opposition. Those costings will include a four-year forward projection encompassing both capital and recurrent commitments. The costings will be publicised, allowing the electorate and the media to judge each side's credibility to see how their promises stack up.

The legislation reflects two fundamental principles. The first principle is the integrity of the democratic process. Election promises must be costed and they must be credible. The people of this State deserve and demand no less. The second important principle is prudent financial management. We cannot afford to be back on credit watch, as we were in the early 1990s. The New South Wales Government, by any measure, is a serious enterprise. It has a $43 billion annual budget and the largest work force in the nation. Therefore, it is vitally important that when promises are made they are able to be managed within a responsible fiscal framework.

I could elaborate on many other features of the bill, which is a fantastic initiative. I look forward to further Opposition backflips. I think there will be some beauties.

Mr Thomas George: I don't do backflips—

Mr FRANK SARTOR: The armless member for Lismore should make a more incisive contribution. Listening to him is like listening to static on the radio.

Mr Thomas George: I will keep being static.

Mr FRANK SARTOR: The honourable member for Lismore is static—pick up the phone to Canberra! The Opposition has made $25 billion worth of election promises. It will have to do some interesting soul-searching. I would love to be a fly on the wall in shadow Cabinet when it has to work out which election promise to ditch first, in what order it will ditch those promises, how it will dress up others, and how it will pretend that it will not send the State broke. I will be interested to watch the situation in the coming months. In fact, it will be a very interesting election. I thank the honourable member for East Hills for his contribution to the debate and his insights on this matter. This important initiative will serve the people of this State well. I commend the Treasurer for this initiative, and I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

BUSINESS OF THE HOUSE

Bill: Suspension of Standing and Sessional Orders

Mr FRANK SARTOR (Rockdale—Minister for Planning, Minister for Redfern Waterloo, Minister for Science and Medical Research, and Minister Assisting the Minister for Health (Cancer)) [11.55 a.m.]: I move:

> That standing and sessional orders be suspended to allow the resumption of the adjourned debate and progress through all remaining stages at this sitting of the Police Amendment (Miscellaneous) Bill.

Mr BARRY O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [11.56 a.m.]: This motion is a further example of the Government's failure to properly manage the business of Parliament. When I was first asked to be shadow Leader of the House motions to suspend standing orders to enable the Government to facilitate its legislation were rare. We are now seeing one, if not two such motions every day. It goes to the inability of the Leader of the House—the man of the moment, the failed Minister for Police, Captain Chaos, Carl Scully—to manage the Chamber any better than he can manage the delivery of a report into the Cronulla riots.

The Opposition opposes the motion because it seeks to reduce the scrutiny of the Government by the lower House. The lower House determines who governs New South Wales and is meant to be part of the bicameral legislature to responsibly scrutinise legislation on behalf of the people of New South Wales. In three weeks 60 bills will be pushed through the House. The Government's management of legislation is akin to making sausages and, like a crook sausage, no-one has any idea as to what is in the bills. That is not the way in which this House is meant to do its duty. Why is it happening? There are three more sitting weeks listed after this week. Yet everyone seems to know that the House will rise, probably on the ringing of one long bell, on 22 November, the night I understand that those who occupy level 6 have scheduled Christmas festivities. If Parliament rises on 22 November we will have four months without parliamentary sittings before polling day on 24 March. In other words, the Parliament will not sit for a quarter of the year.

Mr Daryl Maguire: Disgraceful.

Mr BARRY O'FARRELL: All the legislation that is being rushed through this place in a disgraceful way, as the honourable member for Wagga Wagga said, could be properly considered and deliberated upon if the Government committed itself to the full sitting patterns it published earlier this year, if it had not cancelled Friday sittings earlier in the year and if it introduced question time on Friday sittings to ensure proper accountability. If, at the end of the next three weeks, the Government were unable to get its legislation through Parliament, we could sit for a couple of weeks next year.

We do ourselves no good with the public when we give ourselves another early mark, but before doing so we rush through legislation with little notice or opportunity to scrutinise it as legislators or, more importantly, to seek community feedback. I know that the honourable member for Newcastle, who is sitting at the table, has the unenviable duty of listening to the debate. However, I also know that, thanks to the tactics used in this Chamber and within the Labor Party generally, good people are being pushed aside, not because they are not representing their electorates well or not doing the job on the ground and not because they do not value add either in this place or in Newcastle—

Mr Bryce Gaudry: Point of order: Much as I appreciate some of the things the honourable member has been saying in relation to the suspension of standing orders, I once again appeal to him not to bring my future into one of his arguments to extend the parliamentary sittings. I am happy to attend parliamentary sittings whenever they are held, now and beyond 2006.

Madam ACTING-SPEAKER (Ms Marie Andrews): Order! I uphold the point of order. I ask the Deputy Leader of the Opposition to confine his remarks to the motion before the Chair.

Mr BARRY O'FARRELL: It was not my intention to upset the honourable member for Newcastle or to use his predicament politically. Far be it from me to do that. Whether it is the N40 preselection at Newcastle, other attempted rorts within the Labor Party, or the rorting of standing orders, this Government knows only one way: Do whatever it takes, without public scrutiny. That is not surprising given that it is led by a man who learnt the black arts at the knee of Graham Richardson, the man who invented the term "Whatever it takes".

Question—That the motion be agreed to—put.

The House divided.

Ayes, 49

Ms Allan	Mr Gibson	Mr Pearce
Mr Amery	Mr Greene	Mrs Perry
Ms Andrews	Ms Hay	Mr Price
Mr Bartlett	Mr Hickey	Ms Saliba
Ms Beamer	Mr Hunter	Mr Sartor
Mr Black	Ms Judge	Mr Shearan
Mr Brown	Ms Keneally	Mr Stewart
Ms Burney	Mr Lynch	Ms Tebbutt
Mr Campbell	Mr McLeay	Mr Tripodi
Mr Chaytor	Ms Meagher	Mr Watkins
Mr Collier	Ms Megarrity	Mr West
Mr Corrigan	Mr Mills	Mr Whan
Mr Crittenden	Mr Morris	Mr Yeadon
Mr Daley	Mr Newell	
Ms D'Amore	Ms Nori	*Tellers,*
Ms Gadiel	Mr Orkopoulos	Mr Ashton
Mr Gaudry	Mrs Paluzzano	Mr Martin

Noes, 33

Mr Aplin	Mr Humpherson	Ms Seaton
Mr Barr	Mr Kerr	Mrs Skinner
Ms Berejiklian	Mr McTaggart	Mr Stoner
Mr Cansdell	Mr Merton	Mr Tink
Mr Constance	Ms Moore	Mr Torbay
Mr Draper	Mr Oakeshott	Mr J. H. Turner
Mrs Fardell	Mr O'Farrell	Mr R. W. Turner
Mr Fraser	Mr Page	
Mrs Hancock	Mr Piccoli	
Mr Hartcher	Mr Pringle	*Tellers,*
Ms Hodgkinson	Mr Richardson	Mr George
Mrs Hopwood	Mr Roberts	Mr Maguire

Question resolved in the affirmative.

Motion agreed to.

POLICE AMENDMENT (MISCELLANEOUS) BILL

Second Reading

Debate resumed from 20 October 2006.

Mr ANDREW CONSTANCE (Bega) [12.11 p.m.]: At the outset I confirm that the New South Wales Liberal-Nationals Coalition will not oppose the Police Amendment (Miscellaneous) Bill. The bill amends the Police Act 1990 to make further provision for the testing of police officers for the presence of alcohol, prohibited drugs and steroids; to allow off-duty police officers to be recalled to duty for drug testing; to rename NSW Police the NSW Police Force; and to make miscellaneous amendments following a statutory review of the Police Act 1990. The bill sets in stone provisions to increase penalties for persons impersonating a police officer. It also seeks to ensure greater consistency in the determination of police senior executive positions and public sector executive positions generally.

The bill simplifies and streamlines the management of complaints against police officers, including removing the distinction between category 1 and category 2 complaints and rationalising the requirements for referral of complaints between the Commissioner of Police, the Ombudsman and the Police Integrity Commission. It reduces the appeal options for an officer who resigns after receiving a notice that he or she may be dismissed for misconduct. It also allows for a regulation to be made to place on police trainees the same responsibility for confidentiality as applies to members of the NSW Police Force. I wish to place on record the fact that the Leader of the Opposition and the New South Wales Liberals have long called for such legislation, particularly the provision renaming NSW Police the NSW Police Force. There is no doubt that the service as it currently stands must meet changing community needs, and to that end we have supported over a long period the need to have a police force in New South Wales.

I note that the Minister for Police has not been in the Chamber this morning. Given that the Minister has carriage of the bill and that he is not at the table, questions must be asked as to why Carl Scully is not in the Chamber to carry out his duties. The fact is that the Minister for Police is buried in his bunker, hiding away from accountability in the House and from the people of the State following the events of recent days. Carl Scully should be in the Chamber, given that he has carriage of this legislation. However, the Minister is not at the table. We are entitled to know where the Minister for Police is, as well as the reason he is not in the Chamber this morning. Is the Minister currently doing the right thing by the people of New South Wales by considering his position, making the decision to stand aside, and indeed resign, as we have consistently—

Mr Milton Orkopoulos: Point of order: Madam Acting-Speaker, I ask you to rule that the matters to which the honourable member for Bega refers have nothing to do with the bill and that he be brought back to the leave of the matter before the House.

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! I ask the honourable member for Bega to speak to the legislation before the House.

Mr ANDREW CONSTANCE: Point of order: I do not think it is unreasonable for the House to expect the Minister for Police to be in the Chamber this morning, given that he has carriage of this legislation.

Mr Matt Brown: To the point of order: Madam Acting-Speaker, you just gave a ruling. I draw to your attention that the honourable member for Bega is now canvassing that ruling.

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! I again ask the honourable member for Bega to speak to the legislation before the House.

Mr ANDREW CONSTANCE: The Police Amendment (Miscellaneous) Bill is important legislation, and the Minister for Police should be in the Chamber during debate on it. The legislation deals with a number of issues, including Operation Abelia and renaming the service. One would think it would be important enough for the police Minister to be in the Chamber during debate on such legislation. However, as we all know, the Minister is bunkered in his office and is failing the people of New South Wales by not being in the Chamber.

Mr Matt Brown: Point of order: Madam Acting-Speaker, I draw to your attention the fact that the honourable member for Bega continues to canvass your ruling.

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! I am sure the honourable member for Bega is about to address the legislation before the House.

Mr ANDREW CONSTANCE: As I said, the legislation is important and the Opposition will not oppose it. However, I wish to address the context of the bill and also reiterate the disgraceful conduct of the Minister for Police by his not being in the Chamber this morning. The New South Wales Liberal-Nationals Coalition will support any initiatives to boost the community's confidence in the State's police force. At the same time, however, we are committed to ensuring that there is a boost in police powers and support for front-line police in a whole raft of areas, including the strengthening of caution, arrest and search powers for police; restoring police numbers, which have been cut since the last election; and a change from centralised local area commands to locally led, locally based policing.

The flip side of that is to ensure that the community has the utmost confidence in the New South Wales police force meeting their needs. The Coalition believes it is a fundamental responsibility of government that it provide for the personal security and protection of New South Wales communities, who deserve to feel safe and secure. The bill's provisions regarding drug testing will no doubt be supported by both sides of politics but will be supported also by the broader community. We want to see some changes to the service. Whilst the Government has indicated further review of the Act, it is imperative that a number of measures be introduced as soon as possible to further advance the New South Wales police force—measures such as restoring police numbers and tackling the fact that Carl Scully, the disgraced Minister for Police, be accountable for the decrease in police numbers by 600 officers during the life of this Parliament. The Coalition is committed to restoring police numbers. The Labor Government is committed to elevating police numbers as a priority only in election years. That practice has to stop.

Mr Matt Brown: You want to sack 29,000 public servants.

Mr ANDREW CONSTANCE: I will not acknowledge the honourable member for Kiama because the Minister for Police should be at the table, and he is not here.

Mr Matt Brown: I'm here.

Mr ANDREW CONSTANCE: The honourable member for Kiama is not the Minister. He is no Carl Scully. The Minister should be here, but he is currently bunkered in his office. Old Scullywags is hidden away making a decision about his future. Eighty-five per cent of people in New South Wales are making it clear that the Minister for Police should go. One has to question the other 15 per cent.

Mr Matt Brown: Point of order: The honourable member for Bega again is not addressing the substance of the bill. He has not announced any policy initiatives of the Opposition, which is the normal form of these contributions. Perhaps the Opposition has no policy. The Opposition could certainly try to explain why it wants to sack 29,000 public servants, which would impact on the police force, if it were going to address any policy initiatives. However, I do not hear any policy initiatives outlined by the Opposition, just the honourable member for Bega continually not addressing the substance of the bill. I ask you to direct the member to address the bill.

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! The honourable member for Bega will address the bill before the House.

Mr ANDREW CONSTANCE: The Parliamentary Secretary for Police makes reference to policies. Certainly, I am happy to inform the House that the New South Wales Liberal-Nationals Coalition will implement the following measures to support front-line police. We will legislate to introduce mandatory life sentences for people convicted of the murder of police officers. We will reinstate the more than 600 police slashed by Labor policies in order to boost numbers in highway patrol, public transport and criminal investigations. We will ensure the authorised police strength is a minimum, not an average.

We have before us today Government legislation seeking to copycat Liberal and The Nationals policy in relation to renaming the NSW police service to NSW Police Force. We will re-empower police in relation to arrest and search with an urgent reform of the Law Enforcement (Powers and Responsibilities) Act. We will

strengthen police powers in relation to offensive language and conduct, with the aim of raising the standards of public decency. We will establish a high level working group, which will include former senior operational police officers, to review current police paperwork requirements, with the objective of reducing paperwork by 75 per cent for front-line police. For the benefit of the Parliamentary Secretary—Scully Junior—the working group will be required to report its recommendations by 30 June 2007.

The Coalition will strengthen the Graffiti Task Force and strengthen related penalties and powers of magistrates. We will strengthen the role of the Judicial Commission to make judges and magistrates more accountable to the community. We will legislate to introduce one warning and one caution for young offenders to get rid of Labor's unlimited warnings and three cautions. I know that would go down very well in the wider community—one just needs to refer to the honourable member for Cronulla in regard to that issue. We will also change centralised local area commands to locally led, locally based policing. We will urgently reform police promotions and the complaints system. We will change the employment contract of the Commissioner of Police to ensure that he or she actively encourages the reporting of all crime and public disorder. We will reduce the New South Wales police ministry bureaucracy and police media spin doctors by 70 per cent and transfer those savings to front-line police.

That is the Coalition's plan, and I put that on the record for the Parliamentary Secretary for Police, the honourable member for Kiama—Scully Junior. I encourage Government members to read *Hansard* and consider adopting some of those policies. It is a great shame the Minister for Police is not in the Chamber to hear this. The big question is not: Where's Wally? The big question is: Where's Scully? I hope there is no press conference in Parliament House today with the police Minister being embarrassed by the Premier, who again refuses to support him. The Premier is obviously running scared from the Star Chamber within the Labor Party, which consists of Carl Scully, Joe Tripodi, Frank Sartor, Michael Costa, Eric Roozendaal and John Della Bosca.

Mr Malcolm Kerr: And Paul Lynch!

Mr ANDREW CONSTANCE: It is a long-held ambition of the honourable member for Liverpool to be part of that Star Chamber, for reasons unbeknown to most. The honourable member for Liverpool unfortunately misses out. I just place the Coalition's policy on the record, which the Parliamentary Secretary for Police, Scully Junior, asked me to do. I refer to the bill, after the diversion brought about by the honourable member for Kiama. A number of serious issues are before the House.

Mr Paul Lynch: You have not got to them yet.

Mr ANDREW CONSTANCE: I have not got to them because the Minister for Police is absent without leave, which is very serious and we are entitled to know where he is.

Mr Paul Lynch: Point of order: Once again, the honourable member for Bega is straying from the leave of the bill. His performance to date has probably been the most shameful exhibition I have seen from anyone leading for the Opposition in this place. He has not spoken to the bill. Indeed, the question is: Has he read the bill? I suspect he has not.

Mr Malcolm Kerr: To the point of order: In answer to the honourable member for Liverpool, the honourable member for Bega would not have strayed from the bill if the Minister were sitting at the table. The honourable member for Liverpool should seek a bench warrant to make sure the Minister is here.

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! The honourable member for Cronulla will resume his seat. I remind the honourable member for Bega that he should speak to the legislation before the House.

Mr ANDREW CONSTANCE: I will wear the comments of the honourable member for Liverpool as a badge of honour. I refer to the legislation. The Police Integrity Commission's Operation Abelia report was released in September last year. That report was in response to an investigation into drug use by certain NSW Police officers. The report set in place a process to focus on what the community regards as a serious problem, what the hierarchy within the NSW Police regards as a serious problem and, I hope, what the Minister for Police regards as a serious problem. However, he would have to be here for us to know that. Operation Abelia focused on illegal drug use by police officers, which could adversely impact on the professionalism and effectiveness of individual officers as well as on the organisation as a whole.

It goes not only to the professionalism of the officers but also to the health and wellbeing of those individuals who are affected by drug use. It goes without saying that officers who use illegal drugs have obviously obtained those drugs through illegal means. It brings into question the integrity of those officers concerned and the impact that that might have on the overall police service. The Government has had this report for well over 12 months. It has taken three months to review how drug testing is undertaken within NSW Police. What priority has the Minister for Police given to this issue? What priority has the Government given to this issue? It is absurd that the Government has taken three years to reach this point. The report makes reference to a number of key issues that go to the heart of the legislation, and I say this for the benefit of the honourable member for Liverpool, who I suspect has not read the bill. The report summary makes reference to the increase in the perceived risk of being caught by increasing the number of random drug tests conducted. The report states:

> NSW Police introduced random drug testing in September 2001. It currently tests between 500 and 600 of the 15,000 officers who serve each year. The overall impression from the information collected as part of Operation Abelia was that in its current form the NSW Police random drug testing program was not a highly visible deterrent. Nine of the 80 local area commands were not visited at all by a drug testing team during the first three years of drug testing.

That is a great indictment of the Labor Party.

> On average each local area command was visited only 1½ times during this initial three-year period. A fundamental limitation of the current testing program was that officers did not know that NSW Police conducts random drug testing. Officers disposed to using illegal drugs are not going to be deterred by a program of which they are unaware.
>
> In addition, some officers and former officers told the PIC that although they knew about random drug testing they became less concerned about their illegal drug use being deterred as time elapsed because they did not see any random drug testing happening.
>
> In order to increase the perceived risk of being caught the PIC has recommended that NSW Police increases the number of officers tested as part of the random drug testing process to the equivalent rate of not less than 15 out of every 100 officers or approximately 2,250 random drug tests being conducted annually.

This was to occur for a period of five years.

> Further to that, the PIC has recommended that NSW Police uses the additional drug testing capacity to enable a trial of different strategies to increase the visibility and unpredictability of random drug testing. Examples of such strategies might include testing larger numbers of officers within some individual work areas and testing and then retesting officers from a work area in quick succession.

The report made recommendations proposing various policy, procedural and legislative change to strengthen the ability of police to minimise illegal drug use. In light of the recommendations the bill will allow targeted testing for steroids to enable targeted recall to duty in order to test for the presence of drugs and the clarification and specification of certain circumstances of critical incident testing. A critical incident will be classified as when a person is killed or injured as a direct consequence of the application of physical force by police, as result of police detention or after an incident involving police aircraft, motor vehicles or vessels.

Drug and alcohol testing will be mandatory for any police officer involved in a critical incident, and the community would welcome that provision. Currently testing may occur when there is a police pursuit, when police discharge a firearm or when a death in police custody occurs. We welcome further extension of those provisions. The Government has committed $1 million to implement the recommendations of Operation Abelia. I hope that 15 per cent of police will now be random drug tested each year and that the Government will introduce targeted drug testing of duty officers because the majority of illegal drug use occurs when officers are not in the workplace.

Other provisions relate to changing the name of the service, which the Opposition called on the Government to do some time ago. In a nutshell the history is that the Greiner Government changed the name from Police Force to Police Service to reflect community-based policing at the time. Obviously times change, which is the reason we support a measure to change the name to meet current needs and requirements. Back in the Greiner years the then Commissioner John Avery requested the name change to reflect the integration of police officers in the police force with the civilian administration of the Police Department. He argued that the name was necessary to encourage community-based policing.

Legislation in 2002 by the then Minister for Police, Michael Costa, changed the name from Police Service to NSW Police and provided for the informal use of the term "police force". At the time the Minister indicated that NSW Police was consistent with the approach taken by all other Australian jurisdictions other than Queensland. Again I reiterate our policy of re-empowering police and supporting our police on the front

line. I stated that in government we would support measures to change the name and it is interesting that the shadow Minister for Police, Michael Gallacher, in the other place, gave notice of a private member's bill to this effect on 5 September 2006.

With respect to the complaint systems, the bill abolishes the current distinction between category one complaints about police officers that are investigated by the Police Integrity Commission and category two complaints about police officers that are investigated by the Ombudsman or the commissioner. The Police Integrity Commission will have the power to take over any complaint or investigation. The bill also removes the two-year limitation on taking proceedings for an indictable offence for bribery and corruption. It increases the penalties for impersonating a police officer, including seven years imprisonment for purporting to exercise power or powers of a police officer.

The bill removes reference to the Protective Services Group, which was created in 1988. The functions of that group have been predominantly taken over by the Counter-terrorism Co-ordination Command. The bill requires a review to be undertaken in five years following assent of the bill. These measures are commonsense, particularly the drug testing components. The Opposition will not oppose the bill. I reiterate that it is a great disappointment that the Minister for Police has not been present in the Chamber.

Mr PAUL LYNCH (Liverpool) [12.38 p.m.]: I make a contribution on the Police Amendment (Miscellaneous) Bill. The bill does a number of different things. I want to speak primarily on that aspect of the bill that relates to the management of complaints against police. I have a particular interest in this aspect of the bill because I chair the parliamentary Committee on the Office of the Ombudsman and the Police Integrity Commission. The Ombudsman and the Police Integrity Commission are both involved in matters concerning complaints and allegations against police. My committee in fact is currently conducting a 10-year review into the complaint system.

The current system, in its broad terms, rose out of the Wood royal commission. Wood recommended a dedicated anti-corruption agency targeted at corrupt police. That is the genesis of the body called the Police Integrity Commission [PIC]. Wood thought of a separate body to oversight less serious matters, which is the role of the Ombudsman. The bulk of what might be termed managerial matters, such as customer service issues, will be resolved by the police, with auditing by the Ombudsman. That is broadly the system we have now, and it is generally supported by the Ombudsman, the Police Integrity Commission and former royal commissioner Wood, who is now the Police Integrity Commission inspector.

As a matter of principle, and given New South Wales' history, in my view that is a good structure. Recently, there was a call by New South Wales police for the removal of the Ombudsman from this system. That was remarkably stupid. In my view it would have represented a major victory for corrupt police. Their activities would have been harder to detect and prevent because the prime anti-corruption body, the PIC, would have been overwhelmed with less serious complaints whose investigations by New South Wales police it would have to oversight. Thankfully, the provisions in this bill do not involve that level of madness.

In brief, in terms of this aspect, the bill does two things. It removes the distinction between category 1 and category 2 complaints, and it rationalises the requirement for referral of complaints between the Commissioner of Police, the Ombudsman and the Police Integrity Commissioner. That particular change arises from the improvements to the electronic complaints management system. These proposals arose out of the review of the Police Act 1990. The review was finalised in April 2006. That in turn resulted from a lengthy consultation process, which involved the Office of the Ombudsman, who was broadly happy with these proposals contained in this bill arising out of that process. The discussion that took place focused on part 8A of the Police Act, which covers complaints about the conduct of officers in NSW Police. Consultation occurred with NSW Police, the Office of the Ombudsman, the PIC, the New South Wales Police Association and the Ministry for Police in an interagency round table. I shall quote a section of the April 2006 review dealing with the changes in this legislation that I have just mentioned. The review stated:

> The Ombudsman has proposed that, with PIC's access to c@tsi and its capacity to investigate or take over the investigation of any complaint in the complaint-handling system under the Police Act, there was no need for the legislation to include:
>
> - any formal distinction between "Category 1" and "Category 2" complaints.
> - the related provisions requiring the "notification" of Category 1 complaints to the PIC
> - the provisions requiring the referral by the PIC to the Ombudsman of Category 1 complaints that the PIC does not wish to investigate.

- the provisions requiring the referral by the PIC to the Ombudsman and/or NSW Police of Category 2 complaints.

NSW Police considered the amendment would be positive for police, as it would remove the need for complaints to be classified as either Category 1 or Category 2 in the field, with the classification to be conducted at a business level.

As I understand it, most of the proposals coming out of the review of the Police Act have the agreement of the police, certainly in relation to the complaints process. In that context I must say that it was extraordinary when the police came to the parliamentary committee that I chaired and argued a quite different position. They also argued some quite preposterous propositions and gave what at its most charitable was quite misleading evidence to the parliamentary committee. However, this is not the time to debate that at great length. I note that the Ombudsman has put in a response to the police comments. That response is now contained on my committee's web site, and people interested in these issues probably should look at it. I simply note that the Ombudsman's covering letter containing his submission stated:

As will be evident from my submission, I have grave concerns about the accuracy of much of the information provided by NSW Police representatives to the Committee about the police complaints system.

Page 4 of the Ombudsman's submission stated:

A close examination of those examples shows that, in a number of instances, incomplete or wrong information has been provided to the Committee. If NSW Police cannot provide full and correct information to the Committee for so important an inquiry, this weighs heavily against making recommendations to reduce current oversight arrangements.

Page 5 stated:

If senior police do not fully understand the complaints process, it is difficult to rely upon that evidence to support a reduced role for oversight agencies in ensuring effective handling of complaints.

Page 7 stated:

This lack of openness by NSW Police is further evidence as to why there would be little confidence in entrusting that agency to deal properly with complaints in the proposed circumstance of reduced oversight by external agencies.

That is probably as much of a reference as I need to make to those issues in the context of this debate, but they are important issues arising directly out of the complaints aspect of this bill. Clearly, there is still ongoing work relating to that matter, and I look forward to seeing the result of it, as I am sure the police look forward to seeing the result of my parliamentary committee's report.

Ms KATRINA HODGKINSON (Burrinjuck) [12.44 p.m.]: The Police Amendment (Miscellaneous) Bill amends the Police Act 1990 to provide for a range of incidents involving the death of or injury to a person where police officers will have to undergo drug and alcohol testing. The bill provides for off-duty police officers to be recalled to duty on a targeted basis for drug testing and for the testing of police officers on a targeted basis for steroid use. The honourable member for Bega referred to the Police Integrity Commission's report on Operation Abelia, which was released in September of last year and tabled in the House in November of last year. That operation involved the investigation of drug use by various New South Wales police officers. That report contained recommendations proposing policy, procedural and legislative changes to strengthen the ability of NSW Police to minimise illegal drug use by police officers. Following those recommendations, this bill was drafted to provide for targeted testing of police for steroids and targeted recall to duty in order to test for the presence of drugs, and to clarify and specify the circumstances of critical incident testing.

There is no excuse for the use of drugs in the workplace. I find it interesting and a little disappointing that, although the report was released more than 12 months ago, this legislation has been introduced only today. The bill amends the Police Act to rename NSW Police as the NSW Police Force, which was changed back in the days when Michael Costa was Minister for Police. People at the police academy, in the city of Goulburn in my electorate of Burrinjuck, were concerned about the change of name, and will welcome the change back to the NSW Police Force. It has always been Coalition policy to return the word "force" to the name of the organisation because it deserves to be there.

While I am on the subject of the police academy, the current recruits will be affected by the legislation when they become police officers. About 900 recruits are preparing for attestation at the moment. The academy's facilities need to be upgraded. The pistol range is not big enough. I think there are only six stands for pistol training, which is insufficient when there is such a large group of recruits. The only other group of recruits of a similar size that I can remember was when Costa was the Minister for Police, and it was right before the election. At that time about 700 recruits went through the academy, and my advice was that some recruits were

not as well trained as they should have been. At present there is only one driver training track; a second track is desperately needed.

Goulburn is the perfect location for a police college. The air is fresh, Goulburn is a convenient distance from Sydney, students love the atmosphere, and it is great for the city and for tourism. Accommodation is always booked out. Indeed, that is the case at present with so many recruits going through the police college. Goulburn is the only place to have a police college, and it is a fantastic venue. However, we must ensure that the facilities are up to date and sufficient to cope with large numbers of recruits that go through from time to time. A second driver-raining track and more pistol shooting lanes are necessary. The Government must get organised and put more resources into the police college.

I have raised this matter previously in the House. I hope the honourable member for Kiama, who is the parliamentary secretary, takes note of my comments, particularly if he steps up to the role of Minister in the near future. The media has been quick to condemn the police college, and some of the front-page reports would be enough to concern anyone involved in the college. The staff at the police academy do a wonderful job. I have met with the new commander at the college, Tony Aldred, and the college staff are second to none. It is a shame that the media talks these things up strongly sometimes, because that reflects on the city of Goulburn. The college and the officers do a great job. The other day I had cause to visit a couple of my local police stations where another matter of concern was raised with me. Local police officers are very concerned at this Government's proposal to axe clerical assistant grade 1/2 positions from the NSW Police Force. These are secretarial and receptionist positions, and the Labor Government is proposing to axe them. The police are concerned about that.

Mr Matt Brown: Point of order: As important as these issues are, the rules of debate say that the honourable member should focus on the terms of the bill. These issues are not within the bill.

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! The honourable member for Burrinjuck will address the legislation before the House.

Ms KATRINA HODGKINSON: This bill also removes the distinction between categories of police complaints and makes other miscellaneous amendments to the Act and other Acts arising out of the statutory review of the Police Act. Further to the honourable member for Bega's contribution, I want to say that in government the Coalition will be very supportive of front-line police, particularly in country areas. I note there was a spate of break-ins into shops in Cooma Street Yass over the weekend. This has left shopkeepers nervous about their stock and overall protection. While police in Yass do an exemplary job, it is clear we are living in a world where break-ins are becoming more common, where graffiti is becoming more common, where general unruliness in country areas, unfortunately, is becoming commonplace.

We have to do whatever we can to re-empower our police and support them on the front line. That is the policy of the Liberal-Nationals Coalition: re-empowering our police and supporting them on the front line. This Government has not done it and in government we will certainly do it. Suffice it to say, as the House knows, the Opposition does not oppose this bill, but I hope the Parliamentary Secretary, the honourable member for Kiama, takes seriously the comments I have made in my contribution today.

Mr MALCOLM KERR (Cronulla) [12.52 p.m.]: We are fortunate to have this debate because, on his previous form, the Minister may have denied the existence of the Police Amendment (Miscellaneous) Bill, but the bill is quite important. I want to deal with the change of the name from "service" to "force". The word "force" would be an unfortunate choice if it did not have any meaning. In order to give meaning to the word force one needs to properly resource and provide adequate manpower to the police. One could not have said it was a police force when it was called upon to deal with the Redfern riots, when it was called upon to deal with the Macquarie Fields riots and when it was called upon to deal with the situation in Cronulla.

Mr Andrew Constance: You are not talking out of your hat.

Mr MALCOLM KERR: I am not talking of my hat, as I am reminded; nor did I invent those riots. If at that time the police were known as the police force it would have been meaningless.

Mr Thomas George: You invented the fact that there was a report.

Mr MALCOLM KERR: No, I did not invent the fact that there was a report because that was a fact. To have a proper police force one needs to provide resources and communications. I presume the Parliamentary Secretary will be replying to this debate, and not the Minister?

Mr Andrew Constance: The Minister is busy.

Mr MALCOLM KERR: I have an undertaking that the Parliamentary Secretary will be responding. I ask him to respond to the following questions, because they need to be answered before we know how effective the use of the word "force" will be. Will the Parliamentary Secretary give an undertaking that all the recommendations of the Hazzard report will be implemented to ensure that once again in New South Wales we have a police force? Will the Parliamentary Secretary give an undertaking that New South Wales police will be given a mobile command centre? This is absolutely essential.

Mr Thomas George: To make it a force.

Mr MALCOLM KERR: To make it a force, as the honourable member for Lismore says. Will the Parliamentary Secretary give an undertaking that sufficient police will be stationed at Cronulla to ensure we have a police force at Cronulla and that the needs of Cronulla police station will be looked at as a matter of urgency? Once again, it would be an unfortunate choice of words that the Minister would have to apologise to the House for if the recommendations and the reforms—I note the Minister for Planning is enjoying this, but you need two hands to clap—are not implemented. The use of the word force will only be effective if the Parliamentary Secretary is prepared to give those undertakings. The people of Cronulla, of the Sutherland shire and of the State deserve those undertakings to be given.

Mr MATT BROWN (Kiama—Parliamentary Secretary) [12.56 p.m.], in reply: I thank honourable members for their contributions to the debate, especially the intelligent contribution from the honourable member for Liverpool. Unfortunately, I cannot say as much for the contributions by the honourable members for Bega and Cronulla. A couple of matters were raised by Opposition members. The honourable member for Burrinjuck talked about more crime. I remind the honourable member for Burrinjuck that she should be patting the police on the back because they have been able to reduce crime or at least keep it stable. There has not been an outbreak of crime and she should not be talking down the police and their good work and she should not be talking down communities such as Yass, which she represents.

The Liberal Party needs to make up its mind. It is a complete wish-wash as far as policy is concerned. Its members are saying they support the term "police force" and that that is their policy. I remind the honourable member for Bega and other Opposition members that the name used to be police force until the Liberal Party under the Greiner Government officially changed it to police service under the Police Service Act 1990. It is hypocritical of them to be saying they have always supported the name police force. They have not, and they should not be misleading the House.

The name change was intended to reflect the social function of the organisation. Since 1995, under the Labor Government, community-based policing became well established and the use of the name "service" is no longer necessary. On 16 December 2001 the then Minister for Police, the Hon. Michael Costa, announced that the name of the police service would be modernised to NSW Police. While NSW Police became the organisation's formal name, the Labor Government acted to restore the term "police force" to popular currency. This bill will complete the process of restoring the title of NSW Police Force by enshrining it in legislation. As to the issue of drug taking, the Liberal Party and The Nationals would have us believe that every second officer is using drugs. I note that the Police Integrity Commission found no evidence of widespread drug use by NSW Police.

Mr Andrew Constance: Point of order: The honourable member for Kiama is making things up.

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! There is no point of order. The honourable member for Bega will resume his seat.

[*Interruption*]

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! The honourable member for Bega will resume his seat.

Mr MATT BROWN: The record speaks for itself. I am pleased to be able to inform the House and the New South Wales public that, despite what the Liberal-Nationals Coalition would have us believe, the Police Integrity Commission found no evidence of widespread drug use among NSW Police. It further noted that the NSW Police drug and alcohol policy has been, and continues to be, a model to other law enforcement agencies. The report made 64 recommendations proposing policy, procedural and legislative change to strengthen the ability of NSW Police to minimise illegal drug use by police officers. The bill brings forward legislative amendments to support these recommendations.

The two reports, which have resulted in the amendments to the Police Act that are contained in this bill, identified areas in the legislation that needed to be strengthened to ensure the integrity of NSW Police and to help police to carry out their roles more effectively. As the Police Integrity Commission Operation Abelia report showed, there may always be a small number of police officers who seek to use illegal drugs, irrespective of it being in clear contravention of their duties as constables. Schedule 1 to the bill, which was developed in consultation with the Premier's Department, the Ministry of Police, NSW Police and the Police Association of New South Wales, provides for a greater range of drug-testing protocols which will considerably reduce the possibility of officers remaining undetected. These new drug-testing options will remove the ability of officers to abuse steroids or to take drugs when they are off duty. In combination with the significantly increased random drug-testing regime, this will ensure that there is no place for drug takers to hide in NSW Police.

These amendments will give the people of New South Wales the confidence that the officers of NSW Police will continue to be held to the high standards of integrity, probity and trust that have been conferred on them. The amendments arising from the report on the review of the Police Act cover a broad spectrum of issues. In particular, the bill will officially restore the traditional name "NSW Police Force" to emphasise its role in visibly and proactively reducing crime. The bill will also bring in stronger penalties for impersonating police officers, particularly when the person purports to exercise the power of a police officer. It will also simplify and streamline the management of complaints against police, particularly by removing the distinction between category 1 and category 2 complaints. The total package of reforms presented in the bill will make the Police Act a more practical statutory basis for the employment and operational effectiveness of police in this State. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

WESTERN SYDNEY PARKLANDS BILL

Second Reading

Debate resumed from 19 October 2006.

Mr CHRIS HARTCHER (Gosford) [1.03 p.m.]: First, I thank the Minister for Planning for the courtesy he extended to me in arranging a briefing by officers of his staff and the Department of Planning on this bill and other legislation before the House, such as the Environmental Planning Legislation Amendment Bill. I thank those officers for their comprehensive briefing. Second, I indicate that the Coalition has long supported, as have all parties, the development of Western Sydney Parklands. I recall that the Askin Government in the original 1968 plan for Sydney envisaged the establishment of appropriate parklands in Western Sydney. Like so many plans, it was largely a concept and needed a good deal of work to develop. When I was Minister for the Environment from 1992 to 1995, the Coalition established what was then known as the Urban Parks Agency. Its special brief was to establish a number of regional parks in Western Sydney.

That program was taken over by the Carr Government when it took office in 1995, but the Carr Government ended the role of the Urban Parks Agency and established regional parks within the national parks system. The Coalition did not believe that was a good idea because many parks cannot be appropriately regarded as national parks. They do not have a nature conservation angle; they have a community facility and recreation angle. I am pleased that has been reflected in this bill. That is the position the Minister has essentially taken by establishing a system of regional parks in Western Sydney which will service the community. The parks do not necessarily have a primary focus of protecting the environment, although that is obviously one of the objectives. The parks are for community use and enjoyment. I was curious as to why the program was the responsibility of the Minister for Planning. Traditionally Centennial Park and Bicentennial Park have come under the jurisdiction of the Minister for the Environment. It has been explained to me by the Minister's staff

that the parks are part of the Western Sydney Regional Development Program, which is administered by the Minister for Planning.

