

LEGISLATIVE ASSEMBLY

Tuesday 29 May 2007

The Speaker (The Hon. George Richard Torbay) took the chair at 2.15 p.m.

The Speaker read the Prayer and acknowledgement of country.

ADMINISTRATION OF THE GOVERNMENT

The SPEAKER: I report the receipt of the following message from the Lieutenant-Governor:

J. J. SPIGELMAN
LIEUTENANT-GOVERNOR

Office of the Governor
Sydney 2000

The Honourable James Jacob Spigelman, Chief Justice of New South Wales, Lieutenant-Governor of the State of New South Wales, has the honour to inform the Legislative Assembly that, consequent on the Governor of New South Wales, Professor Marie Bashir, having assumed the administration of the Government of the Commonwealth of Australia, he has this day assumed the administration of the Government of the State.

18 May 2007

ADMINISTRATION OF THE GOVERNMENT

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

MARIE BASHIR
GOVERNOR

Office of the Governor
Sydney 2000

Professor Marie Bashir, Governor of New South Wales, has the honour to inform the Legislative Assembly that she re-assumed the administration of the Government of the State on 19 May 2007.

19 May 2007

BUSINESS OF THE HOUSE

Notices of Motions

Government Business Notices of Motions (for Bills) and General Business Notice of Motion (for Bills) given.

DISTINGUISHED VISITORS

The SPEAKER: I acknowledge the presence in the gallery of a delegation from Lebanon, including the Hon. Ali Bazzi, MP, Mr Hassan Lakis, Mr Kamel Mouslimani and Mr Hussein Hage, guests of the Deputy-Speaker, the member for Bankstown. I welcome them to the New South Wales Parliament.

I also welcome to the New South Wales Parliament a delegation of the Vietnam National Assembly Office led by the Hon. Dr Nguyen Si Dzung, Deputy Secretary General of the Vietnam National Assembly.

QUESTION TIME

HELICOPTER RESCUE SERVICES

Mr BARRY O'FARRELL: My question is directed to the Premier. Why has the Premier failed to tell the public about two incidents involving his new helicopter rescue service, one on its first day of operation and one last Thursday night, when the aircraft was forced to return to base urgently following the loss of all electrics, smoke coming from its side and oil running down windows?

Mr MORRIS IEMMA: As the Leader of the Opposition might be aware, the Government has undertaken significant reform in this area, including the contracts for health-related helicopter services. I might add—

Mr Andrew Stoner: You've thrown out CareFlight. Shame!

Mr MORRIS IEMMA: The process was designed to maintain the excellent work of CareFlight, the organisation to which the Leader of The Nationals referred, its sponsorship arrangements and the good reputation that it has established for serving communities across the State. Following an extensive review of helicopter services, the Government introduced reform to ensure sustained helicopter services across the State. As part of that reform new contracts are being negotiated. I undertake to get from the health department the specific details requested by the Leader of the Opposition in the second part of his question.

HUMAN CLONING

Ms JODI McKAY: My question is directed to the Premier. What is the latest information on banning human cloning in New South Wales?

Mr MORRIS IEMMA: The Government has today flagged the introduction of legislation in this area. Medical science and research saves lives, giving hope to sufferers of disease and disability where there was none, and makes medical miracles possible. That is why I want New South Wales at the forefront of world science. That means providing a legislative environment in which therapeutic stem cell research can take place. This area of research is characterised by strong views on all sides, and I understand the need for these advances in science to be debated in a moral context. However, we must recognise that stem cell research has huge potential to improve the lives of those suffering from disease as long as clear and effective regulations remain in place.

To this end, the Government will strengthen the State's current regulation of human reproductive cloning and research involving human embryos. We will bring New South Wales legislation into line with laws passed by the Commonwealth Parliament last December and, more recently, by the Victorian Parliament. That will ensure national consistency in this important area of medical research. While maintaining a strict ban on human reproductive cloning, we will allow a number of previously prohibited practices to be undertaken for research purposes, practices which will help us better understand human diseases and which may provide the treatments and therapies for many of the illnesses currently considered untreatable.

Vital research into cures and therapies for diabetes, Parkinson's disease and spinal injuries will continue in New South Wales with this legal backing. This research happens in the laboratory at the cellular level. I make it very clear that we will maintain prohibitions on human cloning for reproduction; collecting a viable human embryo from the body of a woman; the sale or trade of sperm, eggs and embryos; the creation of a human embryo by fertilisation of a human egg by a human sperm other than to achieve pregnancy in a woman; and implanting into the womb of a woman embryos created by any means other than fertilisation of a human egg by a human sperm. Penalties for offences against these prohibited practices have been increased from 10 to 15 years jail, and the commonwealth licensing committee's powers have been expanded and strengthened. I realise that this issue raises complex ethical and moral issues. That is why Government members of Parliament will be given the right to make their own judgments and vote according to their conscience.

Mr Barry O'Farrell: All MPs.

Mr MORRIS IEMMA: I can speak only on behalf of Government members of Parliament, but I acknowledge the Leader of the Opposition's comment that the right will extend to all members of Parliament. The future of this research in New South Wales has come to a crossroad. Without these changes researchers will be forced to put down their microscopes and move to jurisdictions that allow this groundbreaking work. It is my strong view that, wherever possible, governments have a responsibility to act to alleviate human suffering and preserve human dignity. The Government's proposals, I believe, achieve this objective; they are compassionate and balanced. We will ensure that constructive and responsible research can be carried out in New South Wales legally and, most importantly, to save lives.

HELICOPTER RESCUE SERVICES

Mrs JILLIAN SKINNER: My question is directed to the Premier. Since the Premier was warned about potential safety issues, can he guarantee that his decision to contract out helicopter rescue services to a

for-profit company will not lead to cuts in safety and maintenance, jeopardising the lives of pilots, doctors and patients?

Mr MORRIS IEMMA: I assume that the Deputy Leader of the Opposition is referring to the CHC Helicopter Corporation, which had been brought in some 12 months ago, prior to the decisions of December last year, to assist in the delivery of helicopter rescue services in a certain part of New South Wales. To the best of my recollection that was the southern part of the State. For the benefit of the Deputy Leader of the Opposition, the same organisation is providing helicopter rescue services interstate. As part of the review that was undertaken, the objective of contract helicopter services in providing health services is to provide sustained helicopter services for the people of New South Wales—

Mrs Jillian Skinner: What about safe services?

Mr MORRIS IEMMA: —and safe and sustained helicopter health services. If the Deputy Leader of the Opposition is referring to the CHC Helicopter Corporation, the company has in the past undertaken work on behalf of the New South Wales Government and the people of the State, and was brought in following difficulties experienced by a previous contractor. We believe that the process the Government has undertaken achieves a balance between keeping the corporate sponsorship arrangements with organisations such as CareFlight, the excellent work they do and their involvement in the current system—

Mr Barry O'Farrell: Catastrophic failure, electronics failure.

Mr MORRIS IEMMA: —and bringing in safe and sustained services for the people of this State. The Leader of the Opposition mentioned the catastrophically injured. The Government also trialled, in conjunction with the NRMA, a system for the recovery of brain injured victims. The last time I saw the figures for crash victims suffering brain injuries the trial was working very well.

DR PATRICK POWER PROSECUTION

Mr MICHAEL DALEY: My question is to the Minister for Police. What is the latest information regarding the prosecution of Dr Patrick Power, and related matters?

Mr Adrian Piccoli: Point of order—

The SPEAKER: I have not heard a word from the Minister yet. What is the point of order?

Mr Adrian Piccoli: I am entitled to raise a point of order on the content of the question, without the Minister making any comment. This matter is still under appeal, I believe, so it is inappropriate for the question to be asked and, indeed, for an answer to be given.

The SPEAKER: Order! The question is in order. I will listen carefully to the Minister's response.

Mr DAVID CAMPBELL: When we last sat in this place the member for Epping offered a personal explanation on a matter of grave importance. The member, under fire for his part in notifying Dr Patrick Power of child pornography allegations against him before notifying police, sought to explain himself. At the time we welcomed that move, because the Leader of the Opposition had not been able to muster the ticker to deal with this serious issue plaguing his shadow Attorney General. But the member for Epping thinks he is too smart by half. Just like when he took those late-night phone calls from the member for Vacluse and Bill Heffernan, the member for Epping has again treated his former office, the Parliament and the people of New South Wales with utter contempt. The member for Epping misled the House in his personal explanation on 10 May.

Mr Adrian Piccoli: Point of order: Attacks on members must be made by substantive motion. This is clearly an attack on the member for Epping based on a personal explanation that he was more than entitled to give on the last sitting day. Mr Speaker, you are all about improving the standards of this House and on the first sitting day you said that one of your objectives was to ensure that parliamentary privilege and process were not abused. Clearly, that is what the Minister is doing.

Mr DAVID CAMPBELL: To the point of order: It is quite clear that the Opposition does not want to acknowledge or debate the fact that the member for Epping misled the House, which I pre-empted would be the case. I foreshadow that at the conclusion of question time I shall move a motion of censure against the member for Epping.

PREMIER'S STAFF RESTRUCTURE

Mr ANDREW STONER: My question is directed to the Premier. After refusing to answer my earlier question about whistleblower Mark Aarons' hasty departure from his office, will the Premier now inform the House how many members of his personal staff were made redundant as part of the restructure that resulted in Aarons' convenient redundancy and how many new people have joined the Premier's office since then?

Mr MORRIS IEMMA: I answered this question the last time the House sat. I say to the Leader of The Nationals: Refer to my previous answer. One can see from the question why it is that Mark Vaile is preparing the ground for the transfer of the Leader of The Nationals to the Australian Capital Territory. So distressed is the Leader of The Nationals at the performance of the Opposition he now wants to get out of here and hotfoot it down to Canberra, just like the former Leader of the Opposition, the member for Vacluse, who was so distressed at the performance of the member for Ku-ring-gai that he has already started counting. That is in addition to the former former Leader of the Opposition, Mr Brogden, who was also distressed at the performance of the Opposition.

Mr Andrew Stoner: Answer the question! How many other staff have been made redundant?

Mr MORRIS IEMMA: And that question sums it all up. Was there a question from the Leader of The Nationals about any issues that confront this State? No. The question is just a rehashing of a question he asked me on the last sitting day. No wonder the Leader of The Nationals has given up and wants to go down to Canberra to take over Mark Vaile's seat. Andrew Stoner in that seat will be Mark Vaile's legacy to the people of New South Wales.

Mr Adrian Piccoli: Point of order: I would like you to rule about relevance and about Ministers answering questions. Questions about who is going to stand in what seat are not relevant to the question asked by the Leader of The Nationals. We have sought on two occasions to get an answer to this question and the Premier has not given an answer. If question time is to be in any way relevant, Ministers have to at least give some semblance of an answer to important questions like this.

The SPEAKER: Order! I remind all members that the standing orders are clear: the answer must be relevant to the question. However, the Speaker cannot direct a Minister or the Premier how to answer a question.

PUBLIC HOSPITAL SYSTEM PERFORMANCE

Dr ANDREW McDONALD: My question is directed to the Minister for Health. What is the latest information on public hospital system performance in New South Wales?

Ms REBA MEAGHER: The New South Wales health system is world-class. It is staffed by dedicated, highly educated and trained health professionals and it is governed by the highest standards of patient care and clinical excellence. It has been going through a quiet revolution of clinical redesign and system improvement. The drivers of this clinical reform and clinical excellence include a group of the most eminent clinicians, who have been coordinated with passion by Professor Katherine McGrath of NSW Health and who are recognised as leaders across the State, the nation and the world. They include Professor Brian McCaughan, Dr Patrick Creegan, Professor Peter Castaldi, Professor Ron Penny, Dr Jim Bishop, Professor Bruce Baraclough and Professor Cliff Hughes of the Clinical Excellence Commission. The improved performance of our public health system is a testament to their hard work and vision, and the Government has backed them with a massive injection of additional funding. I place on record the gratitude of the Iemma Government for the hard work of these leaders and all those who deliver such an outstanding public health service to the people of this State.

The most recent data for March 2007 shows the elective surgery waiting list continues to be reduced. Across New South Wales the number of patients waiting more than 12 months for elective surgery was cut from 2,471 in March 2006 to only 66 surgical patients in March of this year. This represents the ongoing improvement from January 2005, when there were more than 10,000 people on the waiting list. It shows the Government's Predictable Surgery Program, overseen by Brian McCaughan and Patrick Creegan, is sustaining the enormous improvements required. In addition, more elective surgery is being performed than ever before, with more than 1,300 additional booked surgical admissions in the year to date compared with March 2006.

This has been achieved in the face of ever-increasing demand. Our emergency departments data state that 1.4 million patients were attended to between July 2006 to March 2007, a 5.6 per cent increase when

compared with the previous year. During the same period, admissions from emergency departments to the ward have increased by 7.1 per cent to just over 312,000 admissions. Despite this significant increase the timely offloading of patients arriving by ambulances to emergency departments is steadily improving. I am advised that in March 2007 the percentage of ambulance patients offloaded within 30 minutes was 79 per cent—a performance as good as last year, despite massive growth in the call on services.

The State Plan clearly establishes that our core business is to provide better access to health services. March 2007 data shows that we are delivering more surgery and increased access to emergency departments and wards despite the increased demand for services. Emergency departments continue to treat 100 per cent of the most seriously ill within the designated two-minute timeframe. For those patients classified as triage category 2 or in the category of imminently life threatening, the performance in treating patients within the benchmark 10 minutes was 88 per cent—six percentage points higher than in March 2006 and eight percentage points above the national benchmark target level. In March 2007 the performance in treating patients classified as triage category 3 within 30 minutes was 72 per cent—eight percentage points higher than in March 2006.

Significant improvements have also been achieved for those patients who are classified as triage category 4 and triage category 5. This is a result of the funding and staffing of almost 1,800 new permanent beds, bed equivalents and places since the 2004-05 budget. That is an unprecedented growth in hospital services. I am further advised that in March 2007 the percentage of patients who wait less than eight hours in an emergency department to get an inpatient hospital bed was 79 per cent. The New South Wales health system has shown significant performance improvement in the past two years, a performance of which this Government is very proud and which will continue.

HELPING YOUNG PEOPLE IN RESIDENTIAL AGED CARE PROGRAM

Mr DAVID BORGER: My question is directed to the Minister for Ageing and Disabilities. Will the Minister update the House on the progress of the Helping Young People in Residential Aged Care Program?

Ms KRISTINA KENEALLY: I congratulate the member for Granville on his election to this House. I note that already he is becoming an advocate for the most vulnerable members in his community. The Lemma Government shares concerns in the community about young people with a disability living inappropriately in residential aged care facilities with older residents. That is why this Government will work with young people with a disability, their families and their carers over the next five years. We will offer support to prevent more young people from entering residential aged care, to improve the lives of those who remain in residential aged care and to develop new services that will enable young people to move to more appropriate accommodation and care options.

We will do this through the helping young people in residential aged care program bilateral agreement with the Australian Government, with both governments providing equal funds. This agreement includes an investment of \$81.2 million over five years to assist younger people with a disability living in or at risk of entering residential aged care. To ensure that these services are implemented effectively, we are working in close consultation with younger people, their families and their carers.

The program will initially target those people under 50 who are most inappropriately accommodated in residential aged care. By the end of year one it is anticipated that up to 26 people will be assisted under the program. To allow us to prioritise those people to be included for the first round of assistance, we wrote to all people under the age of 50 in residential aged care inviting them to complete an application for the assessment. I am advised that we have received a total of 171 applications. Of these, 63 applicants have requested to remain in a nursing home and receive improved disability support; 43 applicants have requested to live alone or with another family member or carer and receive paid support; and 54 have requested to live in alternative accommodation. The other 11 have either selected none of the options or have provided an alternative option.

I am advised that the Department of Ageing, Disability and Home Care staff are reviewing all applications to prioritise those who will be offered a full assessment for assistance under the program. To ensure that those services reach the people most in need, all assessments will be considered by a panel with expertise in the needs of people with a disability. I am pleased to advise the House that a second round of applications has now begun to allow a further opportunity for people under 50 currently residing in aged care facilities to be assessed. This round will include people with a disability who are not currently in residential aged care but who have been identified as being at risk of entering an aged care facility. Applications will close on 22 June. Further rounds of assessment will continue throughout the program.

The New South Wales Government has a strong commitment to improving the lives of people with a disability. The Government has released "Stronger Together: A new direction for disability services 2006-2016". This is a comprehensive 10-year plan, which is backed by \$1.3 billion in funding over the first five years, including \$154 million in this financial year. Already that \$154 million is making a real difference to the lives of people with a disability, including more respite places and more day program supports. In particular, we have increased funding to the community participation program, which allows young people leaving school four days access to a community participation program and five days for people with higher support needs. Stronger Together supports the helping young people in residential aged care agreement to reduce the number of young people living in these aged care facilities.

The plan provides for greater assistance and long-term practical solutions for people with a disability and their families. This also complements our new direction for New South Wales, the aim of which is a fairer and more caring society. Our test as a Government is whether we can better enhance the lives of all our citizens and leave the State a better place than we found it. At the heart of this new direction is better care and support for the most vulnerable members of our community, in particular, people with a disability.

One of the achievements of the Government is, of course, Stronger Together. While the Government was finalising Stronger Together the Premier asked the directors general of 12 government agencies to work together to improve planning, management and coordination of services and facilities to better support people with a disability and their carers. Of course, the young people in the nursing homes bilateral agreement will be part of that plan. With this roundtable the Government sought to find what works, where we need to improve, what important issues we face and what stops people with a disability and their carers from participating in the community or succeeding in employment. We wanted to know their priorities for improvement. The result is Better Together, which was launched by the Premier on 2 March 2007 and which is a series of priorities that we can begin implementing immediately. What is exciting about Better Together is its whole-of-government approach that supports people with a disability. It will support young people in the nursing home bilateral agreement because it will provide universal services, mainstream services and specialist services to people with a disability. It will remove those barriers that make it difficult for young people with a disability to live in the community.

Whether it is transport, education, health or any of our services, appropriate access to people with a disability must be a part of the regular way we do business. We will measure the success of Better Together by how well people with a disability can access government services available to the rest of the community, the extent to which specialist services are targeted to those who need them most and how well carers are supported. Better Together builds on the New South Wales State Plan to commit to deliver better services to promote fairness and equality of opportunity for all citizens by providing better services to families and people with a disability.

This Government has at its heart a clear set of values. One of those is to provide everyone in our community with the opportunity to participate. Better planning, management and coordination across all government services will give people with a disability more access to our services, greater engagement in society and the opportunity themselves to contribute to our community and to our way of life. I commend to the House the work of helping young people in the residential aged care bilateral agreement. It is an important step in improving the lives of young people with a disability with very high support needs.

DROUGHT WATER RESTRICTIONS

Mr ADRIAN PICCOLI: My question is directed to the Premier. If the Premier really believes that the current drought is so bad that he is considering forcing level 4 water restrictions on country towns, can he update the House on how many times he has visited the affected areas since 24 March to see the issues firsthand and what have been the outcomes of his meetings?

Mr MORRIS IEMMA: The severity of the drought is well known. That is why the Government has stood by farming communities all the way through with a comprehensive range of measures to assist farmers, such as in excess of some \$270 million about which the Minister has made an announcement in the past few weeks. It has also been the subject of a number of gatherings in the Federal Parliament as part of the national effort to support farming communities.

Mr Alan Ashton: COAG.

Mr MORRIS IEMMA: As the member for East Hills says, COAG, and, I might add, for greater certainty in the Murray-Darling Basin to get a better allocation of water in what is the worst drought in 100 years. What has the member for Murrumbidgee been doing? Has he been supporting the Prime Minister or the plan he has placed on the table for a national approach to water management in the Murray-Darling Basin? No. The Nationals were sleazing around New South Wales in the lead-up to the State election undermining the Prime Minister's national plan. That is the effort the member for Murrumbidgee so infamously put forward in the lead-up to the election.

His own people in Canberra put on the table a \$10 billion plan involving infrastructure support and management of water resources in that region—a national approach given that it crosses so many borders involving so many jurisdictions. One would have thought that The Nationals in New South Wales would have signed up to support a national effort for irrigators and farmers, but the Leader of The Nationals, for his own base political purposes, was out there undermining a national action plan on this issue. Then he has the hide to get up in the Chamber and ask a question about the drought. No wonder his leader is off to Canberra—he cannot stand it any more. They have spent years in the wilderness and the Leader of The Nationals cannot stand it any more.

The SPEAKER: Order! I call the Leader of The Nationals to order.

Mr MORRIS IEMMA: The support we have given to farmers and farming communities is one reason the Leader of The Nationals has had enough and does not want to stay in this Parliament. When the process we have started since the election—since the people gave us a four-year mandate—culminates in some of the decisions that will be announced, members opposite will be staying in the wilderness a lot longer.

ABORIGINAL HEALTH

Ms SONIA HORNERY: My question is addressed to the Minister for Community Services. Will the Minister update the House on the Government's efforts to improve the health of Aboriginal mothers and babies, based on a program trialled at John Hunter Hospital in my electorate of Wallsend?

Mr KEVIN GREENE: I join with my colleagues in welcoming the member for Wallsend to this place. It is great to see the hard work that she has already undertaken in her electorate. Indeed, when I was in Newcastle last week I was impressed with some of the initiatives she has put in place in her electorate. A range of historical, social and economic factors has resulted in Aboriginal mothers and babies being particularly vulnerable in our community. Aboriginal mums are more likely to be living in poverty, to be aged under 20, to have pre-term babies and to have babies with low birth weights. As we know, premature and low birth weight babies are more likely to develop slowly, lagging behind other children in the critical first two years of life.