The Coalition is very supportive of the parks system in Western Sydney. We hope that it will be expanded. There are issues about parkland in the Australian Defence Industries [ADI] site of which I am sure the Minister is only too well aware, and he has commented in the media on Federal-owned land at Penrith. Similarly, the old air force site, which is close to the ADI site, needs to have its future determined. The future of all these sites can only be determined in conjunction with the landowner, which is the Federal Department of Defence. Western Sydney, with over one million people, needs an enormous amount of recreational land. One can only be pleased about this large parkland system. It is to the credit of the Government and all previous governments going back to the Askin Government that Western Sydney has this magnificent system of parks. I am sure that everyone in Western Sydney is pleased about the progression of the parks system and the establishment of the trust.

As to the five nominees the Minister is entitled to appoint, I envisage that he will seek to appoint at least one community representative. That has been the tradition in relation to Centennial Park. Although it is an honour to serve on those boards, that is not the sole purpose of members. Board members have to deal with huge administrative tasks. They have to administer a great deal of land, large budgets and staff and deal with conflicting pressures from groups in our society who want the parks to be used in various ways. The boards have to make hard decisions and they need skilled members to make them. As to the other four nominees, I hope the Minister appoints people with professional competence. However, I hope he acknowledges that Western Sydney needs a representative who will ensure that the views of the community are heard at the trust level.

The Coalition does not oppose the legislation. The Western Sydney Regional Park will remain reserved under the National Parks and Wildlife Act, even though the new trust will have the care, control and management of it. I am unsure as to why it remains under the National Parks and Wildlife Act and not consolidated in the existing parks system. I presume the Minister has reasons for doing so. Although the decision does not detract from the public use or enjoyment of the park, it does impose an administrative restriction on the trust. The trust must deal with this park under a separate Act of Parliament and under different requirements. As any organisation knows, that will impose difficulties on management.

Parliament often passes legislation and, a couple of years later, amending legislation is introduced because implementing the schemes involved has proved too costly and inconvenient and it has not achieved any purpose. However, that is a matter for another day. It is pleasing that the trust will be established and that it is required to establish a plan of management. These plans of management are important. The trust has the power to divide the park into precincts and that will allow various interests to be accommodated and to have dedicated use of certain areas for activities such as walking dogs, horse riding, sporting events, concerts and so on. These activities must be identified in the plan. The park system is large enough to cater effectively for a wide variety of uses.

One of the great successes of Centennial Park, even though it is not large, is that it can cater for a wide variety of activities in eastern Sydney, including horse riding, dog exercise and concerts. That has made the park the wonderful place it is and a vital aspect of life in eastern Sydney. This great park system offers the promise that it will play a similarly vital role in Western Sydney and, hopefully, the people of the area will make full use of it. I also hope that any problems that do arise are not political in nature but the result of the ordinary pressures of use that need to be addressed from time to time. Parts of the park are close to good transport links. The future of Western Sydney Parklands is still open given the three big open sites in the area—the Royal Australian Air Force site, the site at Penrith and the ADI site. Western Sydney now has a great opportunity to enjoy a park system that will rival Centennial Park and Bicentennial Park.

Ms DIANE BEAMER (Mulgoa—Minister for Western Sydney, Minister for Fair Trading, and Minister Assisting the Minister for Commerce) [1.13 p.m.]: It is with great pleasure that I support the bill. One of my priorities as Minister for Western Sydney was to be involved in bringing Western Sydney Parklands to fruition. The announcement of the parklands in 2004 by the former Premier was a proud event, a watershed for the region and the realisation of a long-held vision. Successive governments have obtained the land so that it could be available for the future, and this bill enshrines Western Sydney Parklands in legislation.

The bill ensures a legacy not only for us and our children but also for our children's children. Western Sydney is one of the most diverse regions in Australia and has an output of $70 billion in gross regional product. It is the third-largest regional economy in Australia and home to about 1.8 million people. However, for a long

time Western Sydney was been seen as the poor cousin to the eastern suburbs with regard to open space and recreation lands. The bill helps to change that by providing a 27-kilometre corridor of open space. The parklands are almost 25 times the size of Centennial Park. It will give the families of Western Sydney parklands that will be the envy of the rest of Sydney, and they are the parklands they deserve.

Western Sydney Parklands will not simply be dormant open space. They will eventually cater for a wide range of recreational uses, both passive and active, and conservation. Stage 1 of the park development includes cycleways and walkways, picnic grounds and playgrounds with appropriate amenities, a camping site for school groups and a landscaped gateway at Prospect. Anyone who has visited Harrow Park at the weekend will understand the popularity of the parkland, and that will continue to develop over the decades. The bill will ensure the viability of the parklands through the establishment of the Western Sydney Parklands Trust. The trust will have several important functions, including the development of the diverse uses planned for the parklands. These could include sporting and recreation activities, conservation of natural and cultural heritage and community events and fundraising. These activities will contribute to the viability and vibrancy of the parklands. The trust will also be responsible for the plan of management, which will identify key issues and priorities in the parklands and address proposals designed to generate income.

The bill enshrines the lungs of Western Sydney in legislation and ensures their long-term viability. It goes some way to addressing the long-term disparity between open space in Western Sydney and in the eastern suburbs. It is also landmark legislation for the region and a wonderful legacy for the future. I am pleased that the Opposition's supports the bill and I commend it to the House.

Mr STEVEN PRINGLE (Hawkesbury) [1.16 p.m.]: I also commend this long-overdue bill. It is a great achievement that we have been able to bring together such a wide range of parklands and put them to good use. As other speakers have said, this area is the heart and lungs of Sydney. The poor air quality in many parts of Sydney underlines the importance of the parklands system, and I would like the Government to extend it to the Rouse Hill area, which is also part of Western Sydney. I commend the Minister for his recent commitment to protect a further 140 hectares, which will be added to Rouse Hill Regional Park. That park protects one of Australia's oldest farmsteads, Rouse Hill House. The Government has gone to a lot of trouble to reroute Windsor Road so that the old Rouse Hill Public School and Rouse Hill House will be linked to create a contiguous historic area.

The next step in the establishment of Western Sydney Parklands is the purchase of the areas that have been rezoned for parkland adjacent to the Rouse Hill Regional Park. That is particularly important because another 60,000 house lots will be progressively released in that area. Being able to extend Western Sydney Parklands makes a great deal of sense and, because of the rapid completion of Windsor Road, access is easy. Rouse Hill Regional Park, which I visit on many weekends with my children, is well utilised and in need of augmentation. I commend the Government and ask that Western Sydney Parklands be extended to include Rouse Hill so that we have contiguous parklands covering north-west Sydney, the area towards Penrith and the remainder of Western Sydney Parklands.

Mr FRANK SARTOR (Rockdale—Minister for Planning, Minister for Redfern Waterloo, Minister for Science and Medical Research, and Minister Assisting the Minister for Health (Cancer)) [1.18 p.m.], in reply: I take this opportunity to thank the honourable members who have contributed to the debate. I particularly thank the honourable member for Gosford for his constructive and sensible contribution. For his edification, the reason this parklands falls under the control of the Minister for Planning is that the land was accumulated for the parklands through the Sydney Regional Development Fund, which is an instrument of the Minister for Planning. Indeed, 589 hectares of privately owned land within the parklands boundary will be acquired over time by the fund and transferred to the park.

The honourable member spoke about the trust membership and the appointment of a community representative. The board will comprise not only the directors general of the Department of Planning and the Department of Environment and Conservation, but also a range of people with a mix of skills and, ideally, community representation. I will turn my mind to that when legislation has been enacted. As is the case with many large sites within the general parklands area, the Government will not necessarily vest the land into the trust; it will be left as it stands. In this case, that will afford it the protection of the National Parks and Wildlife Act.

The Minister for Western Sydney raised a number of issues. I wish to place on record that the Minister has worked tirelessly to support the creation of these parklands, and their extension and improvement over time.

She plays a large role in ensuring that Western Sydney is adequately catered for with regard to open space. I thank the honourable member for Hawkesbury for his contribution. The Government has made its commitment to Rouse Hill and the parklands area. Through the Growth Centres Commission, the Government has also greatly expanded the amount of regional open space in the north-west sector compared with what was previously proposed in the draft plan. The final State policy covering that area significantly expands that regional open space by many hundreds of hectares.

The Government is also dealing with the inclusion in the legislation of the former Premier's commitment as per Sydney Regional Environmental Plan 31. Creating parklands of 5,200 hectares is a very big undertaking. I want to have the trust up and running, I want to see a plan of management prepared, and I want all the complex issues that will take decades to unfold to be addressed. Over time, of course, we will always look for further opportunities to ensure that the people of Western Sydney have the best possible access to regional open space.

I wish to respond to a number of issues that have been raised with my office and me since the introduction of the bill. I have been asked why there is a need to include in the bill corporation set-up powers. The power conferred by clause 21 for the trust to form or acquire interests in private corporations is necessary because unless the power is expressly conferred on a statutory body it can be concluded that the power is absent. It is feasible that in the future the trust may propose to form a partnership with a private sector entity. For example, the trust may choose to participate in a commercial venture and may need to form a private corporation for certain tourist and entertainment undertakings. In that scenario it is important that the trust have a clear power to do so, otherwise a private sector partner may be reluctant to enter into arrangements with the trust. In this way potential liabilities for a project can be limited to the subsidiary corporation.

The standard statutory provision, clause 21, provides that a subsidiary corporation does not represent the Crown. That also limits exposure of the State of New South Wales to liability arising out of a venture. Members of both Houses need to acknowledge that the Western Sydney Parklands Trust will perform a wide range of functions, including the conservation of the natural and cultural environment of the parklands. The ability to set up a subsidiary enables the Western Sydney Parklands Trust to distinguish its non-commercial functions from its commercial functions.

I have been asked why a carbon credit enabling clause is needed. There are two aspects to clause 17 relating to carbon sequestration activities. The first enables carbon sequestration rights to be granted over land owned by the trust. A carbon sequestration right is an interest in land. Under the Conveyancing Act, it is a profit a prendre. Under the requirements of the New South Wales Greenhouse Gas Abatement Scheme it is possible that the term of such rights could be at least 100 years. It is arguable that the general power of the trust under clause 16 to deal with land would extend to the creation of carbon sequestration rights over trust land. However, noting that easements and rights of way are expressly mentioned, the clause makes it very clear that the trust may propose to grant carbon sequestration rights.

It is also appropriate that constraints be placed on the trust's power to create those rights, which can potentially tie up the land concerned for over 100 years, possibly making it unavailable for other uses. It is for that reason that clause 17 of the bill requires the Minister's consent to such schemes. The second aspect enables the trust to become an accredited abatement certificate provider. This relates to carbon sequestration activities under the New South Wales Greenhouse Gas Abatement Scheme or a similar scheme. As an accredited abatement certificate provider, the trust could create, register and trade carbon credits, or abatement certificates. The trust could sell carbon credits to electricity retailers under the New South Wales Greenhouse Gas Abatement Scheme.

The general functions of the trust conferred by clause 12 would not extend to a power to participate in the New South Wales Greenhouse Gas Abatement Scheme in relation to carbon sequestration activities. That involves creating and trading in carbon credits, an activity which is not referable to functions in relation to the parklands as such. It may involve significant potential liability and insurance cover. Again, it is appropriate that the trust only engage in this commercial activity with the Minister's consent. Members of both Houses must note that clause 17 is merely an enabling clause. The trust will not be under any obligation to participate in carbon sequestration activities. Further, it may be the case that the trust grants carbon sequestration rights over parcels of land to a third party because the scale of the carbon sequestration pool that may make participating in the New South Wales Greenhouse Gas Abatement Scheme commercially viable may not be able to be achieved by the trust itself.

As the Minister for Western Sydney said, the bill enshrines the lungs of Western Sydney in legislation, ensuring their long-term viability. It goes some way towards addressing the long-term disparity in open space between Western Sydney and other parts of Sydney. It represents a landmark for the region and a wonderful legacy for our children's children. This is a great initiative that will signal great progress for the people of Western Sydney. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

NSW OMBUDSMAN

Reports

Mr Frank Sartor, by leave, tabled the following reports:

Review of the Police Powers (Drug Detection in Border Areas Trial) Act 2003, dated January 2005
Firearm and Explosive Detection Dogs—Review of the Firearms Amendment (Public Safety) Act 2002, dated April 2006

[*Madam Acting-Speaker (Ms Marianne Saliba) left the chair at 1.26 p.m. The House resumed at 2.15 p.m.*]

MINISTRY

Mr MORRIS IEMMA: In the absence of the Minister for Gaming and Racing, and Minister for the Central Coast, who is attending a Ministerial Council meeting, the Minister for Water Utilities, Minister for Small Business, Minister for Regional Development, and Minister for the Illawarra will answer questions on his behalf.

PETITIONS

Pensioner Travel Voucher Booking Fee

Petition requesting the removal of the $10 booking fee on pensioner travel vouchers, received from **Mrs Shelley Hancock**.

South Coast Rail Services

Petition opposing any reduction in rail services on the South Coast, received from **Mrs Shelley Hancock**.

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**.

CountryLink Rail Services

Petition opposing the abolition of CountryLink rail services and their replacement with bus services in rural and regional New South Wales, received from **Mr Andrew Stoner**.

Shoalhaven River Water Extraction

Petition opposing the extraction of water from the Shoalhaven River to support Sydney's water supply, received from **Mrs Shelley Hancock**.

Jervis Bay Marine Park Fishing Competitions

Petition requesting amendment of the zoning policy to preclude fishing competitions, by both spear and line, in the Jervis Bay Marine Park, received from **Mrs Shelley Hancock**.

Gardens of Stone Reserve

Petition requesting the reservation of the Gardens of Stone stage 2 park proposal to preserve the area's outstanding scenic, historic, scientific and recreational value, received from **Ms Clover Moore**.

Unborn Child Protection

Petition requesting mandatory statistical reporting of abortions, legislative protection of foetuses of 20 weeks gestation, and availability of resources for post-abortion follow-up, received from **Mr Russell Turner**.

Same-sex Marriage Legislation

Petition opposing same-sex marriage legislation, received from **Mr Russell Turner**.

Rural and Regional Police Resources

Petitions calling on the Iemma Government to allocate more police resources to rural and regional communities throughout New South Wales, received from **Mr Steve Cansdell** and **Ms Katrina Hodgkinson**.

Forster-Tuncurry Policing

Petition requesting a permanent 24-hour police station at Forster-Tuncurry, received from **Mr John Turner**.

National Art School

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

Campbell Hospital, Coraki

Petition opposing the closure of inpatient beds and the reduction in emergency department hours of Campbell Hospital, Coraki, received from **Mr Steve Cansdell**.

Parkinson's Disease Funding

Petition requesting funding for Parkinson's-specific support services for people living with Parkinson's disease, received from **Mr Steve Cansdell**.

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 **Mr Steve Cansdell, Ms Katrina Hodgkinson** and **Mrs Judy Hopwood**.

Shoalhaven Mental Health Services

Petition requesting funding for the establishment of a dedicated mental health service in the Shoalhaven, received from **Mrs Shelley Hancock**.

Sunflower House, Wagga Wagga

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

Mental Health Services

Petition requesting increased funding for mental health services, received from **Ms Clover Moore**.

Orange Base Hospital Radiotherapy Services

Petition requesting that radiotherapy services be operational for the opening of the new Orange Base Hospital, received from **Mr Russell Turner**.

Jervis Bay Land Rezonings

Petition requesting a moratorium on further land rezonings within the catchment of Jervis Bay, received from **Mrs Shelley Hancock**.

Community-based Preschools

Petitions requesting increased funding to community-based preschools to maintain parity with preschools administered by the Department of Education and Training, received from **Mr Greg Aplin** and **Mrs Shelley Hancock**.

Sow Stall Ban

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

Recreational Fishing

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

Crown Land Conversion Policy

Petition calling on the Government to abandon its Crown land conversion policy in favour of that put forward by The Nationals, received from **Ms Katrina Hodgkinson**.

Underground Cables

Petition requesting urgent implementation of an achievable plan to put aerial cables underground, received from **Ms Clover Moore**.

Shoalhaven City Council Rate Structure

Petition opposing a 27 per cent rate increase proposed by Shoalhaven City Council, received from **Mrs Shelley Hancock**.

CSR Quarry, Hornsby

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

Kempsey Shire Council

Petition requesting an inquiry into Kempsey Shire Council, received from **Mr Andrew Stoner**.

Grafton Bridge

Petition requesting the construction of a new bridge over the Clarence River at Grafton, received from **Mr Steve Cansdell**.

BUSINESS OF THE HOUSE

Reordering of General Business

Mr ANTHONY ROBERTS (Lane Cove) [2.24 p.m.]: I move:

That General Business Order of the Day (for Bills) No. 6 [Royal Rehabilitation Centre Sydney Site Protection Bill] have precedence on Thursday 26 October 2006.

To the people of the Putney area, the Royal Rehabilitation Centre Sydney Site Protection Bill is the most important piece of legislation that has ever been introduced into this Parliament. For the information of members opposite, the Minister for Planning removed from the Ryde City Council the power to determine any application for the redevelopment of the Royal Rehabilitation Centre in Putney. Ryde City Council members and staff obviously were upset, and Putney residents certainly were upset, when they saw what the State Government was prepared to allow for the site—overnight an almost 50 per cent increase in the number of dwellings in the suburb of Putney, a massive increase in the population of the suburb of Putney, and a massive increase in the number of vehicular movements in and out of Putney every day, when even by the Roads and Traffic Authority standards the roads are already 300 per cent above guidelines and capacity.

This motion is not just about the rights of the people of Putney and Ryde but about the rights of people across the State. The bill relates to the right of people to stand up against massive overdevelopment imposed by the State Government, the right to stand up to the Minister for Planning and say that enough is enough, and the right to determine what happens in their own neighbourhoods. If honourable members vote against allowing the bill to be debated tomorrow, they will be voting against their own constituents. Effectively, honourable members will be saying to their constituents, "If my mate Frank comes along to take over your suburb, you're on your own."

Just for the record I mention that when the Minister for Planning, Frank Sartor, was confronted by Putney residents about his plans for the site, he referred to them as Putney lunatics and rejected their concerns outright. He was especially nasty to the Mr Rolf Clapham—a great community man who has worked tirelessly with me and the Coalition Against Private Overdevelopment [CAPO] on behalf of Putney residents. It was a cowardly attack on a member of the community that demonstrates how arrogant the Godzilla of planning really is. He is quite happy to trample on the lives and livelihoods of thousands of residents—and the Government just sits there and allows him to do it.

It is important for the bill to be debated tomorrow because the Government and its Minister for Planning have neglected the people of Putney, and 3,000 residents are waiting on the edge of their seats for the bill to be passed by this Parliament; 3,000 residents are waiting to see whether the Government has the guts to say to the people of Putney, "Yes, this bill is important. You are important, and this bill will be debated."; 3,000 residents are waiting for the Minister for Planning to take them seriously; 3,000 residents of Putney are waiting to see if the Minister for Planning can be bothered to even acknowledge their distress and anger.

The Minister for Planning has sat by while thousands of residents protested against his plans for the Royal Rehabilitation Centre. He has ignored their protests and letters, speeches in this Parliament, newspaper reports, radio reports, and the bill. I call upon every honourable member of this House to stand up for the rights of residents of their electorates to have a say in their own future. The people of Putney and New South Wales deserve better treatment; the people of Putney and New South Wales deserve the attention of the Minister for Planning; the people of Putney and New South Wales certainly deserve more than an apology for the Minister's attitude so far. [*Time expired.*]

Question—That the motion be agreed to—put.

The House divided.

Ayes, 30

Mr Aplin	Mrs Hopwood	Mr Slack-Smith
Mr Armstrong	Mr Humpherson	Mr Souris
Ms Berejiklian	Mr Kerr	Mr Stoner
Mr Cansdell	Mr Merton	Mr Tink
Mr Constance	Mr O'Farrell	Mr J. H. Turner
Mr Debnam	Mr Page	Mr R. W. Turner
Mr Fraser	Mr Piccoli	
Mrs Hancock	Mr Richardson	
Mr Hartcher	Mr Roberts	*Tellers,*
Mr Hazzard	Ms Seaton	Mr George
Ms Hodgkinson	Mrs Skinner	Mr Maguire

Noes, 60

Ms Allan	Mr Gibson	Mr Pearce
Mr Amery	Mr Greene	Mrs Perry
Ms Andrews	Ms Hay	Mr Price
Mr Barr	Mr Hickey	Mr Pringle
Mr Bartlett	Mr Hunter	Ms Saliba
Ms Beamer	Mr Iemma	Mr Sartor
Mr Black	Ms Judge	Mr Scully
Mr Brown	Ms Keneally	Mr Shearan
Ms Burney	Mr Lynch	Mr Stewart
Mr Campbell	Mr McLeay	Ms Tebbutt
Mr Chaytor	Mr McTaggart	Mr Torbay
Mr Collier	Ms Meagher	Mr Tripodi
Mr Corrigan	Ms Megarrity	Mr Watkins
Mr Crittenden	Mr Mills	Mr West
Mr Daley	Ms Moore	Mr Whan
Ms D'Amore	Mr Morris	Mr Yeadon
Mr Debus	Mr Newell	
Mr Draper	Ms Nori	
Mrs Fardell	Mr Oakeshott	*Tellers,*
Ms Gadiel	Mr Orkopoulos	Mr Ashton
Mr Gaudry	Mrs Paluzzano	Mr Martin

Question resolved in the negative.

Motion negatived.

NSW OMBUDSMAN

Report

Mr Speaker tabled, pursuant to section 31AA of the Ombudsman Act 1974, the report entitled "Annual Report 2005-06".

Ordered to be printed.

QUESTIONS WITHOUT NOTICE

POLICE RESOURCES

Mr PETER DEBNAM: My question is directed to the Minister for Police. Given the Minister failed to adopt the Redfern and Macquarie Fields recommendations and refused to provide the requested funding to properly resource frontline police, as confirmed by the Cronulla riot and revenge attack reports, why does the Minister continue to shirk responsibility for underresourcing NSW Police?

Mr CARL SCULLY: It is important that the Opposition leader not be allowed to rewrite history.

Mr Peter Debnam: Point of order: I did not hear that. Can he say that again?

Mr SPEAKER: Order! The Leader of the Opposition will resume his seat. He is showing contempt for the House. The Minister for Police has the call.

Mr CARL SCULLY: In response to the Redfern riots, there was a report, which the Government accepted. In fact, a number of concerns about equipment were addressed. Following Macquarie Fields there were concerns in respect of command and control issues. Those recommendations were accepted and implemented. In relation to the Cronulla riots, as all members know, the police did a fantastic job in difficult circumstances and the whole point of the Hazzard review was to assess whether police could have done better and, not surprisingly, there are issues that need to be addressed.

INTEREST RATES

Mr ALLAN SHEARAN: My question without notice is directed to the Premier. What is the Government's response to community concerns about the impact of the Federal Government's broken interest rates promise on hardworking New South Wales families?

Mr SPEAKER: Order! The Leader of The Nationals will cease interjecting. The Premier has the call.

Mr MORRIS IEMMA: This morning the Reserve Bank of Australia [RBA] released the latest consumer price index [CPI] figures for the September quarter. They show inflation nationally increasing by 2.9 per cent and an annual inflation rate of 3.9 per cent, well above RBA policy of between 2 per cent and 3 per cent. Unfortunately for hardworking New South Wales families there is no doubt that this outcome will put further upward pressure on interest rates. I can inform the House today that I have written to the Governor of the Reserve Bank, Mr Glenn Stevens, requesting that the RBA reject any proposal for a further interest rate rise at its next board meeting. I have done this because New South Wales families will be the hardest hit of all the States by another interest rate rise.

Mr Andrew Constance: And why is that?

Mr MORRIS IEMMA: Neither the Prime Minister nor the Treasurer seem prepared to do anything to support those struggling families after Canberra's recent rate rises.

Mr Wayne Merton: Point of order: My point of order relates to relevance. What the Premier has not told the House is that under the Labor Government interest rates were—

Mr SPEAKER: Order! There is no point of order. The honourable member for Baulkham Hills will resume his seat. The Premier has the call.

Mr MORRIS IEMMA: I thank the honourable member for Baulkham Hills for his point of order. He has placed on the record that he regards further interest rate rises as irrelevant. In answer to the interjection by the honourable member for Bega, New South Wales citizens spend more on their mortgages than any other State, which is why the impact will be felt in New South Wales more than any other State, both in absolute terms and as a percentage of their total income. We are currently experiencing the worst drought in living memory, meaning that farmers are even less likely to be able to absorb another rate rise.

Mr SPEAKER: Order! There are too many members calling out and seeking to disrupt the proceedings of the House. The Premier has the call and will be heard in silence.

Mr MORRIS IEMMA: The only ones who do not accept that another interest rate rise will put more pressure on families and farmers are Opposition members. The increase in interest rates will put further upward pressure on the exchange rate to make life more difficult for those in manufacturing, tourism and other export industries. Just as the New South Wales housing sector is showing signs of a rebound, the Federal Government's interest rate hike will suppress the market.

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

Mr MORRIS IEMMA: We have already started to see the effect of the past interest rate rises, for example, the fall-off in demand for new dwelling construction. Another rate rise will be the seventh since 2002. That makes an absolute mockery of the Prime Minister's claims at the last election that he would keep interest rates down.

Mr Andrew Stoner: Get over it.

Mr MORRIS IEMMA: The Leader of The Nationals says, "Get over it." That is his response to interest rate rises. That is his response to families and farmers. The Federal Government has done nothing since its re-election to ensure that interest rates are kept low. It has just presided over interest rate rises and has done nothing whilst further pressure is placed on interest rates. First, the Prime Minister and the Federal Treasurer blamed bananas and petrol. Then Mr Costello blamed the States for spending too much on infrastructure, but he was not prepared to say which road or school project he would like to see dropped. Now the Prime Minister and

his Treasurer have hit the airwaves saying that the CPI result does not necessarily mean that the RBA will put up interest rates.

That is strong advocacy for farmers and families! The Opposition should join in the fight on behalf of New South Wales families to keep interest rates low and keep the financial pressure off them. Members opposite should ask their Canberra colleagues to step in and protect families and farmers. They will not. Whether it is the fraudulent GST, petrol prices, pay packets being ripped apart by WorkChoices or workers losing their jobs, Opposition members will not stand up for New South Wales families and they will not stand up for New South Wales workers.

CRONULLA RIOTS WARNING

Mr PETER DEBNAM: My question is directed to the Premier. Given that his pre-riot briefing warned of a high-risk of riot, multiple casualties and major property damage at Cronulla but after the briefing he still publicly said, "There is no way that things like nippers and the other activities that happen at this beach are going to be cancelled," why did he not warn families to stay away from the beach?

Mr MORRIS IEMMA: Because we were not going to let thugs and threats of thuggery destroy our way of life. The briefing was in relation to preparations for those matters in the lead-up to Cronulla, and the Government did not have to wait for a word of a report to be written to take swift and decisive action after those events. The Leader of the Opposition wants us to say that we will hand over the parks and the streets to those who want to intimidate and harass. The police were making preparations for that Sunday and that is what the briefing was about—the deployment of their tactics, operation and resources in preparation for the threats that were being made for retribution. The proposition of the Leader of the Opposition is that those who threaten our way of life ought to be yielded to. After the riots what did the Leader of the Opposition have to say when the Parliament was recalled? Did he take a bipartisan approach when thugs attempted to threaten our way of life—a rule of law? No, he did not.

Mr SPEAKER: Order! I call the honourable member for The Hills to order.

Mr MORRIS IEMMA: Despite widespread rumours of follow-up riots or more revenge attacks, our police came down heavy on disturbances in those communities and stamped out the possibility of further violence.

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

Mr MORRIS IEMMA: Despite the Opposition's attempt to rewrite history, that is what occurred. The focus then, after and today continues to be on maintaining safety in our community. Safety at our beaches, parks, streets or railway stations: that is the priority and the focus. Members opposite can have all the reports they like and can sit there luxuriating with the benefit of hindsight, but the fact remains that police faced threats of violence before, and so did the community. After those events they faced further threats of danger to themselves and the community. The purpose of commissioning the reports, which the Government supported, was to identify and examine all the issues surrounding this to learn lessons on how things might be done better and to implement those to ensure maximum community safety. That is what we are determined to do, that is what we did and that is what we will continue to do, because our priority is to ensure that our beaches, parks, streets and community are safe for law-abiding and decent citizens to go about their business, not yielding to thugs who want to intimidate people.

ELECTRONIC MEDICAL RECORDS

Ms TANYA GADIEL: I address my question without notice to the Premier. What is the latest information on improvements to public health services in New South Wales?

Mr MORRIS IEMMA: I acknowledge the honourable member for Parramatta's interest in her local hospital, Westmead, and in improving health services. This morning the honourable member joined the Minister for Health and me at Westmead Hospital to announce a new direction in health care for New South Wales—a $40 million contract for the statewide rollout of electronic medical records in our health system.

Mr Andrew Stoner: Tell us about Maclean and Lismore!

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

Mr MORRIS IEMMA: Our hospital system includes Maclean and Lismore. Moving from a paper-based system to the electronic age, our hospitals will be able to deliver accurate information, more quickly, and provide faster and better care to patients and clinicians throughout the State. The electronic system will work by capturing patient information from the time they enter a hospital to the time they are discharged. The electronic medical record will be able to record a patient's care, the location and the time it was provided.

Mr SPEAKER: Order! I call the honourable member for North Shore to order.

Mr MORRIS IEMMA: The record can be used to order treatment and tests, and it allows for recording medication regimes and a prompt alerting of test results. The system can also generate referrals for services such as radiology or pathology. In the most recent trials of the system, the benefits were clear and substantial. There was a reduction in the time spent on administration, allowing doctors and nurses to spend more time delivering care to their patients; a reduction in the inconvenience and costs of undergoing unnecessary medical tests and a reduction in the errors that can arise from handwritten patient file notes. Under this new direction for health care, a doctor or nurse anywhere in our hospital system will be able to access an individual patient's details, regardless of which hospital they entered the system through. There will be better access to patient information, meaning more timely provision and better health care.

By the time the statewide rollout of the system is complete, it will be helping an estimated 84,000 clinicians and scientific staff to deliver better patient care. I am also pleased to advise the House today of another initiative for improving patient care and providing more choice. In 2004 a surgical services task force was established, and it provided its Predictable Surgery Plan to the Government, which detailed the best ways to manage surgical workload in our hospitals. The Government backed this report with $115 million for booked surgery and the funding of more than 1,300 extra hospital beds. As a result, we are making real progress in reducing surgery waiting times. We acknowledge that there is more work to be done. That is why today I can advise the House of the next stage of the Predictable Surgery Plan. I can advise that we are implementing a statewide 1-800 surgery access free call number to improve access to elective surgery and reduce waiting times.

Mrs Jillian Skinner: They've already got one. They come to us!

Mr SPEAKER: Order! The honourable member for North Shore will cease interjecting. The Minister for Local Government will cease interjecting. The Premier has the call.

Mr MORRIS IEMMA: It is a free call number to get care, not to get the honourable member for North Shore.

Mrs Jillian Skinner: That's what you say!

Mr MORRIS IEMMA: The honourable member breaks me up. This free call will operate between 8.00 a.m. and 7.00 p.m. on weekdays across the State. Under the scheme, a patient waiting for elective surgery—

Mr Thomas George: Press two!

Mr MORRIS IEMMA: Was that the instant recall to Canberra for your funding? The honourable member for Lismore is making encouraging progress after the altercation with the honourable member for Ballina. Under this scheme, patients waiting for elective surgery will be able to call the surgery access number if they choose to see if their surgery can be performed sooner. At all times, the patient's choice—I underline the word "choice"—will guide the options available. The scheme will work like this. Patients will be given an initial date for surgery, as is the current practice. At that point, should patients wish to explore their options for earlier surgery they will be able to ring the service and provide details of their existing arrangements. In the first instance, options for earlier surgery within their own area health service will be explored and discussed.

Mr SPEAKER: Order! The Premier has the call.

Mr MORRIS IEMMA: I can understand that the honourable member for Lismore would be listening closely to this.

Mr Thomas George: A rehab centre!

Mr MORRIS IEMMA: That is correct, given the honourable member's altercation with the honourable member for Ballina. In the first instance, options for earlier surgery within their own area health service will be explored and discussed. If a doctor with a shorter waiting time is not available in their area, the system co-ordinator will contact other area health services to identify possible dates in other services. If an earlier option is available and the patient accepts the offer, this will result in an earlier surgery date. I stress that no patient is compelled to ring the surgery access line, and there is no requirement to take up any offer made.

The service is an additional source of support and advice on which a patient may draw. Now, for the first time, there will be a statewide toll free number that can be accessed from 8.00 a.m. to 7.00 p.m. on weekdays, capacity for the system to examine waiting times in the patient's own area health service and those nearby, and greater emphasis on publicising this service. The system will go live next month, and the service will be publicised in advance. The scheme will not revolutionise health but it is a valuable step in a new direction. It is a recommendation of the surgical services task force, and the results in local area health services so far have been impressive. For example, a patient was provided with the option of being treated at Blacktown Hospital inside two months, after initially being put on a much longer list at another Western Sydney hospital. Another patient took advantage of the local service and had her painful carpal tunnel condition operated on inside one month. The chair of the surgical task force, Dr Pat Cregan, said:

> The hotline will be a valuable way for patients to get information about waiting times and access to services.

I place on record my thanks to the doctors and other clinicians in the taskforce for their tireless efforts to improve patient care in New South Wales. I have asked the Minister for Health to consult closely with the taskforce as this new system is implemented. Along with the electronic patient record system, this access hotline is a commonsense initiative designed to improve the quality, safety, efficiency and speed with which patients get their care in the New South Wales public health system.

MINISTER FOR POLICE MINISTERIAL PERFORMANCE

Mr ANDREW STONER: My question is directed to the Minister for Police.

Mr Frank Sartor: God, you're boring!

Mr SPEAKER: Order! The Minister for Planning will come to order. The Leader of The Nationals has the call.

Mr ANDREW STONER: The Minister will not think this is boring. My question is to the Minister for Police. Given that on last Monday week the Minister phoned the ABC television newsroom claiming that that night's Channel 9 news item on his handling of the Cronulla report was untrue, has he now apologised to the ABC and other media for lying about the report and his knowledge of it?

Mr CARL SCULLY: Perhaps I could answer that question if Channel 9 can tell me who in my office rang and at what point I rang and what I said. Then perhaps I could answer the question.

Mr Andrew Stoner: You rang the ABC.

Mr CARL SCULLY: Now you are lying.

TAXI RANK SECURITY

Mr MATT BROWN: My question without notice is to the Minister for Transport. What is the latest information on safety and security initiatives for the taxi industry and related matters?

Mr JOHN WATKINS: I thank the honourable member for Kiama for his ongoing interest in taxi services for his electorate. The Iemma Government is committed to providing the safest and most secure transport system we can. It is particularly important that people have access to safe transport home after a night out with friends or when finishing work after a late shift. The Iemma Government is taking safety and security for taxi drivers and passengers in a new direction. We are working with the taxi industry to implement safety and security initiatives for drivers and we are looking at new ways to increase the safety of passengers. Earlier

this year I announced that the Iemma Government will establish up to 30 secure taxi ranks across New South Wales to provide a safe environment for catching cabs late at night.

Secure ranks have been in operation in the Sydney central business district [CBD] since 2001 and involve the placement of two security guards at ranks on Friday and Saturday nights between 10.30 p.m. and 5.00 a.m. There are now three ranks in operation in the busiest areas of the city, and they are very successful. Following the success of the CBD ranks, secure ranks were trialled last summer in Manly, Albury, Wagga Wagga and Griffith. These ranks, supported by the Taxi Council, local councils, NSW Police, the taxi networks and, I have to say, probably the local members, have been extended to operate permanently after the extremely positive evaluations of the trials. The results show an increase in passenger safety, increased patronage, more multiple hiring and fewer antisocial incidents such as vandalism, violence and assaults.

Today I am pleased to report to the House a number of new secure ranks. A secure rank will commence operating in Penrith on 3 November following strong representations by the honourable member for Penrith on behalf of her community. I can also announce a trial of secure ranks in four regional locations—Kiama and Bateman's Bay, starting from 1 December, and Byron Bay and Coffs Harbour, starting from 3 November. The Iemma Government is delivering to our South Coast and our North Coast. We are delivering to the people of our regions.

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

Mr JOHN WATKINS: The honourable member for Murrumbidgee should stop being unpleasant or I will take the secure rank away from his electorate.

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

[*Interruption*]

Mr SPEAKER: Order! I call the honourable member for Murrumbidgee to order for the second time.

Mr JOHN WATKINS: I inform the honourable member for Dubbo and the House that a secure rank will operate at Dubbo racecourse for Derby Day on 4 November 2006. The Ministry of Transport is also considering further ranks and these applications will be considered in consultation with local police, councils, local taxi networks and the liquor accord. The Iemma Government's commitment to improved security for taxi passengers and drivers is in stark contrast to the Opposition's approach to taxi safety. Rather than supporting the secure taxi ranks initiative, the Opposition's spokesperson for denigrating public transport—and we all know who he is, the mad butcher of Darnick station—the Deputy Leader of the Opposition, contributed his two cent's worth and said that the only answer to save the taxis is that they should be cashless.

I searched long and hard to find his contribution to policy with regard to taxis, and that was his only comment. He was quoted in the *Inner West Weekly* on 16 March this year as saying that removing cash from cabs is the only way to stop thieves targeting drivers. That might be the Opposition's only policy for improving taxi safety, but it is not the only way to prevent antisocial behaviour in and around taxis and it is not an initiative supported by the industry. No-one wants cashless cabs—not the drivers, not the taxi industry and not the passengers. It is another example of how out of touch the Opposition is—another idea pulled out of the bottom drawer by the Deputy Leader of the Opposition when he was forced to comment on something he cares little about.

Recently my office spoke to the Taxi Council about the idea and its chief executive officer, Howard Harrison—a man who deserves great credit for working for improved safety in the taxi industry—said, "Cashless cabs is not a realistic idea when we are not living in a cashless society." Mr Harrison welcomed the expansion of the secure ranks to new locations, saying it was a great initiative and fits in with the Taxi Council's ongoing commitment to a safer working environment in the taxi industry.

Mr SPEAKER: Order! There is too much audible conversation from the Opposition benches.

Mr JOHN WATKINS: This is a good transport policy. In contrast, the Leader of the Opposition, the new puppet leader of the New South Wales black right, refuses to tell us what he stands for. The Leader of the Opposition will not tell us how he is going to cut those 29,000 jobs in the public sector but I guarantee secure taxi ranks will be gone on day one. They will not last. The Leader of the Opposition will not tell us where he

stands on David Clarke's agenda of extremism, but we know where his candidates stand. Today in the *Hawkesbury Gazette* the preselected candidate for Hawkesbury—

Mr Barry O'Farrell: Point of order: My point of order relates to standing orders and the issue of related questions. As we have discussed both in this Chamber and outside, if the matter is related to transport policy, clearly it is a related matter. If it is not related to transport policy, clearly it is not a related matter.

Mr SPEAKER: Order! I have not heard enough of what the Minister has to say about claims that may have been made and whether they relate to transport policy.

Mr JOHN WATKINS: It is about policy. It is about whether the Coalition has the transport policies the people of this State need, want and deserve. Of course, we should look at their candidates to check whether they are going to speak about transport policy—taxis, trains, buses, whatever. So, we look at what the Coalition's spokespeople say. Today in the *Hawkesbury Gazette* the preselected candidate came forward with his policy priorities. There is no mention of rail services, hospital beds, crime rates or class sizes—the issues that matter most to the people of this State and, I would think, to the people of Hawkesbury. What are his priorities? The newspaper lists them today. They are the issues of abortion, stem cell research, homosexual marriage and drug injecting rooms. That is what the preselected candidate in Hawkesbury thinks are policy priorities.

Mr SPEAKER: Order! Government members will come to order. I call the honourable member for Murray-Darling to order.

Mr JOHN WATKINS: He thinks those issues are important because they are the issues that David Clarke thinks are important. It is no wonder that the Leader of the Opposition will not stand up for the people of New South Wales on issues such as the Liberals' impending interest rate rise. It is no wonder he will not stand up to Canberra on issues such as the GST or the price of petrol, or he will not reveal his plans about health or transport. He is flat out trying to get the extremists to keep their heads down until he gets across into government. If that dark day ever happens in this State, Silas Debnam and his mates will ensure that a new mixture of politics and religion will be the only issues that people in New South Wales hear about.

Mr Chris Hartcher: Point of order: The Minister for Transport has strayed from the question, as you well know, Mr Speaker.

Mr SPEAKER: Order! I agree with the honourable member for Gosford. In his concluding remarks the Minister for Transport made passing reference to transport policy, although in the bulk of his answer he had not done so. The Minister has completed his response.

DEATH OF MR DONALD JACK CHENEY AND HOSPITAL STAFFING

Mr ANDREW STONER: My question is directed to the Premier.

Mr Frank Sartor: God, you're boring!

Mr SPEAKER: Order! I call the Minister for Planning to order.

Mr ANDREW STONER: Is that all the Minister can say? This is not boring to the people in the public gallery who have lost a loved one. The Minister should listen to my question.

Mr SPEAKER: Order! The Leader of The Nationals will address the chair. The Minister for Planning will cease interjecting.

Mr ANDREW STONER: Will the Premier apologise to Elvira Cheney, who is present in the public gallery today, whose husband of 63 years died alone and without dignity after a string of hospital bungles, including repeated misdiagnoses and long waits for a bed due to the Government depriving country hospitals of funding to the point that they struggle to maintain basic standards of health care?

Mr MORRIS IEMMA: I extend my sincere condolences to the family of the patient referred to by the Leader of The Nationals. Of course, we are always sorry at the loss of a loved one. I have asked the Minister for

Health to provide advice on the care provided to Mr Cheney and his family during the course of his illness and the other matters raised by the honourable member. The Minister will provide a report.

LOCAL COUNCILS WASTE REDUCTION AND ENVIRONMENTAL PROTECTION

Mr GEOFF CORRIGAN: My question without notice is addressed to the Minister for the Environment. What is the Government doing to encourage waste reduction and environmental protection by local councils?

Mr BOB DEBUS: I acknowledge the continued interest of the honourable member for Camden in environmental protection matters. I am pleased to announce today that the Government's environmental incentive plan to reduce waste going to landfill is working. In November last year the Government announced a plan to reward councils that are delivering on environmental improvements by providing rebates on council waste levy payments. This is part of the Iemma Government's landmark $439 million City and Country Environment Restoration Program. Following this new direction in environmental management, up to $80 million will be made available to councils as rebates for good performance over the next five years.

Mr Michael Richardson: Point of order: The Minister for the Environment is misleading the House. That was Coalition policy. He should acknowledge that fact.

Mr SPEAKER: Order! The honourable member for The Hills is sufficiently well acquainted with the standing orders to know there is a proper way to address the House in relation to such matters. That is not one of them. The Minister for the Environment has the call.

Mr BOB DEBUS: The honourable member for The Hills should ask members on his side of the Chamber to remain silent. It was impossible to hear everything he said. I was interrupted when I was explaining this new direction in environmental management. The green rebate plan rewards councils that have increased recycling and reduced the amount of waste being sent to landfill. The first round of grants, which is worth some $4 million, will be awarded to successful councils this week. I can announce today that all 51 eligible councils have received full marks and will this week receive their first environmental payments. It is a win for local communities who, together with councils, are contributing to more recycling and less rubbish being disposed of to landfill. Their efforts are being rewarded in the form of money being handed back to councils and ratepayers.

Councils in the Greater Sydney area, Shoalhaven, Illawarra, the Sutherland shire, the Hunter and on the Central Coast are all sharing in the green rebate. Everywhere from Camden to Canada Bay, Menai to Maitland, Penrith to Port Stephens, councils have responded to the challenge and are reaping the rewards. The rebate is funded through the new New South Wales waste and environment levy, which is paid when waste is disposed of at a landfill. The levy sends a powerful economic signal to drive a new direction in the way we think about waste by making waste avoidance and recycling cheaper than landfilling. To qualify for the payments, councils are required to deliver kerbside recycling to all homes in their area; to collect and provide the Department of the Environment and Conservation with data, including the tonnes of garbage, recycling and green waste produced and collected in their local area; and to only enter into landfill disposal contracts for a maximum of five years so that the community retains the flexibility to adopt new technologies in the future.

Rebate payments are allocated in proportion to the population of the councils under a formula agreed to by the Local Government and Shires Associations. The encouraging news is that as councils continue to improve their performance they become eligible for annual performance payments. Today's announcement shows that the Government continues to build on its environmental credentials with a clear plan for the State's future. At the same time the Opposition remains quite remarkably directionless on the environment. At the last general election the Opposition had no environmental policy at all. It was impossible for the Liberal Party and The Nationals to agree on an environmental policy, so they had none.

Mr Michael Richardson: Point of order: It is essentially the point I made before. The policy that the Minister for the Environment is talking about was our policy, which they stole.

Mr SPEAKER: Order! The honourable member for The Hills may have tried to make a point but it was not a point of order. He will resume his seat.

Mr Michael Richardson: It was our policy, which we announced in July last year, and the Government stole it from us. The Minister should admit that. He should not turn around and say that we do not have any policy when they stole our policy.

Mr SPEAKER: Order! The honourable member for The Hills will resume his seat. The Minister for the Environment has the call.

Mr BOB DEBUS: The only policy I am aware of that the Opposition has is to abolish national parks.

[*Interruption*]

Mr SPEAKER: Order! The honourable member for The Hills will resume his seat. This is the first occasion I have seen a member eject himself without the aid of the Deputy Serjeant-at-Arms. The Minister for the Environment has the call.

Mr BOB DEBUS: I may have the call but I could not possibly hold the attention of the House in the face of the honourable member's carry-on. In contrast to the Opposition's lack of policy, apart from the one to abolish every national park in sight, the Government's plans to protect the environment are working.

Mr Barry O'Farrell: Point of order: My point of order relates to Standing Order 139. We know the Minister is retiring, but he cannot start telling lies this late—

Mr SPEAKER: Order! There is no point of order. The Minister's answer is entirely relevant.

Mr Barry O'Farrell: It is not relevant to tell lies about policies that do not exist.

Mr SPEAKER: Order! The Deputy Leader of the Opposition knows the standing orders well enough to understand that if he wants to refute what the Minister is saying there is a proper way to do so. The Minister for the Environment has the call.

Mr BOB DEBUS: I am sure that of all the national parks in New South Wales, Ku-ring-gai Chase National Park is the only one that is likely to be safe, surrounded as it is by electorates held by Liberal members. The Deputy Leader of the Opposition might care to peruse the letter written by the Opposition Leader's Parliamentary Secretary on 26 July 2005 to the National Parks Association, which stated:

> The NSW Liberal/Nationals Coalition has vowed to reverse the Labor Government decision to lock away 350,000 hectares of productive forest in the Brigalow on election in March 2007.

Mr SPEAKER: Order! The Leader of the Opposition will resume his seat. The Minister for the Environment has the call.

Mr BOB DEBUS: I wish to provide some significant statistics to the House with respect to the treatment of waste. Sydney households disposed of 7.2 per cent less waste per person in 2004-05 than they did in 2000. That is 94 kilograms less waste per person going to landfill, which is significant. Half of the total waste generated in Sydney, the Hunter and the Illawarra is recycled in Sydney, and 283 kilograms of recyclables are recovered each year through kerbside recycling. There is more to be done, but these statistics are significant. The fact that Opposition members laugh about them reminds us that they have no idea about how they might go about protecting the environment.

RENEWABLE ENERGY

Ms CLOVER MOORE: My question is to the Premier. Given media reports that New South Wales' renewable energy performance lags dismally behind that of Victoria and South Australia, will his Government legislate for 25 per cent renewable energy targets, which could result in 4,000 new jobs, $9 billion worth of new investment, a dramatic reduction in greenhouse emissions and enough renewable energy to power every household in New South Wales?

Mr MORRIS IEMMA: Almost 2,000 megawatts of renewable-energy generation proposals are pending in New South Wales. They would see extra electricity generated by wind, solar, biomass and other zero-emission technologies.

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

Mr MORRIS IEMMA: In January this year the Government announced approval for a 185-megawatt wind farm at Taralga, and I understand that the Department of Planning is reviewing environmental assessments for additional wind farms at Tarago, Yass and at Cullerin wind farm near Goulburn. Together these wind farms will provide an additional 200 megawatts of renewable energy. That is a rundown of some of the proposals which are before the Government and which have been approved.

[*Interruption*]

If they meet the requirements of the environmental assessment process, I look forward to other members of the Opposition joining the honourable member for Southern Highlands in supporting those proposals. However, I believe we might be somewhat disappointed. In relation to further measures regarding greenhouse gas emissions, New South Wales has a successful state-based trading scheme—the only one of its type in the country. This State is one of only a handful of jurisdictions in the world that has such a trading scheme. The Greenhouse Gas Abatement Scheme is another way that New South Wales is reducing greenhouse gas emissions.

Through that mechanism the pricing signals are sent for abatement and that encourages investment in alternative sources of energy. Other States have approached the issue by setting targets for renewable-energy generation. It suits South Australia to set a renewable-energy target. Unlike New South Wales, it does not have a state-based greenhouse gas abatement trading scheme. It also suits Victoria to take a similar approach. I understand that Victoria's target is about 10 per cent and that South Australia has a different target. As well as approving, encouraging and assessing these proposals for renewable energy, New South Wales has a state-based trading scheme for abatement.

That scheme provides incentives to industry to invest in sources of energy other than coal-fired power generation. In addition, New South Wales has led the nation in proposing the establishment a national emissions trading scheme. We recognise that greenhouse gases do not stay at State boundaries and that climate change is not a state-based issue. It is an issue for the planet and, as such, it requires global solutions. New South Wales is playing its part, having put on the table a proposal for a national emissions trading scheme. What has been lacking is leadership on the part of the Commonwealth.

Mr Frank Sartor: And BASIX and the Energy Savings Fund.

Mr MORRIS IEMMA: Yes. New South Wales has introduced a range of measures to encourage more efficient use of energy, investment in greenhouse gas abatement and renewables and proposals for the establishment of renewable power generation. The Government continues to keep those measures under examination and is always seeking to improve on the measures it has implemented to encourage further investment in renewable energy and sources of power generation other than coal. It will also continue to fight for a national emissions trading scheme and a national action plan on climate change as opposed to the Prime Minister's approach of ruling it out or shooting from the hip on nuclear power. That will not happen while the Labor Party occupies these benches.

BUILDING REGIONAL TOWNS TOUR

Mr PETER BLACK: My question without notice is to the Minister for Regional Development. What action has the Government taken to encourage residential housing growth in country towns?

Mr DAVID CAMPBELL: I thank the Country Labor member for the support he has offered to the forthcoming fourth Building Regional Towns Tour. The Iemma Government policy encourages investors, decision-makers and builders from Sydney to look for opportunities to invest in residential development in growing rural and regional towns.

[*Interruption*]

The honourable member for Coffs Harbour cannot help himself. If he were paying attention he would know that as a result of this exercise last year, about $24 million has been invested in residential development at Nambucca Heads on the mid North Coast—close to Coffs Harbour. The honourable member for Dubbo would be able to confirm that last year when the group went to Wellington as part of this project it was well received.

The population of Wellington will grow as a result of the Government's investment in infrastructure such as the new gaol there. We need to work with councils to encourage investment in residential housing for new workers in places such as this.

This year's Building Regional Towns Tour will take place next month, when we will go to Wakool. I know the honourable member for Murray-Darling will be interested in the outcome of that. We will also go to Parkes, a regional centre that is growing strongly, as the Premier said yesterday. I am sure that Robert Wilson, the Mayor of Parkes, will want to encourage and warmly welcome investors from Sydney who will look for opportunities, at the instigation of the Iemma Government, to invest in new housing for workers in growing towns in regional and rural New South Wales. That will be in contrast to the concerns expressed by a lot of communities as to what will occur if the Coalition gets into office. From day one, it will sack 29,000 nurses, teachers and police all around the State.

The private sector, through encouragement by the Iemma Labor Government, is investing in jobs in regional New South Wales. The private sector, at the instigation of the Iemma Labor Government, is investing in new housing in New South Wales. That will all be under threat if the Coalition gets into office in March next year. I look forward to updating the House on the progress and results of the Iemma Labor Government's Building Regional Towns Program. Again I advise the House that next month investors and decision makers from Sydney will be looking at opportunities to invest in Wakool and Parkes as part of this program.

Questions without notice concluded.

MINISTER FOR PLANNING AND PUTNEY RESIDENTS

Personal Explanation

Mr FRANK SARTOR, by leave: When speaking to the motion to reorder general business, the honourable member for Lane Cove made a statement which was not only false but impugned my reputation. I now seek to correct the record. The reference relates to assertions—

Mr Anthony Roberts: Point of order: What is the Minister doing? He should be back in the department haunting it—

Mr SPEAKER: Order! The honourable member for Lane Cove will resume his seat. The Minister for Planning has the call.

Mr FRANK SARTOR: The assertion made by a resident of Putney, as communicated to this House by the honourable member for Lane Cove, was that I referred to the residents of Putney as lunatics. The honourable member referred specifically to a meeting I held in my electorate with 130 constituents, none of whom has any recollection of my saying anything of the sort. I did not say that the residents of Putney are lunatics. I do not think the residents of Putney are lunatics. However, what I do say is that the residents who came to my home and harassed my wife acted like lunatics.

STATE REVENUE LEGISLATION AMENDMENT (TAX CONCESSIONS) BILL

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

CONSIDERATION OF URGENT MOTIONS

Badgerys Creek Airport Land Reservation

Ms DIANE BEAMER (Mulgoa—Minister for Western Sydney, Minister for Fair Trading, and Minister Assisting the Minister for Commerce) [3.34 p.m.]: My motion is urgent because the prospect of an airport at Badgerys Creek still casts a long shadow over Western Sydney. A total of 1,700 hectares of Commonwealth land is still reserved for an airport. My motion is urgent because, given the impact that this is having on local residents—

Mr SPEAKER: Order! The honourable member for Murrumbidgee will cease interjecting.

Ms DIANE BEAMER: It is very easy: lift the reservation; make it a park; do what you like. My motion is urgent because the Federal Government is placing families in Western Sydney in a planning limbo. Families who are unable to sell their homes face up to $27,000 in additional building costs as homeowners are required to comply with relevant planning requirements. My motion is also urgent because of the Commonwealth's silence on the issue. Time and again local stakeholders, such as the Western Sydney Alliance, have written to the Federal Government but have not received a response. My motion is urgent because the Federal Government can resolve this matter with the stroke of a pen. It can, and should, immediately rule out, once and for all, the establishment of an airport at Badgerys Creek, and lift the reservation on the land. I commend the motion to the House.

Cronulla Riots Report

Mr PETER DEBNAM (Vaucluse—Leader of the Opposition) [2.36 p.m.]: As the honourable member for Coffs Harbour indicated to the Minister, this is about establishing why the motion should be debated urgently this afternoon. One has only to look at a couple of facts to realise that the motion I put to the House is the appropriate one to receive priority. My motion asks that this House express its concern about the Iemma-Costa Labor Government's deception on the Cronulla riots and the revenge attacks.

If we look at the information available from the community and ask them what is more urgent, currently 81 per cent of *Sydney Morning Herald* readers, 84 per cent of Channel 9 viewers, 90 per cent of *Daily Telegraph* readers and 97 per cent of 2GB listeners believe that Morris Iemma should sack Carl Scully. What is more urgent than virtually 100 per cent of New South Wales residents saying Morris Iemma should find a backbone and sack Carl Scully? Nothing is more urgent in this State. Yet the Minister for Police, in response to his first question today, accuses the Coalition of rewriting history. This is the man who presided over the worst breakdown of law and order in New South Wales in 100 years. This is the man who watched the riots at Cronulla, who watched the revenge attacks on the Sunday, Monday and Tuesday nights in December, and then fled overseas for three to four weeks for a holiday. He had to be called back in early January—

Mr Gerard Martin: Point of order: The Leader of the Opposition knows full well that he should be establishing the priority of the motion, rather than getting into debate on the matter. This is about establishing priority—not going on with the diatribe and rewriting of history that the Leader the Opposition wants to do.

Mr SPEAKER: Order! There is some merit in the point of order taken by the honourable member for Bathurst. I will hear further from the Leader of the Opposition.

Mr PETER DEBNAM: With regard to establishing priority, the community showed priority in early January when it said to the Police Minister, "Come Back to Australia." The community is showing the same priority today, by saying to Morris Iemma, "Do one good thing in your term of premiership: sack Carl Scully." That is what they are asking for. If members opposite did not hear the figures, 81 per cent of *Sydney Morning Herald* readers, 84 per cent of Channel 9—

Ms Pam Allan: Point of order: My point of order is relevance. It is appropriate at this time only for the Leader of the Opposition to establish why his motion should be given priority. He is simply debating the motion, rather than seeking to establish urgency.

Mr SPEAKER: Order! The issue to be debated is priority rather than urgency. There is some merit in the point of order. The Leader of the Opposition is now presenting facts which it would be more appropriate to deal with in the debate on the motion rather than the debate on establishing priority.

Mr PETER DEBNAM: If we go back to that Friday briefing that Morris Iemma and Carl Scully had before the riot—

Ms Pam Allan: Point of order: My point of order is that it is appropriate for the member for Vaucluse to refer to members on this side of the Chamber by their title and appropriate position, not by their names.

Mr PETER DEBNAM: I take the point. I am referring to the Friday briefing to the member for Lakemba and the Minister for Police. That briefing said, "There is a high risk of riot, multiple casualties and major property damage." Yet the member for Lakemba went straight out of that briefing and encouraged families with young kids to go to the beach on the Sunday. The Premier has been in this disaster up to his neck from day one.

Mr Alan Ashton: Point of order: Maybe the House did not know and the Premier did not know at the time that Alan Jones and Ray Hadley would be calling everybody to get out there and create a riot—

Mr SPEAKER: Order! There is no point of order. The honourable member for East Hills is wasting the time of the House. He will resume his seat.

Mr PETER DEBNAM: Today the Minister for Police accused us of rewriting history. He has lied to the Parliament, lied to the people of New South Wales, lied to the media, and he should be sacked. [*Time expired*.]

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

The House divided.

Ayes, 51

Ms Allan	Mr Gibson	Mrs Perry
Mr Amery	Mr Greene	Mr Price
Ms Andrews	Ms Hay	Ms Saliba
Mr Bartlett	Mr Hickey	Mr Sartor
Ms Beamer	Mr Hunter	Mr Scully
Mr Black	Ms Judge	Mr Shearan
Mr Brown	Ms Keneally	Mr Stewart
Ms Burney	Mr Lynch	Ms Tebbutt
Mr Campbell	Mr McLeay	Mr Tripodi
Mr Chaytor	Ms Meagher	Mr Watkins
Mr Collier	Ms Megarrity	Mr West
Mr Corrigan	Mr Mills	Mr Whan
Mr Crittenden	Mr Morris	Mr Yeadon
Mr Daley	Mr Newell	
Ms D'Amore	Ms Nori	
Mr Debus	Mr Orkopoulos	*Tellers,*
Ms Gadiel	Mrs Paluzzano	Mr Ashton
Mr Gaudry	Mr Pearce	Mr Martin

Noes, 37

Mr Aplin	Mrs Hopwood	Ms Seaton
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 Debnam	Ms Moore	Mr Tink
Mr Draper	Mr Oakeshott	Mr Torbay
Mrs Fardell	Mr O'Farrell	Mr J. H. Turner
Mr Fraser	Mr Page	Mr R. W. Turner
Mrs Hancock	Mr Piccoli	
Mr Hartcher	Mr Pringle	*Tellers,*
Mr Hazzard	Mr Richardson	Mr George
Ms Hodgkinson	Mr Roberts	Mr Maguire

Question resolved in the affirmative.

Motion agreed to.

BADGERYS CREEK AIRPORT LAND RESERVATION

Urgent Motion

Ms DIANE BEAMER (Mulgoa—Minister for Western Sydney, Minister for Fair Trading, and Minister Assisting the Minister for Commerce) [3.48 p.m.]: I move:

That this House:

(1) notes that the 1,700 hectares of Commonwealth land at Badgerys Creek is still "reserved" for an airport;

(2) expresses its concern for the uncertainty and hardship this is having on local families;

(3) calls on the Federal Government to come clean on the promised review of Sydney's second airport needs, due last year; and

(4) calls on the Federal Government to once and for all rule out an airport at Badgerys Creek and lift the reservation on the land.

As a long-time resident of the region and as a member of Parliament who for many years, along with many members of Parliament in Western Sydney, fought plans for an airport at Badgerys Creek, I believe this is an important motion. I have spoken in this House on many occasions about the growth in investment happening in Western Sydney and of this Government's careful planning to ensure the region continues to drive the New South Wales economy.

Although the Iemma Government plans for Western Sydney's future through the metropolitan strategy and in the future through the State Plan, spending more than $2 billion on Western Sydney's infrastructure in this financial year alone, the Commonwealth impedes this growth. It fails to formally rule out an airport at Badgerys Creek. The Commonwealth retains an iron grip on the land at Badgerys Creek, leaving it formally reserved as an airport. It has ignored pleas from residents, who are living in a planning vacuum, unable to alter their properties in any way that is incompatible with an airport development, an airport that Federal members of Parliament claim will never be built.

But Badgerys Creek remains the Howard Government's only stated option for a second Sydney airport. Therefore, I ask a very logical question: If the Commonwealth has truly abandoned its plans for the airport, why does it retain the land and why does that land need to remain reserved for an airport question—1,700 hectares of Commonwealth land in the heartland of Western Sydney reserved for an airport that the Commonwealth claims will not be built? The Badgerys Creek argument was fought and won years ago. Residents of Western Sydney united against the airport and made it abundantly clear they would throw out the Federal Coalition Government if it tried to push the airport through. It is not feasible or sustainable and should never be built.

Under the Airports Act the site is still designated for an airport. The Howard Government claims to have listened to the local community and to have ruled it out but in reality it has done no such thing. Under immense political pressure, in 2000 the Federal Government was forced to address the issue. Despite the rhetoric what did it actually do? It put the airport on hold and promised to review it in 2005. Nobody has seen the review. The Commonwealth kept the reservation on the land for future use as an airport, protected by a buffer zone. There was no decision except to stall the residents. Western Sydney Alliance, a coalition of Western Sydney councils, had peppered the Commonwealth with requests for information on the review but it has not had the courtesy of a reply from the former Minister for Transport or any Federal Liberal member of Parliament. There has been deafening silence and the airport reservation remains.

Here we are, a year after the supposed review was meant to take place, and still no decision or review has been made on the airport. The reservation directly impacts on families and businesses in the region and prevents long-term planning. It is appallingly obvious that the Federal Liberals have put the political careers of their local members ahead of the community. In deferring any decision on leaving the reservation on the land, the Commonwealth has condemned the community surrounding it to limbo. This is a fact acknowledged by Federal Liberal member Pat Farmer, the so-called Federal spokesman on Western Sydney. Pat, who usually rears his head to make bizarre suggestions and to call on the State Government to fund and build monorails around motorways, when approached by the Penrith press on the airport issue in July, saw through the smokescreen. He said, "We're in government to govern, but no-one's prepared to make a decision." That translates to mean that Badgerys Creek as an airport has not been ruled out. It is still a goer and that is why the reservation is still on the site. Maybe Pat Farmer should tell some of his Federal colleagues that no decision on the airport has yet been made.

Jackie Kelly and Kerry Bartlett told their constituents, "We won't build an airport at Badgerys Creek." Last year Jackie told the Penrith press, "The Federal Government's position is that an airport is not needed at Badgerys Creek in the foreseeable future." In April this year she told the Penrith press, "I would not encourage the Federal Government to sell the site because I'm convinced the State Labor Government will rezone it for mass housing and not allow for infrastructure." That is one of the lamest excuses ever heard peddled by anyone

purporting to stop Badgerys Creek as a second airport. Jackie has this Government confused with the planners of the former Liberal Government who virtually created the dictionary definition of dormitory suburb.

The Leader of the Opposition, who calls for more housing but does not want developers to contribute infrastructure, should listen to Jackie. The Iemma Government has the metropolitan strategy and is just about to release the State Plan. Both will describe how and where new land releases can occur. It is clear about the provisions of up-front infrastructure in land releases. Residents are now confused and sceptical. While excuses and half-truths drip from the tongues of Federal Liberals, here is the reality. After the Commonwealth Government reserved land for an airport in 1986, planning regulations came into effect for the surrounding areas. Anybody planning to renovate or build in an area affected by the prospective airport must have a report from acoustic consultants to accompany development applications to council. That could cost $2,000 to $3,000. They must have thicker glazing or double-glazing on windows or doors and extra insulation in the roof and wall cavities.

This is in an area where the Federal Government has said there is to be no second airport! Residents must have mechanical ventilation so sounds levels are minimised, at a cost of up to $15,000. These rules apply to homeowners in airport-affected areas who apply for extensions or renovations to their existing premises. The reality is that landowners who renovate or build new homes on their land must pay at least $27,000 extra in building costs to build in these areas. To top off this horror story for local homeowners, section 149 certificates issued by councils for residences must note that the property is in an airport-affected area. Because of this, many families say they cannot get a fair price for their home when they try to escape the nightmare and sell out. There are also serious constraints on the development of facilities such as schools, preschools and child care centres. Councils believe this is unfair and a serious limitation for new areas, which are occupied by young families.

As the Iemma Government cuts red tape and reforms the planning system, the Commonwealth adds to cost and confusion because it is too frightened to tell people the truth. It offers no end in sight to the planning limbo that it cast over Western Sydney residents some 20 years ago. Nobody wants a second airport at Badgerys Creek—residents, councils or the State Government. The Commonwealth must sort it out and rule it out. Today I wrote to the Federal Minister for Transport and Regional Services, Mark Vaile, asking the Commonwealth to rule out the airport and lift the reservation. After all, we are happy to enter talks for the best use of the land. However, the Commonwealth must rule out the airport and until it does, Federal Liberal members, who won seats by vowing to fight the airport, simply cannot be trusted. I have called for a public meeting in three weeks time.

The honourable member for Penrith and the honourable member for Camden, local residents, councils and action groups will join me. We will confirm the State Government's commitment to Western Sydney and its opposition to an airport at Badgerys Creek. We call on the Federal Government to make a decision. I am curious about the Opposition's views on this inaction. I cannot find a word from the Opposition spokesperson for Western Sydney on this. When I find out those policies I am sure he will agree with the inaction on lifting this reservation and with the furphy that the Commonwealth does not want to sell it because of the State Government. Simply do not sell it; just lift the reservation. [*Time expired*.]

Mr BARRY O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [3.58 p.m.]: The one thing one has to say for the Minister for Western Sydney is that she does not know the meaning of fear, but then again she does not know the meaning of a lot of words. On a day in which both the Premier and the Leader of the House got up in the House and said that they were not rewriting history, the Minister for Western Sydney has moved a motion in relation to Sydney airports. As long as I remain a member of this place I will not forget the look on the face of the Minister for Education and Training as the Minister for Western Sydney read out this motion.

The Minister for Education and Training, unlike the Minister for Western Sydney, knows the true history of airports in the Sydney Basin. The Minister for Education and Training and her husband, the Federal member, understand full well the way in which State Labor and Federal Labor members of Parliament in this State have twisted, contorted and divided themselves for more than a decade because of the decisions made by the Keating Government. It is important to remind people of the delivery of the third runway by Laurie Brereton and the visitation upon the people represented by the Minister for Education and Training and her husband of increased aircraft noise.

It is equally important to remind honourable members of the Keating Government's support for Badgerys Creek airport and, indeed, the fact that a former Australian Labor Party [ALP] leader campaigned for that airport at his first election, and continuing until he became leader of the Labor Party. The Labor Party is

represented in this place by the Minister for Western Sydney, who moved the motion and who visited the airport disasters upon this city. One must admire the lack of research skills, or perhaps the convenient oversight by the Minister, in failing to see that from 1997 onwards the State Coalition has consistently opposed the construction of an airport at Badgerys Creek. That was first advanced on behalf of the Opposition by the honourable member for Wakehurst when he was shadow Minister for the Environment. The honourable member for Wakehurst scored front pages in the Western Sydney papers, including the *Camden Crier*, because of his strong stance against the airport in 1997, at a time when Mr Albanese, the husband of the Minister for Education and Training, was making great play in his part of Sydney about the need for a second Sydney airport.

The hypocrisy of the Labor Party on this issue knows no bounds. The reality is that when it comes to politicians, particularly those in the Labor Party, it should not be a matter of what they say they will do; it should be a matter of what they actually do. If one runs that measure across any issue to do with State administration over the past 10 years it gives one a fairly good insight into why the State is in the mess it is. For that reason, it is incredibly unfair of the Minister to seek to denigrate the effort of Federal members representing Western Sydney electorates—hardworking members such as Pat Farmer, Kerry Bartlett and Jackie Kelly—who have worked long and hard to ensure that Badgerys Creek is off the agenda as far as the Federal Government is concerned.

[*Interruption*]

The Minister says, "Trust us." On the basis of the record of those three members since they have been in Parliament over the past 10 years, compared to the record of the Minister and the Government she represents, it is chalk and cheese. One side has delivered; the other side has not. Jackie Kelly, Kerry Bartlett and Pat Farmer have ensured that Badgerys Creek is off the agenda, but the Minister, elected on the fraud of promising to lift tolls, sat there mute nine months later when the then Premier said, "That promise, we can't do it". The Minister should not talk about trust in office. It has always astounded me that the Minister became the Minister for Fair Trading because, if we were business entities, she would arrest herself under her own fair trading legislation. I move:

That the motion be amended by leaving out all words after paragraph (1) with a view to inserting instead:

(2) notes the continuing strong opposition of the New South Wales Coalition to any development of an airport at Badgerys Creek; and

(3) condemns the State Government for seeking to play politics with the lives of those families living around the Badgerys Creek airport site.

The most telling contribution by the Minister—I think it gives away the shoddy politics of this entire exercise—was her penultimate statement that she had today written to the Federal transport Minister Mark Vaile about this issue. Media commentators are prone to complain about the delay in correspondence with Ministers in the Iemma-Costa Government. It seems that after 12 years it is not only the trains that have slowed down; it is also the rate at which correspondence is issued. Does it not speak volumes that the Minister, in her contribution, admitted that only today, when the Government is desperate to create distractions away from the mess created by the Minister for Police, had she written to Mark Vaile about what she claims is such a pressing issue.

If the Minister were fair dinkum she would have brought into the House files similar to those kept by Kerry Bartlett, Pat Farmer and Jackie Kelly, files that contain hundreds of representations they have made to the Prime Minister and transport Ministers over the past 10 years ensuring that the Badgerys Creek airport site is not developed. What is of concern about this debate is the way the Minister tried to misrepresent history, to ignore the disaster created for the Sydney Basin by the flawed transport policies of the Keating Government, policies that were disowned by the Minister for Education and Training and Mr Albanese in Sydney's inner west, policies disowned by Labor members campaigning in 1995 and 1999 in Sydney's outer west, but policies that left an incredible legacy for the Howard Government to unpick.

It is to the Howard Government's credit that we have seen no development at Badgerys Creek. The reality is that if the Keating Government had been re-elected there is nothing more certain than that an airport would have been constructed, and that is not something I think any member of this House wants. As I said, this side of politics has been campaigning against an airport at Badgerys Creek since the honourable member for Wakehurst's strong denunciation of the proposal in 1997, with the support of three successive leaders of the Liberal Party.

Mr Brad Hazzard: Air quality and water quality reports both said absolutely no.

Mr BARRY O'FARRELL: I can say it no better than the honourable member for Wakehurst: Water quality and air quality reports gave the proposal an enormous thumbs down. It is incumbent on the Minister, who holds executive office in New South Wales, not to play politics in this fashion but to work constructively with the Federal Government to address the issue, rather than seek, on a day when the Government wanted a distraction and to divert attention away from the woes of the Minister for Police, perhaps to gain political points for herself, in the process causing grief to the families that live in the area. Having moved the Opposition's amendment, I restate our opposition to the motion. I also state my utter condemnation of the Labor Party's position on the issue. I encourage people to look at the videotape of the Minister moving this motion and to focus on the Minister for Education and Training and on the animated conversation she had with the Minister prior to the Minister explaining why her urgent motion should be given priority. I do not think I have seen the Minister for Education and Training so animated since she entered this place. I am sure the first thing she did when she left the Chamber was ring Mr Albanese. On this occasion I would love to have been a party to the phone conversation to hear what they think of the Minister.

Mrs KARYN PALUZZANO (Penrith) [4.08 p.m.]: I support the motion moved by the Minister. I am also proud that I was raised and went to school, from preschool to university, in the electorate of Penrith. I am proud to be a voice for the people of Penrith, the lower mountains and Western Sydney. The Deputy Leader of the Opposition gave us a history lesson. However, he forgot to say that Jackie Kelly also has files on the collapse of Ansett, which she described as a blip, and on the floating runway proposition she put to the people of Western Sydney and the inner city. She claimed that a floating runway could be built and that the collapse of Ansett was just a blip. To the families and the workers at Ansett, it was not a blip, and her strategy of a floating runway has simply floated away. The amendment does not call on the Federal Government to lift the reservation on the land. The Deputy Leader of the Opposition mentioned the honourable member for Wakehurst. We do not want the Liberals of Wakehurst to have a voice; we want the Liberals of Penrith and Western Sydney to make themselves clear to the residents of Sydney.

The Badgerys Creek airport is an issue that has long been at the forefront for the people of Penrith and the lower Blue Mountains. The site is just 13 kilometres from the heart of the Penrith central business district, the heart of the electorate I represent. An airport at Badgerys Creek would have a devastating impact on Penrith. That is why local residents have fought strongly for a long time against the airport. I remember in the middle 1990s asking people to sign petitions opposing an airport at Badgerys Creek.

In recent years the Howard Government has made a number of statements that there will not be an airport at Badgerys Creek. The Federal member for Lindsay, Jackie Kelly, has been leading the cheer squad on this issue. Unfortunately, these statements by Jackie Kelly and the Federal Government are nothing but hollow rhetoric; they have no substance. For 11 years they have delivered a clear message to the people in Western Sydney. How do we know this? We know this because, as we speak, 1,700 hectares of land at Badgerys Creek is still reserved for an airport. That is the bottom line in this debate: 1,700 hectares of land just 13 kilometres from Penrith CBD is reserved for an airport. Regardless of the hollow rhetoric of the honourable member for Lindsay, the Federal Government has only one developed option for a future airport in Sydney, and that option is Badgerys Creek.

Why does the Federal Government not lift the reservation on the land? Is it because it has secret plans to build an airport at Badgerys Creek? If it does not have such a plan it should immediately lift the reservation on the land, freeing residents from the restrictions it places on them. It should allow local families to get on with their lives without the threat of aeroplanes flying over their homes, bringing with them tonnes of pollution and disruption. Jackie Kelly and the Penrith Liberals and the Liberals of Western Sydney should immediately come clean about the Badgerys Creek airport.