The Iemma Government is committed to improving health and education for Aboriginal people in New South Wales. It is stated clearly in our State Plan. The Aboriginal Maternal and Infant Health Strategy is one of the key steps towards meeting our goals for Aboriginal people. Introduced in 2000 under Families New South Wales, this program to support Aboriginal women during pregnancy is helping mothers and babies in a number of sites, including Newcastle, Dubbo, Broken Hill, Wilcannia, Moree, Coffs Harbour and Taree. As a result, more Aboriginal women are taking up prenatal services in these areas, with almost 80 per cent of women being seen within the first 20 weeks of their pregnancy.

Before the strategy was introduced, 20 per cent of Aboriginal babies in these areas were born prematurely. For women being helped by this fantastic strategy, this figure has been reduced to 11 per cent. The results are speaking for themselves. I am pleased to advise the House that we are now expanding this successful program across the State. The Government's additional investment of \$8.8 million over two years means that the Aboriginal Maternal and Infant Health Strategy will be expanded to more than 40 additional sites, including Campbelltown, Liverpool, Blacktown, Penrith, Griffith, Narrabri, Toronto, Tamworth, Armidale, Grafton, Tweed, Coonabarabran, Bathurst, Gosford and Shoalhaven. The expanded strategy will also help us to connect Aboriginal families to other support services.

Mr Andrew Stoner: What about Kempsey?

Mr KEVIN GREENE: As the Leader of The Nationals is so keen on the work being undertaken, I take this opportunity to update the House on some of the programs to which the Government is so committed. As the House is aware, the Government is investing an additional \$1.2 billion in the Department of Community

Services to reform the New South Wales child protection system. This unprecedented commitment will almost double the number of front-line workers, with an extra 1,025 casework positions being created over five full years. So far, we have created 750 of these vital front-line positions, with the reform taking the Community Services budget to a record \$1.13 billion in 2006-07.

We are also providing extra support for vulnerable families, with 350 additional caseworkers and \$150 million in new services under the Brighter Futures Early Intervention Program. Brighter Futures is a revolution in child protection because it seeks to work with and support vulnerable families to prevent child abuse and neglect. Targeting families with problems such as mental illness, domestic violence and drug and alcohol abuse, Brighter Futures provides quality child care to help children learn and develop, parenting programs to give carers new skills and confidence, and regular ongoing home visits to help families cope with everyday problems. Brighter Futures is about just that: Helping families to stay together and to give their children the love and care they need so that their futures are bright and full of hope.

Sadly, child abuse and neglect is a growing problem both in Australia and around the world. Reports of children at risk of harm in New South Wales increased by 51 per cent in the five years to 2005-06, and a further increase of 15 per cent is expected this year. The reform package provides an extra 375 child protection caseworkers and almost \$19 million to boost joint investigation response teams; that is, teams of police detectives and Department of Community Services caseworkers who handle the most serious cases of abuse. We are also recruiting psychologists, legal officers, casework managers and clerical staff to ensure that our caseworkers are well supported.

Mr Wayne Merton: Point of order: As much as I admire the Minister's style, the question asked was specific in nature. The Minister has certainly departed from the substantive answer to the question.

The SPEAKER: Order! I am sure the Minister will conclude his answer.

Mr KEVIN GREENE: My answer is concluding.

The SPEAKER: Order! There is too much audible conversation in the Chamber.

Mr KEVIN GREENE: I concur with the member for Baulkham Hills, who correctly said that I am enthusiastic about the work being done by the Department of Community Services not only in terms of support for Aboriginal maternal health but also for all those involved in the services we provide. That is why we are improving the skills of our workforce. The minimum entry level casework qualification has been upgraded from a diploma to a degree, and new caseworkers receive 40 days of comprehensive entry level training. The increase in caseworker positions is leading to significant improvements in case allocation. Every report to the Department of Community Services is initially assessed at the helpline to determine the level of risk to the child and is prioritised accordingly. Of the cases referred to local Community Services centres or joint investigation response teams for further assessment, the highest priority cases require a 24-hour response. During 2005-06 Community Services centres, which had been fully resourced under the reform, were able to take action on all reports requiring a 24-hour response. I take this opportunity to respond to the interjection of Mr Turner, because only recently I had the pleasure and privilege of visiting the Taree office of the Department of Community Services. When I walked past the member's office in Tuncurry, unfortunately he was not there and the office was not open. There is a real estate agent right next door, just to prove I was there.

The SPEAKER: Order! The Minister will make his contribution through the Chair.

Mr KEVIN GREENE: Sorry, I wanted to assure Mr Turner that I enjoyed my visit to Forster-Tuncurry and Taree.

Mr Malcolm Kerr: Point of order: The Minister should refer to members by their correct titles.

The SPEAKER: Order! I uphold the point of order. The Minister will refer to the member for Myall Lakes by his correct title.

Mr KEVIN GREENE: I bow to the judgment of the member for Cronulla, who has extensive experience in this House and has never referred to anyone except in the appropriate terms, and I recognise the member for Myall Lakes. Enough of this distraction: I get back to the fact that I visited the Taree office of the Department of Community Services and was extremely impressed with the staff's dedication. Members of the

staff were excited by the fact that a week after my visit they were going to move to their new office. As the member for Myall Lakes is aware, the new Taree office of the Department of Community Services is at the library as one comes into Taree, just past the Rivers store. In case the member had not been to Taree recently I thought I should update him on that. Actually, there are a couple in Taree; they might sell him something.

Mr Malcolm Kerr: Point of order: This excursion was in response to an interjection. The Minister has had sufficient time to respond to the interjection.

The SPEAKER: Order! I ask the Minister to conclude his answer.

Mr KEVIN GREENE: As I was saying, I was at the Department of Community Services office in Taree. The staff members are doing an outstanding job. They are extremely grateful to this Government for the additional caseworkers that are being provided. They are pleased they have now moved into their new office. They are able to provide additional services to their community. Most importantly, as I have said, the Aboriginal Maternal and Infant Health Strategy is also being introduced in Taree and, as the member for Myall Lakes has indicated, he is excited and enthused about that.

DAVID BECKHAM AND LA GALAXY SOCCER CLUB

Mr GEORGE SOURIS: My question is directed to the Premier. What is the status of his commitment to provide whatever is needed to bring David Beckham and the LA Galaxy to Sydney? Is the Premier still aggressively chasing the event following the Galaxy's refusal to confirm the visit to Australia?

Mr MORRIS IEMMA: I must start by saying: What do you have against Becks? The member for Upper Hunter derided David Beckham as a has-been. We will not go there. We will not go over Luna Park again. We will not go over Eastern Creek again. Suffice it to say he has been recalled to the England team. That is an outstanding decision on the part of Stephen McClaren, the England coach. The answer to the second part of the member's question is: Stay tuned.

BUS SERVICES

Mr MATTHEW MORRIS: My question is addressed is to the Minister for Transport. What is the latest information on improvements to bus services for Sydney, the Hunter, the Central Coast, Illawarra and the Blue Mountains?

Mr JOHN WATKINS: We are buying a lot of buses.

HELICOPTER RESCUE SERVICES

Mr MORRIS IEMMA: During question time the Leader of the Opposition asked me a question in relation to ambulance services for New South Wales. The first part of the question related to specific incidents. I have sought advice and I would like to inform the House by way of supplementation to the answer I provided earlier. In relation to the matter concerning the first day of operation, I am advised that a fault caused a warning light to come on. The fault was with the operation of the warning light. I am advised this was fixed and following an engineering inspection the helicopter returned to service later that day.

I am further advised that last Thursday an electrical failure resulted in a return to base. The chief executive of the Ambulance Service has advised there was no official report of smoke or oil. I am further advised that the repair was immediately rectified and the helicopter was back in the air that very day. I am further advised that a second helicopter was immediately dispatched and the transfer successfully completed. I am also advised that under the new arrangements new helicopters are interchangeable, so a full service was maintained. I can further advise that two weeks after the Air Ambulance emergency helicopters took to the skies more than 50 missions have been flown

Mr Barry O'Farrell: Catastrophic electronic failure.

Mr MORRIS IEMMA: This is information from Air Ambulance New South Wales. I am further advised that new aircraft are based at Bankstown, Wollongong and Orange. The missions included 30 responses to incidents such as a patient trapped with arm, head and leg injuries after a car accident on the Princes Highway, a high-speed head-on collision between two motor vehicles on Springwood Road Yarramundi, and a

person falling from a motorbike at Long Point near Orange. One incident involved the urgent transfer of a critically ill patient weighing more than 150 kilograms from a regional centre to Sydney.

I am advised by the Ambulance Service that this mission would not have been possible in the old helicopters and helped give the patient the best chance of a positive outcome. I am further advised that the helicopters return to base from time to time for repair. That was the case before; it will be the case in the future, and is part of the new procedures. My colleague, the member for Monaro, informs me that CHC Helicopter Corporation is the company that runs Snowy Hydro South Care. He advises that that organisation is thrilled with the service that is provided.

Question time concluded.

BUSINESS OF THE HOUSE

Suspension of Standing Orders: Motion of Censure

Mr DAVID CAMPBELL (Keira—Minister for Police, and Minister for the Illawarra) [4.08 p.m.]:
I move:

That standing orders be suspended to permit the consideration of the following motion forthwith:

That this House:

- (1) deplores the conduct of the member for Epping in his dealings with Dr Patrick Power regarding child pornographic material found on Dr Power's computer; and
- (2) censures the member for Epping for misuse of his position as a member of the Legislative Assembly by misleading the House and breaching the Code of Conduct in its requirements for honesty and integrity during his personal explanation on 10 May 2007 in relation to events that took place surrounding the discovery of child pornographic material found on Dr Power's computer.

This is a serious matter. The notion that the shadow Attorney General has misled the House is an important one that needs to be debated. I sought to answer a question on this issue when Parliament last sat. I sought to answer a question on this issue today and the Opposition sought to ensure that information was not provided to the House and therefore to the community of New South Wales. Child pornography is a very serious issue, and the misleading of the House by the shadow Attorney General is an important issue. The best way to clear up this matter is by way of debate. I have moved suspension of standing orders so that we can debate a censure motion and clarify the issue for the people of New South Wales.

Mr ADRIAN PICCOLI (Murrumbidgee) [3.09 p.m.]: The Opposition absolutely opposes the suspension of standing orders and will oppose a censure motion. This is merely a stunt to divert attention from the failures of the Minister for Police in the Patrick Power matter. The member for Epping in his personal explanation clearly stated the steps he took in consultation with the Director of Public Prosecutions and raised questions about the conduct of the Minister for Police and the Government over the handling of the Patrick Power matter. That is why we oppose the suspension of standing orders and will oppose the censure motion.

The SPEAKER: Order! I call the member for Bathurst to order.

Mr ADRIAN PICCOLI: This is a shameless stunt by the Government. The Government should be embarrassed about its behaviour in respect to the Patrick Power matter and its treatment of Parliament. They want to move a censure motion so that they can make allegations under parliamentary privilege that would not be permissible in a court of law in New South Wales.

The SPEAKER: Order! I remind the member for Bathurst that he is on one call to order.

Mr ADRIAN PICCOLI: They want to use coward's castle, as they always do, to protect themselves and to trash the reputation of others, including that of the member for Epping. If misleading the House was a reason to move a censure motion in Parliament, in the eight years I have been a member of Parliament the Opposition would have moved a censure motion every day against Government Ministers, including the Minister for Police. Unfortunately, a few of the worst offenders have left the Parliament, but I can start at the end of the front bench with the member for Riverstone, who made scandalous, unproven allegations in the Parliament about a school student at Cecil Hills High. Although he misled the Parliament we did not move a censure motion at the time. There are numerous examples of Ministers making false statements in and out of the

Parliament, the most recent being the Minister for Roads, who made false statements about information he had about The Spit Bridge. I commend the member for Manly for taking it up to the Minister. If there are to be censure motions against members of Parliament, then we can start on that side of the House.

The way the Government has misled the people of New South Wales over the past 12 years is incredible. The Government has made promise after promise after promise in the Parliament about improvements to transport in Sydney. The OSCars were due 18 months ago. Where are they? We were misled by the Premier and the Minister for Transport about the OSCars and increased train services. We have received nothing. The Government misled us about the north-west rail link. They promised it repeatedly, but they have failed to deliver. This motion is another shameless example of the Labor Party misusing the processes of Parliament to trash the reputation of others, in this case the member for Epping. The Minister could not get away with it in question time because the Speaker upheld the standing orders. Now the Minister is trying to do it by way of a substantive motion, which we will absolutely oppose.

The SPEAKER: Order! I call the member for Bathurst to order for the second time. The member for Murrumbidgee will be heard in silence.

Mr ADRIAN PICCOLI: I remind Government members that pursuant to the standing orders they cannot abuse parliamentary privilege to make unsubstantiated allegations of quasi-criminal activity. We know what the Minister is up to. He is trying to use the Parliament and have the matter heard as early as possible so that it will make tonight's news. But the media are too smart and are onto him. They know exactly what this is all about. The Opposition will oppose a censure motion and we reject the scurrilous, gutless campaign being waged by the Minister for Police against the member for Epping. This matter will come back to haunt the Minister for Police. The media are on top of his gutless, spineless actions. The Opposition opposes the suspension of standing orders and will oppose a censure motion.

Mr DAVID CAMPBELL (Keira—Minister for Police, and Minister for the Illawarra) [3.14 p.m.], in reply: What a pathetic contribution!

The SPEAKER: Order! The Minister for Police is in order and has the call.

Mr DAVID CAMPBELL: Not much more than one hour ago the member for Murrumbidgee told us to move a substantive motion. When we seek to move a substantive motion, he says he does not like it. He does not like it because the Opposition is on the back foot. He knows that a censure motion will involve strong debate about the member misleading the Parliament. The Opposition is running scared. His remarks were interesting because the bottom line is he invited a substantive motion. The Government has done its research and was prepared for that. I simply say: Bring on the debate.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 51

Mr Amery	Mr Greene	Mrs Paluzzano
Ms Andrews	Mr Harris	Mr Pearce
Mr Aquilina	Mr Hickey	Mrs Perry
Ms Beamer	Ms Hornery	Mr Rees
Mr Borger	Mr Iemma	Mr Sartor
Mr Brown	Ms Judge	Mr Shearan
Ms Burney	Ms Keneally	Mr Stewart
Ms Burton	Mr Khoshaba	Ms Tebbutt
Mr Campbell	Mr Koperberg	Mr Terenzini
Mr Collier	Mr Lynch	Mr Tripodi
Mr Coombs	Mr McBride	Mr Watkins
Mr Corrigan	Dr McDonald	Mr West
Mr Costa	Ms McKay	Mr Whan
Mr Daley	Mr McLeay	<i>Tellers,</i>
Ms D'Amore	Ms McMahan	
Ms Firth	Ms Meagher	
Ms Gadiel	Ms Megarrity	Mr Ashton
Mr Gibson	Mr Morris	Mr Martin

Noes, 39

Mr Aplin	Ms Hodgkinson	Mrs Skinner
Mr Baird	Mrs Hopwood	Mr Smith
Mr Baumann	Mr Humphries	Mr Souris
Ms Berejikian	Mr Kerr	Mr Stokes
Mr Cansdell	Mr Merton	Mr Stoner
Mr Constance	Ms Moore	Mr J. H. Turner
Mr Debnam	Mr O'Dea	Mr R. W. Turner
Mr Draper	Mr O'Farrell	Mr J. D. Williams
Mrs Fardell	Mr Page	Mr R. C. Williams
Mr Fraser	Mr Piccoli	<i>Tellers,</i>
Ms Goward	Mr Piper	
Mrs Hancock	Mr Provest	
Mr Hartcher	Mr Richardson	Mr George
Mr Hazzard	Mr Roberts	Mr Maguire

Question resolved in the affirmative.

Motion agreed to.

MEMBER FOR EPPING**Motion of Censure**

Mr DAVID CAMPBELL (Keira—Minister for Police, and Minister for the Illawarra) [3.22 p.m.]:

I move:

That this House:

- (1) deplores the conduct of the member for Epping in his dealings with Dr Patrick Power regarding child pornographic material found on Dr Power's computer; and
- (2) censures the member for Epping for misuse of his position as a member of the Legislative Assembly by misleading the House and breaching the code of conduct in its requirements for honesty and integrity during his personal explanation on 10 May 2007 in relation to events that took place surrounding the discovery of child pornographic material found on Dr Power's computer.

I move this motion to censure the member for Epping for deliberately misleading the House about why he notified Dr Power before notifying the police. When we last sat in this place, the member for Epping offered a personal explanation on a matter of grave importance. The member, under fire for his part in notifying Dr Patrick Power of child pornography allegations against him before notifying police, sought to explain himself. We welcomed that move at the time because the Leader of the Opposition had not been able to muster the ticker to deal with this serious issue plaguing his shadow Attorney General. However, the member for Epping thinks he is too smart by half, just like he did when he was having late-night phone calls with the member for Vacluse and Bill Heffernan. The member has again treated his former office, the Parliament and the people of New South Wales with utter contempt.

The member misled the House in his personal explanation on 10 May 2007. Unable to give a credible reason for notifying a mate that he had been caught with child pornography before telling police, the member for Epping tried to cover it up. His personal explanation raised many more questions than it answered. The member was very clear about why he had spoken to Power before calling in the police: he claimed it was because of his role as a manager. In this Chamber on 10 May the member said:

A matter we wished to clarify was whether he would claim he had possession of this material for the purpose of a case in which he was briefed.

He later said:

Unless he had a credible explanation, we needed him to stand down...

He then went on to say:

Accordingly, it was agreed that if no credible explanation were given I would request him to stand down voluntarily.

Those were his words, which can be found in *Hansard*. He claims he brought Power in to ask him whether the pictures related to a case he was working on. However, that is not how it really happened. We know the true story because the Director of Public Prosecutions, Nicholas Cowdery, has provided the notes that the member for Epping made on that day.

With the concurrence of the House I table a copy of a memorandum to the Director of Public Prosecutions from Greg Smith, SC, Deputy Director, regarding Patrick Power, dated 4 July 2006. The member's notes tell a very different story of what occurred in his chambers on 4 July 2006. First, there is no mention in the notes of seeking some sort of work related explanation from Dr Power about why he had the material. To the contrary, the member for Epping's notes show he knew it was unlikely that the material was work related before he spoke to Dr Power. The notes also clearly show that the member knew the police would need to be involved. That shows, first, that he knew it was not a work issue and, secondly, that he should already have contacted the police rather than call in Dr Power.

In a further unravelling of the statements made in the House by the member for Epping, we can reveal that before Dr Power was even asked to come into the office, the former Deputy Director of Public Prosecutions, now sitting opposite, consulted the Crimes Act to determine which defences Dr Power could use to fight the allegation. Let us remember that the member for Epping said that he was acting as a manager and that he called in Dr Power to seek an explanation to establish whether the images had been kept for a case. However, we now have the very different and utterly extraordinary situation that the former Deputy Director of Public Prosecutions was sitting in his office reading through the Crimes Act to determine what defences were available for a colleague and friend caught red-handed with child pornography.

The notes go on to say that during that process—when he could have been calling the police—the member for Epping identified the relevant section of the Act relating to possession of child pornography and noted that regardless of any excuse offered by Dr Power there were statutory defences that did not seem likely to apply. The member's notes state that he insisted that Power's PC, hard drive and any copy that had been made of the data be brought to his chambers for safe-keeping because he expected that the police would become involved in an investigation of the material. Yet he still did not call the police; he called Power. This appalling series of events, conducted by an allegedly professional prosecutor, continued. His notes go on to describe the point at which he contacted a man who by this stage should have been reported to the police and all evidence handed over. The notes state:

It was also agreed that I would try to contact Patrick and request that he come to my chambers. There I was to advise him of what had been found on his PC, that he was not asked to comment, but invited to stand down from his position on full pay pending the outcome of a Police investigation.

The memo further states:

He—

referring to Power—

arrived at about 6 p.m. and ... I then told him what had been found, asking him not to comment. I referred to s.91H of the Crimes Act, which made it an offence to possess child pornography without a reasonable excuse.

That is what he told Power. There were no questions on work-related pornography, no questions on child abuse cases, and no discussion on whether this was all a mistake. I will read it again:

I then told him what had been found, asking him not to comment.

It is a very different situation to what the member for Epping told the Parliament on 10 May, when he said:

It was agreed that if no credible explanation were given I would request him to stand down.

Quite apart from his appalling actions on the day, the member for Epping has blatantly misled the House. He stood in this Chamber making statements he knew to be false, simply trying to dig himself out of a hole. The member for Epping told this House the main reason for communicating with Power before the police was that he thought the material was work related. However, his memo tells us the truth: that in fact he did not think the material was work related; that he consulted the Crimes Act and determined there was no lawful excuse that would prevent charges being laid; that he called in Dr Power from home, specifically told him not to comment, and then send him back home; that he called police after Power had already left the building, and to this day believes there was no consequence of that delay.

The member for Epping is clearly more concerned about his own reputation than about matters of child protection and justice. It is shocking that in his personal explanation to the Parliament he claimed he did not believe police would have acted any more quickly if they had been told before Dr Power. I know quite a few people who would disagree with that—15,000 police officers to start with. Deputy Police Commissioner Andrew Scipione made that point very clear when commenting on this matter last year. Mr Scipione told the *Daily Telegraph* on 26 September last year:

Yes. We would like to be advised first ... the sooner the better. If we are to take it out of the employer/employee relationship ... in terms of any potential crime, we like to be advised first.

Asked whether that also applied to the workplace, Mr Scipione replied, "Correct." The member for Epping, after just two days in this Chamber, misled the House. It is now time for the Leader of the Opposition to take action, to stand up to the darling of the extremist Right that has been installed in Epping, and take action against a man who is not fit for the mantle of shadow Attorney General. And that is really saying something, after the last one they had!

Mr GREG SMITH (Epping) [3.32 p.m.]: The reason I resigned as Deputy Director of Public Prosecutions and ran for Parliament was to try to lift the standards of politics in this State. I had been exposed to a regime, mainly through the previous Attorney General, Mr Debus, and the Government here today, which in recent years had done their best to destroy the independence of the Office of the Director of Public Prosecutions. The Minister for Police has shown that the time is long overdue for all prosecution matters that are currently run by the Police Force to be handed over to the Office of the Director of Public Prosecutions.

The Government has misused the prosecution of a man charged with a serious and vile offence of child pornography for political purposes to damage an opponent, an opponent who is a senior counsel, whom the Government did not object to appearing on its behalf about 15 times in the High Court on full-scale appeals, 10 as junior counsel and 5 as leading counsel, about 40 times on special leave applications for the Crown, about 300 times in the Court of Criminal Appeal defending convictions, raising appeals against the inadequacy of sentences, defending applications for leave to appeal, and challenging decisions of trial judges who made errors in interlocutory matters. The Government never objected to my appearing then. Indeed, after this Patrick Power matter blew up, the Attorney General of the day, Mr Debus, defended the Office of the Director of Public Prosecutions because of attacks in the media and said we acted perfectly properly. By that time he had a full report.

I am sure that as people dredge through every document that has been created in this unhappy matter they will find little differences, because in no single document does one put every word. I will remind the House of what I said on the last occasion. I will quieten my voice a little now, because these are serious matters and I do not wish to give them the respectability that seems to have been accorded this shabby motion, which has been brought on for purely political purposes.

I will speak about something that really appals me. A group of people here with me today, and many others on my side of the House, went through orientation courses. We all got on well; we treated each other civilly, like friends, and I hope we can continue to do that. They have now been exposed to this Government's grubbiness. It is somewhat like the young police officer who was put into Kings Cross police force and taken to a brothel on his first day so he could be shown what was done in Kings Cross. The Government's shabbiness is a bit like that. There are people here today—I notice that one has left the Chamber—who spoke in a motion against me last year, when I was not able to reply, and said that mothers and fathers in this State would run away when they saw this man approach him because their children might be in danger. That is the standard of this Government. Someone who is now a Minister said that, and she has been promoted because of it.

Three Ministers of the Crown defamed me last year. They went on radio before the memo about this case, which Bob Debus's office had leaked to the *Daily Telegraph*, came out in that newspaper in instalments, day by day, for about six days so that the business of the Parliament, including question time, was dragged down with matters about me. That is what this wonderful re-elected Government stands for: it stands for smear. I have been socking it to them; I have been showing that the Government has stuffed up.

The SPEAKER: Order! The Minister was heard in silence. The same courtesy should be extended to the member for Epping.

Mr GREG SMITH: In my personal explanation I said, "... a matter we wished to clarify was whether he would claim he had possession of this material for the purpose of a case in which he was briefed". I did not

mention that in my report to the Director of Public Prosecutions, because he knew it: we had discussed the matter over the telephone. I had also discussed the matter with the two officers who were with me—Mr Mark Tedeschi, QC, the Senior Crown Prosecutor, also seen by the Government as worthy to run major cases, and Mr Lou Lamprati, SC, the other Deputy Director of Public Prosecutions, also seen as worthy to represent this State in the High Court, the Court of Criminal Appeal, and all the other courts. Those officers and I looked at the law—because that is what lawyers do. The Minister for Police is not a lawyer, although he represents the Attorney General and the Minister for Justice in this Chamber. Lawyers tend to ask: Has there been an offence?

For the Minister's information, an offence under section 91H is not an offence commonly prosecuted in the Office of the Director of Public Prosecutions; it is an offence commonly prosecuted by police prosecutors. The Office of the Director of Public Prosecutions sometimes prosecutes such an offence, but I had never seen a child pornography prosecution in my chambers. Never had a matter concerning a child pornography prosecution been brought before me. The Office of the Director of Public Prosecutions deals with more serious matters, such as rape, gang rape, and other serious offences. I do not suggest that this is not a serious matter. We looked at the law and the defences because we wanted to know whether Patrick Power was going to claim something like that. As I said, he did claim that he had been away and that other people were using his home during that time. As members will see if they read the judgment of the Chief Magistrate, Patrick Power later said to a Director of Public Prosecutions officer that he had a curiosity about this sort of material, that he had looked at it, that it was a free download, but that he did not practise that sort of behaviour in the sense of being a person who interferes with children.

On occasions I and other Director of Public Prosecutions officers have had to tender in court child pornography. Members opposite probably have not had much to do with prosecuting child pornography cases. When you prosecute such matters, you have to put in warts and all. You must put in all the material that is relevant to the case. If someone is charged with child sexual assault and pornography is found in the person's possession, that material must be presented to show that they had a guilty intent, to support the evidence of the victim. I have not come here to be pilloried day in, day out for what I have done in the past. Apparently because I was not a member of the Labor Party and I dared to nominate for Parliament I have to pay for it. I was asked to resign immediately. The member for Blue Mountains, who seems to be a very fine gentlemen and a Minister of the Crown, was not asked to resign immediately. There are other members here—

Mr Barry O'Farrell: The member for Maitland.

Mr GREG SMITH: The member for Maitland and others—all good people—were not asked to resign immediately. For political reasons, I was. It was said that I had not shown inconsistency; I had just given a bit more information. The Minister for Police raised the matter of the Independent Commission Against Corruption inquiry concerning a well-known paedophile case last August. I will not mention the man's name because he is facing charges I instituted. On a Friday afternoon on radio 2GB I was accused by the Attorney General, Bob Debus, of no billing this man.

Mr Barry O'Farrell: Was that true?

Mr GREG SMITH: No. I am entitled to take leave and I was on leave at the time the man was no billed, as Mr Debus well knew. His chief of staff and his chief press officer had been told in the previous two days, "Smith did not do it, the other deputy director did it; the director was on leave at the time." When I returned from leave the case was blowing up in the media. I think on my second day back from leave the chief of staff of the Attorney General rang me and asked me to go on the Ray Hadley show to defend the no bill or to explain it. I said I did not know enough about it; I had been on leave. The chief of staff said, "We have got to save Bob's neck." I went to ICAC—and I have detailed notes of this so it is no wonder it was not further investigated—and said it was not my role to save Bob's neck. I said that this was not threatening Bob's neck, that the Director of Public Prosecutions operates independently and we do not go on radio stations and talk about individual cases, that I did not and I would not. Less than a day later I was punished for that when Bob Debus rang up Phillip Clarke and said, "Yes, Greg Smith did no bill this fellow", and the *Daily Telegraph* had run a story—

Mr Brad Hazzard: A straight-out lie.

Mr GREG SMITH: It was a straight-out lie, and he did it to punish me because I was running for Parliament and it was getting close to my preselection date. This man attacked me later over this case. Having defended the office and me, once I became a candidate I was attacked by him for this. Talk about flaming

twisting of words and inconsistencies by the Labor Party. Fine new members of this House are being corrupted by this crowd on the other side—even the member for Monaro, who is sitting at the back laughing.

Mr Steve Whan: Just tell us the facts.

Mr GREG SMITH: The fact is that I have acted properly and I will continue to act properly. All this has made me more determined to make sure the Labor Party loses next time and loses badly. When I was accused of all this I doorknocked 75 per cent of the electorate—I lost 12 kilos—and the people of my electorate said, "Good on you for standing up to Labor. That's great." And I did stand up to Labor: I did not back down; I did not resign; I left when I decided to, as I was entitled. All I can say is, "Boys—and girls—keep bringing it on."

The SPEAKER: Order! This is a very important matter. The member for Epping is responding to the debate and will be heard in silence.

Mr GREG SMITH: I say keep bringing it on because the people of New South Wales were fed up with the Labor Party before the election but were not prepared to go the full distance. However, they will be more and more prepared when they hear about the sort of rubbish that has been going on. None of these blokes—and women—on the other side has ever run a criminal matter, but they have experience too. I am unhappy about Milton Orkopoulos being charged with all those paedophile offences. Members opposite had to sit next to him, they had to shake his hand at functions—

Mr Paul Lynch: Was he guilty of anything?

Mr GREG SMITH: He may not be guilty. I said, "charged".

The SPEAKER: Order! I again remind members that this is an important matter. Contributions should be made through the Chair; they should not be directed across the Chamber.

Mr GREG SMITH: In my inaugural speech only a couple of weeks ago I referred to the encouragement I get from reading about Sir Thomas More and I mentioned how we have a statue outside this place of a man who was prepared to die for his beliefs, and of whom it was said he was a king's good and loyal servant but God's first. That is what I hope to live up to and I hope many members do too because we want the people of New South Wales to have respect for politicians; we want people to believe that we really do uphold the interests of the nation and particularly the State. There are many problems that are hard to fix, but we want people to see that together we are all trying to fix them. I do not harbour any personal animosity towards any member and I hope no member does towards me or any other member.

The SPEAKER: Order! I remind members of my previous rulings.

Mr PAUL LYNCH (Liverpool—Minister for Local Government, Minister for Aboriginal Affairs, and Minister Assisting the Minister for Health (Mental Health)) [3.47 p.m.]: The performance of Opposition members as I came to the lectern confirms the shabbiness of their behaviour in this place. I support the motion moved by the Minister for Police. Thomas More is an interesting figure, but, unlike the member for Epping, he did not mislead Parliament. I do not argue that the member for Epping is necessarily an evil and bad man; I argue that he has been guilty of serious errors of judgment, and his guilt on that count has led him to his current predicament of having misled the House when he had been a member of it for about a week.

There is some old, useful advice that the member for Epping might have had regard to if he had done a bit more defence work and a bit less of the prosecution work he regaled us with: When you are in a hole, stop digging. He has had a track record of errors of judgment. First, he takes calls from the then Leader of the Opposition, and now member for Vacluse, and from—heaven help us—Bill Heffernan, over the way he should run his cases. Then he has the hide to attack the Government for impugning the independence of the Director of Public Prosecutions. Indeed, he had the hide to impugn Labor for impugning the independence of the Director of Public Prosecutions when it is the Opposition that wants to subject the Director of Public Prosecutions to a parliamentary committee.

The SPEAKER: Order! I call the member for Wakehurst to order.

Mr PAUL LYNCH: There is an extraordinary element of hypocrisy in the claim from the member for Epping that it is this side of the House that is impugning the independence of the Director of Public

Prosecutions. Having had those discussions with the then leader of the Opposition and Bill Heffernan, and despite the inevitable and consequent perception of the lack of independence, he will not stand down. Then we come to his monumental misjudgments over the Patrick Power case where he notified Power before he notified the police. It is that last error of judgment that has led him directly to mislead the House. The original error was so palpable and so damaging that he tried desperately to get away from it by telling the House on 10 May something that was inconsistent with the notes he took at the time and inconsistent with his previous explanation. Clearly he has not had enough experience on the defence side of the bar table. There are now two inconsistent versions. The obvious question—

The SPEAKER: Order! I call the member for Wakehurst to order for the second time.

Mr PAUL LYNCH: —is a question the Crown Prosecutor should be achingly familiar with: Which was the lie? Was the first version a lie or was the second version a lie? Was the written record true and the 10 May comments a lie or was the 10 May version the truth and his earlier comments a lie? The logical conclusion, and indeed the only credible conclusion in this case, is that the 10 May explanation is untrue. The earlier version was closer in time to the events, was written and seems inherently more believable. These are, of course, precisely the types of comments one would expect a Crown Prosecutor to make. The member for Epping should go from the frontbench. He has misled the House. He should go as shadow Attorney General. Apart from misleading the House, one wonders at the difficulties of the Opposition if someone with the track record of errors of judgment of the member for Epping can ascend to the frontbench.

Mr Greg Smith: You got there.

Mr PAUL LYNCH: Yes, and I have had the experience of being on the defence side, unlike you. That is the reason you are in trouble now. You could not avoid trying to explain your way out of trouble. You kept on talking and did not know when to be quiet. That was your problem.

The SPEAKER: Order! I call the member for Wakehurst to order for the third time.

Mr PAUL LYNCH: The Leader of the Opposition should show some ticker. He should indicate that the member for Epping should go from the frontbench; that he has enough intelligence and political perspective to get rid of him. The core to this was really seen in the presentation of the member for Epping today. He did not answer the central claim made against him by the Minister for Police. He tells the House now, as he told the House on 10 May, "We had to get an explanation from Patrick Power." However, what he said in his notes was that Power was not asked to comment but was invited to stand down. He told this House that he asked Power for an explanation. At the time he interviewed Power he made a set of notes that said he wanted no comment from Power. One cannot say that black is white. One simple question has to be answered: Which is the lie—what he said in this House on 10 May or what he said in his written notes?

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [3.52 p.m.]: I stand to defend the member for Epping. I will always defend members on this side when subject to these sorts of scurrilous smears from Government members. First, I refer to the contribution of the Minister for Local Government. If we are to use as suitability for sitting on the frontbench an absence of error of judgment or an absence of misleading the House, few members of Parliament who are currently Ministers would be eligible to sit on the frontbench. Indeed, the imbroglio of the Leader of the House in relation to the Cecil Hills affair would mean that he is not eligible to sit there. Two former members of this House, members representing the electorates of Wallsend and Newcastle, committed equally serious errors of judgment when notified about matters occurring in Newcastle and regions in relation to paedophilia when they did not take those matters either to their political authorities or to the police. A member of the upper House, the Hon. Helen Westwood, seems to have committed an error of judgment. She was allegedly a witness to a domestic violence assault but did not talk about it until it suited her faction to do so.

If we want to talk about errors of judgment we could talk about the Minister for Small Business and Regulatory Reform and his notorious error of judgment or the error of judgment of former Speaker Murray, who took weeks to get statements from members of this House in relation to those issues, which would have gone for criminal prosecution had the person involved not withdrawn her complaint from police. If we want to talk about the standard set by members opposite, they are low. In contrast, we have a former member of the staff of the Director of Public Prosecutions who is out there trying to do his part on behalf of the justice system. He has revealed here today some insights into the way in which members opposite seek to bully, harass and intimidate independent judicial staff across the State. Those matters ought to be of concern.

It is simply unacceptable for the Minister to come in here and read a speech that has been given to him that seeks to put the worst possible light on the memo that has been brought forward. What the Minister did not do was produce the full report that was demanded of the Director of Public Prosecutions by the Attorney General two weeks ago, demanded not because the Government wanted to learn the lessons but demanded because it wanted to make political capital, wanted to engage in the politics of smear against the member for Epping. Where is the full report of the Director of Public Prosecutions? Where is the report that might suggest that there was some wrongdoing by the then Deputy Director of Public Prosecutions or those with whom he acted in concert on this affair?

I said two weeks ago that if the Government were serious about trying to get to the bottom of this affair it would have also asked for a report from the Commissioner of Police. What concerns the public most of all were delays in the police attending the Office of the Director of Public Prosecutions and delays in which they executed a search warrant at the home of Dr Patrick Power. Members opposite are not interested in that. They are not interested in learning the lessons of this so that if, God forbid, it should happen again we do not see those sorts of delays occur and we do not see the possible destruction of evidence. I say "the possible destruction of evidence" because on the last sitting day the Minister claimed in this Chamber that evidence had been destroyed. If members want to talk about misleading this House, the Minister did.

This memo, which I have now read, supports the contentions made by the member for Epping on 10 May. It talks about acting in concert with Mr Tedeschi and Mr Lamprati. It talks about consulting the Crimes Act. We know that Labor reacts without thinking on most occasions. The fact that a manager, as the then Deputy Director of Public Prosecutions was, would sit down and think beforehand with his colleagues—because the three colleagues consulted the Act to see what the possible ramifications of the interview were, I assume to ensure with due diligence that there was no way in which this matter would be mishandled—is now apparently an offence under public administration in New South Wales. They ought to get a star for it, Minister; that is the way senior public servants should operate.

The memo confirms that the information found in the office was kept under lock and key; it confirms that he was consulting with his boss, the Director of Public Prosecutions. The memo confirms that the Director of Public Prosecutions was unable to get in touch with the Attorney General. The memo confirms that he called Patrick Power to the office and that he, with Mr Tedeschi and Mr Lamprati, interviewed Mr Power. The memo confirms the delays with which the police handled this affair. The only case to be answered, as far as I am concerned, is the fact that in the second week of sittings this Government seeks to lower the standards of this House, standards that should go to substance and principles, not personalities and these sorts of grubby smears. [*Time expired.*]

Ms REBA MEAGHER (Cabramatta—Minister for Health) [3.57 p.m.]: I am appalled at the self-serving proselytising by the member for Epping that somehow as a lawyer and as a man of religion he should be above the rigours of public scrutiny, that somehow he should be above the scrutiny of public speaking. I think he is learning the hard way that, in fact, everybody in this Chamber has his or her affairs and conduct prior to entering Parliament scrutinised in the public interest. It is not merely this side of the House that is concerned by the conduct of the member for Epping. There is disquiet on the Opposition benches as well. It was not so long ago that the member for Terrigal raised his concerns in the *Sun-Herald* when he said:

There is an air of mystery about this ... The DPP needs to tell us more.

There is an air of mystery about this but we are slowly getting to the bottom of it. Indeed, the words of the member for Epping demonstrate that there is an inconsistency. They are his words, he wrote the memo. There is only one that question remains. What is the Leader of the Opposition going to do about it? What is he going to do with a shadow Attorney General who does not follow the most basic rules of proper process when a mate and colleague is caught with child pornography? This is the test that the Leader of the Opposition must answer. The member for Epping quite rightly pointed out, "I have never prosecuted child sex crimes." I have been the Minister for Community Services. Whilst the member for Epping told this Chamber that to a lawyer's mind child sex crimes are not the most serious crimes—that is what he just said—to every fair-minded person in this community they are most abhorrent crimes.

Mr Barry O'Farrell: Point of order: The Minister is misrepresenting the member for Epping, who talked about child pornography, not child sexual acts.

The SPEAKER: Order! There is no point of order.

Ms REBA MEAGHER: I am surprised by that contribution from the Leader of the Opposition because child pornography is not a victimless crime. There are serious ramifications for those children.

Mr Barry O'Farrell: Point of order: The Minister said that the member for Epping had not prosecuted child sex acts. The member for Epping said that he had not prosecuted child pornography acts. The Minister should get the facts right.

The SPEAKER: Order! The Minister for Health has the call.

Ms REBA MEAGHER: The member for Epping has an unenviable choice. He has either lied to this House or lied in his written statement, and the Leader of the Opposition must call him to account. The Leader of the Opposition cannot present the member for Epping as the alternative chief law-maker of this State when the member for Epping does not follow the most basic rules of proper process. What we are seeing here is the hand of the extremist right and the influence that is having on the frontbench of the Liberal Party. The influence of David Clarke is undermining the leadership of the Leader of the Opposition, just as he undermined the leadership of the member for Vacluse.

Mr Brad Hazzard: Point of order: The Minister has moved well outside the leave of the motion. I am sure you would like to bring her back to the leave of the motion so that we do not have to listen to any more of these juvenile attacks.

The SPEAKER: Order! I remind the Minister to confine her remarks to the substantive motion.

Ms REBA MEAGHER: It is important for the people of New South Wales to understand that the extreme right of the New South Wales Liberal Party demanded a frontbench position for the member for Epping. We are seeing David Clarke's agenda being played out in the New South Wales Parliament. [*Time expired.*]

Mr CHRIS HARTCHER (Terrigal) [4.02 p.m.]: It is appropriate that the Minister for Health backed up the smear of the Minister for Police. The Minister for Health has a track record that was detailed in the Legislative Council when the document entitled "Abuse of Power" was tabled. That document contains many stories of how the Minister for Health and the Minister for Small Business and Regulatory Reform, and Minister for Ports and Waterways rorted the system for the right wing of the New South Wales branch of the Australian Labor Party [ALP]. It is even more appropriate that the Minister for Local Government was the other stand-up comedian on the politics of smear, because his reputation as the left wing's head kicker is unrivalled in the New South Wales Parliament. He used his maiden speech to launch a vicious personal attack on the then member for Camden, Liz Kernohan, when she admitted that she had suffered brain injury as a result of serious illness. He had the entire Parliament in uproar during the one speech when members of this House are supposed to observe a standard of decorum and dignity.

The Leader of the Opposition set out in the clearest terms that there is no contradiction between the document tabled by the Minister for Police and the statement made by the honourable member for Epping in this House on 10 May. Indeed, any reading of this document corroborates what the member for Epping said to the House on 10 May. Information was given to the member about apparently illicit material on a computer, and a report was then given to him. He then checked whether there was a lawful reason for the material to be on the computer. Having satisfied himself that there did not appear to be a lawful reason, he then sent for the officer involved and asked him whether there was any lawful reason for it. When the member did not receive a satisfactory explanation he took immediate action to secure the evidence, to secure the hard drive, and to prevent any contact between the officer and the staff of the information branch.