In 2000 John Howard and Jackie Kelly put the issue on hold. They said they did not want to make a decision and that they would undertake a review in 2005. The silence from Canberra about this review is deafening. Time and again Jackie Kelly has told her electorate that no airport will be built at Badgerys Creek, deliberately giving her constituents the message that the issue has been resolved. If it has been resolved, Jackie Kelly and the Penrith Liberals should ask the Federal Government to lift the reservation on the land. What is the excuse for not lifting the reservation?

Jackie Kelly fears mass housing will be built on the site. That is exactly what her beloved Prime Minister wants, a return to the great urban sprawl. John Howard says we are not releasing enough land in Western Sydney, yet he continues to reserve this 1,700 hectares. Jackie Kelly and John Howard cannot have it both ways. What do they want? Do they want mass housing without infrastructure or an airport? The families of

Badgerys Creek want neither. They want to know their destiny. Jackie Kelly has no concern for the families who are affected. This time her politicking is affecting people's lives. As the Minister for Western Sydney has said, up to $27,000 in extra building costs have to be paid just because homes are near the reserved site. If the reservation is lifted building costs will come down. Jackie Kelly should make public the results of the 2005 review into Sydney airport needs, the review that nobody knows about. The people of Western Sydney need to know the results of this review.

Mr WAYNE MERTON (Baulkham Hills) [4.13 p.m.]: You can tell an election is around the corner. I have been here long enough to recall the elections in 2003 and 1999. At about this time, three or four months before the election, out they come. The Badgerys Creek people, the Australian Labor Party and fellow travellers try to crank up Badgerys Creek as a major issue in the forthcoming election. They are not content just to give it a go during State elections; they tramp out the same old rusty worn and torn arguments during Federal elections. The Minister for Western Sydney thinks it is funny, but this is a serious matter. She is trying to scare people. She is playing with their lives by introducing an unrealistic sense of fear. The Minister is not good at many things but she is good at pursuing furphies.

Where did the concept come from? Whose idea was it to build the Badgerys Creek airport? It was Federal Labor's idea, and it was deeply committed to it. Many people supported it. The Deputy Leader of the Opposition spoke about some of those people. I too noted the look on the face of the Minister for Education and Training when the Minister for Western Sydney launched this little rocket. The Minister has stalwarts who are absolutely bigoted in their support for Badgerys Creek airport. The idea came from her Federal masters—the Minister cannot deny that. She had people who actively pursued it, people who used it time and again as a campaign base for their election. It was a great idea—shove the airport out in Western Sydney. As members of a responsible Coalition, we have opposed the idea at all times, as have the local Federal members, Jackie Kelly, Pat Farmer and Kerry Bartlett. That continues to be our stand.

A former leader of the Australian Labor Party—and Government members will probably want to forget him so I will not mention his name—was one of the strongest advocates of Badgerys Creek airport, but the Minister is saying today it should not have happened. The decision came from Labor. The former Federal Labor Government, Labor's former leader, Mr Albanese, and others I will not name because I am a kind person at heart, all supported the idea of dumping the airport at Badgerys Creek.

The Howard Government has been in office since 1996 and—surprise! surprise!—there is no Badgerys Creek airport. There is no sign of a Badgerys Creek airport being built. Not one sod has been turned to build the airport. If the Federal Government was going to build the airport, it has had 10 years to do it. The airport is a non-event. The Minister is playing with these people's lives. She is creating fear and using scaremongering tactics. Labor specialises in scare tactics. It is callous of the Minister to whip up these people for her own political ends. That is what she is doing. I do not dislike the Minister personally, but in this instance she is playing with people's lives. She should talk about other matters of hardship that concern families in Western Sydney.

When the Leader of the Opposition went out there not so long ago the people were concerned about Labor's high taxes—$2,600 a head. They were concerned about the cost of building and the fact that the Labor Government had not released sufficient blocks of land for development. When the Greiner Government was in office, about 10,000 lots a year were released. The Government has released 3,000. The people of New South Wales are sick to death of being highly taxed. Why does the Government not deal with the real priorities instead of introducing furphies? [*Time expired.*]

Mr GEOFF CORRIGAN (Camden) [4.18 p.m.]: I support the Minister's motion; I certainly do not support the amendment moved by the Deputy Leader of the Opposition. Earlier speakers have dealt with some of the history. I lived through the Badgerys Creek campaign. I visited both Federal and State governments and those in opposition in support of the No Airport at Badgerys Creek campaign. The honourable member for Baulkham Hills is correct. The former leader of the Federal Opposition, Mark Latham, was initially a strong advocate of Badgerys Creek airport. However, it is on public record that he changed his mind in about 1997 and voiced the opinion that no airport should be built at Badgerys Creek. I do not know about files held by Pat Farmer; I know that John Fahey had a lot of files. As mayor of Camden, I spoke to him on this issue and attended those wonderful rallies at the netball courts.

Ms Diane Beamer: Jamison Park.

Mr GEOFF CORRIGAN: At Jamison Park, Penrith, where we swayed the government of the day. It is important that the Federal Government lifts the restriction on the land so that the community has certainty. Only last week constituents from Kemps Creek complained to me that the Federal Government, which is the owner of the land they lease, is tossing them off the land to try to get a higher rent return. If the Federal Government makes a final decision on Badgerys Creek, the people who lease the surrounding land from the Federal Airports Corporation, or whichever body has responsibility for that land, will have certainty about their future. The Federal Government must undertake proper planning in the area.

The Commonwealth has to answer a number of questions about Badgerys Creek. First and foremost, the Federal Government has to come clean and tell the people of Western Sydney about the review of Sydney's second airport, which was due last year. It must tell my constituents why it has been so silent about the review and why it refuses to answer correspondence inquiring about the process. It needs to tell my constituents why it wrote to the former Minister for Planning, the Hon. Craig Knowles, informing him that Badgerys Creek was still on the agenda. Finally, it needs to 'fess up: Does it have a secret plan for an airport at Badgerys Creek? If not, why is the land still reserved for an airport? My constituents ask only one thing of the Commonwealth Government, that is, to make a decision. There is no doubt the decision should be clear: there should be no airport at Badgerys Creek. It would not be sustainable and would devastate the region. It should be ruled out once and for all.

The honourable member for Wakehurst said that when he came to Camden he got front-page coverage on the *Camden Crier*. Unfortunately, the paper went broke after he appeared on the front page and no longer exists. Unfortunately, one thing is clear: the Commonwealth does not have the will to make a decision on this issue. It has only ever put the issue on the backburner. As the Minister for Western Sydney said earlier, that point is acknowledged not by a member of the State Government but by the Liberal Party's own Pat Farmer. Pat, who is always running for the seat of Macarthur, said:

> We're in Government to govern, but nobody is prepared to make a decision.

The ludicrous situation exists where the State Government is trying to plan for Western Sydney's future, yet the Commonwealth sits on 1,700 hectares of land for an airport that may or may not be built. The failure of the Federal Government to make a decision, as Pat Farmer says, has placed thousands of local residents in planning limbo. The Minister for Western Sydney said that up to $27,000 is being added to building costs in the area. Families are struggling to sell their homes because the section 149 certificates state their land is in an airport-affected area. The people of Silverdale know all about those problems. The Iemma Government is planning carefully for the region, cutting red tape and reforming the planning system, while the Commonwealth forces more costs onto homeowners for an airport that may never be built.

The vacillating by the Commonwealth's over this issue in unacceptable. It is time for the rhetoric of Kerry Bartlett and Jackie Kelly to be backed up by action. The Federal Government's failure to act on the ongoing reservation of the site is directly impacting on the lives of families in Western Sydney. In many cases those families have waited 20 years for a decision on Badgerys Creek. It is only fair that the Commonwealth should make a decision, rule out Badgerys Creek, lift the reservation on the site and allow those families to get on with their lives. Tony Hay, Chair of Western Sydney Regional Organisation of Councils, said today:

> We need to build on the transport initiatives included in the New South Wales Government's Metropolitan Strategy—and that can't happen with a key central area of some 1,700 hectares held reserved by the Commonwealth for a future airport that everybody acknowledges should not ever be built.

Councillor Mark Pigram, who is certainly not a Labor stooge by any stretch of the imagination, said today:

> We want the Federal Government to formally and unequivocally rule out any future airport at Badgerys Creek—and set in train a process to determine the best and most sustainable future use for the site. We want the future of the site integrated into the overall process of planning the long term future of our region.

I commend the Minister's motion and call on the Opposition to support it.

Ms DIANE BEAMER (Mulgoa—Minister for Western Sydney, Minister for Fair Trading, and Minister Assisting the Minister for Commerce) [4.23 p.m.], in reply: I thank honourable members, particularly the honourable member for Camden and the honourable member for Penrith, for their contributions to the debate. I acknowledge that Opposition members do not support a second airport at Badgerys Creek. I make it clear that we are talking about people whose lives have been in limbo for two decades. That is why we want the Federal Government to lift the reservation. In May this year the former Federal transport Minister Warren Truss

stated in Parliament that the Government did not believe a second airport would be needed in the foreseeable future. We are all happy about that. However, he went on to say that the Federal Government would retain the land at Badgerys Creek in Commonwealth ownership and protect the site from incompatible development in the surrounding area. That means development incompatible to the zoning of the land for an airport. That is the issue we are most concerned about. Incompatibility with the site means the land is held and can be used for an airport.

I note that the shadow spokesperson on Western Sydney, the Leader of the Opposition, did not contribute to the debate. He allocated the role to the Deputy Leader of the Opposition. In his speech he spoke about playing politics. It was Jackie Kelly who was playing politics when she told the Penrith press that the reservation should not be lifted and the land should not be sold because the State Government would rezone it. She wants the land to remain as a site for the future development of an airport. If the Federal Government does not want a second airport at Badgerys Creek, the removal of the reservation is the clearest and simplest message it can send to the constituency of Western Sydney. That would bury the issue once and for all.

The amendment moved by the Deputy Leader of the Opposition asks the House to note that the land is reserved for an airport, to note the continuing strong opposition to an airport at Badgerys Creek and to condemn the State Government for seeking to play politics with the lives of families who live in the area surrounding the Badgerys Creek site. If he had called on the Federal Government to rule out an airport once and for all and lift the reservation, he would have some credibility. If the Federal member for Lindsay called on the Federal Government to lift the reservation she would have credibility. We do not say the Federal Government should sell off the land to nasty developers, as it did with the ADI site, the north Penrith Army land and the air services land. If Jackie Kelly thinks that will happen, don't sell it! That is what we said that about the signals land—don't sell it! If the Federal Government does not want anything to happen to the land, don't sell it! The Federal Government markets the reserved area as a prime development site, but then says it will stand in protest against developers. It also says it will not stop the land from ever being sold. That is gross hypocrisy.

The State Government managed to save half of the land as regional park. That has been a great outcome for the people of Western Sydney. The Federal Government's position is a furphy. The Federal Government would have credibility on this issue if it lifted the reservation. The honourable member for Camden referred to constituents complaining to him about problems with land sales and rent increases. People have told me that they feel their lives have been on hold for 20 years. They own their land and their properties are affected by airport noise. They have lived for 20 years in the middle of the bush at Badgerys Creek—and they are affected by noise! All the houses on residential lots at Kemps Creek, Mount Vernon and Capitol Hill have been built with double-glazed windows because of airport noise. If the Federal Government says the airport will not be built, why not lift the reservation? The residents have had to install double-glazing and airconditioning—and the Federal Government says it will not build an airport! The Federal Government should lift the reservation and stop putting people's lives on hold. That is what they have done to the people who live on the land surrounding the site. [*Time expired.*]

Question—That the words stand—put.

The House divided.

Ayes, 53

Ms Allan	Ms Gadiel	Mr Oakeshott
Mr Amery	Mr Gaudry	Mr Orkopoulos
Ms Andrews	Mr Gibson	Mrs Paluzzano
Mr Barr	Mr Greene	Mr Pearce
Mr Bartlett	Ms Hay	Mrs Perry
Ms Beamer	Mr Hickey	Mr Price
Mr Black	Mr Hunter	Mr Pringle
Mr Brown	Ms Judge	Mr Sartor
Ms Burney	Mr Lynch	Mr Shearan
Mr Campbell	Mr McBride	Mr Torbay
Mr Chaytor	Mr McTaggart	Mr Tripodi
Mr Collier	Ms Meagher	Mr Watkins
Mr Corrigan	Ms Megarrity	Mr West
Mr Crittenden	Mr Mills	Mr Whan
Ms D'Amore	Ms Moore	Mr Yeadon
Mr Debus	Mr Morris	*Tellers,*
Mr Draper	Mr Newell	Mr Ashton
Mrs Fardell	Ms Nori	Mr Martin

Noes, 26

Mr Aplin	Ms Hodgkinson	Mrs Skinner
Mr Armstrong	Mrs Hopwood	Mr Slack-Smith
Ms Berejiklian	Mr Humpherson	Mr Souris
Mr Cansdell	Mr Kerr	Mr Tink
Mr Constance	Mr Merton	Mr J. H. Turner
Mr Fraser	Mr O'Farrell	Mr R. W. Turner
Mrs Hancock	Mr Page	*Tellers,*
Mr Hartcher	Mr Richardson	Mr George
Mr Hazzard	Mr Roberts	Mr Maguire

Question resolved in the affirmative.

Amendment negatived.

Motion agreed to.

RENEWABLE ENERGY AND BIOFUELS

Matter of Public Importance

Mr DAVID BARR (Manly) [4.41 p.m.]: Climate change is the single biggest issue facing us because it is literally about our survival on this planet. If we do not reverse global warming, we are condemning future generations to an increasingly inhospitable environment, bringing extinction to many species and placing a question mark on the long-term survival of the human species. Every other political and social issue that is dealt with in this place pales into insignificance compared with this issue. Indeed, I think the reality of it is only dawning on many people now. We need to move away from our traditional reliance on coal and oil as energy sources. These energy sources create carbon dioxide, which basically lets sunlight into the earth's atmosphere and then traps that light, thereby heating the earth's atmosphere. In effect, carbon dioxide is acting like a greenhouse in the earth's atmosphere. Global warming has arrived; climate change is upon us.

The 10 hottest years ever recorded in Australia occurred in the last 12 years. Indeed, 2005 was the hottest year ever recorded in Australia. The Bureau of Meteorology reported that the nation's annual mean temperature for 2005 was 1.09 degrees above average. Leading conservation agencies are of the view that temperatures in Australia are set to rise by up to six degrees by 2070. Members of the public are becoming increasingly concerned about this, and they are seeing a lack of leadership across the board on this issue. A Lowy Institute poll released this month found that improving the global environment was the policy issue most Australians are concerned about—87 per cent of respondents considered improving the global environment to be very important. Two-thirds of the respondents supported the view that global warming is such a serious issue that we need to start taking action now, "even if this involves significant costs." It is possible not to incur significant costs at this stage, but the longer we avoid trying to remedy the situation the higher the costs will be in terms of both dollars and cents and environmental degradation.

Currently only 8.5 per cent of the New South Wales electricity supply comes from renewable energy. That figure is down from 10 per cent in 1993. Of that 8.5 per cent, 7 per cent is hydro energy; it is from the Snowy Mountains Hydroelectric Scheme. The remaining 1.5 per cent comprises solar energy, wind power and bioenergy. Therefore, the renewable energy situation in New South Wales has barely progressed since the introduction of the Snowy Mountains Hydroelectric Scheme, despite there being abundant sunlight and plenty of opportunity for wind power and other measures. New South Wales has only aspirational targets for reducing greenhouse gas emissions. In 2005 the Government stated its objective to reduce greenhouse gas emissions to 2000 levels by 2025 and to 60 per cent by 2050. The problem we in Australia face is that we are being held hostage by the coal industry. We have an abundance of coal, we have hundreds of years of supply of black coal and even more brown coal, and it is a source of cheap energy. However, the cost of that cheap energy is environmental degradation, a contribution to the greenhouse effect, and increasing warming of the planet Earth. We cannot keep doing this simply because we have an abundance of a resource that can cause so much damage.

Australia and the United States did not sign the Kyoto protocol. The United States Government is basically run by a corporate oil mafia and, as I said, Australia is being held hostage to the coal industry. Both our societies had better get our acts together. The New South Wales Government's response to the needs has

been positively anaemic, and the Federal Government has been in denial on the issue. This contrasts with what has been happening overseas. For example, California has a renewable energy target of 20 per cent by 2010; originally it was 2017. The Governor of California, Arnie Schwarzenegger, has taken a keen interest in this. The Terminator knows that without appropriate measures being taken our lifestyle will be terminated. This is in stark contrast to the occupant of the White House, Conan the Barbarian.

It is a depressing prospect that we face in the world's most powerful country and it must be up to the separate States to institute changes. That is what is happening in Australia, but the New South Wales Government has not done enough. The Nature Conservation Council of New South Wales, the Total Environment Centre, Greenpeace, Climate Action Network Australia and the Australian Conservation Foundation have this week jointly issued a report asking the New South Wales Government to legislate for 25 per cent of electricity to come from renewable energy by 2020. I strongly support this proposal. It is something that can be achieved. We can start exploring various renewable options, such as solar energy and wind power. In New South Wales something like 0.01 per cent of energy is generated by wind power. By way of contrast, in Denmark 23 per cent of energy is generated by wind power. New South Wales has obvious advantages as far as solar energy is concerned, and we were at the forefront in developing solar technology but, sadly, that is being allowed to dwindle, it is not being explored, it is not being encouraged enough by governments, either at Federal or State level, and the technology is going overseas.

However, if the Government acts now on renewable energy it will become an important export industry for this State. As noted in a report to Renewable Energy Generators Australia Limited, rising energy demands, together with rising greenhouse emissions, is leading to a strong global push for renewable energy. New South Wales needs to take advantage of this opportunity to benefit economically, or it will be too late. For example, both China and India have rapidly growing economies and abundant renewable energy sources, and the Chinese have set a renewable energy target of 10 per cent by 2020. According to the report just released by Australia's conservation agencies, to which I referred earlier, currently $3 billion worth of renewable energy projects are under development in New South Wales, and those projects could increase New South Wales' renewable energy supply to 14 per cent. However, without effective policy support these projects will be lost offshore or interstate.

Given the way we are dealing with the issue of renewable energy, we are facing an inconvenient, unpalatable and unconscionable truth: that we are not doing enough. We are failing badly. At the moment the State seems to rely on market forces, through the Greenhouse Gas Abatement Scheme, which the Government introduced in 2003 and is to be applauded. However, in itself the scheme is not enough. Statutory targets need to be set, and we need to move firmly down the road to looking at additional renewable energy sources. Measures that scream out include conversion from wood to ethanol, such as occurs in the mallee scrub in Western Australia, where the mallee is grown between crop fields; biogas sequestration; biogas from food treatment plants, breweries and so on; wind power; wave power—in respect of which a pilot project is taking place in the Illawarra region—and, most significantly but, sadly, most ignored, solar power.

In conclusion, there is one other issue on which we will be hit with a double whammy: running out of the world's oil. Unless we look for alternative and renewable sources our whole way of life is going to change dramatically. The impact of a reduction in the availability of oil, meaning a significant increase in the price of that product, will have a profound effect on the way we structure our cities and on the way we live. I do not see any sign of the Federal or State governments addressing that issue in any way whatsoever.

The Federal and State governments need to get serious and come up with a comprehensive national plan on renewable energy to deal with the depletion of oil throughout the world and on making sure that our environment is protected for future generations. I do not believe that means looking at nuclear power, which is a Faustian bargain in the sense that, as yet, no way has been satisfactorily demonstrated to deal with a highly toxic waste product that has a half-life of thousands of years. There are other alternatives, and this Government and the Federal Government should explore them.

Ms KRISTINA KENEALLY (Heffron) [4.50 p.m.]: There are almost 2,000 megawatts of renewable generation proposals pending for New South Wales. These proposals would see extra electricity generated through wind, solar, biomass and other zero-emission technologies. However, these and other renewable energy projects are being held up by the refusal of the Commonwealth to extend the national mandatory renewable energy target. The current national renewable target set by the Commonwealth Government is so low—a mere 2 per cent—that the targets have been easily met, with only a small amount of additional renewable energy generation, such as wind power, being created.

The renewable energy sector has been calling for some time for a higher national mandatory target. That would be the most efficient and sensible way to back the development of renewable energy industries right across Australia, including New South Wales. The Federal Government's strategy of announcing grant funding to the odd project here and there is not a substitute for the support that a national mandatory renewable energy target would give to this emerging industry. And it is not a substitute for a coherent and well-rounded strategy to address the greenhouse challenge facing Australia. In contrast, the Iemma Government has an excellent track record in taking action—not just words—to address greenhouse emissions.

The following are just some of the initiatives that place New South Wales at the forefront of Australia in actively reducing carbon emissions. New South Wales was the first jurisdiction to commit to reduce greenhouse gas emissions to 2000 levels by 2025, and to reduce emissions by 60 per cent by 2050. The New South Wales Government introduced GreenPower, a program to accredit renewable energy generation, which has since been adopted nationally. The New South Wales Greenhouse Gas Abatement Scheme [GGAS] was one of the first emissions trading schemes in the world when it was established four years ago, attracting worldwide interest, and we are working with other States to expand the scheme nationally.

The Government's $200 million Energy Savings Fund, aimed at projects that reduce energy consumption and emissions, is one of the first of its kind. Programs such as the Building Sustainability Index, known as BASIX, provide support for solar water heaters. These initiatives are achieving results. New South Wales GreenPower customer numbers increased by 87 per cent in 2005, which is higher than the national increase in GreenPower sales of 67 per cent. The latest independently audited accounts show New South Wales was the leading State in GreenPower sales and that we represent 37 per cent of national sales. We expect this trend to continue with even stronger growth in New South Wales in 2006 in both GreenPower sales and customer numbers.

However, the Government is not resting on its laurels. The Government will shortly introduce regulations to require all electricity retailers to offer an optional 10 per cent GreenPower component on all new residential, or moving, customers' accounts, and to provide standard labelling of greenhouse performance on electricity bills. Since the commencement of the Greenhouse Gas Abatement Scheme in 2003, more than 25 million tonnes of greenhouse gas have been reduced. During 2005 the total number of accredited projects under the scheme grew from 93 to 146. These projects created more than 10 million abatement certificates during 2005, equivalent to taking two million cars off the road for a year. The projects supported include gas-fired power stations; projects to improve efficiency at existing power stations; power stations using waste coal mine gas and methane from landfills and sewage treatment plants; projects to help customers improve their energy efficiency; planting forests to capture carbon; and industries converting from using coal to gas.

On 18 October the Minister for Energy introduced the Electricity Supply Amendment (Greenhouse Gas Abatement Scheme) Bill to extend the scheme to 2021 and beyond. I note that bill was passed by the upper House last night. The extension of GGAS means a total saving of 86 million tonnes of emissions in New South Wales. In the absence of Commonwealth leadership, New South Wales has stepped in to lead the development of a National Emissions Trading Scheme, which will deliver significant greenhouse savings for Australia. On 16 August the New South Wales Premier, other Premiers and Chief Ministers released a discussion paper called "Possible Design of a National Greenhouse Gas Emissions Trading Scheme". The discussion paper shows that a carefully designed emissions trading scheme can help Australia enhance its competitiveness by minimising the costs of reducing emissions. Emissions trading receives the support of leading business groups and companies, such as the Australian Business Roundtable on Climate Change, economists and conservation groups.

The invitation remains open for the Commonwealth Government to participate in the process. Under the $200 million Energy Savings Fund, more than $19 million was allocated to 28 projects, saving an estimated 1.4 million tonnes of greenhouse gas emissions over 10 years and 1.3 million megawatt hours of electricity. Round 2 of the New South Wales Energy Savings Fund was launched on 8 September and is open until 1 November. The Government also has provided funding for renewable energy research and development projects, including the solar thermal power system at Liddell Power Station. This support has helped bring the technology to the commercialisation stage where it can take advantage of the global market.

As a result of the Government's initiatives, New South Wales emissions in 2004 were 1.2 per cent below 1990 levels, despite population increases; and since 1991, emissions per capita in New South Wales have fallen by 15 per cent. The Iemma Government continues to support the development of renewable energy and the reduction of greenhouse emissions. It is time the Commonwealth Government listened to the message that all sectors of the community are now united on: that greenhouse gas emissions need Federal action now.

The New South Wales Government has researched and prepared a New South Wales wind atlas as a resource for wind farm developers. The atlas plots the locations in New South Wales that have the best wind speeds in regard to strength and consistency. The wind atlas uses data and modelling from global-scale and continental-scale climate models, as well as fine-scale calculations for wind speed near large individual landscape features such as ranges and large plains. The New South Wales wind atlas models average annual wind speed across the State. The wind speeds are modelled at a height of 65 metres above the ground, which is close to the height of modern wind turbines.

The New South Wales Government has also published a "Wind Energy Handbook". The handbook provides a comprehensive kit of accurate and impartial information on all aspects of wind energy development in New South Wales. It has material for all participants in commercial wind energy development. The handbook aims to help participants and interested parties take an informed approach to wind energy projects and ensure the ongoing sustainability of the wind energy industry. However, I return to the point I made at the beginning of my contribution. These wind projects and other renewable energy projects are being held up by the refusal of the Commonwealth Government to extend the national mandatory renewable energy target. These targets are low and the Commonwealth needs to join with the Iemma Government, which has set an example, not just in words but also in actions, in developing renewable energy markets and schemes here in New South Wales.

Mr PETER DRAPER (Tamworth) [4.59 p.m.]: I thank my colleague the honourable member for Manly for raising this important issue in the House today. The production of biofuels and, in particular, the production of ethanol, is of great importance to the north-west of the State because great progress has been made to see construction of a new $100 million ethanol plant in Gunnedah, with the project expected to commence next year. As the honourable member for Manly pointed out, this is a timely debate with oil stocks declining and prices increasing.

As I have said in this place on other occasions, it has been a long roller-coaster ride for Currabubula farmer and engineer Matthew Kelly, who, as the managing director of Primary Energy Pty Limited, has devoted the past eight years to establishing Australia's first grain-fed dry milling ethanol plant. The project has enjoyed strong support from Gunnedah Shire Council and the Federal Government, which provided a grant of $1.1 million to enable Mr Kelly to get the project to construction phase by helping with detailed engineering design, legal costs, environmental impact assessments and planning fees. I am pleased that the State Government has agreed to convert its fleet to using ethanol blends and I am also pleased that the Federal Government has introduced incentives to help motorists convert their vehicles to LPG.

Gunnedah, as a small rural community, is set to enjoy enormous benefits from the development of an ethanol industry, which will produce one of the world's greenest fuels. In the first 12 months of operation the plant is predicted to inject $516 million into the regional economy and $1 billion over five years. It will provide employment for 50 permanent employees, 350 indirect jobs in transport and marketing, and 500 jobs in construction. One of the project's most positive spin-offs is that it will provide local farmers with a reliable market for their crops by utilising around 300,000 tonnes of grain per year. The plant will see the natural gas pipeline extend services into Gunnedah.

It will produce 120 million litres of fuel grade ethanol, which will be mixed at 10 per cent to produce E10 fuel. That is a major step forward towards reducing our reliance on fossil fuels and developing a sustainable industry. E10 fuel will deliver significant other benefits, including a reduction in vehicle gas emissions by up to 30 per cent as this renewable fuel produces less fossil carbon dioxide than conventional fuels. An added bonus is that every year the plant will produce about 90,000 tonnes of high-protein meal as a by-product of production that can be used for feedlots and other intensive livestock industries.

The project also has significant environmental benefits due to the processing technique, which replaces current technology that is highly energy intensive. The Gunnedah plant is planned to be environmentally positive as it creates more energy than it requires to grow the grain. As I mentioned previously, biofuel provides huge metropolitan area health benefits through lower tailpipe emissions. Also, air toxicity levels are lower than conventional fuels. If all of the ethanol proposed to be delivered from the Gunnedah plant is blended as E10, the resulting emission reduction from this one plant would equate to removing 65,000 cars from Sydney's roads every year or a reduction of 300,000 tonnes of carbon dioxide.

Production of ethanol from agricultural crops is renewable, unlike petroleum products from crude oil, which is a finite resource and is linked to the global marketplace. Increased ethanol production will extend and supplement our declining crude oil reserves. The Centre for Agricultural and Regional Economics has

undertaken studies on regional impacts of ethanol production, and with ethanol from agricultural crops being renewable, the centre has performed several studies looking at the potential regional impacts of this production. Its findings indicate that where there is a ready availability of raw material or crops, communities can establish a plant and gain economic benefits, with potentially some 30 plants able to be established in regional areas of New South Wales.

The proponent of the Gunnedah proposal is in the process of preparing documentation for the State planners to scrutinise. It is extremely important that the Government supports this project, not only for the future of a regional community like Gunnedah, but also because of the positive impacts it will deliver to the entire State. The Government needs to lead the way in promoting ethanol as a viable, harmless alternative to traditional fuels. As I have pointed out previously, Gunnedah Shire Council has been extremely proactive. It has 38 vehicles including light trucks, cars, plant equipment and stationary engines, all operating on E10. The new fuel has been available in Gunnedah since last November and the council actively promotes its use.

Gunnedah Shire Council is making a positive attempt to encourage people to use ethanol blended fuels, and has worked hard to convince the New South Wales Shires Association to come on-side and encourage other councils to promote this as a viable alternative. Primary energy deserves ongoing support, and I call on the Government to assess this project as being of great significance. Renewable energy is the future. We are looking at hydro energy, solar, wind farms, biogas sequestration, utilising wave movements and tides. We are still very coal dependent and I fully support the proposal to move towards a target of 25 per cent renewable energy by 2020. Recently I was in Germany and its landscape is covered in wind turbines. We have opportunities to utilise that technology as well. To hear that only 2,000 megawatts has been organised is disgraceful. The blame game needs to finish. The Federal and State governments need to work together to give an ecologically and economically sound future.

Mr MICHAEL RICHARDSON (The Hills) [5.04 p.m.], by leave: I am pleased to participate in this debate. There seems to be a lot of news not only about climate change but also about investment in renewables. We heard the Premier today answer a question from the honourable member for Bligh about renewable energy sources, and he talked about the projects pending or approved in this State. Indeed, the honourable member for Heffron also spoke about projects pending or approved. At the time I interjected, "pending or approved are the operative words," because these proposals—and that is all they are—are not going to get off the ground without some sort of investment by the Government. There needs to be real financial incentive from the Government to make these proposals economically viable. That is not happening. As Greenpeace and the Total Environment Centre noted in a report at the weekend since 2001, in the last five years only two new wind turbines have been introduced in New South Wales compared with 215 in South Australia. If that is not an indictment of this Government and its lack of commitment to investment in renewable energy and reducing greenhouse gas emissions, I do not know what is.

The honourable member for Heffron and the Premier spoke about the New South Wales Greenhouse Gas Abatement Scheme. This is not, by any measure, a good scheme. The University of New South Wales issued a report last year pointing out that something like 95 per cent of the projects that had been approved up to the point to which New South Wales greenhouse gas abatement certificates had been written were not additional projects but were pre-existing projects. This included projects such as the Tower and Appin coal waste gas plants at Appin operated by BHP. They were completed well before the scheme was put in place and merely created a windfall profit for BHP.

Over the lifetime of the scheme it was estimated that only 30 per cent of the projects would be additional projects; in other words, only 30 per cent would actually result in a reduction in greenhouse gas emissions. That is a disgrace and a lost opportunity. By contrast, the honourable member for Heffron was critical of the Howard Government. On this side of the House we expect that. Today under the Government's low emission technology development fund two massive new projects have been announced. One is for the country's most polluting power station, Hazelwood in Victoria, and the other is for the world's second biggest solar power plant, to be built in Mildura. That will be operational by 2015. It is significant that both these projects are in Victoria because Victoria is actively pursuing greenhouse gas reductions.

Victoria welcomes investment in renewable energy sources, particularly in the area of solar energy. Victoria has also set a renewable energy target of 10 per cent by 2012 but actually changed the target; it was going to be 10 per cent by 2010 but that was thought to be not achievable. Victoria changed the time frame but left the original target in place. It believes the target is eminently achievable. New South Wales should follow suit—we must reduce our greenhouse gas emissions by 50 per cent to 60 per cent by 2050 just to stabilise the earth's atmosphere. I welcome the comments made by the honourable member for Tamworth relating to

Gunnedah council's use of locally produced ethanol. It is a step in the right direction. It is only a small step, though, in comparison to what needs to be done with power generation in this State.

Figures released on Sunday show that 89 per cent of electricity in this State is produced by burning coal. Clearly, there needs to be a huge investment not only in replacing some of that coal with lower emission intensity technologies but also in low-emission technologies themselves, such as the integrated gasification combined cycle. If we do not do that we face the possibility of catastrophic climate change by the end of this century and the destruction of many of the world's species. It is possible that mankind can do something about that. Mankind can change the future. We can change it for the worse or for the better. I sincerely hope that everybody in this House wants to change it for the better.

Mr DAVID BARR (Manly) [5.09 p.m.], in reply: I would like to have heard the honourable member for The Hills clearly and unambiguously put the Opposition's position on mandatory renewable energy targets, but we did not hear that. We certainly have not heard the Government's position, and it is time we did. New South Wales and Victoria have the most greenhouse intensive electricity supplies in the world. Only one country has a higher level than these two States, and that is a republic in Central Asia—it might be Kazakhstan but I am not sure. If this State did not have such an abundance of coal no doubt this debate would not have taken this format, because we would be moving more strongly down the lines of renewable energy.

We must be weaned off coal, which is a source of cheap energy and electricity. New South Wales has the cheapest electricity rates in the country and one of the cheapest rates in the world. It may seem like a blessing to have such an abundance of an energy source. However, it is also a curse because it makes us lazy in the sense that it is easy to use and there are megabucks to be made from digging it up, exporting it and using it for coal-fired power stations, et cetera. But the cost is calamitous in the longer term; it is ruining our environment. We cannot keep going down this route. We must wean ourselves off coal. The proposal to move to a target for 2020 would still mean there is significant coal use. It is not saying that coal can be done away with altogether, because at this stage it cannot. There is no single answer. We must explore various options but we are not doing so. We are not doing nearly enough.

The honourable member for Heffron talked about pending projects and some worthwhile initiatives, but they are still small scale. It is not big time. The crisis is upon us now. We are in a permanent state of drought. We have severe problems with water shortages and water quality, we will have severe problems with oil and the price of oil going up, and we have severe problems with emissions. And the people are leading the politicians in this debate. Members of the public are showing the lead in terms of wanting more to be done, but not enough is being done. The Federal Government has been in a state of denial. It is probably only the change in the Murdoch press overseas and the debate that has hotted up here—excuse the pun—that forced the Federal Government to start looking at the issue more seriously.

The State Government has been relying on the market, hoping that in future things will improve. It needs to do much more. It needs to be much more proactive. We need statutory regimes in place to ensure that future generations are better off or no worse off than they are now. Recently my son said to me, "Dad, your generation has had it best. It'll be a lot worse for our generation." That is the legacy we are leaving for the next generation. We are incredibly affluent. We have plasma televisions sets, airconditioning, fancy cars and so on, but all of that comes at a cost. And the cost is the use of the earth's scarce resources.

We have been inconsiderate in using those scarce resources and allowing coal-fired power stations to belch out emissions. We have ignored the dire warnings about climate change that have been given over the years. We are only just waking up now. Future generations will condemn us for being lazy and not being proactive in working to improve emissions to ensure that there is a decent planet for the next generation and the generation after that. At present species after species faces extinction; the planet is warming up, and it will keep doing so because of a time lag. Things are looking pretty grim. As I said at the start, there is nothing more important facing us than this issue. It is a planetary issue and we are not addressing it properly. It is time we did.

Discussion concluded.

QUESTIONS WITHOUT NOTICE

Supplementary Answer

CRONULLA RIOTS REPORT

Mr CARL SCULLY: I wish to provide a supplementary answer to a question I was asked during question time today. The Leader of The Nationals asked me whether I had contacted the ABC newsroom in

relation to a Channel 9 item on the Cronulla report. I answered that that was untrue because then, and now, I do not recall that specific conversation. Over the past 10 days I have had scores and scores of conversations with many journalists and many, many newsrooms. In the face of the ABC newsroom insisting I made the call, and with no means of proving otherwise, I must accept that I did actually make that call. I wish to correct the record accordingly. In the conversation it is said that I said:

> The report had only got to the drafting stage so there was not a report to comment on.

Those views, which I am said to have expressed in that conversation and I accept that I now must have made, are consistent with the views expressed by me generally to many other outlets and many journalists over the past 10 days. I hope that clears up the matter.

BUSINESS OF THE HOUSE

Notices of Motions

Mr ACTING-SPEAKER (Mr Paul Lynch): Order! It being 5.15 p.m. the House will now deal with General Business Notices of Motions (General Notices).

General Business Notices of Motions (General Notices) given.

PRIVATE MEMBERS' STATEMENTS

INTERNATIONAL DISABILITY DAY BLIND CRICKET MATCH

Mrs SHELLEY HANCOCK (South Coast) [5.20 p.m.]: This evening I inform the House of a wonderful event that occurred in Ulladulla last Sunday that I was privileged and pleased to attend. The event was a cricket match, not something unusual for the great cricketing town of Ulladulla but in this case unique for Ulladulla since it involved a match between the invitational Ulladulla Presidents Eleven and the New South Wales-Australian Capital Territory blind cricket team.