Throughout all this, and having maintained regular telephone contact with his senior, the Director of Public Prosecutions, Mr Cowdery, the member for Epping then suspended the officer, as was appropriate, and immediately contacted the police. What other course of conduct was he supposed to follow? There was no other course of conduct. The Government knew that the course of conduct followed by the member was appropriate; when I as the then shadow Attorney General raised this issue at the time the Government replied that the process had been followed appropriately. The only breakdown is the fact that the New South Wales police, under the jurisdiction of the Minister, took two days—two unexplained days—to investigate the matter at Dr Power's home. That is the gap in the process, which stops with the Minister. During every censure debate in this House the Minister has leapt to his feet to engage in the politics of smear.

Carl Scully was a magnificent witness to smear, and it was his downfall. The Premier told Carl Scully, "You can lie to Parliament once but when you lie to Parliament twice that is beyond the pale." In the Labor Party, in the Government, one is allowed to do anything one likes as long as one is not found out. There has been no finding out in this case because the member for Epping acted impeccably. That is why we are proud to have him in our ranks and to stand up for him this afternoon. The New South Wales branch of the Australian Labor Party lives on smear. Labor members smear the left, the right and their opponents. They are a political apparatus designed simply as a machine to secure jobs for their mates and contracts for their friends.

They exist for no other reason, and that is borne out time and time again. Having sought to prevent the entry into Parliament of the member for Epping, this somnolent Government, which is achieving nothing in this State and which has admitted to making false promises before the March election—The Spit Bridge is one example—is now using parliamentary time to smear him. However, it will not work because this document, tabled so wisely by the Minister for Police, refutes the Government's allegations. The member for Epping acted appropriately, and we support him. [*Time expired.*]

Mr GREG SMITH (Epping) [4.07 p.m.], in response: As I said before, I have come here to raise the standard.

Ms Linda Burney: Thank you.

Mr GREG SMITH: I want us all to raise the standard. Some Government members, including the Minister for Fair Trading, want to raise the standards. People in the gallery would like to see a better standard. The fact is that I did everything properly in relation to Patrick Power. Let me correct something: Patrick Power was not my mate. I did not do him a favour. Basically, I told him, "This is the end of your career." That is effectively what happened on that day. Patrick Power left; he was suspended voluntarily. He was not allowed to come back, he never came back and he will never come back. He has been sentenced to jail. He has been absolutely pilloried in the media—some people would say that he deserves every bit of it. Nevertheless, that is what has happened to Patrick Power. I have done him no favours. I did not give him a character reference or anything of the sort. I basically told him that he had to go. I asked him if he would go.

As I mentioned in my explanatory document, there is no law that allows a crown prosecutor to be suspended. The Crown Prosecutors Act has not been amended in the past six months; nor has the Director of Public Prosecutions Act been amended. Perhaps there are plans to do so—who knows? I do not believe this would ever happen, but what would happen if a similar situation arose. Somebody else would have to get a person to voluntarily stand down because there is no power to suspend. I am not sure what happened in the police service when various people were suspended. They were probably given the right to say something in an interview before they were stood down on full pay, as was Patrick Power.

I know the Government has the numbers to defeat me, to censure me, to tell me I have been a bad boy. I have done nothing wrong. My personal explanation to Parliament was consistent with everything else I have said—not word for word, because in the personal explanation I could not go into the detail that I went into in that report and in other reports. The director said I did the right thing. The Attorney said at the time that I did the right thing. The *Sydney Morning Herald* said in its editorial that the way the Government is attacking Smith is bad. It is bad for the office of the Director of Public Prosecutions, which is an important independent part of the criminal justice system, but there has been no apology and there has been no change. The Government is continuing with the matter. The budget of that office is being massively cut this year. The courts budget is being cut. The Folbigg case recently showed that the court did not have enough staff to put all the documents together, so a technical problem was found to allow Mrs Folbigg to bring another ground of appeal—because of budget cuts by this Government.

The Independent Commission Against Corruption [ICAC] cleared me. I gave it a full explanation. I spent a lot of time and gave it many documents and it cleared me. The Director of Public Prosecutions cleared me and supported me. The director and his office are being punished. My replacement has not been promoted. He is acting. He has been recommended but the Government is not going to appoint anybody at the moment. It has not appointed a new Crown Prosecutor permanently for about 2½ years. What is this Government doing with criminal justice in this State? Why is it trying to force so many matters into the Local Court and why is it picking on loyal people who have served this community well when they come into Parliament on the other side?

Mr DAVID CAMPBELL (Keira—Minister for Police, and Minister for the Illawarra) [4.11 p.m.], in reply: None of the contributions by those opposite have gone anywhere near justifying the shadow Attorney

General's actions or providing a reasonable explanation as to why he misled the House. During the overwhelming majority of the contributions from the other side no-one went anywhere near the issue at hand, which is that the member for Epping misled Parliament. The member for Epping said that he was a nice bloke and we should leave him alone, but he did not go anywhere near justifying or explaining why he misled Parliament. These are the simple facts. The member for Epping told the House the main reason for communicating with Dr Power before the police was that he thought the material was work related. Yet when he called in Dr Power, his own notes tell us that he asked no questions on work-related pornography, no questions on child abuse cases and had no discussion on whether this was all a mistake. These notes state:

I then told him what had been found, asking him not to comment.

That is very different to what the member told Parliament on 10 May, when he said:

It was agreed that if no credible explanation were given I would request him to stand down.

Quite apart from his appalling actions on the day, the member for Epping has blatantly misled the House. He made statements in this Chamber that he knew to be false, simply trying to dig himself out of a hole. The member for Epping told this House the main reason for communicating with Dr Power before the police was that he thought the material was work-related. The member for Epping is clearly more concerned with his own reputation than with matters of child protection and justice, and he has done nothing in his contribution today to lift the standards of debate in this House. If he were serious about that he would resign because he did mislead Parliament, and the fact that members opposite would not talk about it demonstrates this is the case.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 48

Mr Amery	Mr Gibson	Mrs Paluzzano
Ms Andrews	Mr Greene	Mr Pearce
Mr Aquilina	Mr Harris	Mrs Perry
Ms Beamer	Mr Hickey	Mr Rees
Mr Borger	Ms Hornery	Mr Sartor
Mr Brown	Ms Judge	Mr Shearan
Ms Burney	Ms Keneally	Mr Stewart
Ms Burton	Mr Khoshaba	Ms Tebbutt
Mr Campbell	Mr Koperberg	Mr Terenzini
Mr Collier	Mr Lynch	Mr Tripodi
Mr Coombs	Mr McBride	Mr Watkins
Mr Corrigan	Dr McDonald	Mr Whan
Mr Costa	Ms McKay	
Mr Daley	Mr McLeay	
Ms D'Amore	Ms McMahan	<i>Tellers,</i>
Ms Firth	Ms Megarrity	Mr Ashton
Ms Gadiel	Mr Morris	Mr Martin

Noes, 38

Mr Aplin	Mr Hazzard	Mr Roberts
Mr Baird	Ms Hodgkinson	Mrs Skinner
Mr Baumann	Mrs Hopwood	Mr Smith
Ms Berejiklian	Mr Humphries	Mr Souris
Mr Cansdell	Mr Kerr	Mr Stokes
Mr Constance	Mr Merton	Mr Stoner
Mr Debnam	Mr O'Dea	Mr J. H. Turner
Mr Draper	Mr O'Farrell	Mr R. W. Turner
Mrs Fardell	Mr Page	Mr J. D. Williams
Mr Fraser	Mr Piccoli	Mr R. C. Williams
Ms Goward	Mr Piper	<i>Tellers,</i>
Mrs Hancock	Mr Provest	Mr George
Mr Hartcher	Mr Richardson	Mr Maguire

Question resolved in the affirmative.

Motion agreed to.

BUSINESS OF THE HOUSE

Notices of Motions

Government Business Notices of Motions (for Bills) given.

VARIATIONS OF PAYMENTS ESTIMATES AND APPROPRIATIONS 2006-07

Mr Frank Sartor tabled the variations of receipts and payments estimates and appropriations for 2006-07, under section 26 of the Public Finance and Audit Act 1983, arising from the provision by the Commonwealth of specific purpose grants in excess of the amounts included in the State's receipts and payments estimates.

UNPROCLAIMED LEGISLATION

The SPEAKER: Pursuant to standing orders I table a list detailing all legislation unproclaimed 90 calendar days after assent as at 29 May 2007.

COMMISSION FOR CHILDREN AND YOUNG PEOPLE

Report

The SPEAKER: I announce the receipt, pursuant to section 81P of the Parliamentary Electorates and Elections Act 1912, of the audit of Child-related Conduct Declarations from the Commission for Children and Young People, dated 28 May 2007.

Ordered to be printed.

AUDITOR-GENERAL'S REPORT

The Clerk announced the receipt, pursuant to section 52 of the Public Finance and Audit Act 1983, of the report entitled "Auditor-General's Report for 2007, Volume 2", dated May 2007.

PETITIONS

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**.

Breast Screening Funding

Petition requesting funding for breast screening to allow access for women aged 40 to 79 years, received from **Mr Steve Cansdell**.

Sunflower House, Wagga Wagga

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

Rescue Helicopter Services

Petition praying that the Government halt the contract for helicopter medical retrieval services given to a Canadian company and reinstate NRMA CareFlight and Westpac Rescue Helicopter Service as the providers of those services, received from **Mr John Turner**.

South Grafton Police and Community Youth Club

Petition requesting the establishment of a police and community youth club at South Grafton, received from **Mr Steve Cansdell**.

Rural and Regional Police Resources

Petition calling upon the Iemma Government to allocate more police resources to rural and regional communities throughout New South Wales, received from **Mr Adrian Piccoli**.

Forster-Tuncurry Policing

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

Lake Mulwala Bridge

Petition requesting funding for a new bridge over Lake Mulwala, received from **Mr Greg Aplin**.

Grafton Bridge

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

Inner City Bicycle Lanes

Petition requesting dedicated bicycle facilities for the entire length of William Street, and on Craighend Street and Kings Cross Road, received from **Ms Clover Moore**.

Drought Policy

Petition requesting that provision for droughts be part of the New South Wales Government's policies, received from **Mr Adrian Piccoli**.

Lachlan Irrigation Policies

Petition requesting greater scientific rigor in regard to allocation reductions and environmental demands for Lachlan irrigation farmers, received by **Mr Adrian Piccoli**.

Underground Cables

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

Cat and Dog Meat Sale

Petition requesting legislation banning the sale of cat and dog meat for human or animal consumption, received from **Ms Clover Moore**.

Native Forests Conservation

Petition asking the House to ensure full conservation protection of the native forests of south-east New South Wales, to fulfil the promise made in 1995 to end native forest woodchipping and to ensure an immediate transition from native forests to public plantations for timber supply, received from **Ms Carmel Tebbutt**.

Lachlan Irrigation Area Draft Management Plan

Petition stating that Water Act 2000 regulations have not been complied with in the formulation of a draft management plan for the Lachlan irrigation area, received from **Mr Adrian Piccoli**.

BUSINESS OF THE HOUSE

Suspension of Standing Orders: Bill

Mr JOHN AQUILINA (Riverstone—Leader of the House) [4.26 p.m.]: I move:

That standing orders be suspended to permit:

- (1) the introduction at this sitting, up to and including the Minister's agreement in principle speech, of the Anti-Discrimination (Offender Compensation) Bill, notice of which was given this day for tomorrow; and
- (2) on Wednesday 30 May 2007 the resumption of the adjourned debate and consideration of all remaining stages.

Mr ADRIAN PICCOLI (Murrumbidgee) [4.26 p.m.]: The Opposition will not oppose the motion.

Question—That the motion be agreed to—put and resolved in the affirmative.

Motion agreed to.

BUSINESS OF THE HOUSE

Order of Business

Motion by Mr John Aquilina agreed to:

That at 7.30 p.m. the business of the House be interrupted to permit the presentation of an inaugural speech by the member for Manly.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

F5 Funding

Mr GEOFF CORRIGAN (Camden) [4.22 p.m.]: My motion to be accorded priority states:

That this House:

- (1) condemns the Federal Government for its inaction on funding the widening of the F5 from Brooks Road to Campbelltown;
- (2) notes the New South Wales Opposition's failure to support the New South Wales Government's calls for a Federal Government commitment to this project; and
- (3) calls on the Federal Government to match the New South Wales Government's readiness to fund the widening of the F5 from Brooks Road to Campbelltown.

This is a matter of urgency for the hard-working families of south-west Sydney who use the M5 corridor every day. It is important to the people of south-west Sydney. The Government condemns the Federal Government for its inaction on this matter. This motion deserves to be accorded priority.

Government Performance

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [4.28 p.m.]: The Labor Party's slogan during the election campaign was "Heading in the right direction but more to be done". There is no greater example that we are not heading in the right direction and there is more to be done than events that have occurred across the State over the past eight weeks. In question time today there was no change in direction in the way the Premier answered questions. He made no attempt to answer questions about the helicopter medical rescue service. When the helicopter rescue service issued a media release on the same day that a catastrophic electronics failure occurred in one of its aircraft flying across the Blue Mountains at night, the Premier made no attempt to inform the public. On the day a press release was issued singing the virtues of 52 successful missions by the new centralised, overseas-owned helicopter retrieval service, the Premier made no attempt to tell the public that it was the second time the same aircraft had had an electronics problem.

We saw again today no change in the Premier's approach when we tried to get information about the convenient removal from the Premier's office of Mark Aarons—the man who, apparently following a restructure

of the Premier's office, was the only staff member to be made redundant and receive redundancy payments. The Premier has made no attempt to tell the public how much was spent on redundancy payments. It is important to note that Mr Aarons was the person involved in a protected disclosure. If any other public servant were treated in that way it would be a scandal. The way Mr Aarons has been treated is also a scandal, but not according to the Premier. He thinks he is heading in the right direction.

The Government has made no change of the direction with regard to drought. There is no bigger issue affecting this State or this nation than the situation in the Murray-Darling Basin, but the Premier could not respond today to a simple question from the member for Murrumbidgee and acknowledge that not once since the election has he visited any community in the Murray-Darling Basin. That is in stark contrast to members opposite him. Ray Hadley believes that, although the Premier is occasionally sighted, there are Premier clones. We are a bit suspicious about the cloning legislation being introduced in this place today. I will look at it carefully to ensure it does not enable Ray Hadley's worst nightmare to come true. If the Premier were dressed in a Swans or a St George-Illawarra jersey he would be mistaken for Wally. He has been missing in action for the past eight weeks while enormous problems have been affecting the State.

The Deputy Leader of the Opposition told me during the election campaign that 36 litres of methadone had gone missing, and the issue was the subject of a story on *Stateline* on Friday night. When did it go missing? Was it last week, was it last month, or was it something the Premier might not be expected to be on top of? It went missing in November 2004 when he was Minister for Health. The Department of Health has been happily waiting since then for some sort of explanation. This shows all the urgency of a peak-hour train. The reality is that too many people on our trains are daily putting up with overcrowding rates of 180 per cent and 190 per cent. What did the Deputy Premier tell commuters across the State last night? Just get used to it for seven more years.

The issue raised by the member for Camden probably is important. However, it is no more important than water supplies on the Central Coast. The Opposition addressed that issue during the election campaign by announcing a policy to build a pipeline to connect the dams in the area. The leader of the Federal Labor Party said last week that he agreed with the policy. This Government is building the pipeline to Wyong. It should be extending the pipeline to the Central Coast, but it refuses to do so. Although the F5 project may warrant State and Federal funding, the people of the Central Coast have a stronger case for State funding and should not have to wait for months, if not years, for that funding to be allocated.

Wherever we look across this State we see massive problems, but the Premier has not woken up. He promised the day after the election that he would fix the State's problems. He has been missing in action, he is not getting on with the job and we are certainly not heading in the right direction. We have seen that in the last hour and a quarter. Instead of the time of the House being devoted to issues of substance to the people of New South Wales, we have again turned this place into a chamber of smears. We have again used parliamentary processes to allege untruths about members of this House. If we are heading in the right direction and if we want more to be done in this State we have to stop doing that. The best demonstration of the hollowness of the trumped up charges levelled by members opposite was the Premier's absence during the debate. He was not here; he did not come for the debate. It was a joke— [*Time expired.*]

Question—That the motion of the member for Camden be accorded priority—put and resolved in the affirmative.

F5 FUNDING

Motion Accorded Priority

Mr GEOFF CORRIGAN (Camden) [4.35 p.m.]: I move:

That this House:

- (1) condemns the Federal Government for its inaction on funding the widening of the F5 from Brooks Road to Campbelltown;
- (2) notes the New South Wales Opposition's failure to support the New South Wales Government's calls for a Federal Government commitment to this project; and
- (3) calls on the Federal Government to match the New South Wales Government's readiness to fund the widening of the F5 from Brooks Road to Campbelltown.

This matter is urgent for the hardworking families of south-west Sydney who use the F5 corridor every day. It is urgent for the motorists who every day have to put up with the congestion that is encountered on the F5 around the growing Campbelltown centre because of the Federal Government's refusal to commit to a widening project. The Federal member for Macarthur, Pat Farmer, has failed to deliver for his community. He has failed to get any commitment from his Liberal colleagues in Canberra to fund the widening of the F5 between Brooks Road and Campbelltown. An opinion piece by the editor of the *Camden Macarthur Chronicle* published on 27 April 2007 states:

Mr Farmer, we'll give it to you straight—the F5 between Campbelltown and Liverpool is often nothing more than a car park. The speed limit is 110km/h but, of course, that is a joke if you are at a standstill or crawling along at 10km/h.

This is what thousands of your constituents are experiencing all too often on their commute to work.

As their Federal MP, they expect you to take their plight to Canberra, to the Prime Minister John Howard if necessary, and seek some relief on their behalf, not fob off the issue as a State Government problem. The F5 is a Federal road and the responsibility of the Federal Government.

The State Opposition is nowhere to be seen with regard to getting this commitment either. In contrast, the Iemma Labor Government has been working hard to improve the road infrastructure along this busy and growing corridor. It is interested in getting roads built, and local communities deserve certainty. That is why this Government is already well under way with plans for the widening of the F5 south of Brooks Road to Campbelltown. More than \$1.8 million will be invested by the New South Wales Government to complete these plans. Widening the F5 is a joint State and Federal responsibility. To put it simply, the New South Wales Government has put its share of the money on the table. Under the AusLink rules that is 20 per cent of the project cost, and the Federal Government should contribute 80 per cent. We are ready to go as soon as the Federal Government is, but it is dragging its heels.

The Federal Government has announced that AusLink 2, the new five-year program for 2009 to 2014, will involve a total of \$22.3 billion being spent on road and rail services across Australia. However, the Federal Government has let New South Wales motorists down again. The recent Federal budget included an allocation of \$16.8 billion for roads and rail infrastructure projects nationally, but it gave no indication of how much of that will be spent here in New South Wales. It gave no commitment to important projects like the widening of the F5 south of Brooks Road. South-western Sydney has again been forgotten by the Howard Government. The Federal member for Macarthur is either taking local families for granted or does not have enough pull in his own party to make the case on their behalf. Either way, it is not good news for the local families who rely on that strip of road to get to work and to school and, most importantly, to get home.

The Iemma Labor Government is willing to work with anyone to improve local roads and to make life easier for commuters in south-western Sydney. We are already working with them on the \$30-million project to widen the F5 from two to four lanes between Brooks Road, Ingleburn and Camden Valley Way at Prestons, that is, the F5 on the way in. When complete, traffic entering at Brooks Road will no longer need to merge with through traffic. This project is designed to improve travel times, alleviate congestion and improve safety for motorists. So why can it not be done south of Brooks Road for the trip home? The answer is that the Howard Government simply does not care. It is swimming around in a surplus of more than \$10 billion, but it refuses to commit to this important project.

We have the ludicrous situation of the member for Macarthur, Pat Farmer, saying that the New South Wales Government must make the widening of the F5 number one on its priority list. Well, Pat, we are delivering! What about the Federal Government doing the same? The Iemma Labor Government has the plans and the money on the table. Where is the member for Macarthur? The best he has been able to offer so far is a commitment to talk to Federal Roads Minister Jim Lloyd about it. The situation is worse than that. As the *Camden Macarthur Chronicle* reported on 24 April, Pat Farmer has refused to support the campaign by local Labor members, council and the local community. I pay tribute to the Federal Labor member for Werriwa, Chris Hayes, who has been running a campaign to try to get various—

Mr Andrew Fraser: Do you write fairy stories as well?

Mr GEOFF CORRIGAN: No, I do not. This is all true. The Federal member for Werriwa has been running a campaign on behalf of the local community. In contrast, the member for Macarthur is not taking any notice. In a staggering slap in the face for his local community, the member said:

It's shortsighted to suggest widening it ... will make a difference.

That is typical of Pat Farmer. What a traffic expert he is! That demonstrates the level of commitment the Howard Government has to this growing area. Everyone in the area knows that the F5 needs to be widened so that traffic does not bottleneck at the Brooks Road intersection of the freeway on the trip home. The Iemma Labor Government has a strong record in south-western Sydney, with major projects in recent years including upgrading Cowpasture Road, Hoxton Park Road, The Horsley Drive, The Northern Road, Elizabeth Drive, and the only election commitment I had in the last election, the upgrade of Narellan Road.