The occasion was significant for Ulladulla and was played at the home of cricket in Ulladulla at Lighthouse Oval. This match was the first of its kind to be conducted on the South Coast and marked Ulladulla's contribution to celebrate International Disability Day. More than 600 people were in attendance to witness this great match and were enthralled by the blind cricket rules and the ability of those either totally blind or visually impaired to enjoy a competitive cricket match using their more finely tuned hearing skills using cricket balls containing bells. It was enthralling to watch and even more enthralling to talk to the members of the team, including three Australian representative players who had travelled the country and the world to compete and who highly valued the opportunities given to them as members of the team.

Blind Cricket has an interesting history in Australia. It was first played behind the Victorian Institute for the Blind in 1925. In 1928 two teams were selected from the same institute and commenced playing weekly. Throughout the Great Depression and the Second World War the game continued to be played and enjoyed throughout Victoria on a part-time basis. New South Wales blind players were introduced to the game in 1965 and after another two decades of development the game finally spread to other States of the Commonwealth. In 1990 a series of interstate matches were conducted and in 1995 the ACT developed a team to compete in the interstate series, which ultimately led to the selection of the Australian Blind Cricket Team.

From the year 2000 onwards, a prosperous interstate competition has continued to develop blind cricket on a national and international scale. Today's Australian Blind Cricket Team has already participated in the World Cup of blind cricket in India, has competed in a series of Test matches against England, South Africa and New Zealand and will shortly tour Pakistan on 27 November, a tour that includes three Test matches.

The game in Ulladulla was a great practice match for the Blind Cricket Team but was also an educational experience for the young Ulladulla team, who wore either blindfolds or glasses that restricted their vision to somewhat equal the odds. All players had a great day. All of this would not have been possible but for the drive and commitment of one of Ulladulla's great sporting citizens, Mr Darryl Cook. Darryl Cook organised the visit, the player accommodation, the welcome barbecue, and the farewell with the assistance of a small committee including the president of the Ulladulla United Cricket Club, Mr Peter Cook, local community

workhorse Cathy Dunn and others. Darryl sought local sponsorship and received it from the local IGA supermarket, which has supported so many events and functions in the town for a long time. IGA is locally owned and operated by Mr Robert Powell and his wife, Kim, who are highly respected members of the Milton-Ulladulla community.

To ensure the success of the day, Darryl Cook also organised local media and was relentless in his efforts to publicise the event, resulting in a great, enthusiastic crowd. Also in attendance were a number of children with disabilities from the Shoalhaven community and they enjoyed the atmosphere immensely. Also present was the local Rotary Club of Milton-Ulladulla, as usual raising funds with the jumping castle for kids. Of course, in attendance also to raise funds—as it is has been doing relentlessly of recent times—was the Dunn Lewis Foundation, a group formed by Mrs Gayle Dunn after her son was tragically killed in the Bali bombings. The group has worked tirelessly since those tragic times of the Bali bombings to develop a youth complex in Ulladulla and that is well on the way due to the dynamic leadership of Gayle and her committed team. When completed, the youth centre will be the greatest facility for young people that the town of Ulladulla has ever seen.

I conclude with a personal tribute again to Mr Darryl Cook, who is not only a cricket tragic and organiser of the blind cricket match last Sunday, but also a fierce advocate of the provision of an acute stroke recovery unit at the Shoalhaven hospital—a matter about which I have spoken before in this place. Throughout all these months and years Darryl Cook has spoken passionately about the need for an acute stroke recovery unit at Shoalhaven hospital, due to the distance many people have to travel, from the southern Shoalhaven especially, to places like Wollongong to gain acute care in stroke recovery. He also noted the higher than average elderly population living in Ulladulla and Milton, and in the Shoalhaven generally, who have suffered strokes. Congratulations to Darryl Cook and thanks for a wonderful day and for a chance to reflect on the importance of activities such as blind cricket for those suffering blindness or serious visual impairment.

NEWCASTLE INFRASTRUCTURE DEVELOPMENT

Mr BRYCE GAUDRY (Newcastle—Parliamentary Secretary) [5.25 p.m.]: On 21 September the Deputy Premier announced $18.5 million of improvements to the Newcastle rail corridor promised by the Premier. This put into effect the Premier's promise in February this year that $20 million would be spent on that upgrade plus an easy access to the Broadmeadow station, the ongoing work to have a Glendale interchange, and some $500,000 for research into the proposal by the Hunter Business Chamber to use the Hunter railcars as a light rail system within the Newcastle area. That is an issue I am strongly opposed to on the basis that it would lead to the eventual loss of rail services into the city.

It is a very good start. That $18.5 million will fund works including $5.5 million for level crossings upgrades between Beaumont Street and the city, $3 million for road intersection improvements, $4 million for railway station operation and access improvements to Hamilton, Wickham, Civic and obviously to the Newcastle station itself, and $1.5 million for landscaping, fencing and general improvements to the amenity of the corridor. That is a very good start. As the Minister for Transport said on the day:

> Newcastle is the second-biggest city in New South Wales. We owe it to the people who live and work there to improve access between the foreshore and the CBD.

In that respect, the decisions to date have not gone far enough. I mentioned the importance of having a crossing for both pedestrians and vehicles at Worth Place linking the burgeoning Honeysuckle development to the city. It is time we came to terms with the fact that this service operates off the main line into the city and that it is a CBD location. Surely it is time to overcome the objections under the Rail Safety Act, the concerns of the level crossing committee and also the Staysafe committee. It is quite feasible and has been demonstrated that safe crossings are available at the moment at Beaumont Street and Stuart Avenue, and this extra crossing is required to facilitate that movement.

That is just one aspect of a whole range of things that can be looked at. Recently, when we held the six cities strategy meeting in Newcastle on the seventh floor of the Sparke Hellmore building on Honeysuckle Drive, one could look straight across the railway line at the growing development of the Newcastle Community Health Centre, and obviously there was a potential linkage between those two buildings. Those sorts of inner-city linkage designs are needed. A lot more work is to be done to get an integrated transport strategy and plan on the ground to put in place the infrastructure requirements to match the lower Hunter regional strategy forecasts. One example is Newcastle airport. It has increased its number of passengers in July to a record 78,847. The number of passengers flying out of Newcastle airport annually is now 850,000.

There is no greater need than to improve linkages to the airport. One initiative would be to link rail to that area. When the F3 freeway link goes through to Raymond Terrace from its current terminus, the Tomago Road, which is a road link to the airport, should be made safer for passenger vehicle use. As I have always said, the improved bus and rail linkages are built on the backbone of the heavy rail service north and south of Newcastle. One improvement that would provide a great facility would be to extend the free bus service that now operates in the city to Beaumont Street and link Tudor Street, Beaumont Street and Maitland Road. Another improvement would be the integration of ticketing for rail, bus and train for all passengers.

COFFS HARBOUR ELECTORATE HEALTH SERVICES

Mr ANDREW FRASER (Coffs Harbour) [5.30 p.m.]: I speak tonight on two health issues in the Coffs Harbour electorate. The first is the proposed antenatal clinic in Coffs Harbour. Last year the Government and the Mid North Coast Area Health Service promised staff such as midwives would be trained and the funding for the clinic would be in this year's budget. Initially we were told that the clinic would open in February this year. The promised funding has not yet been made available. I commend Claire Simmonds and the Coffs Coast Maternity Action Group for the great work they have done to obtain this service. I condemn the Mid North Coast Area Health Service and the Government for not making funding available for this long-promised service for expectant mothers.

In 2003 the number of births at the Coffs Harbour Health Campus was 746, in 2004 the number was 764 in 2004, in 2005 there were 864, and 896 are predicted for this year. Yet the campus does not have an antenatal service. Staff have been trained. I praise the hospital management, who saw the need and trained the staff. They were promised by the Mid North Coast Area Health Service and the funding was promised by the Government. The area does not have this service because of the incompetence of the Mid North Coast Area Health Service, the Government or both. It would cost approximately $100,000 a year to provide this vital service. I note that Ryde Hospital in Sydney has far fewer births than the Coffs Harbour Health Campus, yet it has an antenatal service. I say to the Government and the Mid North Coast Area Health Service: For God's sake make the money, which was promised last February, available now. To put young expectant mums in this situation is unacceptable. Claire Simmonds has said that often expectant mothers or mothers and their babies are flown to Sydney. The cost of one trip alone would probably fund the antenatal service for 6 or 12 months. The figures do not add up.

The other issue I want to refer to is the number of people on the dental waiting list in Coffs Harbour. For example, Helen Karaka, who is 61 years old, lost a filling in January and is still waiting to be treated. A 53-year-old disability pensioner who cannot afford private dental care has been waiting three years for dentures from the public dental clinic. Jenelle Rae of Toormina has been on the waiting list for five years. This 49-year-old woman, who is on a disability pension, says her gums constantly bleed. Elaine McInnes, who is 61 years of age, has been on the waiting list for 15 years. Sonya King was involved in a motorbike accident in January. Her front teeth were knocked out, another was broken at the gum and another left jagged. She visited the clinic in January and was put on the waiting list. That is not good enough.

The Mid North Coast Area Health Service states that it treated 6,906 adults from January until September this year. Whilst that number has attended the clinic, I am advised by dental clinic staff and patients waiting for treatment that the funding is used only for temporary treatment. People attend the clinic with an expectation that dentures may be fixed, a tooth may be extracted or filled and their problems attended to. In fact, they receive temporary treatment and are put on a waiting list. It is a disgrace that an area with one of the lowest socioeconomic ratings in New South Wales and Australia receives such poor attention. Once again, the people of the mid North Coast deserve the same health care, whether it is neonatal care for young mothers or dental care for children and adults, as others in the State. It is a deplorable situation. I call on the Government to immediately fund both of these services. The citizens of Coffs Harbour need them.

DOWN SYNDROME AWARENESS WEEK

Ms VIRGINIA JUDGE (Strathfield) [5.35 p.m.]: I bring to the attention of the House an event I participated in on Sunday 15 October. I had the great privilege of walking in the New South Wales Down Syndrome Association's inaugural Walk With a Mate event. We began the walk at Milsons Point, North Sydney, crossed the Harbour Bridge and finished in the Royal Botanic Gardens with a picnic lunch. The participants included people with Down syndrome and their parents, carers, family and friends. About 55 volunteers helped along the route. We thought it may rain but the weather cleared and it was a lovely day.

The event was held to mark the beginning of Down Syndrome Awareness Week, the aim of which is to celebrate the lives of people with Down syndrome and to raise much-needed funds for the Down Syndrome Association of New South Wales. Down syndrome is one of the most frequently occurring chromosomal abnormalities found in humans. It occurs approximately once in every 660 births globally. It is one of the most common causes of intellectual disability, although the extent to which each child displays the physical characteristics of the syndrome is no indication of his or her intellectual capacity. While people with Down syndrome share certain attributes, any one person will have only some of them. Every person is an individual with a unique appearance and personality, as are we all.

It is estimated that 5,000 people in New South Wales live with Down syndrome. Due to improved standards of living, health care and greater community acceptance and inclusion, that number is growing. Many people with Down syndrome now live into their fifties and sixties. It is the association's vision that all people with Down syndrome will continue to reach their full potential as individuals in a community that is understanding of their abilities and supportive of their needs. The Walk With a Mate event is just one example of the excellent work of Down Syndrome New South Wales.

Primarily, it is a family and carer support organisation offering a wide range of services and programs, including a 24-hour phone contact, information on early intervention, assessment centres, education options, respite care, genetic counselling, communication development, recreation and government allowances. In developing innovative programs and resources the organisation seeks to improve quality of life and thereby empower people with Down syndrome. The association does a lot of work to help people with Down syndrome.

As an independent registered charity, the continued work of the association depends upon the generosity of its members and the general public in supporting its fundraising efforts. Annual funding from the State Government assists in meeting its administrative costs, and the organisation will further benefit from the Stronger Together 10-year disability services program, which was unveiled earlier this year by the Government. The Iemma Government has backed the plan with $1 billion in funding over the first five years and is committed to providing greater assistance and long-term practical solutions to people living with a disability. I acknowledge the personal efforts of families in providing supportive and caring environments for children and family members with a disability. So many wonderful families across the State perform this very important role every day. Their achievements, sacrifices and hard work for their loved ones are so easily overlooked by the wider society.

Public events such as Walk With a Mate serve to create positive and informed images of disability, heighten public awareness, dispel misconceptions and confirm the right of people living with a disability to lead lives with dignity and independence. Hopefully, the walk will become an annual event. I am pleased to announce that the association will be working in conjunction with Foundation 21, a South Australian based support organisation, to establish the walk as an annual and national event. One of the members of Foundation 21 flew from South Australia to attend the event. We met when crossing the bridge. The last time I walked over the Sydney Harbour Bridge was for the fantastic and historic reconciliation march. People from all walks of life were involved in that event.

I congratulate Down Syndrome New South Wales on organising this wonderful community event and commend its ongoing efforts in supporting people with Down Syndrome and their families and carers. I particularly mention the president and executive of the board, because they put in many hours above and beyond the call of duty supporting the organisation and these wonderful people. One young person with Down Syndrome whom I met is a champion golfer and he will represent New South Wales in China. [*Time expired.*]

EQUESTRIAN ATHLETES WITH DISABILITIES NSW INC.

Mr ANTHONY ROBERTS (Lane Cove) [5.40 p.m.]: I wish to express my admiration for the team of riders from Equestrian Athletes with Disabilities NSW Inc. [EAD] who achieved excellent results representing New South Wales at last week's Australian National Para Equestrian Dressage Championships held in Victoria. This is of particular importance to me as I am a proud supporter of EAD and a member of the committee. EAD was formed in response to the inability of disabled equestrian athletes in New South Wales to qualify for national and international para-equestrian competition and paralympic selection. EAD is a representative organisation that provides information and dissemination services, membership support, resources, co-ordination, advocacy and representation for our members and other interested parties. EAD provides opportunities for New South Wales riders to maintain their current equestrian pursuits and, if desired, achieve even greater success.

Para-equestrian sport has grown steadily since it was formally established under the International Paralympic Committee in 1991. There are now more that 650 riders from 38 countries competing in more than 16 annual international competitions, with 29 nations competing in the Athens 2004 Paralympics. This is a unique sport in that it involves two finelytuned partners—the rider and the horse. It is available to and practiced by equestrians with a wide variety of disabilities. Amongst athletes with disabilities there are many different types of impairments. EAD riders, through their dedication, perseverance and talent, continue to impress me with their ongoing success. Jan Pike, Hannah Dodd, Emma Bennett and Nicole Kullen have all been selected as members of the National Dressage Squad and have competed internationally this year on borrowed horses they had ridden a maximum of only eight times prior to competition.

Jan Pike has competed in Canada, placing first in all three tests. She also competed in Belgium, riding her winning freestyle test to the well-known "Waltzing Matilda". Jan was a silver and bronze medallist at the Athens 2004 Paralympics and a previous silver medallist at the 2003 World Championships. Jan was the Grade 1 Champion at the Australian National Championships last week and she has been selected to compete in the 2007 World Championships. What makes this even more impressive is the fact that Jan has suffered from cerebral palsy since birth. To be able to ride, she has a pacemaker implanted to reduce the frequency of spasms, which tense and contort her body. Jan is also an Australia Day Ambassador and, when not training for her next big competition, works as a volunteer assistant coach at the Ryde Riding for the Disabled Centre in my electorate.

Hannah Dodd competed in England in Hartpury, Millfield and the Great Britain Nationals. She achieved incredible results, which is even more impressive given that she is youngest member of the Australian team at 14. Hannah has had many wins in both open—that is, able bodied—competitions and para-equestrian events. She was the Grade 4 Reserve Champion at the Australian National Championships last week, coming second overall to a paralympian from New Zealand who brought her horse to Australia for the competition. Hannah has spina bifida, which has resulted in right-sided weakness. She also has extreme kidney and lower back pain from spinal surgery, and the movements required in her high-level competition tests cause her knees and shoulders to dislocate.

Emma Bennett is a teacher and mother of two young children. She has ridden all her life and when younger placed first at the Pony Club New South Wales Championships. Another highlight for Emma was riding her horse, Prime Time, in the opening ceremony of the Sydney 2000 Olympics. In 2001 she was in a car accident resulting in extensive spinal and moderate brain injury. She now lives with chronic back pain every day. In late 2004, as part of her rehabilitation, Emma got back on her horse. Now, in under two years, she has won the grade 3 section in the Australian National Championships two years running and competed in Belgium, placing eighth overall. She has also been selected to compete at the 2007 World Championships.

Nicole Kullen contracted meningococcal meningitis septicaemia in 1996. She had both lower legs amputated and has limited arm movement and strength, with no use or feeling in both wrists and hands. Despite that, she has continually proved her equestrian abilities with successes at the State and national level. Nicole is the New South Wales Grade 2 Champion for 2006. Nicole also competed in Belgium on a borrowed horse and achieved excellent results. Under the guidance of Australian coach, Mary Longden, and Chef d'Equipe Ken Dagley, Jan, Hannah, Emma and Nicole are members of the Australian Equestrian Paralympic Preparation Squad working towards selection for the 2008 Beijing Paralympics.

On a personal note, I acknowledge the founding committee members of EAD for their expertise, enthusiasm and commitment, which they give voluntarily. The executive team of Jaci Armstrong—a longstanding and great friend of mine—Gail Melham, Toni Fearn and Lisa Umlauff are given wonderful support by our committee of Geoff Skinner, Jake Melham, Leigh Melham, Alicia Bush, Judy Cubitt, AO and Sue Conde, AO, and, I am proud to say, when I can, by me. An organisation is only as strong as its members. Given the calibre of the EAD current and prospective riding, committee and general members, EAD's future is looking very bright and I am looking forward to continuing this journey with them. It would be well worth honourable members' time to see some incredible riders perform, not only during the Easter Show but also at other times. I thank the Riding for the Disabled Association of Australia board and chief executive officer, Gill Thompson Rogers, and Riding for the Disabled Association of New South Wales for their support and encouragement of the EAD riders, who will, I am sure, continue to achieve great results representing both New South Wales and Australia.

TELARAH ROADWORKS

Mr JOHN PRICE (Maitland) [5.45 p.m.]: I wish to express my support for the residents of Telarah, who are most concerned about a Roads and Traffic Authority [RTA] proposal to improve a number of intersections on the New England Highway in the Telarah-Rutherford area. The proposal was fine in general, but without being aware of the shopping centres in other local areas, it advertently created a problem at South Street by proposing a left turn only into the street. In other words, there would be no entry or exit option. The community rejected that proposal at a public meeting held while I was in Parliament on 18 October. The community made its views clear to the RTA officers who attended the meeting. The community acknowledged that the resurfacing of that section of the New England Highway and other intersection changes proposed on that section of the highway were acceptable.

The RTA's rationale for closing off South Street to turn-in and turn-out traffic was based on the fact that the Aberglasslyn Road intersection with the highway has five times the traffic volume of South Street. However, there is a very different volume of traffic as a result of the subdivisions in the Aberglasslyn area. Consequently, people are concerned that the South Street adventure may well have jeopardised the viability of businesses in the area and created some problems by increasing traffic on other cross streets as people living in the Telarah area try to circumnavigate South Street, causing much more traffic on other streets in the suburb.

The RTA developed the plan as a result of complaints from Maitland City Council over a number of years. In fact, the section of the New England Highway between Four Mile Creek and the aerodrome at Rutherford caused some difficulty. The RTA improved access on the southern side at South Street by installing lights. Chelmsford Drive and Chisholm Road have had lanes extended and road widening to facilitate safer traffic access. Of course, the community has until 10 November to make submissions to the RTA, and I encourage people to do so. I think we have resolved the issue with South Street. On close questioning it seemed that the RTA was not wedded to the project. The Minister has also indicated that he has no difficulty with modifying the proposal to accommodate South Street being accessible in both directions.

Last night, 24 October, RTA officers dealt with matters raised by Maitland City Council and ambulance officers, who were concerned because of the nearness of the intersection to their ambulance station on the New England Highway. I understand that things have settled down there. In my view only one further proposal must be brought forward, a proposal that has been kicked around for some years. I refer to co-locating Telarah fire station, which is one block away from the highway, and the ambulance station, which is right on the highway, probably to a site somewhere near the roundabout and adjacent to the industrial area on the New England Highway down towards the airport.

The Telarah-Rutherford proposal has been under consideration for some time, and we need a positive decision on it. It would resolve a lot of problems with regard to our emergency service's access to and egress from the various locations on the New England Highway, particularly given the increasing size and importance of the industrial area at Rutherford. The entire project has come together very well. The community has certainly been listened to, my representations have certainly been listened to, and people are now looking forward to the resurfacing of the New England Highway and the expenditure of $1 million in Federal funds to ensure it happens.

DEATH OF MR DONALD JACK CHENEY AND HOSPITAL STAFFING

Mr STEVE CANSDELL (Clarence) [5.50 p.m.]: Donald Jack Cheney was born in Goulburn on 29 May 1923. He joined the Navy in December 1940 as a 17-year-old and received special dispensation because of his age. He joined a brigade called the ASDICS, an anti-submarine detection unit also known as sonar guys. He was first on HMAS *Waterhen*, the scrap iron flotilla as they called it; they were old boats that the English who came to Australia used. It was also the first Australian ship to be sunk in the Second World War. On 30 June 1941 a Tobruk ferry run that was running troops and supplies into Tobruk and bringing out the injured was hit by a German Stuka. After the war an Italian pilot chased up the RSL to find out how many had died and whether there were any survivors. I suppose he wanted to apologise. It turned out that only one man was injured, and 120 crew members and more than 120 soldiers survived. HMAS *Defender*, a British destroyer, nosed up against the boat and everyone unloaded. Indeed, the only person injured was a sailor who was hit by a can of peaches that fell off a palette. The Italian pilot was relieved and overjoyed that there were no losses.

Donald Cheney married Elvira in 1942, and they had three children. She was 18 and he was 19. So the old song *Too Young to be Married* does not carry much weight because they recently celebrated their sixty-third

wedding anniversary. As soon as Donald left the war he worked for the railways as an electrician, and he then became a contractor and used his pushbike. People would often see him on his pushbike around Bass Hill, with conduit and tools strapped to the back of the bike as he rode to his jobs. Donald and Elvira and their three boys moved to the Maclean area after retirement in 1979. That is probably a feel-good story for one of our veterans.

Unfortunately, earlier this year Donald was diagnosed with cancer of the lungs, and he underwent 28 radiotherapy treatments. Finally he was given a clear bill of health in September. He was told to go home and see a doctor because he had fluid on the lungs and he should get it seen to. Then began the litany of stuff-ups by the New South Wales health system. Initially Donald was taken to hospital and told he had Alzheimer's disease, because the fact that he could not breathe very well was all in his mind. He was then told he had asthma. He was given Ventolin, but upon using the medication for the first time he started to lose his breath and suffer ill-health. He was taken back to the hospital after being released. He lay in bed for five to six hours, after having dirtied his pants, before he was even washed. He kept being put on the end of the queue. The hospital staff were stretched to the max. His wife, Elvira, and his son Warwick said the hospital was like a war zone, with the staff and the patients running everywhere, which in some ways they could understand.

Donald, accompanied by Mrs Cheney, was then taken by ambulance to Lismore Hospital, where there was a line-up of four ambulances waiting to get in. When he finally did get in, after a week and a half of being completely misdiagnosed and treated wrongly, the doctor who saw him immediately diagnosed him as having pneumonia, stating he had had a heart attack during the past week, that his kidneys were starting to fail, and that he had other complications. The doctor said he was in a critical condition. After the diagnosis was confirmed, he was given the appropriate treatment. He needed to have major medication to revive him, but that medication failed.

In the meantime, Mrs Cheney and one of her sons were sent to hospital accommodation on-site and were told, "Go and get some rest and we will give you a call if there is any change." After five hours they went back into the hospital to find that Donald was deceased. No-one knew when or where that had occurred. It is appalling that a man should lose his dignity in this way and then die alone. Indeed, Mrs Cheney said she had promised Donald she would be by his side until the very end. She feels let down, his whole family feels let down, and the medical institutions on the North Coast also feel let down.

MACQUARIE UNIVERSITY UNION USE OF STUDENT FUNDS

Ms KRISTINA KENEALLY (Heffron) [5.55 p.m.]: Earlier this year I was appointed a member of the Macquarie University Council by the Minister for Education and Training. It is a proud association. I note that under the leadership of Macquarie University Council Chair Maurice Newman and Vice-Chancellor Steven Schwartz, research training and commercialisation lie at the heart of Macquarie University's vision and strategic plan, Macquarie @ 50. At last Friday's council meeting, during the public session of the meeting, I was saddened to learn that council heard a disturbing report on inappropriate, and possibly illegal, use of student funds by the Macquarie University Union [MUU]. The MUU, under the name of Students at Macquarie [SAM], is a separate legal entity from Macquarie University. It has a professional management and board. Students at Macquarie provides a range of student services, such as child care, food outlets and student publications.

Clause 5 (a) (iv) of the Macquarie University Union Constitution, which deals with restrictions on the use of income, states, "The income of MUU must not be donated to religious or political organisations." On 15 September 2006 the President of the Macquarie University Union, Victor Ma, authorised payment from MUU income of $2,000 for two tables at a Liberal Party fundraising dinner held at the Epping Club on 31 August 2006. The board of the MUU, which met on 15 September 2006, asked Mr Ma to provide advice about whether the payment constituted a donation to a political organisation. Mr Ma said he attended many functions but did not recall the exact details. He then said a meal was provided, and that therefore it was not a donation.

The board of the MUU advised Mr Ma that it believed it was a donation and that restitution should be made. On Monday 18 September 2006 the board requested copies of the invoice and payment authorisations. The board was subsequently advised that prior to 15 September, the date of authorisation, the source documents relating to the transaction were removed from the financial controller's office. Who is on the university union? As I have said, Mr Victor Ma is the president. As I have also said, the union is a separate legal entity from the university. It has its own board, which is responsible for ensuring that the company acts according to its rules and constitution.

The company secretary of the Macquarie University Union board is Mr Kyle Kutasi. Along with Alex Hawke, Mr Kutasi is one of the office holders in the Young Liberals. Mr Kutasi's name might be familiar to members: he was named on the ABC *4 Corners* program as a sleeper, a branch stacker and a muscle man, who was following a strategy devised by David Clarke to effect a right-wing takeover of Liberal Party branches. David Clarke is the godfather of the extremist Right of the Liberal Party. But not only is Kyle Kutasi one of the spiritual sons of godfather David Clarke, he is also a family member, having cemented his place in the godfather's hierarchy by marrying Mr Clarke's daughter Anne Marie. These are the ugly right-wing extremists who have hijacked the party, driving out Brogden, Forsythe and the honourable member for Hawkesbury and who are now putting in their sights the honourable member for Davidson, the honourable member for North Shore and the Hon. John Ryan in the other place.

Not content with hijacking the Liberal Party of New South Wales, these right-wing extremists are now hijacking the student union at Macquarie University—raiding student funds that should be going to student services. Given that SAM funds child care services, this diversion of $2,000 is tantamount to taking vegemite sandwiches out of the mouths of babies to fill the coffers of the extremist right-wing of the Liberal Party. Not only is this shameful, but it is also in direct contradiction with the constitution of the student union. I repeat that SAM is a separate legal entity from the university and no-one should draw negative conclusions about the conduct or the integrity of Macquarie University. But SAM, its president, Mr Ma, and the company secretary, Mr Kutasi, need to make this right. The money should be returned. Perhaps Mr Ma can be excused for his youthful exuberance in pursuing a future political career in the Liberal Party, but there is no excuse for Mr Kutasi or Mr Clarke, who should know better. That money belongs to the students at Macquarie University and it should be returned.

HONOURABLE MEMBER FOR PITTWATER USE OF PUBLIC RESOURCES

Mr BRAD HAZZARD (Wakehurst) [6.00 p.m.]: Tonight I express my concerns on behalf of the people of Wakehurst on the northern beaches as to the use of public resources. All members of Parliament are governed by rules regarding the use of public resources. These rules are laid down in the code of conduct and, from time to time, the Speaker or the Clerks remind members of their obligations. Recently, in anticipation of next year's election, the Speaker reminded members that neither the parliamentary crest nor our electorate offices should be used for campaigning and electioneering.

In my 15 years in Parliament I have seen minor transgressions and I have seen some horrific abuses, but what I am about to recount to the House is one of the worst abuses I have seen. It reeks of defiance of the rules and a wholly inappropriate attempt to use taxpayers' funds. Yesterday the honourable member for Pittwater delivered into Pittwater residents' letterboxes a two-sided glossy dirt sheet. It screamed campaigning or electioneering material and it offended almost every rule the Parliament has on campaigning materials.

Ms Reba Meagher: Point of order: This is an attack on another member of this House. The honourable member for Wakehurst knows he has to proceed by way of a substantive motion. It is not suitable to use private members' statements for such a purpose.

Mr DEPUTY-SPEAKER: Order! If it is a personal attack the Minister is quite right. There are forms of the House that can be used to attack another member of the House.

Mr BRAD HAZZARD: I am sure the Minister is not saying that members in their private capacity cannot express concerns about the use of public materials. Is the Minister seeking to defend the use of public materials in defiance of the rules?

Ms Reba Meagher: The member's statement relates to the conduct of another member of this House. Private members' statements should relate to issues of concern in members' electorates.

Mr BRAD HAZZARD: I am entitled to raise the issues that my constituents are concerned about.

Mr DEPUTY-SPEAKER: Order! I will listen further to the contribution of the honourable member for Wakehurst.

Mr BRAD HAZZARD: We are all aware that public resources should not be used for campaigning or electioneering material. This is not an attack. The honourable member for Pittwater should at least tell the residents of Pittwater why he sought approval to try to use taxpayers' money to print and post electioneering

material to each resident at a cost of approximately $25,000. He should tell the residents why he considered it reasonable to try to use taxpayers' funds to electioneer with a dirt sheet against Rob Stokes, a good and decent person who was not even the candidate at the last by-election and who is concentrating on a grass roots campaign. I believe the honourable member for Pittwater was refused permission by Parliament to put out what was clearly an electioneering and campaigning dirt sheet using taxpayers' money. But that did not stop him putting out the dirt sheet and offending against all the rules with which other members of Parliament are required to comply.

Mr Peter Draper: Point of order: This is against the standing orders. This is a deliberate attack on a member and it is not about the electorate of the honourable member for Wakehurst.

Mr BRAD HAZZARD: To the point of order: We have a code of conduct. We have rules that Parliament is vested with trying to defend. A Labor Minister and an Independent are trying to stop factual material, which would offend against the people of the northern beaches, being put into the public record.

Ms Reba Meagher: To the point of order: The honourable member for Wakehurst is entitled to raise his concerns, but he must do so according to the standing orders of this House. It is inappropriate that private members' statements be used in this way. There are other ways for him to raise this issue.

Mr BRAD HAZZARD: Further to the point of order: As I said, I am not attacking the member; I am setting out factual material. That is quite different.

Ms Reba Meagher: He may consider it an attack.

Mr BRAD HAZZARD: He is not in the Chamber to defend it.

Ms Reba Meagher: He does not have the opportunity. There is no right of reply to private members' statements.

Mr BRAD HAZZARD: What right does the Minister have to stop factual material being put on the record? If a memorandum sent out by the Parliament states that any correspondence, newsletters, flyers or the like—

Mr DEPUTY-SPEAKER: Order! Standing Order 82 deals with this matter. It states:

> Imputations of improper motives and personal reflections on Members of either House are disorderly other than by substantive motion.

If the honourable member for Wakehurst has evidence that the action he alleges has in fact taken place, there are proper ways to deal with it. I would have thought the matter could have been referred to the Electoral Commissioner or the Electoral Funding Commission. It concerns me that the matter is well away from the electorate of the honourable member for Wakehurst.

Mr BRAD HAZZARD: No, it is not.

Mr DEPUTY-SPEAKER: It is not in your electorate, is it?

Mr BRAD HAZZARD: It is the northern beaches. The residents of Wakehurst will be very concerned about this member using the parliamentary crest, taxpayer-funded materials and offices to run an electioneering campaign, and that is what he has done. He has used the State crest on a newsletter, which he was told not to do. The Minister knows she cannot do that, but is she going to endorse the use of the State crest on electioneering and campaigning material?

Mr DEPUTY-SPEAKER: Order! The honourable member for Wakehurst is ignoring the direction of the Chair. His speaking time has expired.

ICE (CRYSTAL METHAMPHETAMINE) AND GAMMA-HYDROXYBUTYRATE

Mr MICHAEL DALEY (Maroubra) [6.05 p.m.]: On 11 and 25 May I made private members' statements in respect of two drugs: gamma-hydroxybutyrate [GHB] and crystal methamphetamine, or ice. I made those statements to the House out of concern for the health of young people, in particular, and for the

social cost, especially in relation to crime, that will result from the increased ingestion of these drugs. As I said at the time, I recognise the rate of change in the drug culture in this country. I was a customs officer for 13 years and I am not uneducated on the subject of drugs. However, the more research I do on this subject the more startled I become about the rate of change, and particularly now these drugs are targetted to young people.

Many people have contacted me since I made those statements. Some people have encouraged me to keep speaking out in respect of drugs; some people are concerned for young people in their area; and some people would like to know more. The Community for Action Against Methamphetamine [CAAMA], which is a not-for-profit volunteer organisation that aims to serve as an educational resource for people about drugs, has offered to help me in this cause. I am pleased that community discussion continues at a pace. I am particularly pleased that the Premier has offered to take a leading role in respect of the ice epidemic.

On 19 October he called for action: he said he would write to the Prime Minister and to State and Territory leaders requesting their attendance at a national leadership forum on ice to be held in Sydney prior to the next Ministerial Council on Drug Strategy meeting. Particularly concerning were the Premier's comments that recent research on ice, including a survey of 3,000 emergency department records in New South Wales, reveal that 56 per cent of ice users were addicted, 45 per cent of ice users had committed a crime in the past month and ice users were 11 times more likely to suffer a psychotic episode. Whilst high-level initiatives at State and national levels are terrific, local efforts and education are also valuable.

On 25 May I said in the House that I would organise a community drug forum in my electorate to educate people on the effects of these drugs, particularly ice. These include aggression and crime, the impact drugs have on families, and the fact that parents are not equipped to deal with rapid changes in the nature and chemical composition of emerging drugs and the changing patterns of use. I am pleased to inform the House that a date and venue have now been set for that local drug forum. On the evening of Wednesday 29 November this year I will host a local drugs forum at South Sydney Juniors Club in Kingsford aimed at educating parents and children on the dangers of drugs, particularly crystal methamphetamine or ice. I seek the assistance and co-operation of local schools to encourage students to attend so that they can learn about ice, a drug that threatens their generation like no other drug.

At this juncture I thank Keith McCraw, President of the South Sydney Juniors Club, who has helped me enormously to organise the forum and who has made the auditorium of the club available. I have also had conversations with Henry Morris, who represents local clubs, and Bob Tate, who represents local hotels. I thank them for their willingness and co-operation to work with the New South Wales Government and the police to try to stamp out drugs in our area. If honourable members can assist me in any way, I would be more than happy to talk to them because no electorate in this State or country is immune from drugs.

MESSAGE IN A BOTTLE PROJECT

Mr RICHARD TORBAY (Northern Tablelands) [6.10 p.m.]: Excessive alcohol consumption has been identified by police, health and community leaders in north-west New South Wales as a major cause of crime and antisocial behaviour. The region has one of the highest rates of alcohol-related domestic assaults in the State. Today I want to speak about a new program called Message in a Bottle, a partnership project between Armidale-based organisation Beyond Empathy and Arts North West, which aims to curb such antisocial behaviour and raise awareness of the problems caused by alcohol abuse. The project will target 15 rural communities and will reach approximately 1,200 primary and secondary participants. It will be conducted in Armidale, Nambucca, Macksville, Bowraville, Lismore, Nimbin, Casino, Tamworth, Narrabri, Wee Waa, Inverell, Moree, Boggabilla, Tomelah, Mungindi and Walgett.

The University of New England will independently assess the program and Beyond Empathy has just received three years of funding from the Westpac Foundation to develop a tool kit to roll out the process elsewhere after it has been assessed. Using its experience and award-winning skills, Beyond Empathy will work to reduce the community cost of alcohol abuse in north-western New South Wales. Young people will be shown ways of buffering themselves from excessive alcohol consumption, through education, developed resilience, skills training and pathways to improved employment opportunities. The project—using film, music, dance, visual arts, multimedia and web technology—will work hand-in-hand with the young people and their families with the help of police, alcohol workers, local youth services and State agencies. The participants will help run the educational campaign and become peer examples to other young people in danger from alcohol abuse.

The behavioural change outcomes of Message in a Bottle will help reduce the workload of front-line services such as police, doctors, nurses, ambulance officers and family counsellors. Most importantly, it will also mean a better quality of life for the participants, their families and the communities in which they live. Funding partners include the Alcohol Rehabilitation Foundation, the New South Wales Government through the Department of Community Services, the Caledonia Foundation, Social Ventures Australia and the Vincent Fairfax Family Foundation, and more than 15 community partners including local councils, police, family support services, TAFE and many committed community organisations. Beyond Empathy was formed in November 2004 by its Executive Director, Kim McConville, Denni Scott Davis and Phillip Crawford, who are responsible for project development and co-ordination.

For its many successful projects it receives funding from the State and Federal governments, the corporate sector and private investors. It has three full-time and two part-time staff and around 10 contracting artists and community workers. A further seven artists will be contracted next year. There is also a leadership program filled by graduates of Beyond Empathy projects who now mentor and run small projects of their own. Beyond Empathy has a motto: "For the long haul, one on one, one by one, then in partnership", which is reflected in its strong programs with high social impact and clear participant focus. It takes arts interventions beyond a compassionate reaction of merely allowing people to tell their stories. It assists all project stakeholders to develop new skills and to provide culturally relevant responses to enhancing community strengths.

Of the group benefiting from Beyond Empathy's work, 80 per cent are Aboriginal, 30 per cent are children, 90 per cent are caught in long-term cycles of poverty, 100 per cent are experiencing the long-term effects of drug and alcohol misuse, 85 per cent experience long-term unemployment, 15 per cent experience long-term homelessness, 45 per cent are women, 80 per cent are in the 0 to 25 age group, and 40 per cent of the total group are indigenous males aged 14 to 25 caught in chronic cycles of recidivist crime. The organisation has deservedly won many awards and high-level support. It has the runs on the board and is achieving results in a notoriously difficult arena often deemed too hard by the many who try. Its success stories are legion and many participants in earlier programs who have overcome problems of drug addiction, criminal behaviour, poverty and depression have stayed with the organisation to become mentors and project managers. This is an outstanding program. I commend it to the Minister and the House.

MANILLA VOLUNTEER RESCUE ASSOCIATION

Mr PETER DRAPER (Tamworth) [6.15 p.m.]: Tonight I speak about the Manilla Volunteer Rescue Association [VRA], the quiet achievers of the local community. The VRA is the busiest provider of primary response and rescue services in country New South Wales, including motor vehicle accident rescue. Volunteers assist NSW Police, NSW Fire Brigades, the Ambulance Service, the Rural Fire Service and State Emergency Service, and they provide these rescue services through a wonderful group of volunteers who have specialist accreditation and field communications. Last year the VRA rescued 771 persons and recovered 126 deceased persons. They were called out to more than 870 motor vehicle incidents in New South Wales, which is nearly 60 per cent of incidents outside Newcastle, Sydney and Wollongong. Also, VRA volunteers were involved in rescue operations following Cyclone Tracy in Darwin, the Granville rail disaster, the Newcastle earthquake and the Thredbo landslide.

The Manilla VRA consists of 20 volunteer members from the local community who are on call 24 hours a day. Last year the group provided 21 ambulance assists, 9 police assists, attended 12 motor vehicle accidents, recovered three paragliders and assisted in a house fire. The cost of providing this service to the Manilla community alone would be in excess of $200,000 if paid services were used. Members of the VRA conduct their activities mainly through the support of the NRMA and Clubs New South Wales, the former recently supplying the group with an $8,500 Jaws of Life machine to utilise in road rescue operations. For the 2005-06 financial year the Manilla VRA survived on State Government funding of just $2,500. This limited support forces its members to pay for their own uniforms, fuel and travel for training. The remainder of operating funds for essential equipment and overheads are collected through fundraising activities in the local community that are often co-ordinated by Joe McMannamon.

Despite the challenges faced by Manilla VRA, the members enjoy being part of the group and provide a valuable service to the local area. They are the quiet achievers of country communities, often working unseen by the broader populous. Little recognition is given to members of the VRA compared to other volunteer groups, but those members remain committed. Many of their functions can be distressing to the volunteers and, being members of a small community, many of them have attended horrific car accidents where they know the victims.

Manilla VRA has the unique but highly important task of monitoring paragliding competitions conducted at the Mount Borah paragliding facility. During these competitions, VRA volunteers are given the task of following the flight of competitors, which can be quite erratic on a windy day, and they are required to assist them where necessary. Local volunteers have recounted how they have often had to retrieve a wayward paraglider from a gully or crevice. With Manilla hosting the World Paragliding Championships in January next year, Manilla VRA will certainly have its work cut out. I congratulate Manilla VRA president John Brand and captain Robert Sutherland, as well as the other volunteers, on their efforts for the community.

This year the State Government provided $1.2 million to the State's VRA land-based groups, which is used primarily for insurance premiums and capital purchases of vehicles, buildings and equipment. An additional $255,000 was also provided to the 12 maritime rescue units in the VRA. In 2004 the State VRA made an application to the State Rescue Board for $250,000 to fund competency-based training for its members. This is a very modest request relative to the value of the support and assistance the VRA volunteers provide to the community daily. To the VRA's immense frustration, the application has spent two years in limbo, and news came through recently that the application had not been successful. This has forced the VRA to take $200,000 from its annual capital grants to fund this training, reducing the already small pool of funds available for yearly operations.

Despite being the busiest rescue service outside the Newcastle, Sydney and Wollongong metropolitan areas, the VRA still faces many challenges. According to VRA State president Ray Gill, its specialist units are no longer specified in State Rescue Board documentation as being accredited. This oversight has a significant impact on the legal protection of the volunteers and their organisations under section 57 of the State Emergency and Rescue Management Act 1989. The removal of protection for the VRA specialist units is of grave concern and must be rectified urgently. I am pleased that Manilla is coming into the electorate of Tamworth in 2007, as I have many ties to the area. I have worked with the tennis club to resurface the courts, and I am currently working on obtaining the required funds for the new community bus. While working behind the bar at the local RSL club I met my wife, Sharon. We have two wonderful kids, Ben, who is 11, and Eliza, who is 7. We regularly visit Manilla. I look forward to working closely with the local community on many issues of local importance in years to come.

Private members' statements noted.

DISTINGUISHED VISITORS

Mr DEPUTY-SPEAKER: I acknowledge the presence behind the bar of the House of the Hon. Milton Morris, a former Minister for Transport in the Askin Government, a former member for Maitland and a good friend of Maitland.

[*Mr Deputy-Speaker left the chair at 6.21 p.m. The House resumed at 7.30 p.m.*]

BUSINESS OF THE HOUSE

Bill: Suspension of Standing and Sessional Orders

Mr GRANT McBRIDE (The Entrance—Minister for Gaming and Racing, and Minister for the Central Coast) [7.30 p.m.]: I move:

> That standing and sessional orders be suspended to allow the resumption of the adjourned debate and progress through all remaining stages forthwith of the Racing Legislation Amendment Bill.

Mr BARRY O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [7.31 p.m.]: Of course the Minister for Gaming and Racing is moving this suspension because the Minister for Police, or the former Minister for Police, has resigned from his portfolio. The Opposition may not oppose this motion but the point that needs to be made again is that this will have been the twentieth suspension of standing orders within the past seven sitting days. This is not determining the business of the House by orderly program. This is not determining the business of the House by the standing orders. This is just determining it at the whim and will of the Government, which clearly is in a state of chaos given the events of the past half an hour or so.

What is important in the way the Government manages the House and the approach the Government takes to the management of New South Wales generally is its determination not to subject itself to the normal scrutiny and accountability that enable members, whether they are members of political parties in this place or

whether they are Independents, to adequately and properly consult on important legislation, like this legislation, in which they have a significant stake.

What is significant about the events of the past few minutes is that a Minister has been forced to resign—resigning by his own hand because he has misled the House on two occasions. What is significant about that is that at no stage over the past week has the Premier been prepared to enforce any sort of ministerial standards on that person. Why would one expect the Premier to enforce any sort of ministerial standard upon a Minister who misleads the public and deceives Parliament when he runs this House and seeks to move so many suspensions of standing orders—not to ensure good legislation is passed in an appropriate fashion by this House but simply to ensure that it goes through the Chamber with a minimum of fuss because he is upset about it derailing his strategy to get re-elected.

As I said last night, the resonance of the events of today and the next few months with the events of 19 years ago are simply extraordinary. Exchange Unsworth for Iemma, exchange Brereton for Scully, and we are reliving history. Twenty suspensions in 17 days or not, I suspect the one thing that is clear is that this is a government in disarray. It is clearly in disarray given the number of suspensions and the way legislation is being shoved through this place in this fashion. I suspect we will see the same results as 19 years ago once the people are given a chance to vote.

Motion agreed to.

RACING LEGISLATION AMENDMENT BILL

Second Reading

Debate resumed from 20 October 2006.

Mr GEORGE SOURIS (Upper Hunter) [7.34 p.m.]: The racing industry has long played an important role in New South Wales as an employer, as a direct contributor to the State's economy and as a key part of Australia's rich cultural history. I am pleased today to speak on this bill and how the Coalition sees its proposed effects on the racing industry. The effort and investment required to hold races is significant and ongoing, including the registration of horses and dogs, training, breeding, course maintenance and the countless other aspects of the racing industry that are needed. The self-funding nature of the industry is to be applauded, especially given the high costs it incurs in making race days the success they are. Indeed, I am looking forward to attending Rosehill races on Saturday.

I am pleased to see the Government taking steps, late though they are, to protect the intellectual property of the industry by making those who publish race information contribute to that investment along with everyone else in the industry. We are anticipating, as was the case with the similar Victorian legislation, introduced in May 2005, that on-course bookmakers will be provided an exemption from any additional fees or conditions. I am told by the New South Wales Bookmakers Co-operative that its Victorian counterparts had to fight tooth and nail to be given an exemption. I trust that the Minister will have learned from his Victorian counterparts' experience and forgoes that debacle.

It is estimated there are only 250 active bookmakers in New South Wales but they contribute over $6 million to the racing industry on a State level and over $43 million to the Australian economy overall. Their turnover in New South Wales over the past two years, however, has declined significantly, and I am sure the last thing the Government or the industry wants to do is impose further restrictions on them. Bookmakers contribute to the industry not only in direct economic benefit, but also in the atmosphere they create on the race day itself, something that cannot be measured by a simple formula. Racing New South Wales is continually making efforts to excite interest in racing across New South Wales as a whole, and the on-course bookmakers are for a lot of people an indispensable part of the experience of going to the races. The Coalition wants to be sure that the value these bookmakers provide is not overlooked or undervalued.

Another concern I have with this bill is the way it has left the most important details of these changes hanging out in the ether while we wait for the proposed regulations to be made public. This is a common trait of the Minister's legislative forays, and it does not impress me. I am aware that it is often not feasible to provide specific details—and I am not suggesting the Minister is attempting to hide anything—but I am sure that operators and betting businesses in New South Wales, as well as the NSW Bookmakers Co-operative, would appreciate knowing a little more about what lies ahead of them for the future of their businesses.

I call on the Minister to table the regulations or draft regulations now, or to do so prior to the passage of this legislation through the other place. That is an entirely reasonable request. Otherwise, all we have here is the skeleton of a bill which says, more or less, we want to protect intellectual property in the racing industry and the Minister will spell that out in due course when the regulations are tabled. It is an unsatisfactory way of doing legislative business. Something as vital to this legislation as these regulations ought to have been contemplated and tabled, and the Government should know exactly where it is proposing to go with these regulations.

I ask the Minister in his reply to provide specific details of the regulations, even though the fine print and wording may not be finalised beyond the draft stage. I ask the Minister to address this issue and table the regulations or draft regulations. If that is not possible, I ask him to do so prior to the completion of the legislation. While the Minister is dragging his feet on these regulations, he also seems to have stalled on other vital legislation in his portfolio. We have waited since 2005 for the progress of the Liquor Bill. On top of that, the House is waiting for the well overdue Ken Brown review of the Thoroughbred Racing Act and the legislative amendments that will undoubtedly follow that review.

I raise these additional matters because we are rapidly reaching the conclusion of the legislative program of this Parliament. A review and rewrite of the Liquor Bill occurred a long time ago and the white paper was released nearly a year and a half ago. There has been ample time for consultation and to contemplate the provisions of a new Liquor Bill, to present the bill to Parliament and to have it debated. That process has not taken place. Now we do not have enough time to deal with this complicated bill, and it will fall by the wayside. It is an awful waste of money and resources. The affected stakeholders who made contributions to the white paper are frustrated that there will be no legislative program on this bill.

Not so long ago, months rather than years, the Minister commissioned Ken Brown, a former Director-General of the Department of Gaming and Racing for whom I have considerable respect, to undertake a review of the Thoroughbred Racing Act and, in particular, to contemplate the powers of Racing New South Wales. The Minister must have known when he commissioned the review there was not enough time for the review to come to maturation and for the department, the Minister and all concerned to contemplate any necessary legislative changes, to draft them and to take them through the processes of government and Parliament. With so few days remaining on the legislative program, I believe the Minister must have known that he was going through the pretence of conducting a review and did not have any genuine intention to produce legislation. Regardless of those issues, this legislation will assist the New South Wales racing industry to become more efficient, more productive and ultimately more successful. The Opposition does not oppose the bill. I commend the bill to the House.

Mr GEOFF CORRIGAN (Camden) [7.42 p.m.]: It gives me great pleasure to speak to the Racing Legislation Amendment Bill. The Minister for Gaming and Racing has outlined in great detail the aims and objects of the bill. I will not go through them again. I will also leave it to the Minister to deal with the issues raised by the honourable member for Upper Hunter. In a press release the Premier said that this legislation would:

- Prohibit the publication of race fields without approval from the relevant controlling body (Racing New South Wales, Harness Racing NSW or Greyhound Racing NSW), in consultation with the relevant race club. Such approval would be subject to conditions;
- Allow controlling bodies to set a fee with the approval of the Minister for Gaming and Racing;
- Set criteria which controlling bodies must follow in assessing any application to publish race fields. This criteria would be set by the Government through regulation once the legislation is passed;
- Require controlling bodies to provide written reasons for their decision to approve or reject an application;
- Enable aggrieved applicants to have a decision reviewed by the Minister; and
- Allow the decision of the Minister to be reviewed by the Administrative Decisions Tribunal.

The program outlined by the Premier has been brought to the House by the Minister for Gaming and Racing. The racing industry is an integral part of the Australian culture and character. It has been a recreational pastime for Australians for generations and the industry is of enormous value, employing in excess of 50,000 people in New South Wales alone. Sometimes I feel that only people who are involved in racing realise the enormous number of people the industry employs and the economic wealth it generates. For example, the electorate of the honourable member for Upper Hunter is one of the cradles of racing in New South Wales for thoroughbred

stallions, and greyhound and harness racing provides employment in other areas. I am pleased that the industry will start to receive much-deserved additional financial benefits for providing a product enjoyed by so many.

Many different groups of people devote their working life and contribute greatly to the final racing product. From the start of the racing chain, from breeders, owners, trainers, support staff such as strappers, stable hands and handlers, to professionals such as veterinarians and farriers right through to those who risk their lives in the saddle or the gig, they are doing a job they love and they all play a part in putting together the package we know as racing. For many years wagering operators have been receiving considerable financial gain from this finished racing product. It is just and fair that all those operators will now be required to contribute financially to the industry and assist in helping it to remain viable.

The central provision in the bill is that it is an offence to publish New South Wales race fields unless there is prior approval. In addition, an operator must comply with any conditions attached to such approval. The maximum penalties for unauthorised publication are substantial. For a first offence the penalty for a corporation is $50,000, and for a person $5,000 or 12 months' imprisonment or both. The maximum penalty is double for subsequent offences. The bill provides for a relevant controlling body to give approval to publish race fields. Such approval may be subject to conditions, including the payment of a fee for the right to publish race fields. The relevant controlling bodies are Racing New South Wales, Harness Racing New South Wales and Greyhound Racing New South Wales.

Each controlling body, when considering whether to grant or deny approval to an application, must have regard to: the requirement for consultation with each racing club that conducts a race meeting in respect of the approval sought; the criteria prescribed by regulation which will be available to applicants to assist them with framing their applications and which must be taken into account during the decision making; and, in the case of denying approval or imposing a condition, the obligation to provide written reasons for that decision. The racing industry in New South Wales today across all three codes operates in an extremely difficult commercial environment, competing for the highly contested recreational dollar. The Government has acknowledged this and in recent years has initiated the legislative framework necessary to provide each code with the vehicle to control its own strategic business direction. The Government is assisting the industry in a simple and practical way to contribute to the industry's future viability. This is unambiguously good news for the racing industry.

Many of us who enjoy a flutter on the races take the form guide for granted. We look at the race field in the newspaper, a racing publication or on the Internet, or we check out the fields and form on the walls of our local TAB, club or pub. It is important to understand the work the industry has undertaken and the effort involved in producing the published race field. The racing industry is primarily funded from TAB distributions and race day attendances, including sponsorships. The bill ensures that all wagering operators have an opportunity to contribute to the industry from which they derive an income. A report in the *Daily Telegraph* on 17 October quoted Racing New South Wales Chief Executive Peter V'Landys describing the legislation as "a great day for the New South Wales racing industry and its participants because they will finally be rewarded from people who have been profiting from them". He also said, "The new legislation will ensure tens of millions of dollars will be returned to the New South Wales racing industry." This response has been matched by the other codes. The front page of this week's *Trotguide* describes the legislation as a "Landmark Decision" and states, "Harness racing, combined with the thoroughbred and greyhound codes, could now recoup upwards of $10 million in additional funding each financial year."

Last Saturday night I was fortunate to represent the Minister at the Harness Racing Industry Awards at Darling Harbour. It was a great pleasure for me to see my good friend Paul Fitzpatrick named champion trainer of New South Wales and his wonderful two-year-old, now three-year-old, Lombo Pocket Watch, named champion horse of New South Wales. As it had already been made champion horse of Australia, it would have been an injustice if it did not win the New South Wales award. It was a wonderful night and I congratulate the organisers. It was unfortunate that the Minister could not attend due to another commitment, but it was my pleasure to be there.

It is important to understand that this legislation will capture wagering operators who publish race fields on the Internet. For obvious reasons, these provisions do not capture circumstances where race fields are published in an office sweep or in an authorised manner, such as in a newspaper or a magazine. The bill provides that such circumstances can be exempted by way of regulations. There is no intention to change anything, except for the provision affecting wagering operators that profit from publishing race fields. From now on they will have to pay a fair price to the owners of that information. I do not think anyone objects to that. Similar legislation has been introduced in Victoria and it has been well received.

The object of this bill is consistent with the Government's racing policy, which is designed to encourage the ongoing viability and future economic development of the racing industry and to ensure that lawful gambling is conducted with integrity. The bill has unqualified bipartisan support. The Minister will address the issues raised by the honourable member for Upper Hunter. The racing industry welcomes this practical solution. This policy underlines the Government's commitment and the commitment of successive governments to give all three racing codes—greyhounds, harness, and thoroughbreds—the independence to determine their own business strategy and commercial future. I commend the bill to the House.

Ms NOREEN HAY (Wollongong) [7.53 p.m.]: This bill, which is known as the "race fields legislation", will bring some welcome financial relief to the New South Wales racing industry. It will see the prohibition of the publication of race fields without the prior approval of the relevant controlling authority. Any such approval will require consultation with the relevant race club and will be subject to certain conditions. The controlling body will be allowed to set a fee for their approval, and this will generate millions of dollars that will go straight back to the New South Wales racing industry.

The criteria for approvals will be set by regulation and each controlling body—Racing New South Wales, Harness Racing New South Wales and Greyhound Racing New South Wales—will apply that criteria in deciding whether to approve an application. The controlling bodies will be required to give written reasons for their decision. Any applicant who does not agree with the decision of the controlling body may seek a review from the Minister for Gaming and Racing as to whether the decision is in accordance with the published criteria. The Minister will be able to appoint an independent arbiter to assist him with the review of the decision, and the costs of the independent arbiter will be met by the unsuccessful applicant asking for the review. It is important to note that the decision of the Minister will be reviewable by the Administrative Decisions Tribunal. The bill is carefully worded to ensure that the approval granted by the controlling body is limited to the publication of race fields and does not operate to authorise the holder of the approval to do anything other than publish race fields in accordance with the approval granted.

The legislation is clear. It does not in any way change other important provisions within the Act, such as the need to comply with statutory restrictions on advertising and the dissemination of betting information. The revenue model for the racing industry has traditionally involved using racing as a wagering platform, and income from that wagering has funded the cost of racing. Wagering turnover is often referred to as the "lifeblood" of racing. The compilation of race fields involves considerable effort on the part of the racing industry. Racing animals must be registered and handicapped, and licensed jockeys and harness drivers must be engaged for each race. A race meeting is scheduled on a particular date and individual races are programmed so that each race meeting as a package is attractive and can be promoted to all racing participants—that is, owners and trainers, and the racegoing public.

A regular cost to the industry is in maintaining racecourses to guarantee they are safe; another cost is in ensuring that racing stewards supervise each meeting. These are just some of the costly actions that must be undertaken if a race meeting is to go ahead. Other administrative and procedural matters are provided for in the bill and associated regulations, including the form of applications, the imposition of conditions on approval, the service of documents and the collection of fees. The Government has worked with other States that have adopted similar race field legislation. More importantly, New South Wales has taken advantage of their experience and has produced a carefully worded bill to ensure it is appropriately tailored to satisfy constitutional requirements and the industry's operational needs. The underlying premise is that each application for race fields approval will be handled on identical terms irrespective of the location of the applicant. Along with the bill, the development of the detail of the regulations over the next few months will involve consultation between the racing industry, the controlling body and the Government.

I also note that the bill deals with the repeal of certain provisions of the Thoroughbred Racing Act 1996 and the corresponding provisions in the Greyhound and Harness Racing Administration Act 2004, which were found invalid by the Federal Court. The Federal Court found in the 2003 SportOdds case that the requirements that a New South Wales bookmaker company was to have no involvement in betting activities in other jurisdictions and that the company had to be registered and be present in locations in New South Wales were discriminatory and protectionist.

It is great news that, as a result of this bill, betting operators who use racing as a wagering platform will now have the opportunity to financially support the industry from which they derive income. The obligation to obtain prior approval to publish race fields is directed principally at wagering operators. These are persons who profit from taking wagers on racing events. A wagering operator may publish a race field on their betting board

when fielding at a racecourse, while taking bets over the telephone, or by way of the operator's Internet site—or some similar form of electronic communication. I repeat, this will capture wagering operators who publish race fields on the Internet.

For obvious reasons these provisions do not capture circumstances where race fields are published in an exclusively social setting, such as in an office sweep or in an authorised manner such as in a newspaper or magazine. As I mentioned earlier, any revenue raised through these changes will go straight back into the industry and this will provide a very welcome financial boost to the thoroughbred, harness and greyhound racing industries in New South Wales. The Iemma Government is committed to working with the industry to deliver practical solutions to ensure that racing has a sustainable future. The bill is another example of that commitment. This is a fair outcome and is richly deserved. I congratulate the Minister for Gaming and Racing and the New South Wales Government, and I commend the bill to the House.

Mr GRANT McBRIDE (The Entrance—Minister for Gaming and Racing, and Minister for the Central Coast) [7.58 p.m.], in reply: I thank the honourable members who made a contribution to this debate. In particular, I thank the shadow Minister and honourable member for Upper Hunter, the honourable member for Camden and the honourable member for Wollongong. The shadow Minister raised questions about the regulations. All matters relating to the drafting of the regulations must involve extensive consultation with the industry. He also referred to oncourse bookies. Oncourse bookies pay race day fees to their clubs, and their contribution would be taken into account. The determination of race field fees will be the subject of consultation and all concerns will be heard. Regulations will address application criteria, procedures, and administration of costs and payments. Fees will be determined by the relevant controlling body and approved by the Minister.

With regard to the review being undertaken by Ken Brown, it is 10 years since the enactment of the original legislation and five years since the last review. It was considered appropriate for the Act to be reviewed to ensure that it meets current requirements, and facilitates the future endeavours and initiatives of the racing industry. As the shadow Minister said, Mr Brown was well placed to undertake the review. He has a wealth of knowledge and experience in administration of racing in New South Wales and, very importantly, has the respect and confidence of the many bodies and organisations involved in the industry.

The review advertised for public submissions and formal invitations to make a submission were issued directly to Racing New South Wales, the Australian Jockey Club, the Sydney Turf Club and the various representative bodies within the industry. Mr Brown has recently completed a review and I am considering the findings. The review report will be made public in the near future. Obviously the consultative process with regard to the bill is a top priority. The recommendations will be issued as a draft, the industry will be consulted and will have an opportunity to reply to the review recommendations. Following that, we will issue the final recommendations with regard to the Government's position.

The Racing Legislation Amendment Bill deals with two matters. The first is to provide in the Racing Administration Act 1998 that it is an offence to publish New South Wales race fields unless they have been first authorised by the relevant controlling body of racing. The second is to amend the proprietary company bookmaker provisions in the Thoroughbred Racing Act 1996 and the Greyhound and Harness Racing Administration Act 2004 to the extent that such provisions were found by the Federal Court to be invalid. The main purpose of the race fields proposal is to address the issue of wagering operators "free-riding" on New South Wales racing events. Some wagering operators do not contribute to the cost of staging racing events but they use them as a platform for their gambling services, from which they profit. The central provision is that it is an offence to publish New South Wales race fields unless there is prior approval from the industry or a failure to comply with any relevant conditions attached to an approval as set by the industry.

The bill provides for a relevant controlling body to give approval to publish race fields. Such approval may be subject to conditions, including the payment of a fee for the right to publish race fields. The object of the bill is consistent with the Government's racing policy, which is to encourage the ongoing viability and future economic development of the racing industry and to ensure that lawful gambling is conducted with integrity. The principal source of funding for the industry comes from the distribution of TAB revenues from race day operations and from sponsorship. The industry is, in effect, self-funding, and racing people are justifiably proud and independent. Accordingly, they have sought, and have been granted by successive governments, the right to manage their own strategic commercial direction and business development.

The Iemma Government is committed to working with the industry to deliver practical solutions to ensure that racing has a sustainable future. The bill is another example of this commitment. The obligation to

obtain prior approval to publish race fields is directed principally at wagering operators. These are persons who profit from taking wagers on racing events. To not contribute is what economists call "free-riding", that is, the use of intellectual property to make a profit without paying the owner a fair price. A wagering operator may publish a race field on their betting board when fielding at a race course, while taking bets over the telephone, or by way of the operator's Internet site, or a similar form of electronic communication. This will capture wagering operators who publish race fields on the Internet. It is also very important to understand that, for obvious reasons, these provisions do not capture circumstances where race fields are published in an exclusively social setting, such as in an office sweep or in an authorised manner such as in a newspaper or magazine.

The bill provides that such circumstances can be exempted by way of regulations. There is no intention to change the status quo, except for wagering operators that profit from publishing race fields. From now on they will have to pay a fair price to the owners of that information. The imposition of a fee is appropriate compensation for the use of the racing industry's race fields information. All revenue raised through those wanting to use New South Wales race fields would go straight back to the industry. According to estimates from similar arrangements made elsewhere and advice I have received, the New South Wales racing industry may be able to obtain several million dollars of revenue from this source. This is entirely appropriate and justified because the compilation of race fields information involves considerable cost and effort on the part of the racing industry.

A number of State governments have introduced, or are in the process of introducing, legislation that prohibits the publishing of race fields without prior approval from the racing industry. That approval may also be subject to a fee. The proposal has been carefully developed with legal advice to take account of constitutional requirements. We have also closely consulted the industry regarding its operational needs. The underlying premise is that each application for race fields approval will be handled on identical terms, irrespective of the location of the applicant. The detail of the regulations will be developed, as was the bill, in consultation with the racing industry, the regulator and the Government's legal advisers. The regulations will be developed over the next few months in consultation with the industry. The race fields provisions are an appropriate and lawful way of ensuring that the racing industry secures a reward for its intellectual property and that those who are "free-riding" on the industry are required to pay their way. After thoroughly considering all issues relating to race fields the Government is confident that this legislation will provide a welcome boost to racing in New South Wales. 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 Grant McBride agreed to:

That the House at its rising this day do adjourn until Thursday 26 October 2006 at 10.00 a.m.

NATIONAL PARK ESTATE (LOWER HUNTER REGION RESERVATIONS) BILL

Second Reading

Debate resumed from 17 October 2006.

Mr MICHAEL RICHARDSON (The Hills) [8.05 p.m.]: I lead for the Opposition on the National Park Estate (Lower Hunter Region Reservations) Bill and indicate at the outset that we will not oppose it. Indeed, on 24 June 2004 I issued a press release supporting the Lower Hunter biodiversity corridor. The corridor is integral to the Lower Hunter Regional Strategy, and defines what land can and cannot be developed. I advanced such a principle in a paper I wrote entitled "Community Ties: Sustainable Community Development in NSW in the 21st Century", which was published at the beginning of 2001. In that paper I wrote:

> The first step is to determine which land in the Sydney Basin should not be developed. Designation of a Green Zone will provide a degree of certainty for existing communities, greater surety for land owners and developers, improved environmental outcomes, and the continuation of agricultural production in the Sydney area. The process should involve local councils and residents as well as Government agencies, including the Department of Urban Affairs and Planning, State Forests and the NPWS.

What seems to have happened here is absolutely consistent with the principle I outlined more than five years ago. What is incorporated into the bill has been the vision of many people in the Hunter. Not only does the bill

create a green corridor of around 14,600 hectares, it also reserves other lands as national parks, forestry, flora reserves and State conservation areas. The bill transfers to the National Parks and Wildlife Service 8,300 hectares of State forest, 1,100 hectares of Crown land, 4,500 hectares of land managed by the Hunter Water Corporation, 1,500 hectares of land managed by the Regional Land Management Corporation, and 1,000 hectares of land managed by the Hunter's Central Rivers Catchment Management Authority. The bill creates 4,900 hectares of national park and 13,200 hectares of State conservation area, as well as reclassifying 2,900 hectares of State forest as flora reserve.

I thank the Minister's adviser, Ted Plummer, for his assistance with this legislation. The package, as it has been outlined to me, includes a memorandum of understanding with three major landowners in the area—Coal and Allied, Hardie Holdings and Rosecorp. Coal and Allied, which is a subsidiary of Rio Tinto, has two significant parcels of land, at Catherine Hill Bay and north-east of Mount Sugarloaf, totalling 3,600 hectares. Under the memorandum of understanding around 80 per cent of this would go to the public, and Coal and Allied would retain the rest, including 50 hectares of prime land at Catherine Hill Bay. Next to that is land owned by Breakfast Point developer Rosecorp, which, under the proposal, would get to develop 70 hectares, and significantly more than that would go into the new conservation reserves on the Wallarah Peninsula.

Hardie Holdings' deal with the Government is considerably more controversial. Indeed, Hardie Holdings is reputed to have been the developer for whom the biobanking scheme was created. I understand that the Government's memorandum of understanding with Hardie Holdings includes the controversial Sweetwater development near Branxton, which has been renamed Huntlee. If the deal holds, Hardie will get 7,200 residential lots plus 160 hectares of commercial and employment land and 300 rural-residential lots. The Government is proud of the fact that Hardie Holdings asked for 28,000 dwellings and got only 7,200, which the Government says was a good outcome for conservation.

However, it would have been possible, of course, for the company to have got nothing, had it not been for the skills of its lobbyist, Graham Richardson—no relation to me, I might add—who clearly still holds significant sway with the Labor Party. It was a smart move on behalf of Hardie Holdings to employ the Premier's mentor, the man who made Morris Iemma what he is today. Hardie had to get a good deal: it was never going to be able to develop Ellalong Lagoon, 50 kilometres away, which I understand is part of the memorandum of understanding and has just been listed as a endangered ecological community by the New South Wales Scientific Committee.

On this occasion, unlike so many other similar bills that have been brought before this House, the Government has bent over backwards not to upset vested or business interests. In this case those interests include developers, the coal industry, the forestry industry, small-scale private landholders and the Hunter Water Corporation. In Coalition electorates the Government would have thumbed its nose at most of those vested interests: here it seems to have gone out of its way to accommodate them. Anywhere there are coalmines, or could be coalmines in the future, the land is to be dedicated as a State conservation area [SCA]. The National Parks and Wildlife Act allows mining and mining exploration in or under State conservation areas.

The Minister said the bill was drafted in such a way as to ensure that "current and future underground mining activities and associated surface activities, including the construction of facilities, associated clearing or vegetation and land subsidence, are permissible". As always with this Government, the devil is in the detail. The regulations relating to mining or prospecting in State conservation areas are very tough. There are some 22 pages of closely typed rules relating to exploration alone. The Minerals Council is concerned about this issue. It sent me an email stating:

> It is critical that a review of the operation of SCAs across NSW is undertaken and that a Management Plan is developed by DEC in consultation with the Minister for Mineral Resources and the minerals industry. This is needed to ensure that SCA's are operating effectively and that essential surface works and other facilities are allowed and are consistent with the intention of SCA's as stated in the National Parks and Wildlife Act.

I raise that as a matter of concern to the mining industry. The Minister said also in his second reading speech that he recognises and accepts that some level of subsidence will occur. That is of very considerable concern to a large number of people. I would have thought that a significant level of subsidence would have been incompatible with a conservation area. Perhaps the Minister could address that issue in his reply.

The Government has ensured also that only unproductive forest is put into new national parks, which is a real contrast to past practice, so that it does not take any significant volume of timber away from local timber mills. But it is worth noting that for years Forests NSW has been carting logs from the Hunter to meet

contractual commitments to timber mills, with a subsidy paid by the taxpayer, which is scarcely an efficient use of taxpayers' funds. There are three mills in the Hunter region—Cessnock, Stroud and Bulahdelah—that are struggling to find adequate resource. Shortly they will have to start bringing logs south from northern New South Wales to keep going. Without a similar subsidy, that is clearly uneconomic. It seems a bizarre way to run an industry—to pay a subsidy to send logs north and then to pay a subsidy to bring logs south. Perhaps the Minister could explain how that improves the economic efficiency of the industry in New South Wales.

Some 4,500 hectares of land are being transferred from the Hunter Water Corporation, including the Tomago sand beds, which is an important ground water reserve for the people of Newcastle. Item [11] of schedule 8 to the bill specifically provides for the Hunter Water Corporation and the National Parks and Wildlife Service to jointly prepare and approve plans of management for this land. Item [13] of schedule 8 provides for the Hunter Water Corporation to install or maintain infrastructure for extracting this ground water, and the same applies in relation to sewage pipes. That is an important provision, particularly as Newcastle is scheduled to grow in the future.

The bill is designed to underpin the Hunter Regional Strategy and we on this side of the House certainly believe that there is a significant opportunity for Newcastle, and the Hunter in general, to grow in the future. Given the natural constraints to growth in the Sydney Basin, it may prove to be the only way that New South Wales can accommodate the population increase in the future. Access roads and trails already in use will be excluded from reserves. They will be vested in the Minister and allowed to continue to be used for access into the future. Freehold land and land subject to a perpetual lease, special lease, term lease or lease under the Forestry Act are also protected, and existing uses will continue. Again, that is a change from past practice when we know many access roads have been closed off in similar circumstances and landowners have been disadvantaged as a consequence.

The bill also protects any Aboriginal land claims that may have been made before 25 September 2006 under the Aboriginal Land Rights Act. What the bill does not do is guarantee adequate resources to manage the new national parks. In his second reading speech the Minister said that the Government will invest $12.55 million over the next four years to establish and properly maintain the new reserves. Much of the land that is being transferred from State Forests is degraded and of low conservation value. The question is: Will this money be enough, given that a lot of it is going to be used on new park infrastructure to restore this land to its natural state?

Last year's "State of the Parks" report clearly showed that the New South Wales National Parks and Wildlife Service is overstretched, undermanned and underresourced. According to the report, only 45 per cent of the New South Wales national park system has weed programs that are reducing weed impacts, only half the park system has programs to counter pest animals, only 40 per cent of the park system meets important fire management objectives for the maintenance of ecological and cultural heritage, programs to manage visitor impacts on park values are working well in only 53 per cent of parks, and the condition of European heritage items is considered to be generally good in only 52 per cent of cases.

The Government's current fire management practices are a disaster, as was shown by the Canberra bushfires. Current fire suppression practices allow fuel to build up, denying seeds the chance to germinate and grow, all too often leading to devastating wildfires that can destroy whole ecological communities as well as life and property. Park neighbours constantly complain about weeds and feral animals escaping from the parks into their properties. Therefore, it is important that these new parks be adequately resourced and looked after into the future. That is the way to build relationships with the park neighbours and that is the way for the people of the Hunter to embrace these new reserves.

Two years ago I accompanied Newcastle City councillor Michael Osborne and a number of other people, including the Hon. Robyn Parker, local fisherman Dennis Hirst, and Anissa Lawrence and Monica Needham from Oceanwatch, on a tour of the Lower Hunter River, particularly Hexham Swamp and the Tomago wetlands. It was a useful trip. On that occasion, Councillor Osborne strongly promoted the concept of the corridor. I commend the work that has been done by him and other members of the coalition of green groups on this issue. As I understand it, the corridor was to have included all of Hexham Swamp and the Tomago wetlands, yet the maps accompanying the bill show that in the area east of the embankment in Hexham Swamp, between the embankment and the railway line, wetlands are not included. That land was included in the draft regional conservation plan and I understand it has been acquired by the Government, so I cannot understand why that parcel of land should have been excluded. The Tomago wetlands, which I understand have also been

acquired by the Government, are next to Kooragang Island, which will be a new national park. They should certainly have been considered for inclusion in that national park.

The other parcel of land that nothing has been done about is adjacent to Hexham Swamp. It is known as Smithy's land. Hexham Swamp itself is 3,200 hectares of freshwater and estuarine wetlands. It is Ramsar listed and it equals 45 per cent of waterfowl habitat in the Hunter. It is mainly in the catchment of Ironbark Creek, which is the largest tidal creek in the Hunter River estuary. The floodgates on Ironbark Creek were closed in 1970-71. That meant that tidal flow into the swamp ceased, which resulted in the lowering of the water table, restriction of salt water entering the swamp, a significant reduction of tidal flushing, the restriction of fish and other marine animals moving from the river to the swamp, and a debris passage being blocked.

Since that time cattle and horse grazing has expanded and large areas of mangrove and saltmarsh have been replaced by grass and reeds—and I have seen that for myself—reducing the ability of the swamp to act as a nursery for fish and prawns. The number of water birds has reduced markedly and there has been significant oxidation of acid sulphate soils. Some saltmarsh plants have returned to the swamp because one of the gates has been partially open, as a result of an act of God, since the mid 1990s. That shows how quickly the swamp could recover if flow were restored to it. Former Premier Bob Carr, when he was Minister for the Environment—almost 20 years ago now—said that the floodgates should have been opened in 1988. Of course, that has not happened. The Government has been in power now for 12 years. There have been 12 years of excuses and the floodgates still have not been fully opened.