The Iemma Government is continuing its commitment to improve south-western Sydney's roads, with an additional \$64 million to accelerate the completion of the upgrade of Cowpasture Road to four lanes between the M7 and Liverpool Road, and the continued widening of Hoxton Park Road. The Iemma Labor Government is also targeting traffic hot spots on road corridors as part of the \$100 million Pinch Points Program, an initiative in the Premier's \$660 million Urban Transport Statement. The Roads and Traffic Authority is investigating ways to improve traffic flow on the Hume Highway, Elizabeth Drive and the Cumberland Highway. The Iemma Labor Government's commitment to south-western Sydney is clear. Now it is time for the Federal Government to admit its neglect and join us. I wish to read from a letter to the editor by Rhys Jones of Ambarvale, who says at the end of his letter that he is not a member of any political party. Rhys Jones expressed the concerns outlined in literally hundreds of letters to the editor on this matter when Pat Farmer refused to take a stand. The letter reads:

Your headline Pass the buck, in last week's *Chronicle* really describes the longstanding behaviour of our lightweight Federal member Pat Farmer. He never stops amazing me at how he wriggles out of issues that directly affect the people he is supposedly representing. The condition of the F5 has been a major problem for more than a decade. Widening the freeway from Preston's only moved the chaos down past Brooks Rd ...

It doesn't take millions of dollars and countless inquiries and reports to tell us all that the bulk of the Macarthur electorate live around Narellan, Campbelltown and Camden. So tell me why in heaven's name didn't the freeway get extended to four lanes up to the Narellan exit at Kenny Hill?

The letter reflects the growing concerns in our area about the Federal Government's failure to commit to funding the vital upgrade of the F5 from Brooks Road to the Campbelltown exit to allow people to get home quickly and safely at night.

Mr WAYNE MERTON (Baulkham Hills) [4.42 p.m.]: I am amazed at the sheer hypocrisy of the member for Camden in presenting this argument today. No-one disputes that upgrading the F5 is a worthwhile cause and it is obviously a matter that needs attention. Roads are a problem everywhere in New South Wales. However, the government that has the greatest responsibility for roads in New South Wales is the State Government. The New South Wales Labor Government has a dismal record.

The widening of the southbound carriageway of the F5 between the M7 and Brooks Road at Ingleburn, a distance of around five kilometres, an area that would be well known to the member for Camden, was completed and opened to traffic in December 2005. This \$23,000,000 project was fully funded by the Federal Government. The widening of this section of the F5 was essential to ensure the safe and efficient operation of the M7-M5-F5 interchange. Who put up all the money for the M7? The New South Wales Government provided the toll boxes. The money for the M7 came from either private enterprise or the Federal Government. The New South Wales Government put virtually nought on it.

The widening of the F5 from two lanes to four lanes northbound for approximately five kilometres between Brooks Road and Camden Valley Way is now under way following the awarding of a tender in December 2006. Indeed, I have a copy of the joint press release between the State and Federal Ministers regarding the call for tenders. The total cost of the project is \$30.1 million, with the Federal Government contributing 80 per cent, or \$24.1 million. The New South Wales Government is only contributing the remaining 20 per cent, or \$6 million. It is expected that the project will be completed by May 2008.

I turn now to the F5 ramps at Campbelltown Road, Ingleburn. The project consists of a northbound exit ramp that connects with Campbelltown Road north of the Campbelltown Road overbridge at Ingleburn and a southbound entry ramp from a roundabout built at the intersection with Williamson Road. The project was completed and opened on 16 June 2006. The total cost of the project was \$13.7 million. Where did the money come from? The Federal Government contributed two-thirds, or \$9.13 million. How much did the New South Wales Government put into that project? Where did the remaining third, or \$4.57 million, come from? Campbelltown Council. The case is very much like that of the M7, into which the New South Wales Government hardly put a cent. The member for Camden should hang his head in shame. I do not think he is ignorant or stupid. He has the hide to put up a hypocritical argument, crying and bleating for roads funding for

his area when his Government has been the lame duck, the poor contributor, and cried poor. The Iemma Government has a dismal record.

We accept that there is a need for this road work to be carried out. There is a need for a lot of road works to be carried out. We will not talk about the Bells Line of Road, which is an embarrassing issue for the member for Camden; we will not talk about the Spit Bridge, which must be a bit of a pain in the stomach for him. We will not talk about—

Mr Thomas George: What about Windsor Road?

Mr WAYNE MERTON: Windsor Road has been finished, thank God.

Mr Grant McBride: Didn't we build Windsor Road for you?

Mr WAYNE MERTON: But you went kicking and screaming. Your first option was a one-third proposal with two lanes. Let us talk about the Lane Cove Tunnel, where our friends at the Roads and Traffic Authority, those serial offenders, have stuffed up again and innocent people are being fined for exceeding a speed limit of 40 kilometres per hour, which is poorly advised so far as signs are concerned. But the member for Camden simply hides his head in shame and pretends the problem does not exist.

With regard to funding the widening of the F5, we believe this would probably make a worthwhile project under the AusLink national network corridor, which has been undertaken to guide future investment in the corridor. This, along with the Sydney Urban Corridor Strategy, will form the basis of identifying possible road and rail investment projects beyond 2008-09, such as the widening of the F5 south of Ingleburn. It is open to the New South Wales Government to put forward a proposal for further widening of the F5 under the next five-year AusLink program. The member for Camden said he wants Federal funding. However, the information provided to me by the Federal Minister's office is that a search of the correspondence database reveals no specific representations from New South Wales Roads Minister Roozendaal on the issue. So what is the argument of the member for Camden? His Government put in no money for all the previous improvements. A council contributed \$4.57 million when the Government did not pay one cent. The Iemma Government's record is pathetic.

I do not know whether the Minister is right or wrong—I give him the benefit of the doubt—but it puts him in a very awkward situation. Why does the member for Camden not do his homework and prepare before he comes into the House bleating, crying and screaming about constituents? If anyone has let the constituents down it is the member and his Government. They have let down the people of Mosman, Lithgow, Orange and the Central West by not providing the \$10 million for a survey on the feasibility of the Bells Line of Road alternative. The people of north-west Sydney are still waiting for the rail link that was supposed to open in 2010. Last November—about two years after it was due—the Government produced a bit of paper: a flawed concept plan. That is all the Government has to offer. It has a legacy of failure, broken promises and shattered ideals. That is exactly what Labor is about, and it is running out of time rapidly.

The member for Camden, who is a nice fellow, clearly thinks this a good project, but he has been misled on this. If he thinks it is a worthwhile project he should contact the Minister and make a submission to the Federal Government, which will look at it. For the first project I referred to the Federal Government put in about \$23 million; for the second project it put in \$9.13 million—hardly money to buy chewing gum with; it is big bickies—whereas contributions from the State Government seem to be nonexistent. I should state in fairness that the Federal Government put in a total of about 80 per cent of the funding and the State Government paid \$6 million for the widening of the F5 from two lanes north bound between Brooks Road and Camden Valley Way. The Government should look at its record and check the facts before it bleats and complains about the Federal Government, because if anyone has let the people of New South Wales down it is the New South Wales Labor Party and the Iemma Government.

Dr ANDREW McDONALD (Macquarie Fields) [4.51 p.m.]: I was wondering how the Opposition was going to find three members to speak on this issue because I do not think any Opposition member has ever been on the F5 at 6 o'clock in the morning when I go there and am stuck in traffic. I can forgive the member for Baulkham Hills for getting lost describing the bits of the F5 that have been built because people are stuck in traffic on the half that has not been built. Yesterday afternoon at 4 o'clock I had to drive from Liverpool to Campbelltown along the F5 to pick up my son. Because the traffic was so heavy I could not get there in time and had to ring my wife, who had to drop what she was doing to pick up our son. This is just one story of many

in our community, and it is because Pat Farmer has failed to deliver for his community and the community has found him out.

Locals understand only too well what it is like to be stuck in gridlock on the F5 because they sit there every morning, every afternoon and parts of most weekends. Yet the Federal Government, represented by Pat Farmer and responsible for the F5, has refused to support a local campaign to widen the F5, even though it is part of the Federal Government's AusLink road network. Pat Farmer's eyes are clearly off the ball and he has said so in the *Macarthur Chronicle*:

It's shortsighted to suggest widening it for one, two or five kilometres will make a difference.

He is wrong and the locals do not agree with him. The Federal Government is swimming in a surplus and we want some of that surplus to widen the F5 for our people. The Federal Government has a \$13.6 billion surplus, but they refuse to commit even one cent to help fund this vital project for the community we all serve. The Federal Government is using our money to fund its election promises and is forcing our people to be stuck in traffic every morning. Campbelltown council has also weighed into the debate with common sense, calling on the Federal Government to widen the F5 so traffic does not create a bottleneck at the Brooks Road section of the freeway—the bit the Federal Government has not built. The mayor, Aaron Rule, has accused Pat Farmer of buckpassing to the State Government, stating:

Pat Farmer needs to realise he has to start sticking up for his constituents who are sick and tired of waiting in traffic.

We are interested in getting roads built and giving our local communities a fair go. That is why the Iemma Labor Government understands that it is a joint responsibility, and we have a commitment on the table waiting for the Liberals in Canberra to wake up to our community's needs. I congratulate Chris Hayes, the Federal Labor member for Werriwa, who has made a firm commitment to widen the F5 between Brooks Road and Campbelltown. Where is that commitment from John Howard and his \$13.6 billion?

The Roads and Traffic Authority is proceeding with designs and \$600,000 has been allocated for the job in this year's budget. We are committed to continue with planning the widening between Brooks Road and Narellan Road because, unlike our colleagues on the other side of the House, the Iemma Labor Government understands that this project is critically important in supporting local industries and attracting new jobs to the south-west. As a local member of Parliament, I want more local jobs to stop our people having to commute on that road.

Our community deserves world-class infrastructure to support our region. Quality infrastructure and local jobs should be something that local, State and Federal politicians all agree on, regardless of their political parties. My local Federal colleague Chris Hayes agrees, and I want to know why Pat Farmer is more interested in kowtowing to his Liberal and Nationals mates in Canberra rather than sticking up for our local community. If the Federal Government wants to come to the party we are ready. Pat Farmer cannot be relied on to take up the cause: He can run but he cannot hide. The Liberal and Nationals members in the New South Wales Parliament cannot be relied on to take up the cause with Pat Farmer or their Canberra mates. Even the Leader of the Opposition said this matter is probably important, and it certainly is. Chris Hayes is the only Federal member of Parliament listening and the Iemma Labor Government clearly remains committed to south-west Sydney, unlike our colleagues on the other side of the Chamber.

Mr PHILLIP COSTA (Wollondilly) [4.56 p.m.]: We are getting on with the job in south-west Sydney by building roads and great work is happening. We are building on the success of the M7, including the widening of Camden Valley Way at Prestons to four lanes and the continued upgrade of Cowpasture Road from two lanes to four lanes. These are very important projects because they address the issue of the mobility of people in the south-west. We are linking new residential areas and employment zones and providing a regional freight link between Prestons, Wetherill Park and Smithfield. These are important industrial estates for now and into the future.

We have completed the 40-kilometre Westlink M7, which links the M2 at Baulkham Hills, the M4 at Eastern Creek and the M5 highway to Prestons. The Greater Western Sydney Economic Development Board estimates that Westlink M7 will generate 24,000 jobs and \$3 billion in economic development in the region in the next three years. It is a great partnership project—in stark contrast to the Federal Government's lack of action on local roads. This year's budget included funds to upgrade south-west Sydney roads with important projects to ease traffic congestion and improve travel times and safety. These include \$15 million to extend Narellan Road from its existing intersection with Camden Valley Way to intersect with The Northern Road at

Narellan. I go through that intersection at least three times a week and I can see that it will be a great run when it is finished.

On Cowpasture Road \$5 million has been provided to complete the widening between Main Street and Hoxton Park Road—once a dirt track but now becoming a major thoroughfare; \$1 million will fund a plan to widen the road from Westlink M7 to North Liverpool Road; \$1.2 million will go to complete the noise walls between Mount Street and Elizabeth Drive; \$1.5 million will go towards the installation of a set of traffic lights at the intersection of Camden Valley Road and Raby Road; \$3 million has been provided for the planning works to upgrade The Horsley Drive between Ferrers Road and Westlink M7; and \$2 million will go towards planning and pre-construction works for the widening of Hoxton Park Road. That is just to mention a few of the main projects that are happening in our region.

It also contains \$10 million in State and Federal funds to widen the F5 from Brooks Road to Camden Valley Way and \$2.9 million to keep the south-facing ramps at Ingleburn. These upgrades will bring enormous benefits to our community, including the upgrade to Cowpasture Road. This road links the Horsley Drive to Wetherill Park to Camden Valley Way at Leppington. It also connects new residential areas and employment zones and provides a regional freight link between Prestons, Wetherill Park and Smithfield industrial estates. Cowpasture Road has a full interchange with the Westlink M7. We have been doing much.

The State Government provided \$39 million to widen the four lanes between Hoxton Park Road and Main Street. The Iemma Government supports an additional \$65 million on the table to speed up the upgrade of Cowpasture Road to four lanes between the M7 and Liverpool Road. We have widened Camden Valley Way at Prestons from a two-lane road to a four-lane divided road between Bernera Road and the M5-Westlink M7 interchange. This project is fully funded by the New South Wales Government. We have done our part. We are putting money in. Hoxton Park Road is the main connection between Cowpasture Road at Hoxton Park and the Hume Highway at Liverpool. The road passes through both residential and industrial areas.

The Iemma Government is planning for a future widening of Hoxton Park Road from a two-lane road to a four-lane divided road, again meaning that commuters will spend less time in their cars and more time with their families, reducing traffic congestion. The list goes on. Last year work commenced on the \$30 million extension of Narellan Road from Camden Valley Way to The Northern Road. I congratulate my colleague the member for Camden on his ongoing contribution to the upgrade of the road. He has lobbied and has been successful. This road impacts on the lives of many people in my electorate.

The 1.1 kilometre extension will go from the existing intersection with Camden Valley Way to intersect with The Northern Road. This extension will mean improved traffic flow for local and through traffic. The extension will fill a missing link in the area, alleviating congestion along Camden Valley Way between Narellan Road and The Northern Road. Also, \$1.5 million has been provided to install a set of traffic lights on Camden Valley Way, which will improve the safety of that road. The project involves constructing raised concrete medians and islands to accommodate the new traffic signals. Work to install the traffic signals has recently started. The Iemma Labor Government has a strong record of achievement. [*Time expired.*]

Mr GEOFF CORRIGAN (Camden) [5.01 p.m.], in reply: I thank the member for Baulkham Hills, the member for Macquarie Fields and the member for Wollondilly for their contributions to this debate. I thank, in particular, the Leader of the Opposition, who, in his argument for priority, said that it was probably a worthy project, and the member for Baulkham Hills echoed those sentiments. I look forward to their support when we push for the widening of the F5 from Brooks Road down to the Campbelltown exit. The member for Baulkham Hills said that there were road problems everywhere in New South Wales, and that is probably true. Of course, not all those roads are the responsibility of the State Government; many of them are the responsibility of local government and the Federal Government. Quite clearly the F5 south of the M5 is a Federal Government responsibility.

I reiterate that the New South Wales Government has invested \$1.8 million for the road extension, that is, the New South Wales Government has already made available the 20 per cent required under Auslink and plans are under way for the widening of the F5 from Brooks Road through to the Campbelltown exit. Members who left Parliament House now would travel relatively easily through the airport tunnel down the M5, but at the M7 interchange the road goes from four lanes to three lanes at Brooks Road, down to two lanes on the way into Campbelltown, which causes tremendous congestion. Vic Larusso from Channel 10 almost every weeknight shows the traffic banking back from Brooks Road, where the F5 goes from four lanes to three lanes and then to two lanes. The extra lane is needed right through to Campbelltown so that the people of south-western Sydney,

the people of my electorate, Macquarie Fields, Wollondilly and Campbelltown can travel home quickly from work. It is a long trip; they may be travelling at 100 kilometres on the F5, they slow down to 80 kilometres on the M7 but it may take motorists half an hour to get through the bottleneck that follows.

This money is urgently needed from the Federal Government. I am disappointed that the member for Goulburn, who would travel that way, did not make a contribution to the debate. I am disappointed also that the Federal member for Macarthur, Pat Farmer, has not actively lobbied the Federal Government for some of the \$6 billion to build a project that will be good for his area. The New South Wales Government is committed and has put money on the table to widen the road; the Federal Government must match it for the economic development and civic enjoyment of south-west Sydney. People who work in the city, in Botany or in the north-west, need to get home quickly to enjoy some quality of life with their families. The failure by the Federal Government to commit this funding to allow work to take place is destroying families in some cases. The work should be carried out more quickly to support the people of south-west Sydney. I thank members for their contributions and commend the motion.

Question—That the motion be agreed to—put and resolved in the affirmative.

Motion agreed to.

PALLIATIVE CARE

Matter of Public Importance

Mrs JILLIAN SKINNER (North Shore—Deputy Leader of the Opposition) [5.07 p.m.]: Last week was National Palliative Care Awareness Week. Palliative care is the specialised multidisciplinary and holistic care of someone suffering from an advanced progressive terminal illness. People with a terminal illness should have the choice of remaining in their own home with the assistance and care of health professionals, family and friends, but they should also have the choice and the opportunity to access acute hospital care and community-based care as well.

At the launch of National Palliative Care Awareness Week last year Professor Sue Hanson, President of Palliative Care New South Wales, said that of the 65,000 Australians who die each year from a terminal illness or expected death, less than a third receive care from a palliative care service. Palliative care services can greatly improve the quality of life of someone who is dying and also provide tremendous support to families and others caring for them. Palliative care ranges from medications to relieve pain, nausea and other symptoms to community nursing, respite care, relaxation therapies and hospital treatment. It is usually provided by the most highly qualified, compassionate and caring health professionals, who provide assistance at a very distressing time in the life of the individual and his or her family.

The New South Wales Health Department recognises that palliative care is an integral and essential part of a comprehensive healthcare system. It says on its website that New South Wales Health is committed to providing services that maximises the quality of life for people with progressive, advanced disease or terminal illness. The New South Wales Health palliative care framework of 2001 outlines key principles of palliative care service delivery, which include—and I will only outline a few that I think are relevant—that the patient and his or her carers are the focus of the care; there should be timely access to a range of disciplines and services; and services should be in a setting that is appropriate to the needs of the patient and family.

I turn now to problems with providing important palliative care. Recently concerns have been raised by a number of members of Parliament, including the member for Clarence in the northern part of the State. Concerns have also been raised about Queanbeyan hospital. In particular, I refer to a matter in the Northern Sydney Central Coast Area Health Service. Neringah Hospital has had a colourful career in terms of uncertainty about its future. As I have said many times in the House, I had the privilege of being with my best friend and holding her hand when she died in Neringah Hospital in 1988. She had cancer and she knew she was going to die. Being with my best friend, who had been my best friend since the age of 11, was the most awe-inspiring moment of my life. She had been my bridesmaid, she was my daughter's godmother, I was her bridesmaid and so on. Her care by the fantastic staff in Neringah Hospital could not be faulted.

In 1996 Neringah Hospital was threatened with closure. In the early days the hospital provided rehabilitation services but in 1996 it was providing only palliative care. Although the hospital is highly regarded by the community, in 1996 the then Minister for Health, Andrew Refshauge, decided that it should close. That

led to an outraged community expressing concern and rallying in the streets of Hornsby. The former member for Hornsby and I attended those rallies and supported the community. The current member for Hornsby and I have maintained the same position because there is still doubt about the future of this wonderful facility.

At the end of 2005 the member for Hornsby and I issued a joint press release headed, "Is it the end for Neringah?". Here we are almost 10 years later and there is still a question mark hanging over the future of Neringah Hospital. In 2005 the Labor Government closed Neringah for the summer; it sent the patients to Greenwich hospital, which was miles away from their family and friends. Greenwich hospital is not airconditioned and the staff are run off their feet. The dedicated staff at Neringah Hospital are still uncertain about their future. Earlier this year the hospital was also closed for a month, with the patients transferred to Greenwich hospital. When people are in palliative care they want to be close to their family and friends. We want to make it as easy as possible for people.

Neringah Hospital provides not only acute hospital care when people are dying but also respite care when families are no longer able to cope on a daily basis. Patients might spend a day or two at Neringah until they are well enough to go home again to be cared for by family and loved ones. That is impossible if local facilities are closed. The member for Hornsby and I are aware that there are more rumours that Neringah Hospital will be closed forever on 1 July this year. I seek an assurance from the Government that that will not happen, that at the very least palliative care and acute care services will be retained in the Hornsby area. It will be a tragedy if we cannot save Neringah. It will be a greater tragedy if these services are lost to the people of the area forever. Members should keep in mind that this service stretches up to the Central Coast; it covers the whole region.

If palliative care services cannot be provided at Neringah, the Government should give a guarantee that they will be provided in one of the empty wards at Hornsby Hospital. Space is available; there are wards capable of being renovated to a standard that would accommodate these patients. I ask Government members to ensure that these important services are maintained for people who are dying and their families in this part of the world. If the services cannot be retained, the assurances given by Government members and successive health Ministers have been hollow ones. In June 1996 the then Minister for Health, Dr Andrew Refshauge, told the Parliament that palliative care and aged care are important health issues, particularly in an ageing population. He further said:

There is also a need in the Hornsby region, which also has an ageing population, to increase palliative and aged care services.

That commitment was repeated by Dr Refshauge's successor, Craig Knowles, and by others. I call on members to show some compassion for the people of the Hornsby area and in other parts of the North Sydney Central Coast Area Health Service where there is a critical shortage of such services. There are few services on the Central Coast. The member for Hornsby worked hard to pressure the Government to open extra beds and an acute care service in Long Jetty. We are also concerned about what appears to be an inequitable supply of wards dedicated to acute care and palliative care in this region. It is no good saying that an occasional bed can be made available in a general ward. These specialised staff deal with these patients regularly and they need a dedicated ward, a dedicated facility in a hospital, so that patients can die with dignity. They can provide the medications and other services that help patients to overcome the stress and pain of dying. They also provide much-needed support for patients' families at this devastating time of their lives. I urge all members of this House to contact the Minister for Health—in particular, I appeal to the Minister for Fair Trading, Minister for Youth, and Minister for Volunteering, because I know that this matter is dear to her heart—to plead with the Minister to save these services for Hornsby.