I mentioned Smithy's land, which is 40 hectares in size on the Maitland Road at Hexham. It is part of the swamp adjacent to the area that will be reserved. For more than 20 years it has been used as a dumping ground for all sorts of debris. It is estimated that there are 500,000 tyres on this land plus thousands of tonnes of fill, concrete, wheat hopper filters, corrugated iron and an old bus that Smithy once used illegally to transport schoolchildren in. I believe he did not have a licence to drive a bus at that time. He even built an airstrip on this land with a windsock. Some people may sympathise with Mr Smith, who lived elsewhere on a pension but who for a long time lived in a makeshift home at Hexham, but I, frankly, do not. Many people believe that he dumped this material on the land so that it could be reclassified as industrial and he could make a small fortune out of it. Others suggest that so far as he was concerned the more environmental damage, the better.

It is not as though the Government was not aware of this. It had 12 long years to deal with it. Some six years ago the then Chairman of the Environment Protection Authority, David Harley, wrote to the Minister for the Environment about the swamp, warning about the potential impact of Smith's land and the deterioration of the tyres, in particular, on the water, but nothing happened. One might think that the courts had not ruled on this matter or that the Government has not taken action. In fact, in 1987 the Land and Environment Court ordered Smith to remove his sheds, his windsock and so on, ordering that that if he did not do his land would be forfeited. That is fairly straightforward. That was the court order 19 years ago: If Mr Smith did not remediate the land and get rid of the rubbish on it, the land was to be forfeited. That has not happened.

Not only did Ron Smith ignore the court order, he continued to allow trucks to access the property to dump fill. The last time I drove through Hexham about a month ago the windsock was still there. Tipping is still occurring on the land, so he is still thumbing his nose at the authorities, the Government, the courts and council. On a single day in 1998 I understand that some 70 truckloads of material were dumped on the site. Earlier this year two truckloads of wooden pallets, green waste and airconditioning ducts were dumped on the land, yet the Government is still sitting on its hands. The tyres are starting to break down and pollute the water, and I have seen that for myself. That is happening right next to the area that the Government will include in these new reserves.

Several months ago the Minister for Local Government refused to stop the dumping. I understand that within the past couple of months the Department of Environment and Conservation visited the site but declined to take any action. The Government claims to be spending $18 million to combat the problem of illegal dumping. Last year the Minister promised to support regional illegal dumping squads in partnership with local government and to expand the operational teams of the Department of Environment and Conservation in the Hunter as part of the Government's city and country restoration program. Members of the Labor Party have known about this issue for more than 20 years, certainly for the 12 years that they have been in office.

The Government has been keenly aware of the problem because it has been brought to its attention by conservationists, its own department and by the former chairman of the Environment Protection Authority, yet nothing has been done. One cannot believe that the Government is fair dinkum about supporting reasonable

illegal dumping squads and expanding the operational teams in the Hunter if it is not prepared to take action about this parcel of land. The Government needs to get serious about this problem. It is an important part of protecting the Ramsar wetlands, because 45 per cent of the waterbirds in the Hunter have their habitat in this area. The Coalition does not oppose the bill. We support development in the Hunter with proper environmental safeguards. We hope that the Government's regional strategy will provide those safeguards. I ask the Minister to address the matters I have raised, because that will improve the situation for the 250,000 to 300,000 people who will benefit from the creation of these reserves.

Mr JOHN BARTLETT (Port Stephens) [8.25 p.m.]: It gives me great pleasure to speak in support of the National Park Estate (Lower Hunter Region Reservations) Bill. The objects of the bill are to transfer certain lands to the national park estate and to amend the National Parks and Wildlife Act 1974 in relation to special areas under the Hunter Water Act 1991. This is a great bill for the Hunter and for Port Stephens. I know that most of the Hunter task force members will speak on this bill as it affects many of their electorates. I thank the members of the task force, of which I am one, for the eight years that we worked as a team to achieve these goals. They include John Price, the honourable member for Maitland; John Mills, the honourable member for Wallsend; Bryce Gaudry, the honourable member for Newcastle; Milton Orkopoulos, the Minister for Aboriginal Affairs; Jeff Hunter, the honourable member for Lake Macquarie; Kerry Hickey, the Minister for Local Government; and, recently in the last term, Matthew Morris, the honourable member for Charlestown.

For eight years we worked as a team to try to get a green corridor from the Watagan Mountains through to Port Stephens. The bill puts the structure in place to achieve that. The green corridor goes from the Watagan Mountains through the electorates I have mentioned, across what was formerly the Hexham Swamp and the Kooragang wetlands into Port Stephens. Members of the task force support the Hunter Estuary National Park, which is situated mostly within my electorate and I am delighted that it has finally come to fruition. The team is leaving an environmental and conservation legacy that will never be matched in the Hunter again. The team worked through many frustrations and setbacks, but at the end of the day we delivered for future generations in the Hunter.

I thank Bob Debus, the Minister for the Environment, and his staff and Frank Sartor, the Minister for Planning, and his staff for this great outcome. The bill cements the transfer of lands to national parks and State recreation areas. The budget allocations, one of the reasons for previous delays, have been made. Indeed, $12.5 million has been allocated over the next four years to put the necessary infrastructure in place. The Hunter now has an environmental structure around which other decisions can be made, with 20,000 hectares of public lands being transferred to national park and conservation zones. To that can be added areas not included in the bill such as the 12,000 hectares from private landowners, 100,000 hectares of the Port Stephens Marine Park, which is in the pipeline, and 4,000 hectares of Stockton Bight national parks and reserves.

The State Government will be leaving a green-blue belt legacy that stretches from the Watagan Mountains, across the Hunter River, through the new Hunter Estuary National Park, across Stockton Bight, through Tomaree National Park, jumping the port of Port Stephens and then into Myall Lakes National Park. That green belt has been put in around existing development that has taken place over the past couple of hundred years. It is a magnificent achievement by the Iemma Labor Government. Other members will talk about their electorates, so I shall speak specifically about the achievements in the Port Stephens electorate.

We have been trying to achieve the Hunter Estuary National Park for a long time. Kooragang, Ash Island and Hexham Swamp will become part of that national park. It is a great result. However, I should like to suggest a slight name change. I would like the word "wetlands" included in the name of the national park for the following reasons. Newcastle City Council and Port Stephens Council, of which I was the mayor, have a sister-city wetlands agreement with the city of Kushiro in Hokkaido, Japan. That agreement has been in place for some 10 years. The Kushiro International Wetlands comprise some 20,000 hectares on the east coast of Hokkaido. One important reason for creating the Hunter Estuary National Park is what has been achieved at Kushiro International Wetlands. Kushiro, which has a population of about 200,000, receives three million visitors a year to view the wetlands and the bird life in the wetlands. That shows the potential for jobs creation and visitation that is possible.

We have the Thames estuary and the Nile estuary. They are geographic locations. I think the word "wetlands" is more emotive and indicative of what is occurring on the site than the word "estuary". Using the word "wetlands" would fit better with the work done by Newcastle City Council and Port Stephens Council on developing the sister-city wetlands agreement with Kushiro. These wetlands will be part of the Chinese and Japanese flyway. Every year the Latham snipe flies 9,000 kilometres from the Kushiro wetlands to the Hunter

wetlands, which will be an important part of the Hunter Estuary National Park. The Ramsar sites in this area are designed to ensure that the bird has a habitat when it arrives from Japan or China, and likewise when it returns to Kushiro. A friend who is interested in bird life once told me that the Tomaree and Tilligerry peninsulas have 270 bird species as residents or visitors every year. To put that in perspective, Kakadu National Park has about 240 resident and visitor bird species a year.

As I said, an estuary is a geographic location; the word "wetlands" is more descriptive and fits in with what we have already established. Either way, I welcome the additions to the national park estate. In terms of other areas in Port Stephens, 141 hectares will be added to Tilligerry National Park, some 4,500 hectares will be added to the Tilligerry State Conservation Area, 139 hectares will be added to the Karuah Nature Reserve and about 45 hectares will be added to Tomaree National Park. The green corridor for which the Hunter task force worked so hard will finally be created. We are proud of the fact that the green corridor will go from Myall Lakes all the way through Port Stephens and across the Hunter to the Watagans. This bill amends the Hunter Water Act and the National Parks and Wildlife Act.

Where does rain fall these days? Everyone says that it falls on the coast. The amendments to the National Parks and Wildlife Act 1974 and the Hunter Water Act 1991 provide for the harvesting of water in the sand beds on the Tomago, Tilligerry and Tomaree peninsulas. It has been calculated that millions of litres of water escape from the sand beds at One Mile Beach at low tide due to the pressure of water in the sand beds. If one puts down a spear point, which is a pipe with gauze at the bottom, one can pump water nearly all day, depending on the diameter of the pipe. When I put down my spear point in the early 1970s I hit water at seven feet. I placed the bottom of the spear some 30 feet below the surface, thus I have 23 feet of water-bearing sand above the spear, out to half a kilometre to my neighbour's spear point.

Hunter Water has used, and will use, many of the sand beds in these national parks and nature reserves. The arrangement will allow Hunter Water to own all the works on land within special areas—that is, land for water supply purposes. The sand beds where rain now falls on the coast are an important part of the water supply needs of not only Port Stephens and the Hunter but also the Central Coast, with the new pipeline being built. Until three years ago the water supply for some 20,000 people came from sand beds adjacent to the Tomaree peninsula. Due to the need to protect the sand beds in drought—that is, stop salt seawater from entering the beds—$10 million has been spent on providing a pipeline from the Tomago sand beds to the Tomaree peninsula.

Much of the easily obtained future water supply needs of the Hunter and the Central Coast will come from the sand beds in Port Stephens. I am pleased that the lands become national parks, recreation reserves and conservation areas, with the specific needs of future water supply assured. In conclusion, I again thank the members of the Hunter task force, to whom I referred earlier. I thank the Minister for the Environment and the Minister for Planning for the great job they have done in putting this plan together and making the dream a reality. For years the members of the Hunter task force were frustrated by budgetary measures and people not listening to what we wanted. It is a great achievement that the members representing Hunter electorates came together and focussed on putting this green corridor in place.

This environmental and conservation legacy for the people of the Hunter will never be beaten by any other people in the future. Port Stephens will be strengthened by the creation of the Port Stephens Marine Park, the Myall Lakes Marine Park and the Stockton Bight National Park, and conservation of the wetlands means that the future of tourism is assured. Ecotourism is an ever-growing part of tourism, as dolphin and whale watching in the Port Stephens area shows. This bill will allow for the orderly planning of future Hunter commercial, industrial and residential growth around the environmental needs of the area for future generations.

Mr BRYCE GAUDRY (Newcastle—Parliamentary Secretary) [8.37 p.m.]: I am delighted to follow the honourable member for Port Stephens in this critical debate about the Labor Government's contribution to the development of conservation areas across the Hunter Valley. I pay tribute to the former Premier, Bob Carr, who made an enormous contribution to the development of conservation lands across New South Wales, and to the Minister for the Environment and the Government for continuing that. In particular, I pay tribute to my colleagues representing other Hunter electorates—they are also members of the Hunter task force—for their decade-long fight to ensure the preservation of environmental corridors in the Hunter.

Last week, on 17 October, the Premier, the Minister for Planning and the Minister for the Environment stood on Mount Sugarloaf and looked across the Hunter environment when they declared the outcomes of the lower Hunter regional strategy and the environmental strategy for the area. I am disappointed that the Hunter

members were not there with them. If it were not for the parliamentary sittings we could have pointed out to them those areas where for more than a decade Hunter members had been intimately involved in conservation fights, in company with community groups. It is important to pay tribute to all those groups this evening. I mention first the honourable member for Port Stephens and the Tomaree National Park, and Darrell Dawson and all the members of Eco Hunter who would have campaigned for that parkland.

Stockton Bight is still not a national park or a conservation area despite the promise of the then shadow Minister, Pam Allen, in 1994 that in the first year of our government we would have a national park on the bight. In the intervening period, from l994 until now, there has been a tremendous effort on the part of government to deal with the complex issues of the bight—it is a mining area, an area subject to land claims in 1996 and since and a native title claim. There have been ongoing negotiations with the Aboriginal people to determine a hand-back arrangement. When that area comes into government ownership and environmental control, it will complete a ring of national parks and conservation areas around the Hunter that will give the same feeling to the citizens of Newcastle as the people of Sydney feel being surrounded by the Blue Mountains National Park, the Dharug National Park, through to Ku-ring-gai—a recreation area and an environmental resource for the people of Sydney.

In the Hunter, with the help of the Labor Government, we are now putting in place a circle of national parks and reserves for the expanded future population of the Hunter. It will be an amazing natural environmental resource. I acknowledge the input of the members of the Hunter Task Force. As I said, the honourable member for Port Stephens' involvement was in the Tomaree National Park, and he was involved with me in the advocacy and ongoing negotiations for the Stockton Bight park—the regional park or State recreation area—which will be a magnificent resource for the people of the Hunter, a resource for the Worimi in both cultural and economic outcomes, and a great resource for the future of the area. On 28 March 2001 I said in this House:

> If you stand on the lawn of the Christ Church Cathedral overlooking Newcastle harbour, your eye is immediately drawn to the great arc of the Stockton Bight sand dunes stretching north from Fern Bay past the wreck of the *Sygna*, past Williamtown Airport, all the way to Birubi Point. This 30-kilometre sweep of massive, ever-moving sand dunes is backed by woodlands of blackbutt, banksia and angophera in the hills and hollows of the stabilised dunes of a former climatic era. It has long been recognised as a very special place, a rich habitat for coastal flora and fauna, and an environmental corridor linking coastal, wetland and inland species.

That is what we have there: a linkage between the coastal dunes, the wetlands, up to the Watagan Mountains and beyond. The honourable member for Wallsend, the honourable member for Maitland, the honourable member Port Stephens, the honourable member for Cessnock and I ensured the advocacy to government that that was an area of special environment and biodiversity. We did not do that alone, of course; we were very much involved with the Green Corridor Coalition. The supporting groups in that area were the Nature Conservation Council, the Australian Conservation Federation, the Total Environment Centre, the Native Animal Trust Fund, the Forest Activists Network, the ECOEDGE network and the Newcastle Trades Hall Council. More and more environmental groups are recognising the fact that that section between the coast and the highlands—if I call Mount Sugarloaf the highlands—is a very special environmental area.

I refer to the honourable member for Lake Macquarie and the work he did to ensure a Lake Macquarie State Park around Lake Macquarie. He advocated to the Government that Lake Macquarie was an area requiring environmental protection. The honourable member for Swansea, the honourable member for Charlestown and the former member for Charlestown advocated for the Belmont wetlands. That is an important ecosystem between Lake Macquarie and the coast, a pristine and despoiled area. It can be made a special place for current and future generations.

From there we move into the Awabakal Nature Reserve and the great Glenrock State Recreation Area. The former member for Charlestown, the Hon. Richard Face, the current member for Charlestown, Mr Matthew Morris**,** a whole range of community groups and I advocated from the mid 1980s that this area was a fantastic ecosystem to be brought into the national estate and be part of an important outdoor area for recreation, for conservation and for protection of biodiversity and species. I refer again to the statement I made in the House on 28 March 2001 in relation to the Stockton Bight. I said:

> As early as 1968 the Flora and Fauna Protection Society sought to have the Crown land on Stockton Bight dedicated as a nature reserve. Calls were also made by the National Trust in 1972 in its "Hunter 2000" document and by the National Parks Association in 1976. During the 1980s and 1990s increased pressure for sandmining and urban development proposals at the southern end of the bight triggered broad community interest in the Stockton Bight and opposition to the potential loss of its unique environmental values on the margins of our city. Similar pressure had underpinned the campaign to create the Glenrock State Recreation Area south of Newcastle in 1984—another area protected by the State Labor Government. Stockton Bight contains the largest unvegetated coastal dunes in the State which are moving inland at an average rate of 4.1 metres per year.

This area was recognised as environmentally important in the 1960s and through the 1980s. Community groups became increasingly involved; they understood the environmental values of the area. Those values were recognised by the State Government, particularly by former Premier Bob Carr and the former Minister for the Environment, Pam Allan, who announced that a Labor Government would create the Stockton Bight National Park in its first year of office. I am the first to say that the issues surrounding the creation of the park involved a range of practical and cultural matters relating to the rights of Aboriginal people. [*Extension of time agreed to.*]

The Government has respected the rights of Aboriginal people in the creation of a park at Stockton Bight. As a result of an ongoing campaign that occurred over a period of 30 to 40 years by the community, Labor Party members and their representatives in Parliament—from the Hon. Richard Face onwards—we now have a determination to create a circle of environmental protection around the Hunter. The Lower Hunter Regional Strategy protects the environment, whilst at the same time allowing for 160,000 extra people, 115,000 new homes and 66,000 new jobs in the Hunter. The 25-year plan recognises the development of six regional centres and one regional city. Newcastle is recognised as the focal regional city and one of six regional centres in the area.

During that period of time a significant environmental review was undertaken to determine the environmental values of the lower Hunter. We have worked towards a logical outcome to determine the areas for industry and residential development with a 50:50 split between development in new areas and redevelopment in existing urban areas. That difficult process involved the Minister for the Environment, the Minister for Planning and the Minister for Natural Resources. Throughout the process we dealt with many issues of concern. For the past decade I participated as a Government member in the development of the coastal policy and the comprehensive coastal assessment. With the coastal councils of New South Wales being subsumed into the new positive structure of catchment management authorities, we went from a position of logical development to one of compromise, and that compromise created some pain.

For example, the development in the Catherine Hill Bay area has been a matter of concern to the local community. As a result of a potential 900-lot housing development, the communities in the old mining area of Catherine Hill Bay and Middle Camp sought trade-offs that involved the maintenance of an environmental buffer between the local government areas of Wyong and Lake Macquarie. The trade-offs are positive ones. I am concerned that we adhere to a heritage listing of the Catherine Hill Bay and Middle Camp communities, that we retain a barrier between Catherine Hill Bay and Middle Camp and the developments by Coal and Allied and Rosecorp, that we protect the coastal corridor for public access in both areas, and that we ensure the developments are sympathetic to the maintenance of environmental values in the Catherine Hill Bay-Middle Camp area.

I have followed the process from the time the land was transferred to Rosecorp. The development of the area is a potential windfall for the company. I am concerned about the critical nature of the Hunter wetlands—which we used to call swamp—and the preservation of their environmental values, the development of the Dan land, and the protection afforded by the linkage between the wetlands and the highlands of the Sugarloaf mountain range. We must ensure that critical environmental protections are placed on any development in the area, such as the preservation of water quality of the wetland areas, particularly those that will not be impacted on by the opening of the flood gates at Iron bark Creek. Following concerns being raised about a development that will occur in Branxton, west of Newcastle, a trade-off has been made in relation to the environmental aspects of the area to preserve a large amount of lower Hunter vegetation.

The delivery by the Government, acting with the private sector, of an environmental protection area across the lower Hunter is unprecedented. It is a great win for the environment and allows for potential development. I commend my colleagues for their hard work and advocacy. The Government has recognised the importance of maintaining an environmental corridor across the wetlands into the Watagans and the Central Coast. It will be a great asset for future generations.

Mr JOHN MILLS (Wallsend) [8.57 p.m.]: It is a very happy member for Wallsend who supports the National Park Estate (Lower Hunter Region Reservations) Bill tonight. The release last week of the draft Lower Hunter Regional Conservation Plan, together with the final Lower Hunter Regional Strategy, was the realisation of a vision for conservation in the Hunter. For those of us living in the area between the coalfields and the sea, this has been a big win for us and for conservation. In the aftermath of the release, the delivery of this successful conservation strategy was not noticed in all the noise about housing and industrial development by the media, business and many environmental groups. I will spend the next few months making sure that the voters of Wallsend and surrounding electorates in the lower Hunter appreciate the significance of the strategy. In

February 2003 I made representations on behalf of the Hunter Wetlands Centre to the Minister for the Environment. I raised with him the Hunter Wetlands Centre concept and vision—the Hunter Wetlands Conservation Park.

I made representations on behalf The Wetlands Centre seeking to develop the Hunter Wetlands conservation park concept into a reality and expressed my strong and enthusiastic support. The concept was developed over a number of years and had been broadened because of ongoing discussions between various agencies such as the National Parks and Wildlife Service [NPWS], the Premier's Department, the Department of Infrastructure, Planning and Natural Resources [DIPNR] and, to some extent, the Department of Land and Water Conservation, as it was then, and the Hunter Water Corporation. The vision was a conservation zone embracing the significant internationally recognised wetlands of the Hunter estuary. That concept captured the public's imagination. The role envisaged for The Wetlands Centre was as a gateway to the proposed Hunter wetlands conservation park. The centre wishes to retain its community base, and I continue to support that desire. The NPWS responded in April 2003, stating:

> The National Parks & Wildlife Service (NPWS) supports the Hunter Conservation Reserve proposal on the possible future management of public lands in the Lower Hunter estuary for conservation purposes. In particular, it seems appropriate to draw together existing conservation preserves with other areas of high habitat value and areas with strong community conservation projects such as The Wetland Centre, the Kooragang Wetland Rehabilitation Project and the Hexham Swamp project.
>
> However, resolution of decisions and any financial commitment is dependent on the outcomes of the Newcastle Port Masterplan process.

That developed beyond the port to the Thornton-Killingworth subregional strategy as planning concepts and ideas improved to what we now know as the "Lower Hunter Regional Strategy", developed by DIPNR. Some three and a half years ago the NPWS said that the conservation plan was dependent on integration with the planning process. NPWS went on to state:

> The NPWS will continue to work closely with The Wetland Centre Australia, and is keen to ensure the depth of experience in wetland restoration, volunteer management and community education is maintained in any future Hunter estuary reserve system.

The Wetlands Centre Australia has outlined its vision as follows:

> The Lower Hunter features a rich assembly of wetlands, each with their own unique environmental features and attractions and all within close proximity. The Hunter Wetlands Conservation Park would encompass both currently gazetted lands and wetland areas not yet gazetted as part of the National Parks estate which need to be managed in accord with the principles set out in the National Parks legislation. This could include a mix of Nature Reserves and Regional Parks, bringing under one umbrella areas of Hexham Swamp not currently under reserve, Shortland Wetlands, Ash Island and other areas with already gazetted lands such as Hexham and Kooragang Nature Reserves, Stockton Bight National Park and Blue Gum Hills Regional Park.

Honourable members will note the spreading vision that the Minister well understands. The Wetland Centre continued:

> The Wetlands Centre Australia could provide the gateway for the Conservation Park. Indeed, the Centre has been strategically positioning itself for this role since talks in 2000.

It has received various grants from the Commonwealth Government and the State Government to support its continued existence and the development of this proposal. The centre was Australia's first dedicated wetlands centre and remains the only community-managed centre in Australia. It has been operating successfully since 1985, and in that time has established credibility and recognition regionally, nationally and internationally. Many tens of thousands of people visit the centre annually to see, feel and touch wetlands all year around. In 2002 The Wetlands Centre achieved listing as part of the Hunter estuary wetlands Ramsar site.

I express my thanks for the concept and the continued pursuit of the dream by Christine Prietto, chair of the board of The Wetlands Centre, former chief executive officer Louise Duff, present chief executive officer Tara Ure, the staff and the board. People like Brian Gilligan, who is well known in the environmental movement, have worked for the centre in the past and continue their association. I thank all these people for developing, expressing and popularising their vision.

Environment and conservation groups in the Hunter picked up the centre's vision and extended the wetlands conservation park idea at both ends into what is now called the "green corridor proposal". It was a relabelling and an extension of the idea. It comprises the habitat corridor from the Watagan range through to Stockton. That has become Watagan range to Port Stephens in the new legislation and the regional plan. Various

organisations and institutions have been working in concert to develop these ideals and they are continuing to negotiate with the Government, business and the community.

A critical role has been played by the Green Corridor Coalition and its convenor Brian Purdue, who lives at the edge of the wetlands and who is a constituent of mine. The Green Corridor Coalition has been steering its course through the planning process. It has prepared a map of its desires and called it the "Stockton to Watagan Regional Corridor Lands", which takes an anticlockwise approach. Other maps call it the "Watagan Ranges to Port Stephens Green Corridor", which is a clockwise approach to essentially the same corridor. It is amazing to look at the maps.

Mr Andrew Fraser: Stop using props.

Mr JOHN MILLS: I appreciate the interjection from the honourable member for Coffs Harbour because I was not showing the prop to the camera. Now I will.

Ms Katrina Hodgkinson: Point of order: Madam Acting-Speaker, loath as I am to do so, I point out that the Speaker has ruled on many occasions that honourable members must not use props in this place. I ask you to draw the honourable member's attention to those decisions.

Mr JOHN MILLS: To the point of order: I submit that a map that comes with the bill is not a prop.

Ms Katrina Hodgkinson: I take that point.

Mr JOHN MILLS: The community vision and what we have ended up with are more or less identical, from the heights of the Watagan range through to Port Stephens and Stockton Bight. That is a great outcome.

Mr Bob Debus: They asked for more, but it was a bargaining position.

Mr JOHN MILLS: Yes, and there are some areas where there is not agreement. The vision for the gateway concept is well and truly under way. A great deal of wonderful community capital has been built up in developing these concepts that the Government has embraced. I wonder whether there could be a community-based management plan for the new conservation areas in the Watagan range to Port Stephens corridor for three or four years. I think four years may be the period referred to for the development of these areas. An ad hoc group could be formed to pick up the conservation groups—The Wetlands Centre, the Catchment Management Authority, the Green Corridor Coalition, the Hunter Bird Observers Club, the Hunter Flora and Fauna Protection Society and a few other organisations that honourable members have named—to maintain that community investment during planning for expenditure of the $12.5 million that the Minister indicated in his second reading speech would be spent. The regional advisory committee of the NPWS probably has too broad a brief to get involved at this level. The community would like to continue to work with the NPWS to advise on the final steps in securing this conservation corridor. I put it to the Minister and to his advisors that we must develop that community capital to get the best possible outcome from this process.

I draw honourable members' attention to the middle of the Wallsend electorate, which is the site of the narrowest part of the green corridor of reserved lands. On the eastern side is an area of land that has been purchased by State and Commonwealth governments as part of the Hexham Swamp Rehabilitation Project, up to the one in 100-year flood level, from a range of private property interests. That land will be transferred into the new State conservation area. On the western side are the Coal and Allied lands, the Tank Paddock and the Stockrington lands. Like a wedge holding them apart is the land held by Hunter Water Corporation, which was formerly the site of the Minmi sewage treatment works, which are no longer operating.

Very late in the process, in March this year, Brian Purdue of the Green Corridor Coalition brought to my attention and that of the public a proposal by Hunter Water to dispose of its 35-hectare former Minmi sewage treatment works property on the open market. This triangular property sits like a wedge between the Catchment Management Authority [CMA] land and the Tank Paddock land owned by Coal and Allied. The CMA did not have sufficient funds to purchase the whole of the block at the Value-General's valuation. A compromise agreement was reached, which was that the north-eastern 75 per cent of the block, which is basically wetland, will be preserved for conservation, either by covenant or, preferably, by transfer through a purchase agreement to the national park estate.

The Minister's staff have advised me that it is likely that the National Parks and Wildlife Service may undertake the purchase of 75 per cent of the Hunter Water block. The map shows that there is continuity across

the Hunter Water land. The portion that Hunter Water wants to retain for future disposal is at the southern end, which means it does not spoil the continuity of the green corridor. I thank the Minister and his staff, Hunter Water and the community groups for agreeing to that compromise.

The draft Lower Hunter Regional Conservation Plan is an extensive document, and I commend it to members. I wanted to address many of the details outlined in it, but since most of my Hunter colleagues will speak to the bill I will refer to only a few of them. More than 20,000 hectares of various high conservation value State-owned lands will be reserved in perpetuity to form the backbone of major new conservation corridors. Approximately 12,000 hectares of high conservation value freehold land will be secured for additions to new and existing reserves in exchange for appropriate development rights, to be implemented as the land is rezoned. The achievement of a rational and proactive regional conservation plan for the Lower Hunter has been the dream and desire of several generations of environmentalists and conservation people, and indeed a large majority of the people of the Hunter. [*Extension of time agreed to.*]

That dream has sharpened in the past few years, in response to development proposals for industrial and economic growth, to a popular movement to preserve our iconic estuary wetlands and to preserve habitat corridors such as Wattagans to Port Stephens. I am very proud to be a member of this Labor Government, the Iemma Labor Government, and the previous Carr Labor Government, which have brought that dream into reality. I am satisfied that my generation of Labor members of Parliament has been able to leave this great conservation legacy for the people of the Hunter. I commend the bill to the House.

Mr ANDREW FRASER (Coffs Harbour) [9.12 p.m.]: The Government's policy on this issue is somewhat different from other policies with regard to farmers and other private landholders. As I have said on many occasions, the Government has decided that there will be a quid pro quo with developers in the Lower Hunter. Having grown up in Newcastle and knowing the Hunter region very well, I am the first to admit that the Hunter needs more room for development. However, it is disgraceful that the Government does a trade-off under the label of conservation, saying that 30,000 hectares of public and private lands will now be secured in State conservation areas and national parks to enable people to develop that land, at no real cost to developers.

Farmers who wish to farm areas, or remove woody weeds or invasive scrub, normally find that they are penalised in the vicinity of between 10 to 1 and 100 to 1 with regard to land that is reserved. Just this week someone gave me an example of a farmer in the Murrumbidgee who wanted to clear a very small area of land, less than 100 acres. The land was not totally wooded but contained remnant vegetation that had to be cleared for farming. The trade-off offered to the farmer by the Government was to set aside almost 500 acres as part of a quid pro quo. The Government worked out a formula. The farm itself was only 400 acres, yet the size of the reservation was more than the size of the farm. In other words, if the farmer had wished to go ahead and clear the land, he would have had to buy the reserved land to meet the regulations imposed by the Government.

Under the bill, about 12,000 hectares of forest will be put into national park and conservation areas. It sounds very green and clean, and the honourable member for Wallsend waxed lyrical about it. But what the Government is not explaining to those involved is that the majority of these areas that have now been reserved as national park and conservation areas—and are being heralded as a great conservation outcome for the people of the Lower Hunter and New South Wales—were already reserved. They were reserved as forest management zones or flora and fauna reserves in State forests. Indeed, probably the only timber in State forests that is loggable is about 4,000 cubic metres of standing timber, which is not a lot of timber.

The timber industry is not really jumping up and down about this. The only reason I speak to the bill is to let the people of New South Wales understand that this is a sleight of hand; it is a pea in the thimble type of trick. Lands in State forests that were never going to be logged, that were properly managed by State Forests as part of the State Forest estate, which were set aside as flora reserves or conservation areas in any event, are now being heralded by the State Government as being reserved, when under the comprehensive regional assessment [CRA] process they were already reserved. The majority of this land, and the land that has the 4,000 cubic metres of standing timber on it, were areas that the Minister responsible for national parks did not want during the RFA-CRA process. At that time the land was not worthy of conservation, yet now it is being heralded as a conservation outcome for New South Wales.

The other thing that worries me with regard to this legislation is that the 12,000 hectares that will be put into the national park estate, which is not addressed by the legislation, is currently owned by developers. I ask the Minister: What guarantees do we have that that land will be handed over? Why are we handing over 12,000 hectares of State Forest as a quid pro quo for developers? It is very similar to the situation regarding the

biobanking bill, which is aimed at Western Sydney. Last week the House heard debate on that bill and the Minister responded to the issues that were raised. It simply amazes me that the Lower Hunter development plan, which has been on the table since 1998—which I have discussed with the people of the Hunter both individually and collectively with the shadow cabinet—is not available for us to consider in conjunction with the bill.

If this land is going to be set aside and there will be a deal with the people who wish to develop the land—and, as I said, I support growth in the Lower Hunter area—we cannot turn a blind eye. I have said for many years this is about management, it is not about preservation. It is a tad hypocritical of the Government to turn around and say all these areas are now national parks and conservation reserves, when the vast majority of that land was already reserved under a very good management regime of State Forests.

I have said in previous debates and I will state again that $30 a hectare for management that is paid to the National Parks and Wildlife Service I do not think is nearly enough to manage this land for the prevention of feral animals, noxious weed invasion and the reduction of fire hazard. We are going to end up with problems into the future with severe bushfires which will do more harm in these areas than proper management by State Forests in keeping roads open and maintaining fire trails. Too often when national parks have taken over areas that were previously managed by State Forests the bridges have been pulled out and the fire trails allowed to go to rack and ruin, and when a forest fire starts, by natural or other causes, it cannot be put out because no-one can get to the seat of the fire because the roads are not there.

I listened with some bemusement to the member for Wallsend talk about the old stockyards and the old sewage treatment plant that was acquired at great cost. They will be in a corridor and they have great conservation value. It goes to show that properly managed lands that were previously stockyards or private property—or forests, for that matter—can have better conservation outcomes if they are managed for conservation and for timber production rather than what happens when they become national parks. I remind the Minister yet again of Pine Creek State Forest, which was handed over for a national park. It was the most productive forest in New South Wales on the North Coast and yet it has now been locked up as national park, with plantation timber still in there. As a working forest it had the largest population of koalas on the North Coast. That should say to the Government, and to others, that proper management techniques in State forests provides huge flora and fauna populations that are protected properly, whereas in other areas horrific bushfires—such as the one between Grafton and Glen Innes only a few years ago—leave the vast majority of native animals dead.

That comes back to bad management and bad policy. I am not saying this is bad policy but I implore the Minister to ensure that these lands that are now going to be heralded as a great national park continue to be managed in the same way as State Forests have managed them and make sure that we do not end up with growing bushfires rather than growing flora and fauna reserves. I urge the Minister to make sure the truth is told and to get some assurances—written contracts, I do not care what they are—from the developers who wish to develop the land and ensure that the 12,000 hectares they have promised to hand over, although we are still to be provided with information about that land, is actually handed over in accordance with the intention of this legislation.

One of the problems with Sweetman's mill in the Hunter is that the timber it is getting is no longer sourced locally. On behalf of Sweetman's mill I ask the Minister to give a guarantee that the Government will continue to supply to that mill and continue to subsidise the transport of those logs so that the mill remains working and remains in the Lower Hunter because of this purported development strategy that will see growth and jobs created in the Lower Hunter. People in that industry, and in the mills at Bulahdelah need an assurance that those timber suppliers will continue to be subsidised by the Government so that they do not find it is uneconomical for them to continue their operations and to continue to supply the mills. They are the people who will provide much of the building materials required for development under the Lower Hunter Development Strategy. I also asked the Minister to make the Lower Hunter Development Strategy available to us all. I reiterate the need for the Minister to identify the land and give us a timetable for the handover of the 12,000 hectares from the private owners.

Mr JEFF HUNTER (Lake Macquarie) [9.24 p.m.]: I welcome the opportunity to speak on the National Park Estate (Lower Hunter Region Reservations) Bill. This bill contains many additions to the national park estate that mean significant wins for the environment of Lake Macquarie and the Hunter region. Firstly, I refer to the Minister's second reading speech before I remark on how this bill affects the Lake Macquarie electorate. In the second reading speech the Minister said:

> Over the past decade, the Government has declared nearly 2.6 million hectares of new national parks and reserves. Around half of these additions to the reserve system have resulted from regional forestry assessments and we have supplemented this with significant purchases of high conservation areas throughout the State. In striking an appropriate balance between social, economic, environmental and cultural values, the Government has set a national benchmark for the involvement of all stakeholders and community groups.

I remember in my first years in this Parliament from 1991 through to 1995 the debates and the controversy over conservation of lands, forestry and logging. I am glad to see that since 1995, with a lot of patience and consultation, the Government has been able to reserve 2.6 million hectares of new national parks and reserves. The Minister went on to say:

> However, the Lower Hunter region has tended to have less of its high conservation value land reserved for conservation than has Sydney or other parts of the State. This bill will address this imbalance. The final Lower Hunter Regional Strategy and the draft Lower Hunter Regional Conservation Plan were released by the Premier, Minister Sartor and me today, 17 October 2006.

That strategy and the regional conservation plan were released last week on 17 October and they were released in the Lake Macquarie electorate, which I represent in this House, atop Mount Sugarloaf. I am very pleased that this very significant decision on conservation of lands in the Lower Hunter was announced in the electorate of Lake Macquarie. The Minister went on to say:

> The regional strategy and regional conservation plan clearly define priority areas for development and conservation over the next 25 years and will provide the Lower Hunter community with a clear vision for the future. Local councils and local communities in the Hunter will, of course, be closely involved in finalising the detail of process.

I am glad the Minister is in the chair today and I am very pleased that over the past months he has been very receptive to my representations on behalf of the local community. But I have to make it quite clear that there are some issues within the draft conservation plan that the community is not 100 per cent satisfied with. I have raised those issues already with the Minister and I will continue to raise them with him during the consultation process on the draft plan, and, hopefully, I will be able to see some changes made to the draft conservation plan when it is finalised later in the year. The Minister went on to say in his second reading speech:

> The bill will transfer more than 20,000 hectares of high conservation value Government-owned land into conservation reserves. In addition, I am pleased to confirm that a further 12,000 hectares of privately-owned freehold land will be transferred to conservation reserves to be managed by the Department of Environment and Conservation under the National Parks and Wildlife Act 1974. This will include iconic areas at Catherine Hill Bay and Stockrington that have been the focus of significant community conservation efforts over many years. In order to finalise the package, the remaining elements of the Lower Hunter Regional Conservation Plan are on public exhibition. I expect to release the final plan later in the year.

Those areas are certainly in Lake Macquarie, and I am pleased that they are part of the regional conservation plan draft that the Minister has released for public consultation. In the second reading speech the Minister went on to talk about an area that directly affects the Lake Macquarie electorate. He referred to the largest of the new reserves, a corridor stretching from the Watagan ranges to Port Stephens covering around 14,600 hectares. He said:

> This area, which has long been promoted by members of Parliament representing their Hunter constituents, as well as by a great many Hunter conservation groups, forms the backbone of a new conservation corridor. This and other areas will provide a backbone around which future additions to the reserve system will be complete and reinforce the conservation corridors.

He referred to future additions to the reserve system, and I will put forward a proposal tonight about a future addition to the reserve system in the west Lake Macquarie area, which is squarely in Lake Macquarie electorate. The Minister continued:

> The reservation of these areas will also conserve significant areas of threatened plant communities, endangered forest types and habitat for a range of threatened species.

The Minister outlined the public consultation that had taken place, and members representing the Lake Macquarie and Hunter electorates have urged residents to comment on the draft regional conservation plan. It contains many proposals for major additions to the local national park estate on Mount Sugarloaf, in the Watagan Mountains and the south Wallarah peninsula, those areas directly affect Lake Macquarie. Last week the Premier launched the conservation plan, along with the final regional strategy, on top of Mount Sugarloaf in the Lake Macquarie electorate.

The regional conservation plan, as well as containing proposed additions to the national park estate, also outlined how other government and privately owned land within the city of Lake Macquarie can be protected over coming years. Local members of Parliament urge residents to view the draft and comment on it before the exhibition period expires on 17 November. It is important that they do so. The bushlands identified in the draft plan as having high conservation value and being suitable for protection include the former Awaba

open-cut coalmine site. Part of that site is privately owned, and I acknowledge that makes it somewhat difficult to be included in the draft conservation plan and in this legislation. Nevertheless, the draft conservation plan identifies the conservation values of this site. It states that the Department of Environment and Conservation has a short-term plan to protect those lands and a long-term plan for finally putting them into the national park estate. I support those plans.

The plan is a major win for the local environment of Lake Macquarie, with the reclassification of some 2,500 hectares of Crown land, Awaba State Forest and other forest areas into the Mount Sugarloaf State Conservation Area, which the bill provides will be the responsibility of the National Parks and Wildlife Service. Hundreds of hectares of State-owned regional management corporation land near West Wallsend, land which was formerly owned by BHP, will also be added to the new Mount Sugarloaf State Conservation Area. The transfer of that land, although not contained in this bill, will happen over the coming months.

The new conservation area will stretch from just west of the township of Awaba, along the ranges to Mount Sugarloaf, to areas just north of West Wallsend and Seahampton. To the west of Lake Macquarie the plan has significant impact in protecting the local environment. The plan also proposes that hundreds of hectares be added to the Watagans National Park and local State forest flora reserves. I commend the Minister for that decision. It adds to the green corridor from Port Stephens down into Watagan Mountains to the west of Lake Macquarie. The honourable member for Port Stephens, the honourable member for Newcastle and the honourable member for Wallsend have spoken about that, and I know that the honourable member for Charlestown will also refer to it. Members of Parliament representing electorates in the Hunter have campaigned for this for a considerable period of time. We have supported local community and environmental groups. We believe that protection for the green corridor was warranted. We have lobbied the Government, and I am pleased we have achieved our goal in this bill and in the draft conservation plan.

The draft Lower Hunter Regional Conservation Plan presents significant new Government conservation commitments as part of finalising the Lower Hunter Regional Strategy. The plan also canvasses other matters, including supplementary and subsequent implementation mechanisms. These future steps will be refined following a period of public exhibition and consultation. Comments to assist in this process are welcome and should be forwarded in writing. The closing date for receipt of comments is 17 November 2006. I am reading from the front of the draft conservation plan, which outlines how submissions can be made to the Department of Environment and Conservation. The executive summary of the plan—"What this plan will deliver"—indicates that the plan sets out a 25-year program to direct and drive conservation efforts in the lower Hunter Valley. It is a partner document to the Government's Lower Hunter Regional Strategy that sets out the full range of government planning priorities and identifies the proposed areas for growth.

The draft plan outlines the areas to be included immediately in the national park estate. It outlines some of the private land transfers that have been negotiated with major private landholders. On page 36 it deals with the mechanisms that will be used to acquire privately owned land in the future, putting them under conservation and into the national park estate. On pages 27 and 28 it outlines other regional conservation priorities. As I said, the Awaba open-cut coalmine site was formerly proposed for an open-cut coalmine by Centennial Coal, which, after a very strong community campaign, withdrew the proposal in May. The local community then lobbied to have the area included in the draft conservation plan. It has now been acknowledged and included in the plan as an area that will be conserved as part of future additions to the national parks but in the short term by other mechanisms. Under 6.4 the document states:

> Other areas of high conservation value have been identified through the process of developing the RCP. However, for a number of reasons, it is not possible at this point to include these lands within the formal conservation reserve system.
>
> However, those areas of high conservation value which have not been incorporated into the new reserve proposals have been identified as suitable for protection using a suite of other conservation mechanisms. These include biodiversity banking, voluntary conservation agreements under the *National Parks and Wildlife Act 1974*, environment protection zonings—

That is something I was pushing for the Awaba site—

> or appropriate conservation management plans. These areas include land under public and private ownership. Some of the key values and areas classified as other regional conservation priorities are shown in Map 3.

Map 3 highlights the West Lake Macquarie area and says:

> Western Lake Macquarie: very diverse vegetation, large forest owl habitat.

In relation to the Morisset area in the western and south-western areas of Lake Macquarie it states:

> Corridor linking Olney State Forest and western shore of Lake Macquarie.

The document states that the area is "very important and needing of conservation". [*Extension of time agreed to.*]

The document goes on to list the West Lake Macquarie area. The document states:

> One key area within the "other regional conservation priorities" are lands at West Lake Macquarie around Awaba and Morisset [refer to Map 3]. While the West Lake Macquarie area has not been identified for formal inclusion in a national park at this time, the area does contain important conservation values that warrant some form of protection in the future as more detailed plans are made.
>
> The DEC acknowledges and formally recognises the conservation value of the West Lake Macquarie region, which is summarised below.

In a letter dated 17 August the Minister promised me that the area would be acknowledged and formally recognised in the plan. That has happened. The plan then outlines the vegetation communities and the endangered and threatened species included in the area, which is why it has been given a regional conservation priority. The document further states:

> It is also acknowledged that the site forms an important linkage between the Watagans and Lake Macquarie, as well contributing to north-south conservation corridors.
>
> The conservation values of this area highlight the importance of ongoing efforts to conserve this site. In the short term, the DEC will be approaching the relevant government agencies regarding the areas of public land to negotiate improved environmental management of the land to preserve its conservation values. In the short term, this could be achieved using a suite of other conservation mechanisms, including biodiversity banking, voluntary conservation agreements under the *National Parks and Wildlife Act 1974*, environment protection zonings or appropriate conservation management plans. In the longer term, efforts will be made to formally conserve the site in the conservation reserve system.

A number of media reports over the past week since the release of the draft plan have outlined that, while the Awaba site has been formally recognised in the conservation plan, it was not proposed for immediate inclusion in the national park estate. Certainly, some people in the local community are disappointed about that, and I can understand that disappointment. However, I also understand the reasons it has not been included at this stage. As I outlined earlier, the amount of privately held land holdings in that area made it difficult. Together with the local community, I have been lobbying for this land to be permanently protected from open-cut coalmining. That is the issue. The community does not want any further open-cut coalmining in the Lake Macquarie city area, and I support that. An article in the *Newcastle Herald* of Friday 20 October stated:

> Mr Hunter said yesterday he pushed for the area to be rezoned as environmental land to protect it from open-cut mining, but the draft conservation plan did not achieve that.
>
> However the draft plan said the land had high conservation value and "will warrant some form of protection in future".
>
> Mr Hunter said the draft plan was the first step in the land having environmental zoning.

I believe there should be no further open-cut coalmining in Lake Macquarie. Lake Macquarie is identified in the regional strategy as having a large increase in population, particularly around the site of the former Awaba open-cut coalmine at Cooranbong, where some 3,000 home sites are being looked at. I am supportive of a change to the Lake Macquarie local environment plan to exclude any future open-cut coalmining in the city or an extension of the current open-cut coalmine, which is located between Killingworth and Wakefield. I certainly support the community in that push, and I am continuing to lobby the Government to achieve that outcome.

On Sunday I attended a meeting with the Southlake Communities Against the Mine group. The meeting was also attended by representatives of No Open Cut Mine for Awaba. I met with them for a considerable amount of time, and I support their ongoing campaign to ensure that there is no future open-cut coalmining in Lake Macquarie. In the past 25 years we have seen two attempts to open-cut coalmine the area between Awaba and Cooranbong. On two occasions the community has been able to stop that. We should not have to go through that fight again, and I will continue to lobby to ensure that we do not see any further open-cut coalmining in the Lake Macquarie area.

In terms of the bill, I am pleased that some 2,500 hectares will go into the national park estate, running from Mount Sugarloaf down to Awaba. I am glad that the hundreds of hectares of the former BHP land west of the F3 freeway at West Wallsend will be added to the national park estate, and that privately owned lands will be added to the State conservation area. It is great to see the additions to the Watagans National Park, the

increase in forest flora reserves, the 1,250 hectares of land that will be added to the Wallarah National Park and the additions to the Lake Macquarie State Conservation Area, which I campaigned for over many years.

I congratulate the Minister on the conservation outcomes in his draft plan. However, I remind the Minister for the Environment and the Minister for Planning that the Lake Macquarie community does not want any further open-cut coalmining in Lake Macquarie. I support the land between Awaba and Cooranbong being added to the national park estate in the future as a regional park, which will open up more opportunities for recreation for the local community and be not so constrained as in conservation areas or national parks. It would allow continued underground coalmining but no open-cut coalmining. I support the bill. [*Time expired.*]

Mr MATTHEW MORRIS (Charlestown) [9.44 p.m.]: It is a pleasure to join my Hunter colleagues this evening in speaking on the National Park Estate (Lower Hunter Region Reservations) Bill. This significant bill is a landmark bill in relation to the Hunter and our unique environment. The Hunter community is fortunate to have such a significant and magnificent place in which to reside and work. The bill is all about protecting the unique environment in which we are lucky to reside, and will provide some certainty to the Hunter community about the place where they live and work. The provisions in the bill build further on the Government's green credentials. Over the past 10 years or so the Government has consistently been proactive in recognising the environmental values of our land and has taken appropriate measures to ensure that they are protected in the long term.

A recent example of that was the creation of the tenth State park in New South Wales, commonly known as the Belmont wetlands, which my colleague the Minister for Aboriginal Affairs, and I focussed on achieving for our communities. The wetlands are an important piece of coastal land. The bill recognises that the lower Hunter has significant parcels of land of high conservation value, and sets the tone and delivers the protection that those environmental lands need for the long term. The conservation plan and the Hunter strategy are instrumental in terms of setting out the long-term future for the region: how the Hunter will look, feel and, just as importantly, function as a unique part of New South Wales.

Getting the balance between conservation and development is always a difficult task and brings its own challenges. The bill is clearly about getting that balance right in the interests of the Hunter community. I note, as have previous speakers, that the bill will see the transfer of more than 20,000 hectares of high conservation value lands into conservation reserves. That is a significant amount of land, and a mixture of important lands for the Hunter community. The Minister, in his second reading speech, referred to some of the iconic areas around the Hunter, including Catherine Hill Bay. I spent the best part of my life a little further north of Catherine Hill Bay, but in my younger days I enjoyed recreating in the Catherine Hill Bay area. It is an iconic part of our coast and our history in the Hunter region. Areas like Catherine Hill Bay and that particular setting will be protected under the bill.

As we know from the Hunter strategy, there will be significant growth in the population in the Hunter region and that will create pressures on infrastructure and on our natural resources—land and water and the like. Importantly, the bill protects the more sensitive environmental land. Without those, we in the Hunter would find ourselves in a sterile and uninviting environment. If people from the Hunter are asked why they live in the Hunter region, the answer is always: Because of our environment—our green spaces, our parks, our beaches and other environmental features.

It is pleasing that the bill is so comprehensive and so strong in its measures to protect our environment. For some time my Hunter colleagues and I have been running a campaign to ensure that there is a balanced structure in place in the Hunter as pressure from additional future growth increases. I place on record my appreciation to the Minister for the Environment and the Minister for Planning and their staff, who have done a lot of the hard yards in getting the bill to this point, for listening to proposals of the Hunter members.

One of the big outcomes of the bill is the green corridor, which I am sure many members have become aware of in recent years. The campaign to get a green corridor in the Hunter has been a long one. There are obvious reasons for that. Providing habitat and diversity for flora and fauna is one of the reasons for the green corridor. It is pleasing that the bill locks in a green future for the Hunter region. In terms of environmental outcomes that is fantastic news. This is a fantastic bill for the Hunter and for our green environment. I should also acknowledge some of the green groups who have been busy lobbying me and others and who have played a significant role in pursuing a balanced outcome for our environment. Sometimes they persisted to the point

where we got quite tired, but they were there for the right reasons; they were pursuing what they believe in and wanted the environment protected.

The conservation plan for the Hunter also provides an opportunity to do some finetuning in the future. Some individual parcels of land need to be acknowledged because of their contribution to the environment. In due course we will work through those. Given the demonstration of willingness and commitment to date, there will be real opportunities to include those various parcels in the overall plan for the Hunter. There will certainly be opportunities in the future for people to get out and enjoy the environment. These additional parks will provide opportunities for the community to access and enjoy some of the environmental features, whether that be an interest in bird watching, various other forms of recreation and even research. For school students, environmental research is an important element in protecting our more significant conservation areas and managing them well.

On balance the Government has come a long way in recognising the environment of the Hunter. The bill represents a strong and clear commitment to ensuring that we get the balance right between preserving our environment and managing and planning for additional population growth. This is a fantastic bill and I again offer my thanks to the Ministers involved. It has not been easy to get to this point, and they have done a marvellous job in supporting the Hunter, the place in which we live and which we enjoy. I am sure the community will be appreciate the efforts of the Government and its commitment and leadership in supporting and recognising the terrific part of the world we live in. There will be further opportunities for the conservation plan to grow, and I will be the first to flag some additional components. The bill signals a sound, balanced future for the Hunter. It is a great outcome and it is a credit to all those involved behind the scenes in its preparation. I commend the bill to the House.

Mr BOB DEBUS (Blue Mountains—Attorney General, Minister for the Environment, and Minister for the Arts) [9.56 p.m.], in reply: I thank all honourable members for their contributions. The bill will transfer more than 20,000 hectares of high conservation value, government-owned land into new conservation reserves, and a further 12,000 hectares will be transferred to conservation reserves to be managed by the Department of Environment and Conservation under the National Parks and Wildlife Act. As honourable members who have spoken in the debate have acknowledged, the permanent conservation of around 32,000 hectares of land delivers an outstanding result for the community of the lower Hunter. As I indicated in my second reading speech, the Government's announcement represents the biggest conservation initiative ever announced for the lower Hunter and nearly doubles the area of park within 50 kilometres of the city of Newcastle.

The reservation of these lands will secure critical vegetated corridors in the Watagans, Cessnock, Karuah, Port Stephens and Tomago areas as well as securing a green buffer between the Central Coast and the lower Hunter. Many of these areas comprise the final vegetated links in critical habitat corridors and they are irreplaceable.

[*Quorum formed.*]

The largest of the new reserve stretches from the Watagan ranges to Port Stephens and covers about 14,600 hectares. This will provide the backbone around which future additions to the reserve system will complete and reinforce these corridors. The majority of these areas will be transferred to State conservation areas and national parks under the National Parks and Wildlife Act 1974 and will provide a range of additional recreational opportunities for the local community. The Government will encourage further input from the Hunter community as it considers new opportunities for ecotourism, such as new walking and cycling trails, new camping areas, birdwatching facilities and commercial cabins for short stays by visitors and tourists. The honourable member for Wallsend in his speech mentioned the community groups that had made contributions to the advocacy and proposals for these new reserve areas. He suggested it would be appropriate that we keep them engaged while we work on the management plans for these new areas. Of course, I agree that we should do so.

It is a pleasure to be part of a debate that occurs in an atmosphere of unambiguous enthusiasm. I commend the Hunter members representing the electorates of Port Stephens, Newcastle, Wallsend, Maitland, Cessnock, Lake Macquarie, Swansea and Charlestown for their work. I acknowledge the tremendous effort they have made over many years, as they have supported their local communities and groups, such as the Green Corridor Coalition, to advocate for the outcome we are achieving through the passage of this bill. I take the opportunity to acknowledge on my own behalf the work that has been done, without which this outcome would not have been possible, by the Premier and his adviser Mark Aarons, the Minister for Planning and his staff, and my senior policy adviser Ted Plummer. In particular I acknowledge the Deputy Director of the Department of

the Environment and Conservation, Simon Smith, who has given massively effective support to both Minister Sartor and me in negotiations that have surrounded the achievement of the arrangements in the bill.

Mr Adrian Piccoli: The best Government money can buy.

Mr BOB DEBUS: I want to respond to several other matters raised in the debate. The honourable member for Port Stephens, who has been especially passionate in his support for the conservation outcomes in the Hunter, as he has been for the marine park in Port Stephens and the Myall Lakes, has suggested that the word "wetlands" be used in the name of the national park around the Hunter estuary. With that kind of recommendation I have no choice but to accept the proposition. I will not specifically define a new title at the moment, but I will consider titles such as the "Hunter River Wetlands National Park" or the "Hunter River Estuary Wetlands National Park", whatever seems appropriate after due consideration.

Mr Adrian Piccoli: Call it the Hardie Holdings national park.

Mr BOB DEBUS: I draw the attention of the House to the constant and offensive interjections by the member for Murrumbidgee. I respond to two matters raised by the honourable member for The Hills who, unlike the honourable member for Murrumbidgee, made a serious contribution to the debate tonight. He referred to the Hexham swamp, which it is intended should be restored to its natural condition by allowing tidal flows back into that area of land. I point out to the honourable member that when the catchment management authority that has been responsible for this area acquires the remaining private landholdings that would be affected by a flooding event, the restoration of tidal flows will be permitted. Negotiations are to take place with the remaining private landholders. Obviously, the Government cannot unilaterally inundate private property with salt water where a landholder has adapted his land use to freshwater conditions. That is why the inundation of Hexham swamp with salt water has not yet occurred. We need to complete negotiations with present private landholders.

The honourable member for The Hills also referred to the land known as Smithy's land. In fact, the honourable member had a great deal to say about it. I point out to the honourable member that it has nothing to do with the bill. Smithy's land is owned by an impecunious and elderly person. The stockpiling of building rubble and other unattractive activities on this site are not harming the wetlands. The Department of the Environment and Conservation is acting to rectify illegal action on the site. However, from the point of the present debate, I emphasise that the issues surrounding this site, which are not inconsiderable, have no connection to the matter at hand.

In drafting the bill, the importance of ensuring appropriate access to critical natural resources—including coal, water, timber and other minerals—was recognised from the beginning. The need to do so was inevitable in an area as long and densely settled as the lower Hunter. The reservations in this bill will not affect access to these important resources. Areas that are currently or likely to have underground mining activity in the future have been classified as State conservation areas. This measure has attracted the support of the Minerals Council, which has expressed its general support for the bill.

I can also confirm that the reservations will not adversely impact on the fulfilment of timber supply agreements and access to merchantable resources. I emphasise that an important part of the package concerns water supply arrangements for the Hunter community. Specific legislative amendments are included for the circumstances of Hunter Water Corporation's operations that will protect and enhance its present and future access to water resources. These provisions are supported by the board of the Hunter Water Corporation.

It is obviously important that these new areas are managed effectively and that funds are available to establish the new infrastructure to ensure that the people in the Lower Hunter can enjoy these new reserves. The Government will therefore invest $12.55 million over the next four years to establish and properly manage the new reserves. This includes funding to enable the construction of new multiple use walking tracks, camping areas, barbeque facilities and undertaking essential fire prevention, weed and pest animal control work. Funding will also be available to employ new park management staff to ensure that the new reserves are properly and effectively managed. Overall, more than 20 new front-line park management jobs will be created, and it is planned that 20 per cent of them will be for Aboriginal people. These staff will be responsible for day-to-day fire management, pest animal and weed control, and the maintenance of visitor facilities.

I refer honourable members to the major agreements negotiated by the Government with private landholders. As part of the Government's long-term planning for environmental protection and conservation in the lower Hunter, the Government has entered into agreements with four major landholders to conserve an area

of approximately 12,000 hectares. Although they are technically not part of this bill, they form an important part of the conservation outcome.

Mr Adrian Piccoli: How much money is involved?

Mr BOB DEBUS: For the honourable member's information, the agreements have all been made public and have been posted on the web site of the Department of Infrastructure, Planning and Natural Resources [DIPNR]. This 12,000 hectares of private land is in addition to the more than 20,000 hectares of government land that will be conserved under this legislation. The agreements will see the land returned to public ownership to be reserved under the National Parks and Wildlife Act in perpetuity.

Mr ACTING-SPEAKER (Mr John Mills): Order! The honourable member for Murrumbidgee will cease interjecting. The Minister has the call.

Mr BOB DEBUS: The areas to be reserved represent 79 per cent of the total land owned by these four landholders in the lower Hunter. The remaining 21 per cent of land identified with development potential will be subject to the normal assessment, public consultation and approval processes that apply under the planning legislation. These agreements have been widely acclaimed because they show how the Government is delivering a balance—advancing both the economy and the environment for the benefit of the people. The Government has been open and prudent in negotiating these agreements. As I have said, the agreements are now publicly available on the DIPNR web site.

I will briefly outline the benefits of each agreement. The agreement with Coal and Allied will secure 3,322 hectares, including the famous iconic areas of Catherine Hill Bay, Stockrington and the Tank Paddock, all of which have been the subject of efforts by conservationists over many years to add them to the reserve system. The Stockrington and Tank Paddock areas constitute the only remaining vegetated corridor between the Watagan range and the coastal wetlands. These areas provide habitat for threatened plant and animal species, including a range of threatened birds, bats and frog species.

The agreement with Rosecorp will secure 310 hectares on the Wallarah Peninsula, adjoining the Coal and Allied lands. This will enable completion of the long-desired green buffer between the Central Coast and Newcastle, and a strategic linkage with Lake Munmorah State Conservation Area. These dedications will conserve threatened coastal vegetation communities, including River Flat Eucalypt Forest on coastal floodplains and Swamp Oak Floodplain Forest, as well as fauna habitat for large forest owls, the Squirrel Glider and koalas. The area also contains the threatened flora species tetratheca juncea. The agreement with Hardie Holdings will provide 7,420 hectares for perpetual protection in public ownership.

Mr Adrian Piccoli: Point of order: The Premier announced not so long ago as part of the ministerial code of conduct that members should declare financial contributions made to them or to their party when—

Mr BOB DEBUS: Sit down, you idiot!

Mr Adrian Piccoli: —they debate legislation in the Chamber. The ministerial code of conduct was announced by the Premier in March this year, I think. I am aware that Hardie Holdings has made financial contributions to the Labor Party. It may have made them to the Liberal Party and The Nationals as well; I am not sure.

Mr ACTING-SPEAKER (Mr John Mills): Order! There is no point of order in regard to—

Mr Adrian Piccoli: The Minister is speaking on legislation. It is part of the ministerial code of conduct.

Mr ACTING-SPEAKER (Mr John Mills): Order! There is no point of order. The ministerial code of conduct should not be the subject of points of order in the Parliament of New South Wales.

Mr BOB DEBUS: You are just a fool!

Mr Adrian Piccoli: All you have to do is deny that they have made contributions to the Labor Party.

Mr BOB DEBUS: You are a fool!

Mr ACTING-SPEAKER (Mr John Mills): Order! I have ruled on the point of order. The Minister for the Environment has the call.

Mr BOB DEBUS: These conservation areas will secure a range of vegetation communities that are over-cleared, particularly areas on the Hunter Valley floor, such as the Sweetwater and Elderslie areas. Others will complement existing areas of National Park, particularly Yengo and Wollemi National Parks west of the Lower Hunter, and will help to reduce problematic management issues such as spread of fire into the reserves. Conservation of the Ellalong Lagoon area will conserve some important and beautiful freshwater wetland vegetation communities and secure this recreational asset for the local community.

Mr ACTING-SPEAKER (Mr John Mills): Order! The honourable member for Murrumbidgee did not exercise the opportunity to address the House in the debate. He will cease interjecting or I will call him to order. He should realise that his tirade of interjections should cease. It is disorderly. He should consider leaving the Chamber if he cannot control himself. The Minister has the call.

Mr BOB DEBUS: Thank you, Mr Acting-Speaker. That was a wise ruling against a foolish fellow. The agreement with the Regional Land Management Corporation will secure a further 1,033 hectares. This includes a vital contribution to the new Hunter River Estuary National Park—which name will be slightly changed. That includes Ramsar listed wetlands and critical habitats for migratory birds. The corporation will also provide critical parts of the Watagan to Port Stephens corridor near West Wallsend. As I have mentioned, collectively these four agreements will deliver more than 12,000 hectares of high conservation value lands into public ownership over the next few years. Together with the more than 20,000 hectares of government land that is the subject of this bill, they will form a vital conservation and recreational resource for present and future generations in the Hunter. As the Premier announced last week, and as honourable members representing the Hunter have willingly acknowledged, this conservation package is the single largest step ever taken to protect the environment in the lower Hunter. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

SYDNEY WATER CATCHMENT MANAGEMENT AMENDMENT (WARRAGAMBA) BILL

Second Reading

Debate resumed from 26 September 2006.

Mr MICHAEL RICHARDSON (The Hills) [10.08 p.m.]: The Sydney Water Catchment Management Amendment (Warragamba) Bill is simple and straightforward. Its object is to deproclaim 494 hectares of the Warragamba Special Area to allow the land to be handed over to the Wollondilly Shire Council. The special area was proclaimed in 1942 as part of the construction of the Warragamba Dam. The land in question surrounds the Warragamba Weir, which was built as an emergency measure in the 1940s prior to the construction of the dam. I think that was yet another time of severe drought. However, the Government of the day really wanted to do something about Sydney's water crisis, which is more than we can say about this Government.

The land in question includes the towns of Warragamba and Silverdale. Importantly, the land is downstream from the dam and no longer drains into any water catchment. As I said, the land is to be handed over to Wollondilly Shire Council. This will allow council to acquire a picnic ground next to the council's existing oval and tennis court, and build a new community centre. I understand that originally the Sydney Catchment Authority intended to sell the land to council but that for some reason it had a change of heart and it will now give it to the council together with a gift of $400,000, which will go towards the new community centre. I have discussed this matter with the General Manager of Wollondilly Shire Council, Les McMahon, who is obviously very happy with the deal. Why would he not be? I have also discussed the matter with Sharryn Hilton, the Liberal candidate for Wollondilly, who, naturally, wants to support her local community.

The bill does not address an issue that I have been made aware of only in the last week or so—that is, bushfire maintenance surrounding Warragamba Dam. The proposal relates to 494 hectares of a total of 258,400 hectares of land in the Warragamba Special Area. In other words, almost 258,000 hectares of the area will remain under the care and control of the National Parks and Wildlife Service. Honourable members may

recall that in 2001 massive bushfires swept through the Warragamba Special Area. I understand from an email I have received that the residents of Sydney were unaware that the infrastructure at Warragamba Dam—such as pumps, filtration plant and so on—was partially destroyed in those fires. The email goes on to say, "It was indeed miraculous that Sydney's water system was not affected." The real issue here is that periodically there have been massive fires in the Warragamba Special Area.

In 1957, for example, a huge fire swept through and destroyed the construction site at Warragamba Dam. Since that time the Water Board developed a strategy to burn thousands of acres throughout each winter. This strategy was successful, according to my correspondent, until the National Parks and Wildlife Service took charge of the catchment area. The result in 2001 and early 2002 was that houses up to 100 years old were burnt to the ground. Lest members think that a single individual has written to me about this matter, I also have a press release from the former member for Camden, the late Dr Liz Kernohan, who was well loved by her local community and respected by most members of this House. In her press release, which is dated 28 December 2001, she congratulated the State's volunteer and regular fire brigades who battled the bushfires which surrounded Warragamba, without loss of life, and which devastated the Warragamba and Silverdale areas of her electorate, and subsequently Wallacia, The Oaks and Oakdale. Dr Kernohan went on to say:

> … the wildfires and fireballs could have been minimised by proper management of the bushland in the National parks and water catchment areas that surround Sydney.
>
> Bushfires have been an ever increasing problem in our area since Sydney Water handed over the control of the catchment to the National Parks & Wildlife Service.
>
> I am told this Department refused permission for Rural Fire Brigades to burn off during winter and spring months.
>
> Contracted bulldozer drivers paid to clear a trail in the Burragorang Valley near Nattai were ordered by NPWS officers to keep the dozer blades 25-30cm above the ground. A ridiculous waste of effort and taxpayers money.
>
> Dr Kernohan said some commonsense orders should be given to NPWS staff for areas under their control that border the Camden and Southern Highlands electorates:
>
> 1. Remove earth mounds and trees purposefully felled across fire trails to prevent ready access.
>
> 2. Stop revegetating fire trails and roads built by the previous Water Board.
>
> 3. Restore the fire trail network through National parks/water catchment areas so that they are trafficable by modern bushfire brigade appliances.
>
> 4. Employ the equivalent of the former Water Board bush gangs to maintain these fire trails and fire breaks …
>
> 5. Prepare a large grid plan of these areas. One tenth of each grid should be subjected to controlled strip burning by the local Rural Fire Brigades each winter to reduce fuel loads.

Dr Kernohan concluded by saying:

> If these recommendations are followed, bushfires could then be fought and hopefully contained in the parks/catchment area rather than in adjoining towns.

Almost 500 hectares of land surrounding the towns of Warragamba and Silverdale will be transferred to Wollondilly Shire Council. However, almost 258,000 hectares will remain under the care and control of the National Parks and Wildlife Service, rather than the Sydney Catchment Authority. The land must be properly maintained—with respect to not only fire management but also the sorts of issues that afflict our national park estate, such as weeds and feral animals. In particular, however, the local community is concerned about fire management. Even though there is 500 hectares of land surrounding those towns, if another major wildfire strikes, properties will be put at risk.

As I said earlier, houses that were 50 to 100 years old were burnt to the ground along Silverdale Road. Apparently there was a significant lack of co-ordination of the firefighting effort at that time. A lot of people were brought in from outside the area. Of course, they did not know who lived in the properties and who should be allowed to go back to the properties and who should not. I believe these issues are germane to the bill. It is all very well to hand over the land to council; indeed, we support that. However, the maintenance of the surrounding special area will be integral to people's ability to continue to enjoy the new facilities that are to be built and at the same time be assured that in future their homes will be protected.

Mr BOB DEBUS (Blue Mountains—Attorney General, Minister for the Environment, and Minister for the Arts) [10.26 p.m.], in reply: The observations of the honourable member for The Hills about the fires of 2001 are highly speculative and tendentious. The fire that started in the Southern Blue Mountains National Park raced perhaps 40 kilometres in the course of not much more than a day and jumped the Warragamba Gorge in four or five places in just a few minutes. It was an extraordinary event that could not be responded to in any conventional fashion. The fact is that the local bushfire co-ordinating arrangements will continue to operate across these areas, and the Sydney Catchment Authority and the Rural Fire Service within the Wollondilly shire will continue to ensure that appropriate fire protection measures are conducted throughout the area surrounding the Warragamba township and beyond. With those comments, no serious issue of any nature having been raised regarding the details of the bill, I commend it to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

DEER BILL

Message received from the Legislative Council returning the bill with amendments.

Consideration of amendments deferred.

TREES (DISPUTES BETWEEN NEIGHBOURS) 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) [10.30 p.m.]: I move:

That this bill be now read a second time.

The Trees (Disputes Between Neighbours) Bill is designed to provide a simple, inexpensive and accessible process for the resolution of disputes about trees between neighbours. The bill establishes a separate statutory scheme giving the Land and Environment Court jurisdiction to make orders to remedy, restrain or prevent damage to property or to prevent injury to any person caused by a tree on adjoining land. Honourable members may be aware that there is some background to this matter. The issue of disputes about trees in the urban environment was originally considered by the New South Wales Law Reform Commission in its report entitled "Neighbour and Neighbour Relations" Report No 88, published in 1998. The Law Reform Commission's report concluded that the common law of nuisance and abatement, which currently governs disputes between private parties about trees, does not provide an adequate dispute resolution process for people living in closely settled communities.

The bill draws upon the work undertaken by the Law Reform Commission, but adopts a different approach to that contained in a number of the commission's recommendations. The proposed legislation also reflects changes to the planning laws and other legislation that have occurred since the publication of the commission's report. An exposure draft of the bill was released earlier this year for public comment and a number of changes have been made to the bill as a result of submissions received during this process.

I will now outline the principal provisions of the bill. The proposed legislation limits the application of the common law of nuisance. An application for an order where a tree on adjoining land is causing damage or poses a danger may be brought only in the Land and Environment Court. As an award of compensation may be ordered under the legislation, the appropriate jurisdiction for matters under the legislation is a court. The Land and Environment Court, which is a specialist environmental jurisdiction, is the most appropriate forum for such disputes. The court's judges and commissioners have extensive experience with trees and vegetation and are regularly required to address provisions of legislation covering native vegetation, national parks and wildlife, as well as considering local planning instruments.

Commissioners of the court hold relevant qualifications and experience. The court has recently advertised for acting commissioners with qualifications in arboriculture, ecology, heritage and engineering, all of which may be relevant to a dispute involving a tree. When dealing with applications under the proposed

legislation, commissioners will sit alone or with other commissioners with relevant expertise. The court may also engage arborists as court-appointed experts in certain circumstances.

As is the case with conflicts about dividing fences, the great majority of tree disputes will occur in built-up metropolitan areas. The legislation, therefore, applies to trees situated in areas with certain zonings, such as areas designated as residential, township, industrial and business under an environmental planning instrument. This approach will ensure that vegetation covered by legislation relating to national parks, catchments, land clearing, native vegetation and other such matters is not caught by the provisions of the bill. Certain other trees will not be covered by the legislation. The Crown Lands Act 1989 provides that the Minister may refer any matter arising out of the administration of the Act to a local land board for inquiry and report. Accordingly, if the tree situated on Crown land is causing problems, the Minister may refer the matter to the local land board.

Where a matter has been referred to a local land board under either the Crown Lands Act or the Western Lands Act 1901, the Land and Environment Court must not make an order unless the process provided for under the Crown lands legislation has been completed. Trees on council land are also exempt from the operation of the legislation, but only in the short term. It is appreciated that some councils have limited resources and that many already spend considerable time and money dealing with tree disputes. However, local government should expect to be covered by the scheme in two years time, when a review of the legislation will take place. Unless the review reveals compelling reasons in support of an ongoing exemption, it is anticipated that local government will then be included.

In relation to the more practical aspects of the legislation, the bill requires an applicant to give notice of an application to certain persons, including the tree owner and any relevant authority that would be entitled to appear in the proceedings. The court may waive the requirement to give notice. The bill provides that a relevant authority, such as a council or the Heritage Council, has a right of appearance before the court in any proceedings where the consent or authorisation of the authority would, in the absence of the legislation, otherwise be required.

Where the court is satisfied that the tree which is the subject of the application has, is, or is likely to cause damage in the near future or poses a risk of injury to a person, the court has jurisdiction to make a range of orders. These orders are designed to remedy or prevent damage, or prevent injury to a person, and may involve the trimming or removal of the tree, installation of root barriers and other such action. The court may make orders, including payment of costs associated with such orders; payment of compensation for damage to property; replacement of a tree; and authorising entry onto land for the purpose of carrying out an order. Failure to comply with an order of the court may result in a maximum penalty of $110,000. The level of penalty recognises that more than one tree may be involved.

When deciding to make an order under the proposed legislation, the court must consider a number or factors, including whether interference with the tree would usually require any consent or authorisation under the Environmental Planning and Assessment Act 1979 or the Heritage Act 1977 and, if so, whether such consent or authorisation has been obtained; any environmental, historical, cultural, social or scientific value the tree may have; any contribution of the tree to the natural landscape and scenic value of the land on which it is situated or the locality concerned; any impact of the tree on soil stability, the watertable or other natural features of the land or locality; factors that may have contributed to the damage, such as the neighbour's own tree roots; any steps the tree owner has taken to prevent damage to property or injury to a person; and such other matters the court considers relevant.

The provisions that require the court to consider environmental factors prior to making an order are in recognition of the importance of urban trees as an environmental asset. Urban trees play a proven environmental role in every urban society. They provide energy savings through lower cooling costs, reduce stormwater run-off, help reduce salinity and provide aesthetic and social benefits associated with being in proximity to nature. The bill therefore recognises the environmental contribution of urban trees as a factor that the court must take into consideration in determining applications.

A number of submissions relating to the exposure draft bill raised concerns relating to trees blocking light and views. The Government appreciates these issues are important to some members of the community. However, the Government is mindful that the proposed legislation pioneers new ground and at this stage does not consider it appropriate to address such concerns of trees blocking light and views. They will be kept under review.

Other provisions in the bill give councils the discretion to carry out the work ordered by the court where the tree owner has not complied with the order. Where councils take such action they will be able to recoup reasonable costs associated with such work. Orders made by the court relating to work to be carried out in relation to the tree that was the subject of the application will "run with the land." That is, where a person sells the land but has not carried out the orders and the applicant has given the new owner a copy of the orders, the purchaser of the property will be required to carry out the work.

The bill amends the Conveyancing (Sale of Land) Regulation 2005 to require a vendor to give a warranty regarding an application or order requiring work to be carried out in compliance with the Trees (Disputes Between Neighbours) Act. The bill also amends the Environmental Planning and Assessment Act 1979 to provide for the inclusion of information regarding court orders made under the legislation on section 149 planning certificates. The legislation will commence early in 2007, once the Land and Environment Court has established appropriate procedures. I commend the bill to the House.

Debate adjourned on motion by Mr Thomas George.

The House adjourned at 10.40 p.m. until Thursday 26 October at 10.00 a.m.