Pursuant to standing orders business interrupted and set down as an order of the day for a later hour.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

PRIVATE MEMBERS' STATEMENTS

PENRITH READING PROJECT

Mrs KARYN PALUZZANO (Penrith) [5.20 p.m.]: I commend the schools in the Penrith electorate for their "Books from Birth: Born to read—Read to grow" project, which was officially launched during

Education Week at the Penrith City Library. The Mayor of Penrith, Pat Sheehy, was in attendance, as were Lindsay Wasson, the Regional Director Western Sydney, Francesca Molluso, the School Education Director, Penrith Valley, Ms Robin Morrow, the guest speaker at the launch, and the school communities of the participating schools.

What is "Books from Birth: Born to read—Read to grow"? It is an innovative program that connects local schools, a local preschool and local businesses. In 2006 Penrith South Public School initiated a project involving local schools, preschools, libraries, government departments and local businesses in the Penrith area to support a community approach aimed at enhancing communication and literacy by working with families to promote the joy of reading amongst children from birth. They did this because one of the innovative teachers from Penrith South attended the National Read Aloud Summit in Sydney. At that summit she participated in a workshop run by two teachers from Parkes, New South Wales, Rhonda Brain and Sheree Rosser, who have had for the past 12 years a birth to education program. This established a reading community in the Parkes district and the whole community has embraced the value of reading to children from birth. This has been achieved through enthusiasm, creativity and passion for a cause. This planted the seed for the innovative teacher from Penrith South.

The hardworking teachers from Penrith established a partnership between the Department of Education and Training schools, the Western Sydney Region Equity Team, preschools and the Penrith City Library. They also received support from local businesses—Penrith Panthers and the Nepean Division of General Practice. They are also grateful for the support they received from Penrith Art Printing Works, who provided the pamphlets and leaflets and who made an enormous commitment to the project through its donation of the designing and printing of all materials for the project so far—posters, booklets and brochures—to promote "Books from Birth" in the Penrith community. The schools involved are Penrith South Public School, Penrith Public School, Kingswood Public School, York Public School, as well as the Western Sydney Region Equity Team, Penrith City Library and Nepean Preschool, one of the local preschools in the Penrith area. As I said, other supporters are Panthers on the Prowl, Penrith Art Printing Works, the Nepean Division of General Practice, and parents and carers.

It was my pleasure to officially launch this program. It is a community-based program working with parents to be, parents and children promoting the physical, intellectual and social development of babies and young children, particularly those from a lower socioeconomic background, thereby assisting to break the cycle of disadvantage. The project is funded by the department's regional priority schools program, which provides considerable funding for the project. This was given to the schools mentioned for the development of resources to establish a community-schools partnership to provide literacy in early childhood. In 2006 a committee of interested teachers and community personnel was established to develop and promote the project.

I commend the efforts of Sheryl Cootes, the teacher who promoted this project at Penrith South. I commend also the efforts of all the other teachers who assisted in the project, the principals who were at the launch and, in particular, Penrith Public School teacher Julie Stockton, who wrote a project song for the launch. It was performed by a combined choir of preschool students and students from the schools, who sang the praises of the project. It was quite innovative. I welcome the comments of the guest speaker, Dr Robin Morrow, an accomplished academic and publisher in early childhood literature. She explained the need to promote literacy and reading from birth to school, to break the cycle of poverty or lack of opportunity because of reduced skills in reading. I commend the program to the House.

CROWN LAND WATERFRONT RENTAL FORMULA

Ms GLADYS BEREJIKLIAN (Willoughby) [5.25 p.m.]: An important issue impacting many residents of the Willoughby electorate is the calculation of waterfront rents. As the House would be aware, the eastern boundary of the Willoughby electorate touches a large proportion of Middle Harbour. Many residents living along this boundary and many residents across the State have been raising concerns about inequities and errors in the calculation of waterfront rents. Constituents in the Willoughby electorate have raised their concerns through me and also directly with the Minister for Ports and Waterways, the Hon. Joe Tripodi. It is disappointing that to date the State Government has failed to provide a satisfactory response to these legitimate concerns. The inequity has its origin in the Independent Pricing and Regulatory Tribunal of New South Wales [IPART] review into rentals for waterfront tenancies on Crown land in New South Wales, which was conducted in April 2004, and on the formula for determining the so-called precinct land value.

Under this formula the precinct statutory land value per metres squared is calculated by dividing the total statutory land value of all properties in the precinct over the total area of freehold properties in the precinct

plus the total area of occupancies in the precinct. Many of my constituents rightly argue that the formula has a number of flaws, making it inequitable. Firstly, precincts with smaller freehold areas will have higher statutory land value as the denominator is smaller, making the calculated rent per square metre larger. It seems grossly unfair that residents on smaller properties have to pay more per square metre. Under the formula, the larger the property, the less per metre is owed.

Secondly, residents argue that the statutory land value of properties in the numerator should only include freehold land, and I understand this principle is stated throughout the report of the Independent Pricing and Regulatory Tribunal. However, the Valuer General assesses the value of land as all freehold land plus any waterways property including reclaimed land, jetties and pontoons, as if owned. This ensures that the statutory land value per square metre is higher and the rent charged by New South Wales Maritime is higher. Thirdly, concerned residents argue that New South Wales Maritime has arbitrarily grouped properties into precincts, often including a very small number of properties without the necessary "averaging" or "smoothing" as required by the report, resulting in significantly different rates to adjoining properties. There are examples of two adjoining precincts in the same bay having very disparate rental charges.

Fourthly, because of the lack of transparency in what determines a precinct or the number of properties that determine a precinct, there is a great degree of fluctuation and a great degree of uncertainty as to what the rental for a particular year might be. This is particularly concerning for residents who have lived in their properties for a long time and are on fixed incomes. Some residents who have written to me have demonstrated an increase of up to 50 per cent in the amounts they are paying from one year to the next. Fifthly, concerns have been raised by the boating community relating to overcharging and the impact of this formula on clubs and community facilities. Under this unfair formula the boating community has highlighted that rental on a community slipway where the boat owners do all the work themselves is now more expensive than commercial slipway charges for all work and materials.

There are scores of facilities in Sydney Harbour, partly on, or adjacent to, council reserves which are freehold lands but do not have a statutory land value and are incapable of assessment for rental under the tribunal formula. It is therefore argued that it is questionable whether the tax invoices issues for these occupancies are valid. Most of these are held by clubs and community associations. Many of my constituents have made a number of sound proposals in relation to making the formula both fairer and more transparent. I urge the Minister to consider these proposals. The flaws in this formula set a dangerous precedent that the State Government cannot allow to continue. Willoughby electorate residents make two particular proposals. One is that New South Wales Waterways investigates the introduction/application of a single reasonable rent per square metre for all Middle Harbour properties due to their similar nature. This would be indexed to the consumer price index [CPI].

Secondly, many Willoughby electorate residents have put to me that a moratorium on invoicing residents for their leases should be implemented until a fairer system can be established. I take this opportunity to thank the many local residents who have taken the time to bring their concerns to my attention. They have been extremely measured and logical in outlining their case to the State Government. I urge the Minister for Ports and Waterways to examine the arguments presented and take the necessary steps to rectify the inherent inequity and major flaws in the current formula. The residents who have been impacted deserve no less and this dangerously flawed approach needs to be reversed.

WALLSEND AREA COMMUNITY CARERS INCORPORATED

Ms SONIA HORNER (Wallsend—Parliamentary Secretary) [5.30 p.m.]: How much do we care about community services for the aged? What path are we taking? Have our efforts come to a halt? Obviously, life is very difficult for the frail aged, and for some their circumstances may be dire. The increasing ageing of the population in our communities presents us with concerns. If we do not provide assistance, our aged become isolated and deprived of one of life's needs—that is, the support of family and friends. Aged persons who are deprived of social interaction become withdrawn and depressed and in the most severe cases they starve. Are we a society that happily accepts the neglect of the aged, instead focusing on the adage that ignorance is bliss?

I have already referred to the increasing percentage of persons over 65 in our society and the need for continuing support for the aged and ageing sector of our society. In today's busy world, family networks cannot always guarantee that the needs of the aged are met or that the healthy activity of social interaction occurs. The aged are living longer than before, yet if their needs are not met or neglected they fall prey to depression. On whose conscience does it weigh as people's quality of life diminishes in their supposed golden years? Imagine if your granny was neglected and had to go through such pain.

I am very relieved to share with the House the good news that in the Wallsend electorate Wallsend Area Community Carers Incorporated is addressing this need. I was privileged to attend its tenth celebrations in 2004. During the celebrations I was made aware of the incredible support the team of longstanding volunteers continues to offer to this oft-forgotten section of our community. Seeing the joy on the faces of our elderly reinspired my faith in the ability of Wallsendians to help one another. It is a real demonstration of Aussie mateship in our society. I felt privileged to be part of the celebration of a special network of Aussie carers and their good deeds.

Wallsend Community Carers is a non-profit, government-funded organisation that provides assistance to the frail, the aged and people with disabilities and their carers. The approximately 30 volunteers of the organisation, which was founded in 1984, service approximately 150 clients. The services they provide include a shopping service, individual shopping, home visits, respite care and social activities. The local volunteers donate many hours of their precious time to ensure that our aged feel cared for. Apart from highlighting the good deeds of this wonderful local group, the reason I am speaking about the carers today is because last week the Premier presented an award to one of the original volunteers of Wallsend Community Carers, Mrs Mary Blackford. Mrs Blackford was commemorated for her dedication to the area, particularly Wallsend Community Carers. Every year for the past 10 years she has opened her home to hold a massive garage sale. Her house at Birmingham Gardens is taken over by volunteers to hold the event. She has raised a great deal of money to help fund this brilliant organisation. I am proud to live in an electorate that has such a unique service providing an improved quality of life for our aged in their golden years. Is that not what we all want? May I say a very big thank you to Wallsend Community Carers.

Ms LINDA BURNEY (Canterbury—Minister for Fair Trading, Minister for Youth, and Minister for Volunteering) [5.34 p.m.]: I join the member for Wallsend in recognising the needs of the more senior people in our community and acknowledging the commitment of members of the Wallsend community. Last week when I was in Newcastle I witnessed the respect shown to the member for Wallsend by members of her community. In my position as the Minister for Volunteering, I acknowledge the contribution made by the volunteers, in particular, Mrs Mary Blackford. I ask the member for Wallsend to pass on to Mrs Blackford my congratulations and the House's recognition of Wallsend Area Community Carers. All members of Parliament, no matter which side of the House we sit on, understand the value of the contribution made by volunteers.

ADOPTION

Ms KATRINA HODGKINSON (Burrinjuck) [5.35 p.m.]: I want to speak about an adoption issue in my electorate. The media reporting of the baby that was abandoned in Victoria recently has focused attention on the need for much greater support for young women facing unplanned pregnancies to meet their needs during and after a child's birth. Unfortunately, it seems that the Department of Community Services [DOCS], which regulates adoption in New South Wales, has a policy to actively discourage adoption. I recently spoke with two of my constituents, Mrs Maree Firth and her daughter Samantha Firth, about their experiences with the Department of Community Services before and after the birth of Samantha's son Jordan on 15 February this year.

Samantha is an impressive young woman, having excelled at school where she was vice-captain. She holds down a responsible job as a swimming teacher and acting manager and is a keen and active participant in the local swimming club. Not unexpectedly, this unplanned pregnancy placed significant strain on family members. However, the whole care of the baby would have devolved on Samantha and the best option for both Jordan and Samantha was to seek to have Jordan adopted. Samantha made an informed decision, believing that it was in the best interests of the baby. Her main concern was that the baby should have a stable upbringing and not face the difficulties of shared care between two families.

Mrs Firth has informed me that Jordan's father agreed that adoption was the best outcome for Jordan. Mrs Firth approached the Department of Community Services as soon as the decision was made, only to be told that the department would not become involved in an adoption decision until after Jordan's birth. However, the department did send Samantha an information pack. Prior to the birth Samantha received counselling from a psychologist and a private counsellor to prepare her for the adoption process. At no stage during her pregnancy did Samantha receive any support from the Department of Community Services to prepare her for the rigours of the adoption process. Jordan was born on 15 February this year. Mrs Firth then informed the department of his birth. That was the last they heard from the department until several staffers arrived at the hospital the next day to remove Jordan into foster care.

The birth, which occurred late on a Thursday, had been difficult. At this stage, Samantha had not been able to begin to bond with Jordan, and the hospital had not been able to complete the baby health checks following the birth. In 2001 the New South Wales parliamentary inquiry into adoption practices from 1950 to 1998 tabled documents detailing many instances of improper and sometimes illegal actions by adoption agencies and other bodies involved in the adoption of children, particularly in the 1950s and 1960s. Adoptions in New South Wales reached a peak of 4,564 in 1972, but by 1999 that number had dropped to 178 adoptions, including overseas-born children. In its final recommendations the committee said:

In light of evidence presented, the Committee has concluded that in certain circumstances adoption, as it is practised today, remains the best available option for both the relinquishing mother and the child.

If it were not for the intervention of nursing staff, Jordan would have gone into foster care without Samantha having had the chance to bond with him. The practice of impeding bonding was criticised in the parliamentary inquiry. I understand that Jordan was the youngest baby that his foster carer had received. As to this traumatic day's events Mrs Firth informed me, "DOCS has been just horrible." In these situations the most important guideline to be followed is to do what is best for the future wellbeing of the child. Mrs Firth informs me that the department seemed focused on doing as much as it could to prevent the adoption proceeding. She said that the family, during an emotional and stressful time, felt as though they had no control over what was happening and were being dragged along a path by the department and offered no support.

Jordan's father subsequently withdrew his permission for the adoption to proceed. Samantha went through the final stages of her pregnancy believing that she was doing the best thing for her child and preparing herself for the adoption process. The 24 hours following the birth of Jordan were traumatic and definitely could have been handled more sensitively by the department. With the withdrawal of permission for adoption, the whole process concluded. Jordan was in foster care and mediation was undertaken to sort out his care arrangements. During the adoption process the department was continually informed that Samantha was unable to provide full-time care for Jordan. Jordan is now in a shared-care arrangement with Samantha and his father.

Having apparently engineered the failure of the adoption process, departmental workers have now said that the shared-care arrangement is not the best option for Jordan. Samantha is a young person who, in the past few months, has been catapulted into a situation for which she has been unable to prepare. Following the conclusion of the adoption process, not one departmental staff member has approached Samantha to offer her any support. It is an unsatisfactory outcome for Jordan, Samantha and the father. They have been left with the feeling that the needs of Jordan have been made subservient to the department's anti-adoption policy and the department has made the adoption process as hard and as stressful as possible. I ask that the new Minister for Community Services takes a long, hard look at the effect of his department's adoption policy on vulnerable people like Samantha.

BATHURST ELECTORATE EMIRATES AIRLINES RESORT

Mr GERARD MARTIN (Bathurst) [5.40 p.m.]: The Emirates Airlines six-star resort project in my electorate is probably the most significant tourism project to be developed in New South Wales for many years. The Emirates Airlines eco-resort will be constructed in the magnificent Wolgan Valley, just north of my home town of Lithgow. In 2005 Emirates Airlines announced plans to build this resort in conjunction with the New South Wales Government. It has purchased the Webb grazing property in the Wolgan Valley, which comprises 3,500 acres, on which it will develop a luxury \$60 million accommodation resort. The Webb family were pioneer graziers in the area and have been involved in local industry for well over 100 years. The resort footprint will occupy 1 per cent of the land mass, and the balance of the land will be restored to its original pristine condition.

Feral animal proof fencing will be erected around the perimeter of the property and all feral animals will be eradicated. The property is being destocked of its hereford cattle, and all non-native pastures will be removed. Emirates Airlines is developing eco-resorts around the world, and this resort will be the first in Australia. Its aim is to return the property to its 1788 condition. The property borders the Wollemi National Park and the Wolgan Valley. I am sure that the Acting-Speaker, who has travelled past it on his many trips to his property at Rylstone, would be aware that it is one of the most scenic and spectacular pieces of country anywhere.

ACTING-SPEAKER (Mr Wayne Merton): Indeed.

Mr Thomas George: Is there a boundary adjustment for them yet?

Mr GERARD MARTIN: Emirates Airlines chose the site from six or seven sites, which ranged from the Daintree to the wilderness areas of Tasmania. The resort will have 40 separate bungalows built in Australian colonial style, all with their own chill pool. The resort is aimed at the top end of the market, and I do not expect the local member will be able to afford the \$1,000-plus a night tariff. It will cater for domestic and, in particular, international guests seeking a resort offering solitude and an opportunity to enjoy the natural Australian environment.

The project will create 100 direct jobs, which is important to the Lithgow area. The developers are particularly keen to source local produce from Lithgow and the Central Western area. We all know about the wonderful natural goods produced in the area. Not far as the crow flies from the project is the Jannei goat dairy at Lidsdale, which in recent years has swept all before it at the Royal Easter Show. The products and wines from the Rylstone, Mudgee and Kandos area will be used by the developer.

The New South Wales Government has completed its approval process, although there have been some complications related to land swaps, proximity to national parks, native title and so on. I do not know whether the member for Lismore's interjection referred to the fact that the Federal Government still has not completed its approval process. While that is a concern to the developers, we hope that that will be resolved quickly. Undoubtedly, obtaining approval for projects of this type in Australia is somewhat more complicated than it is in the Middle East. I am sure some lessons will be learnt from that.

Hopefully, the Federal authorities will cease their tardiness and sign off on the matters required to bring this project to fruition. The general community supports the project, and initially the green movement also voiced strong support. However, the members of the Colong Foundation—bless their little hearts—found some reason towards the end of the process to rail against it. They received very little support from anyone, so the project will go ahead. It will be a landmark tourism project in Australia and, indeed, the world. I am delighted that the first such project in Australia will be built in my electorate in the magnificent Wolgan Valley.

FORMER POLICE OFFICER PAUL MCKINNON

Mr JOHN TURNER (Myall Lakes) [5.45 p.m.]: I speak tonight on behalf of a constituent, Paul McKinnon, a former police officer who was assigned to the Macquarie Fields precinct for three years. He resigned from the Police Force a little less than two years ago under a great deal of stress. He has now had time to look at his life and wishes to be reinstated in the Police Force. He made an application to be re-employed, which was refused on medical grounds, and he now wants to be reinstated rather than re-employed. He also wants the time he has been away from the force to be deemed leave without pay. A number of issues warrants such treatment.

In 2003 Paul McKinnon was involved in an incident at work during which he was contaminated by blood. He received some counselling about the risks of AIDS, hepatitis and so on and his blood was monitored for more than 12 months. Prior to that incident Mr McKinnon was involved in an acrimonious divorce and was going through a difficult time. He subsequently remarried, but after one year of blood monitoring following the first incident he was involved in another incident during which a man spat blood directly into his mouth. That occurred 10 days before the birth of his baby. The first incident obviously made him anxious, but the impending birth of his baby made him very conscious of the need for health and hygiene. As a result a question mark was hanging over his head.

Mr McKinnon became irritable and depressed, suffering nightmares and so on. He contacted the Police Force's employee assistance program psychologist and was given five sessions of counselling, and in March 2005 he began treatment with an antidepressant. He was diagnosed as having post-traumatic stress disorder and spent some time off work. When he returned to work he was put on restricted duties and was not allowed to use a firearm. He found the situation very frustrating because he could see no end to his station duties. In that state of frustration he resigned from the Police Force, but then realised the error of his ways and asked if he could return to work.

He was then examined on behalf of the Police Force by the very doctor who diagnosed his post-traumatic stress disorder, who said that he could not return to the force. Mr McKinnon has since obtained advice from a psychiatrist. The police medical officer was a general practitioner, and I am not suggesting there is anything wrong with that. However, the psychiatrist did a full review of his condition and found that he was cooperative and behaved appropriately, his mood was reactive, he showed no obvious signs of depression or anxiety and, in particular, there was no evidence of suicidal tendencies, nor had there ever been. Diagnostically

he had post-traumatic stress disorder with depression, and that is now in remission. The psychiatrist, Dr Steve Robinson, stated:

I saw no reason to believe his behaviour might be impulsive or risky in any way. He would be fit to handle a firearm ... I see no reason to restrict his duties in any way.

As I said, Mr McKinnon is desperate to return to the Police Force. I said I would raise the matter in the House in the hope that a commonsense approach would be taken. The Police Force obviously needs experienced officers to return to the force. Mr McKinnon understands that if he comes back to the force he may well have to go back to Sydney to work, even though he has remarried and has moved to Nabitac. I might add that he now drives a crane. I am sure that if there were problems associated with a psychiatric disorder he would not be driving a crane to earn his income.

I ask the Minister to consider this matter sympathetically and to refer it to the police department for consideration. At the time Mr McKinnon left the Police Force there was apparently a practice followed of giving officers an exit interview and an option of taking leave without pay. However, Mr McKinnon was not accorded that option; he simply resigned and left the force. Indeed, he submitted his resignation form to a superintendent who did not exist, so we are not sure how it was processed. I trust that the police department will consider this matter sympathetically with a view to reinstating Paul McKinnon in the Police Force and deeming the time he has taken off as leave without pay.

DEATH OF CONCHITA G. SORIANO

Mr PAUL GIBSON (Blacktown) [5.50 p.m.]: I wish to speak about a constituent who was not only a very dear friend of mine but also a great supporter. She was probably the most stylish dresser one could ever hope to see. She was not only a friend of mine; she was a friend of most Labor people in western Sydney—John Aquilina, Richard Amery, Allan Shearan, Roger Price, and the list goes on. She was an 82-year-old lady. Conchita G. Soriano was born on 11 May 1925 and died on 18 May 2007. She was born in the far northern town of Solson, in Ilocos Norte, in the Philippines, to Angel Garces and Rosario Villoria Garces and was one of six children.

Conchita studied accounting at the University of the East and, after graduating, she worked as an accountant and later moved on to be an auditor at the Auditor General's Office in Manila. She married her childhood sweetheart, Armando Abian, and had four children to him—Rowena, Armando, who is deceased, Cynthia Grace and Wilson. While working at the Auditor General's Office she met and married her second husband, Antonio Soriano. In the middle of 1985 Conchita and her husband visited their son Wilson in Sydney, to which he had already immigrated with his family. She fell in love with Australia, and soon moved here permanently. This was a great decision, not only for the Filipino community of Western Sydney but also for the Australian community there. Once in Sydney Conchita became an active participant and a visionary in the Filipino community, and along with her husband she founded the Golden Citizens Club.

When Antonio passed away, Conching, as she was fondly called, took on the reins of the Golden Citizens Club and steered it to new heights. The club focused on senior citizens, and that focus became her endless passion. She remained president of the organisation for more than 12 years and undertook projects that benefited the seniors. With her unquestionable vision, she then moved to unite the various seniors clubs in the Blacktown area and united them under the FOFASCA banner. She organised community activities for the seniors—in sports, fashion parades, choral groups and dance troupes. Even at her age she was a prime mover in the Filipino community and she had great energy. She was unstoppable as a personality in Blacktown. If the Filipino community, the Australian community or any other community needed anything, Conchita was always the first person there. If the Prime Minister came to Blacktown, Conchita was always the person to be in the photograph with him. If the Premier came to Blacktown, the same thing would happen: Conchita would be there.

She became a friend and a staunch supporter of the Australian Labor Party. She was the Treasurer of my SEC until she passed away. In recognition of her community work she received countless awards and certificates of appreciation from various civic, religious, community and political organisations. In 1997 she clinched the prestigious Blacktown City Senior Citizens Award. Last year, as a culmination of her community involvement, she was one of the finalists in the Philippine Consulate's Filipino Australian Women's Achievement Awards, a fitting tribute for her dedication and hard work. She gave of herself selflessly. She was a leader and a friend to all. She never stopped serving the seniors whom she loved dearly and the Filipino

community. She leaves behind a legacy to be admired and emulated by future leaders. No doubt she will be a very hard act to follow.

Conchita is survived by her three children—Rowena, Cynthia Grace and Wilson—10 grandchildren and 20 great grandchildren. She was an outstanding lady. I recall that many times during election campaigns I would ring her and say, "Conchita, I need a hand." Within 15 minutes there would be 20 Filipinos in my office. They would work day and night. They would never ask for anything; they were just pleased to be there and pleased to help. Conchita earned a great reputation for helping everyone in the Blacktown area, and she will be sorely missed. I spoke to her only a few days before she passed away. When we finished the telephone conversation she said to me, as she always did, "More power to you, Paul." As I said, she was a great lady. She has left a great legacy, something for everyone in this country to look up to and to strive for. She gave so other people could have the advantage of her knowledge and her help, and she gave unconditionally. That is the legacy she leaves for all of us. Rest in peace, Conchita.

Ms LINDA BURNEY (Canterbury—Minister for Fair Trading, Minister for Youth, and Minister for Volunteering) [5.55 p.m.]: I join the member for Blacktown in recognising the life of Conchita Soriano. Many members of this House feel the desire to recognise special people who have been part of the communities we have the honour to represent. Obviously Conchita Soriano was such a person. The member for Blacktown's words gave us a picture of a woman who gave to others probably all of her life and was an enduring community member who strengthened the community of Blacktown. I say to her three children—Rowena, Cynthia Grace and Wilson—as the member for Blacktown did: we in this House recognise your mum's work. To paraphrase her: More power to people like her.

THE ROCK CENTRAL SCHOOL, WAGGA WAGGA

Mr DARYL MAGUIRE (Wagga Wagga) [5.57 p.m.]: The Rock Central School in my electorate of Wagga Wagga is a kindergarten to year 10 school. Current enrolments are approximately 160 students. On 16 May the Department of Education and Training notified the principal that it intended to remove a demountable classroom from the school to alleviate the problems caused by a fire at Young Public School last week. The department said this will be "done and dusted" by Tuesday 22 May. I understand the needs of students and teachers at Young Public School and I sympathise with them. However, the department's actions to provide for the needs at Young should not negatively impact on the quality of education being offered at The Rock Central School. The department's action is not a fair solution to the problem.

The classroom earmarked for removal is currently used as a secondary learning space in which English, history, geography and careers are taught. The demountable is also used for other school initiatives. At various times during each school day when the room is vacant teachers aides use the space to work with special needs students on a one-to-one basis as there are no other places available in the school. The demountable is one of only two general learning spaces which are not specialist rooms, such as those used for food technology, technics, computing, science, art, agriculture, et cetera. These specialist rooms are not suitable for the teaching of English, geography, history and careers.

The department has used the argument that a learning space exists within the old primary building. The extra learning space is currently heavily utilised in the primary building for the running of various programs set up to enhance the learning of students. Part of the whole school staffing allocation is used to boost the number of teachers available to teach literacy and numeracy. This in effect means that during literacy and numeracy times—from 9.00 a.m. until lunch—seven classes operate from kindergarten to year 6, requiring seven learning spaces. The secondary classes also operate during this time. The removal of the demountable classroom and the subsequent use of the "over establishment primary room" by secondary classes will mean there will be insufficient learning spaces available to maintain the current successful program of learning. Students could find themselves being taught in corridors, as secondary learning spaces present occupational health and safety issues for younger students.

The department has notified the school that the classroom will be removed and that it must be emptied and ready for removal. The literacy-numeracy room must be emptied of all its resources and a place found for them so they are still useful and accessible. The years 2, 3 and 4 furniture, resources, students, et cetera, must be moved into the emptied room as it is in a location totally unsuitable for housing a secondary class. All furniture, resources, et cetera, must be moved from the demountable classroom to the emptied years 2, 3 and 4 room, which is approximately two-thirds the size of the demountable classroom. The entire store of English texts, and history, geography and careers resources must also be moved. A new lesson timetable for kindergarten to year 10 must be constructed.

The impracticalities of locating a secondary class within the primary zone of the school are numerous. Secondary and primary departments of the school operate on different bell times, and recess and lunch times differ. Student movements in and out of the old primary building will disrupt the learning of students who are already in class. Currently, the physical separation of secondary and primary zones means this is not a problem. The secondary room will share a very thin wall with the kindergarten room. That is not good for kinder students. Year 10 students, some of whom are big boys, will be sharing the corridor with tiny kindergarten students and that presents a safety issue.

There will be an ongoing effect on quality teaching and learning at The Rock Central School, and the excellent teaching and learning programs will be jeopardised. Demountables are meant to be temporary but these demountables have been part of The Rock Central School for well over 25 years. The construction of permanent classrooms has never been on the education department's agenda for The Rock, even though the school should have been entitled to them in the past. The school is experiencing increased enrolments, but due to the department's lack of a building program, it finds itself in the firing line when a crisis arises elsewhere.

This year secondary enrolments have jumped by 30 per cent. The argument that rooms used for food technology, textiles and design and technics could house ordinary secondary classes is unsatisfactory from an occupational health and safety point of view. With many demountables located in Goulburn and Maitland awaiting refurbishment I believe that the department is looking for an easy option and an easy target. The local community has campaigned very hard to save this very precious resource and while we sympathise with the community of Young, which lost its building as a result of arson, the kids at The Rock are going to be unfairly disadvantaged. I ask the Minister to take up this issue as a matter of urgency. I have been to The Rock Central School—in fact, I am the patron of the school—and I have seen that the areas identified as learning spaces are inadequate. This is an unjust decision and it must be reversed. There are demountables available; they are available in Maroubra, Cessnock and Goulburn. Those demountables can be used, they must be used and I implore the Minister to ensure that they are.

CANNABIS USE

Mr RICHARD AMERY (Mount Druitt) [6.02 p.m.]: I wish to bring to the attention of the House policies that could send a message to my electorate and to the broader community that drug use, particularly cannabis use, by an individual is not all that harmful and that laws relating to the personal use of cannabis should be relaxed. This soft peddling of the personal use argument, which is often used by politicians from parties such as the Greens, has sent the wrong messages and has tended to downplay the significance of cannabis use in this country and around the world. For example, I refer to part of the Greens' justice policy summary, as displayed on their website under the heading, "Vote for Tomorrow." At the third dot point it says that the Greens advocate "treating drug use as a health and social issue and not as a criminal matter".

This policy is backed up by arguments in the media that we should concentrate on things such as the Mr Bigs, the fact that the war on drugs has been lost, and the claim that there should be more emphasis on rehabilitation and education. To a certain extent all these arguments are true, of course, but I would argue they are not a replacement for law enforcement and tougher penalties. In the *Mount Druitt-St Marys Standard* of 21 March, a journalist, Paul Tatnell, highlighted the debate between the Greens and me in which I highlighted the fact that it is inconsistent for the Greens to attack the Government on health and mental health issues and then parade their soft line on such things as cannabis use.

Probably like all members, on 23 April 2007, I received an email from the Drug Advisory Council of Australia Incorporated setting out a media statement under the heading, "We were wrong to promote legal cannabis." The email quoted an article from the issue of the *Independent* newspaper published on 18 March this year which said:

In an extraordinary admission, a United Kingdom newspaper the Independent has admitted that its campaign to decriminalize cannabis was a mistake.

A recent article has disclosed that the link between cannabis and psychosis is now quite clear.

One in ten schizophrenics in the UK is directly linked to cannabis.

We have seriously underestimated how dangerous cannabis really is.

An article just published in the medical journal Lancet shows how cannabis is MORE dangerous than LSD and Ecstasy.

Record numbers of teenagers in the UK are requiring drug treatment as a result of smoking the highly toxic form of cannabis called Skunk with half of all treatments being teenagers.

Political leaders and scientists are also now admitting they were wrong on underestimating the dangers of cannabis.

The fact that the possession of illicit drugs like cannabis is illegal, acts as an important social restraint.

Cannabis today is more available, stronger and cheaper which adds to the dangers.

I am very impressed with the comment by the Drug Advisory Council of Australia at the foot of the email. It said:

A number of Australian states and territories have made the same mistake as the United Kingdom in treating cannabis lightly and not accepting the dangers of cannabis use particularly for teenagers.

I believe it is time for all governments to review their stance on this issue. Political parties such as the Greens should get real when it comes to their often-promoted softly-softly approach to drug use. They have argued that their policy has been misrepresented. The Greens' policy states:

The Greens are committed to exploring new, more effective approaches which treat drug use as a health and social issue. While we support criminal penalties for the commercial supply of drugs, we believe that the principle of minimising the harm done by drugs will be more successful than resorting to tough, law-and-order sanctions for personal drug use.

This well-timed communication from the Drug Advisory Council of Australia enforces the fact that we should start to reflect on the softly-softly approach that has been taken over the past 10 to 20 years on the use of cannabis. It is far more dangerous than all of us realised.

CARLINGFORD INFRASTRUCTURE AND URBAN CONSOLIDATION

Mr MICHAEL RICHARDSON (Castle Hill) [6.07 p.m.]: The Hills district is one of the best places in Australia to live and raise a family. My electorate boasts some of the best schools in the State—including the number one school academically, James Ruse Agricultural High—parents who value education; children who want to learn; beautiful, leafy green suburbs; plenty of sports facilities; and a predominance of free-standing homes with gardens. This Government, however, seems hell-bent on destroying what has been built up over more than 200 years. Its decisions regarding infrastructure provision and urban consolidation are changing the face of our suburbs—and not necessarily for the better.

For example, the suburb of Carlingford is unique in Baulkham Hills shire in that it contains a railway station and 200 metres of track. In 1994 the Fahey Government promised to extend the Carlingford line to provide a new link between Parramatta and Epping. When the Carr Government was elected in 1995, this promise was changed to extend the line beyond Epping to Chatswood. At the same time the Government instructed Baulkham Hills Shire Council under State environmental planning policy 53 to develop a housing strategy that met its requirements for increased densities. State environmental planning policy 53 was the planning policy with a loaded gun: If councils did not come up with an acceptable level of consolidation the Government would strip them of their planning powers. So, naturally, Baulkham Hills Shire Council significantly increased densities around Carlingford railway station: it really had no choice. Given the significantly improved level of service the expanded rail line would provide, it made eminently good sense.

Council reckoned without the duplicity of the Labor Government. Having secured the deal to accommodate an extra 10,000 people around the station, Labor welched on its half of the deal. In August 2003 it abandoned its commitment to extend the line to Epping and the 1994 Parramatta to Epping line has become the 2008 Epping to Chatswood line. To add insult to injury, in September 2005 the Government drastically cut services on the Carlingford line as part of its new timetable arrangements. The four direct services a day to the city were slashed to one, terminating at Central, whereas previously trains went on to Town Hall and Wynyard. The evening return services were eliminated altogether. Every other time you catch a train on this line you have to change at Clyde. Carlingford has become a Clayton's station: the station you have when you are not having a station.

One might think that these dramatic changes to train frequencies would have caused the Government to soften its requirement for increased densities around Carlingford station, but the requirement has stayed, even though the public transport system is manifestly inadequate to deal with increased densities. Carlingford is not the only part of my electorate to be adversely impacted by a combination of broken promises and failed policies; Castle Hill's central business district is equally affected. In December 1998 the Government promised to build a rail line from Castle Hill to Epping by 2010. Does this have a familiar ring? Almost nine years later work has

still not started and, indeed, there is considerable debate over the staging of the line—now proposed to extend to the Rouse Hill regional centre—and indeed over its exact route.

The fact that the Government may never build the railway line has not prevented it from insisting on dramatically increased housing densities yet again—this time around the Castle Hill central business district [CBD]. So streets like Cecil Avenue and Hume Avenue, once predominantly detached houses on quarter-acre blocks, are now lined with blocks of flats, some built to a quality, others most definitely to a price. The major impact this has caused has been to increase traffic congestion in and around the Castle Hill central business district. This would be excusable if the railway line were under way, but it is not. And council is planning the Castle Hill central business district—and the showground precinct a kilometre away—around a rail line that has been dubbed the ghost train.

Council's Castle Hill central business district master plan involves re-routing Old Northern Road along Terminus Street, 150 metres away, causing massive disruption to the more than 100 businesses found there. It also wants to redevelop the 350-space Terminus Street car park with additional levels of parking and commercial and residential space above. What I find truly bizarre about the master plan is that it does not provide for commuter parking. Indeed, to compensate for the loss of 76 on-street car parking spaces in Terminus Street, council wants to eliminate all the 106 all-day parking spaces from the car park. These spaces are predominantly used by commuters, who catch The Hills city express bus service from Old Northern Road. Their loss will inevitably discourage the use of public transport in The Hills and put more cars onto the road. And it does not want commuter parking in Castle Hill in the future! It thinks rail passengers will be happy to drive to The Hills centre or Franklin Road, Cherrybrook stations, which are supposed to have large commuter car parks.

Many people in our area doubt the north-west rail link will ever be built. The Government's best projections have it 10 years away, yet the rail link dominates council's planning decisions. The town centre master plan is designed around a railway station. It will only make sense when the first train pulls into Castle Hill. Last year the three Labor members of Baulkham Hills Shire Council suggested moving the council chambers, opened in 1982, back to the centre of Castle Hill, as part of the redevelopment of the Terminus Street car park. This, they said, would allow the construction of yet more blocks of flats around The Hills centre train station. They also wanted to convert the showground—the most important public space in Castle Hill—into a football stadium. This reinforces the widespread belief that Labor does not understand our area—and worse, that it does not want to. Labor's idea of Utopia is to shoehorn thousands of people into existing suburbs without providing the infrastructure to support them. Labor seems to think people will be satisfied with a promise. Well, they will not; not after 12 years of broken promises. They want more concrete and steel and fewer lines on maps. Most of all, they want a government that understands them and does not try to force its warped view of the world on their council and their neighbourhood.

CROP REPLANTING SCHEME

Mrs DAWN FARDELL (Dubbo) [6.12 p.m.]: I wish to refer to representations made to Federal and State governments for a crop replanting grant. The Mid Lachlan Alliance, whose membership consists of Parkes Shire Council, Lachlan Shire Council, Weddin Shire Council and Forbes Shire Council, held several discussions and meetings working towards urgent assistance to help their grain growers overcome extreme financial difficulty in New South Wales. Councillor John Magill from Parkes Shire Council, who was involved in all discussions with growers, agencies and farming groups, was instrumental in taking a proposal forward that would have allowed growers to retain a viable equity in their property holdings.

On 14 February 2007 the Mid Lachlan Alliance forwarded its submission to the Deputy Prime Minister, the Hon. Mark Vaile. The submission called upon the Federal and State governments to commit to a range of initiatives that sought to ease the financial hardship on farmers and their dependants during this unprecedented period of drought. The communities of the alliance were heartened by the visit of Mr Vaile and the Prime Minister to drought-affected regions in the Central West in October 2006 as a direct result of their initial submission. The Prime Minister's commitment to ensure that necessary assistance would be forthcoming was well received by those who attended the function at Pine Park, Forbes, on 26 October 2006. The correspondence stated:

The Prime Minister's undertaking to help farmers in their hour of need encouraged the Alliance to continue its work and to revise the submission to reflect the increasingly dire circumstances and the most important issues currently facing rural and associated industries in the Central West of NSW.

Also, the Minister for Agriculture, Fisheries and Forestry, the Hon. Peter McGauran, indicated to Parkes shire councillors at a meeting in December 2006 that a further submission, including suggestions relating to replanting and restocking grants, would be received for consideration by the Federal Government. Following this advice the alliance was encouraged to submit further documentation hoping for favourable consideration.

On 1 February 2007 the Peak Hill branch of the New South Wales Farmers Federation held a meeting, attended by their president, Jock Laurie, Federal member for Parkes, John Cobb, the Hon. Duncan Gay, member of the Legislative Council, Parkes Shire Mayor, Robert Wilson, councillors, rural counsellors, guest speakers, more than 300 farmers and me. There were heart-rending stories of forced sales of off-farm assets, enormous debt loads and uncertainty of financial and physical strength and whether to plant further crop this year. Graziers spoke also of the hardship of retaining breeding stock. Many crop producers had to decide whether to go begging to the banks again, which would reduce their property equity to as low as 50 per cent in some cases. The Federal member, John Cobb gave no words of encouragement.

Those in attendance were grateful for exceptional circumstances subsidies and stock transport funding from the State Government and Federal Government. However, a crop replanting grant would significantly lighten their load. Despite recent rainfalls rural Australia is suffering from six prolonged years of drought and the financial and mental impact on producers of these six years will be carried on for a further five years. They are not asking for cash payments at all. On 2 April 2007 I received a request from a constituent Bruce Toole, Secretary of the Forbes branch of The Nationals, asking for my support to reinstate the replanting scheme. I agree with his assessment. He said:

As we all know the last year's wheat crop was an economic disaster for most of the farmers in the State and many people have experienced a severe cash flow problem and cannot afford the high cost of planting another crop this year ... we cannot afford to have the farming sector become unviable because many rural towns also depend on the farmers for their existence.

In my first reply to him I stated that the Federal Member rebuffed a representation from the alliance of councils and the rural lands protection board last year. I forwarded Mr Toole's concerns to the State Minister for Primary Industries but to date I have not received a reply. I also forwarded those concerns to the Hon. Peter McGauran and on 7 May I received a reply from Mr McGauran who, in part, stated:

The Government would not support a programme that provides significant support for one commodity group [over another]

The Government has also investigated the introduction of a low-interest loan scheme.

It stated that it would be inequitable to help some people and not others. He concluded by stating:

Thank you for bringing Mr Toole's concerns to my attention. I trust this information is of assistance.

But there was no assistance at all. On 23 May 2007 the New South Wales Farmers Association issued a media release expressing its disappointment that the Government would not introduce a replanting assistance scheme. At the Peak Hill meeting on 1 February it was advertised as the drought tsunami. This is our farming disaster; we need help to rebuild. When there are disasters overseas, whether natural or conflict, governments, agencies and the communities of Australia dig deep, donate and pat themselves on the back for their donations. Yes, we should give to others in the time of need. The Federal Government recently announced \$150 million towards addressing the horrific ice addiction that many of our citizens are unable to defeat.

However, if we are able to find a \$150 million for many who chose this path, surely the Prime Minister is able to find \$150 million for producers who did not choose to be financially broken. Having to line up at Centrelink for handouts is difficult for these people and not an occupation. This crippling drought has also taken many lives, wrecked many families and yet those affected still continue to support each other with the help of the Country Women's Association. I ask the Prime Minister to visit us again, stay a little longer, speak to more than the party faithful and perhaps he will reverse his decision.

AIR-CONDITIONING ENGINEERS TRAINING AND ACCREDITATION

Mr PETER DRAPER (Tamworth) [6.17 p.m.]: Tonight I inform the House of a Victorian based training program that seems to be attempting to bypass the high standards required in New South Wales for the training and accreditation of air-conditioning engineers. I welcome the presence in the House of the Minister for Fair Trading. Their actions are putting New South Wales consumers at risk and at the same time undermining the high educational standards set and achieved by our TAFE system. I ask the Department of Fair Trading urgently to examine the advertising for these courses to determine whether applicants are misled into believing

they will receive qualifications that do not apply in this State. I have been contacted by a number of local constituents, and they have raised concerns that Gordon Specialist Courses of Geelong, Victoria, are running three-day certificate II Engineering (Air-conditioning) courses across New South Wales.

The Certificate III course, which is needed in this State to install air-conditioning units, is conducted by TAFE, and requires 150 hours of study, yet while Gordon Specialist Courses charge \$2,000, they graduate students after just 24 hours of training. For a refrigeration mechanic to operate legally in New South Wales, they need a purchaser licence for coolant gases, a user-handler licence for refrigerants, a contractor licence issued by Fair Trading, plus a minimum Certificate III from TAFE that is obtained by attending TAFE three days every three weeks, over a three-year period.

By completing the Gordon Specialist Courses training, some tradespeople are acquiring a Certificate II qualification, then going into the community and installing refrigerated air conditioners. It is possible for someone with a Certificate II to meet the Federal requirements to purchase and handle refrigerant gases. They can also obtain the New South Wales Fair Trading contractor licence as a qualified electrician or plumber, and this combination then allows some unscrupulous operators to bypass the New South Wales requirement for Certificate III qualifications to carry out installation and repairs.

Consumers have few ways of finding out whether a contractor has all of the qualifications required in New South Wales as I have outlined, or whether they are in fact unqualified under New South Wales law. This situation has already led to a number of consumers having to get other qualified personnel to repair unsatisfactory workmanship, leading to increased costs for the consumer. Another important consideration is that many of the refrigerant gasses used are particularly dangerous to the environment, and at a time when climate change is so much of an issue any mishandling of these products can lead to unnecessary and avoidable environmental problems.

Refrigerants are part of the problem we face with climate change. Already governments have acted to safeguard the environment by withdrawing chlorofluorocarbons. Since 2006, hydrocarbons, fluorocarbons and chlorocarbons have begun to be withdrawn from use, with 2010 set as the final withdrawal deadline. The replacement high-pressure refrigerant 410A also poses serious risks if mishandled. Unfortunately, a death has already occurred in Queensland when this gas was mishandled and it exploded. This is reason enough why only properly qualified personnel are permitted to handle these products.

Gordon Specialist Courses are currently advertising their three-day courses in Narrabri on 4, 5 and 6 July and in Coffs Harbour on 9, 10 and 11 July. I have been advised that Inverell may also have a course offered shortly. I believe that Fair Trading must examine these courses and the way they are marketed to ensure that well-meaning contractors are not led to believe that they will acquire qualifications that these courses do not deliver. The advertising, to me, appears to suggest that graduates of the three-day course can start installing split systems upon completion, when in fact the Certificate II is not an adequate qualification in this State.

I also suggest that Fair Trading undertake random examination of north-west based air-conditioning installers to check that they hold the appropriate qualifications. Similarly, it may also be a good idea for the Vocational Training Board to examine the accreditation of course providers such as Gordon Specialist Courses in New South Wales. This problem will not only be apparent in Tamworth; it is a matter of concern that will occur across this State. We have a responsibility to ensure that New South Wales tradespeople are not misled by such courses, and that we uphold the integrity of TAFE courses offered across the State. We must protect members of the community from substandard tradespeople and the long-term financial implications that incorrect installation can cause. Lastly but equally important is the need to protect our environment.

The State of New South Wales has set very high standards in all of these areas, while other states lag well behind. Qualifications from interstate must not bypass our high standards. It is our responsibility to ensure that these standards are maintained and members of the community are protected. I ask the Minister for Fair Trading to act on these concerns before local consumers are disadvantaged, and before a well-intentioned but underqualified tradesperson loses their life, as has already happened in Queensland.

Ms LINDA BURNEY (Canterbury—Minister for Fair Trading, Minister for Youth, and Minister for Volunteering) [6.22 p.m.]: I will take up this issue urgently. This matter has not been brought to my attention, and I know that the member for Tamworth has delivered some information to my office. I will also liaise with the Minister for Education and Training, who has responsibility for VTAB in relation to the rigor of the Gordon Specialist Courses. I will take on board the example of a disastrous outcome in Queensland. I can assure the

member for Tamworth that consumer protection is our highest priority, and obviously qualifications for tradespeople are an important part of that. I also take on board the member's suggestion of random examinations in the region.

Private members' statements noted.

[Acting-Speaker (Mr Thomas George) left the chair at 6.23 p.m. The House resumed at 7.30 p.m.]

INAUGURAL SPEECHES

Mr MIKE BAIRD (Manly) [7.30 p.m.] (Inaugural Speech): Less than 100 feet from this very Chamber is a bronze statue erected in honour of Governor Lachlan Macquarie. Macquarie, acclaimed by history as New South Wales' most influential leader, is remembered for many things, like the partnership with Francis Greenway that set a standard for design, for funding a hospital from rum licences, for building roads and infrastructure and for making the first land grants in an area that later became known as Manly. He was an example of what a visionary leader can achieve for this State. In 1810 Macquarie issued two land grants, totalling 130 acres, extending from the southern side of The Corso up to St Patrick's estate. Later, in the first transaction ever for the Northern Beaches property market, these grants were sold to Henry Gilbert Smith, who is now known as the Father of Manly.

The wealthy Smith was elected to the New South Wales Parliament in its first year of responsible government, in 1856, and I pay tribute to him and all the following members for Manly who have worked so hard for our community. Maybe it was because of Smith and his wealth that a young friend of my 10-year-old daughter Laura said to her after my election "Your Dad is so lucky—he has now become the richest man in Manly." If only he knew the truth. Seriously though, in many respects that young boy is right, and I take my place as the member for Manly thankful for the opportunity, in awe of the responsibility and determined to live up to the trust placed in me by my local community. To them I give my thanks, and to them will I give my all.

Manly is rich in history, from its beginnings with the Guringai tribe, its formal naming by Captain Phillip five days before the birth of our entire nation, the provision of many to our armed services over many wars, overseeing the birth of surfing in this country and year after year providing more Olympic heroes than any other electorate in New South Wales. It is rich in environmental wonder, with North Head a treasure that extends well beyond the bounds of our community. It is a global delight, providing a rich historical backdrop to a nature wonderland of penguins, bandicoots, sea horses, shovel nose sharks and all that should be enjoyed with wonder in our creation. The community remains steadfast in opposition to further development of this place, and I intend to stand with them in defence of it so that future generations may enjoy these assets.

The community has many great sporting clubs reflecting its sporting tradition, with weekends full of volunteers at our six surf lifesaving clubs, thousands listening to the shrill whistle of netball at John Fisher Park or the thud of leather at Manly and Brookvale ovals. It is what we enjoy. It is what brings us together. If we reflect solely on this tradition then it would be easy to think that we have no problems and that State Government has served us well. I need to report that this is not the case. We remain a community desperate for a new hospital. We want a significant expansion and improvement in public transport and the clean-up of Manly and Curl Curl lagoons, which remain so poisoned even dredged sand from them is considered toxic. We need the completion of longstanding capital works at many of our schools and, dare I say it, a solution for the Spit Bridge to Warringah expressway corridor rather than the farce we have had to endure in the past few years. These will be my priorities in my term in office, for we can do much better.

Many have said that my election marked Manly returning home to the Liberal Party. I do not hold that view. History has shown that Manly is not a traditional seat owned by any party or political grouping. Over the past 30 years the Liberal Party has held the seat for only seven years. The seat in fact has the singular honour of being won and lost by the Liberals, Labor and the Independents. The past 16 years of its being held by Independent members provides what I believe is an insight into genuine community concern. As the first Liberal to ever win back a seat that has been represented by Independents for a long time let me say this about what I discovered in the last campaign from the electors of Manly. I discovered that the two-party system is breaking—and it is breaking down under a belief by electors that representatives of a major party will always give their loyalty to their party and not their community.

If one question was asked of me again and again it was a question about whether my first loyalty was to my party or to the community. The question asked of me is in fact being asked of all the representatives of the

major parties in this place. There is no better place to see this than in the results themselves. In the 1978 State election 96 per cent of all voters voted for the Labor, Liberal or Country parties. In this past election that number had fallen to 77 per cent. This Parliament marks the first time in the modern era when a New South Wales government was elected to office with less than 40 per cent of the primary vote. Or in other words, for the first time more than 60 per cent of voters did not see their first choice government elected. We need to hear and heed what the electorate is saying, for to achieve for our communities the two-party system must work.

Tonight I want to talk about three ideas that I believe will restore and strengthen public trust in our major political parties and in this wonderful institution. Firstly, I am proud of the Liberal Party and its tradition of seeking freedom for the individual to excel and achieve dreams through personal effort. I am also proud that it is the party that has always allowed members to exercise their discretion in relation to matters of conscience. It is a discretion and responsibility used rarely and wisely by those who have done so in this Parliament. However, I believe we need to take this further and in coming months I will seek to introduce into the party room of the Liberal Party another discretion, that is, the discretion that also allows members a free vote in matters that relate to the direct interests of their own community.

The Premier, with the full backing of the Coalition, appointed an Independent Speaker to lift standards in this Parliament. The next step in that journey is to free up our party rooms: we need unity on the essentials and wisdom and strength in areas of conscience and community. I expect the Liberal Party to lead the restoration of a community-based party in this place. We should never be ashamed of listening to our conscience nor to our community—in essence this is why we are here. In part, this view has been developed by listening to the thousands of residents I have met over the past year—and also by watching one parliamentarian who has demonstrated to me through his actions what parliamentary service should be about.

I am referring to my father, whose presence in the gallery I am delighted to acknowledge tonight. He is a man of achievement, compassion and conscience. He is admired by his friends, his community and all sides of politics. Whilst some say his greatest achievement was as Minister for the Olympic bid, bringing the 2000 Olympiad to Sydney, others say it was getting the trains to run on time as Minister for Transport. I say his greatest achievement was visiting every immigration camp across Australia, and through this experience standing for and taking a position that was first and foremost a response to his experience of sustained human desperation. His position was at odds with many in his party and often with mainstream public opinion, but it was right. As a son, and now as a parliamentarian, I say thank you for the standard you have set me and the values you have imparted.

My admiration also extends to my mother, Judy, who sits beside my father tonight, as she has done for over 40 years, without fuss or recognition. That is a long 40 years, I have to say, as well! However, as I watched her work in typing pools until 3.00 a.m. to fund further studies I learnt the benefit of hard work. As I also watched her regularly meeting with some of the State's toughest women criminals to feed, encourage and love them I learnt there is life and hope in those we are quick to dismiss. As I, my sister, Julia, and brother, Steve, looked at them both we saw a life lived in Jesus. I believe that compassion is not a unique value of the left side of politics; nor is justice one of the right. Compassion and justice are required of all who serve in Parliament—and that is the approach I will take. My faith will ground me, shape me and provide my motivation to serve until my time here is done.

Secondly, in arguing that we need to repair public confidence in the two-party system I am very aware that one of the principal areas of public distrust relates to donations and the concern that donations, be they from trade unions or corporations, are resulting in the erosion of integrity of Australian politics. We need to reform the political donation system. We need to put caps on donations from unions, corporations and individuals—and at the same time strengthen public funding of candidates. In arguing for these reforms I make the point that donations themselves are not inherently bad. They are the way that many involve themselves in the political process, no different from letterboxing, writing letters to papers or handing out brochures on polling day.

Political donations are corrosive when the donors seek to influence outcomes, and directly taint or corrupt an impartial process. The potential remains today to buy legislation and this alone highlights how serious the issue has become. I have formed the view that donations are at a corrosive level in New South Wales and significant donation limits, combined with stronger public funding, can ensure that electors are properly informed and also confident in the integrity of the electoral process. I will be arguing for this reform over coming months.

Finally on this issue, public confidence can be lifted in the electoral process by putting to an end the manipulation that occurs through government advertising. According to A. C. Nielsen Media Research the New

South Wales Government spent \$75 million to \$80 million during 2006 on government advertising. It was the seventh-largest advertiser in Australia, up with a bullet from tenth in 2005, spending more than companies such as Proctor and Gamble, Coca-Cola, McDonalds, the Commonwealth Bank, Toyota, Myer, Kellogg's, David Jones, Ford, Cadbury, Qantas and Westpac—and the list goes on. All of these companies sell things; all the Government was doing was selling Morris. Think about it again: last year more was spent in New South Wales selling Morris than was spent in all of Australia selling the combined products of Coca-Cola and McDonalds. I might add that all three when consumed in excessive quantities can have a bad effect on your health. [*Extension of time agreed to.*]

As shadow Minister for Finance I believe the widespread misuse of government advertising reduces trust in the political process. I believe we need a six-month ban on State Government radio and television advertising before a State election, with the only exceptions being advertising in the public interest—that is, approved by both the Premier and the Leader of the Opposition or similar independent arbiter. This was Bob Carr's approach in 1996 and is yet to happen. The community wants a government that does not clap itself on brilliantly executed political strategies whilst problems it has been elected to fix remain untouched. How much could be done for this State with \$80 million alone?

At the next election this Government will have been in office for 16 years. Such a stretch in office can create mindsets for both governments and oppositions. For the Government, it can and has created a sense of retaining permanent power as the priority, and in recent years a sense of inertia, which has seen this State no longer perform to its potential. For an Opposition, the job of opposing and questioning every policy can blind us to the good work of government and in particular of the 297,000 people who serve it every day. It is these good people who give their best in our hospitals and schools, in child protection and in working with people with disabilities. They care for our mothers and fathers and children, and protect us from illness. The challenge in this place is to help them make government work, and there are many wonderful examples of this service in Manly.

Just over eight years ago my daughter Cate was born with the help of Manly MidWives. She had a great shock of black hair, a radiant glow and a beautiful peacefulness that only parents can sense. Whilst she slept in my arms 30 minutes after birth, and following the departure of the resident doctor, my wife Kerryn, who had been happily chatting to me, began to bleed. In the following few minutes Kerryn passed into unconsciousness and two unsung heroes sprang into action to fight the onset of a vicious post-partum haemorrhage. In helplessness and fear I clung to a new life while watching another pass away. Those moments cannot be described in words but I know that two women in Ann Kearney and Emma Lane—whom I am delighted to acknowledge in the gallery tonight—saved my wife's life and that of my son. These moments define a man and ultimately provide a compass to what government is all about. I will forever owe a debt to two nurses who did their job—and I will forever remember a public hospital system that served me well in what were the darkest moments of my life. Thank you.

It is because of them that I look out at this gallery and see Kerryn, Laura, Cate and Luke, who are the joy, sustenance and wonder of my soul. They are my strength and to them I owe everything. They are my co-travellers on this journey and I am nothing without them. My challenge in this place is to ensure that I can help make government work for the next family that turns to it in its moment of need.

The campaign for Manly was spirited and passionate. Over 400 people volunteered and participated in my campaign. I was humbled by the sheer magnitude of effort. I dare not try to name them all, but I do want to thank them collectively for a team effort that saw a victory that would not have been possible without the amazing contribution of so many. Thank you to all the people, many of who sit in the gallery tonight, who rightly share in this victory. Thank you all. I want to single out Walter Villatora for his amazing role in support—surely the only local campaign manager in the history of New South Wales to work full time alongside the candidate for the duration of the campaign. Thank you.

I also want to make a single political acknowledgment to one who was foundational in my standing here today. That is Peter Debnam. Again and again Peter supported me on this journey; he stood by me through the ups and downs and worked tirelessly to help me win Manly. He is a man resolute and determined, and a man you would want by your side in any storm. Thank you.

About seven miles from this place stands another statue proudly in honour of Manly's favourite son. Sir Arthur Roden Cutler stands alone as the example of courage, resilience and a true model of servant leadership. His statue is found not in the grounds of Government House where he lived and served this State for so long, not in a foreign battlefield where he served with valour, but in the grounds of his local primary school, Manly

Village Public School. His presence reminds both its students and the many residents who pass by every day of a life lived in service of others and indeed of a hope for future achievement in the face of many obstacles.

As I take my place in this Parliament I bring the hope of another trying to make a difference, a determination to bring a voice for Manly to this Parliament, and I trust that when my time is done my community would collectively put its hands upon my shoulders to say, "Well done!" Thank you.

PALLIATIVE CARE

Matter of Public Importance

Discussion resumed from an earlier hour.

ACTING-SPEAKER (Mr Matthew Morris): Order! There being no further speakers, the discussion is concluded.

Discussion concluded.

COMMISSION FOR CHILDREN AND YOUNG PEOPLE AMENDMENT (PARLIAMENTARY JOINT COMMITTEE) BILL 2007

Agreement in Principle

Debate resumed from 9 May 2007.

Ms KATRINA HODGKINSON (Burrinjuck) [7.55 p.m.]: At the outset I indicate that the Opposition does not oppose the Commission for Children and Young People Amendment (Parliamentary Joint Committee) Bill 2007. May I be the first to publicly congratulate the member for Manly on his inaugural speech, an excellent introduction to his parliamentary career. I recognise that the Committee on Young People reviews and monitors the exercise of the functions of the Commission for Children and Young People and the Child Death Review Team. It is a joint parliamentary committee with 11 members, the number of which we agree could be reviewed and refined.

The thrust of this bill is to reduce the number of members on that parliamentary committee to seven, and that seems to make sense. It certainly is consistent with the constitution of a number of other committees of this place, including the Committee on the Office of the Ombudsman and the Police Integrity Commission and the Committee on the Health Care Complaints Commission. That will streamline and facilitate committee business as fewer members will enable the committee to be more decisive. With a reduction in the number of members constituting a quorum, it will be more likely that the committee will meet and proceed in a more timely and efficiently manner, which has been my experience with parliamentary committees in this place also. Therefore, the Opposition does not oppose that reduction in membership.

I hope the committee will be better able to seek and obtain answers from the Minister on issues investigated by the committee system. If the committee is more efficient in doing so, that will be of benefit to this Parliament and to the citizens of New South Wales overall. I certainly will be taking a genuine interest in the deliberations of the committee and agitating to ensure it will obtain answers from the Minister on issues relating to child abuse, which obviously is a very significant issue that the committee will be studying and investigating. Perhaps it will ask the Minister to explain why it is that there is such a low expenditure, just \$1,388, per notification of child abuse. That figure comes from the Auditor-General's report to Parliament in 2006, volume 5. Why has that figure fallen from \$3,155 in 2000-01? That is much less than half the amount spent in the past five years.

As the rate of notifications per head of population under 15 years of age is 83.9 in New South Wales, higher than the rate in Victoria and Queensland, and the national average is 52.59, why are only 26.5 per cent of notifications substantiated through investigation? I hope the committee will investigate this question. These are very serious issues of child abuse. If the two-stage secondary assessment process explains the low substantiation rate, what criteria are used to allocate a case to a high stage 2 secondary assessment? And what are the criteria for the allocation of a stage 1 or a stage 2 assessment?

I am sure the committee and its chair will want to address the many issues of child abuse. In my position as shadow Minister for Community Services and as the member for Burrinjuck working at the coalface

in my electorate, I have received many letters relating to foster care. Over the past few weeks I have received letters that relate to the Aboriginal Children's Service which question why the service was refused a new service agreement by the Department of Community Services. On behalf of those people, I have written to the new Minister. I am yet to receive a reply. Perhaps the committee should investigate that issue because, obviously, it will affect many people. I have received letters on the matter, and I am sure I am not the only member of Parliament who has received such letters. Where are the service providers specifically for Aboriginal children in out-of-home care? What provisions have been made for culturally appropriate child rearing of Aboriginal children in a foster care environment?

Another issue I want to raise is the discrepancy between the Minister's announcement in April of an allocation of \$310 million a year for out-of-home own care by 2009-10 and the 2006-07 budget allocation of \$383 million. That represents a net reduction in the budget of over \$70 million. The Minister seems to be proud about that. It is outrageous that for children who are going through terrible ordeals and need as much assistance as possible, the Minister has sought to reduce the budget by \$70 million. That is nothing to crow about. I hope the committee examines the issue of adoption. The New South Wales Parliament's Standing Committee on Social Issues report into adoption 1950 to 1998 recommended that adoption be considered as an option when it is in the best interests of the child. I have already spoken today in this place about that issue. At least two parents and a social worker have told me that the Department of Community Services seems to actively make the adoption process "as difficult and as stressful as possible". We need to know whether the department's policy is to discourage adoption, rather than consider it an option when there is informed choice and it is in the best interests of the child.

Mr Anthony Roberts: It sounds like it.

Ms KATRINA HODGKINSON: It does sound like it. Many other issues that relate to children and young people warrant serious investigation by the committee. One such issue is the mobile children's services. The Hay Mobile Children's Service has not received adequate funding to continue serving local rural communities. The service is important. Rural communities need an outreach service because of the distance to a town where children aged five and under can get the level of interaction and support they need. How many mobile children's services does the Department of Community Services fund? Has the funding increased over the years? Another issue that has been raised time and again is the affordability of preschool. On 3 November last year the Foster Care Association issued a media statement. At the time the Parliament was debating a bill, which was introduced by the Minister for Community Services in October, to amend the Children and Young Persons (Care and Protection) Act. The Foster Care Association was so concerned about the amendments to the legislation that it issued a media release, in which it stated:

Thousands of NSW families will be at risk because of amendments to the Children and Young Persons (Care and Protection) Act introduced by the Minister for Community Services.

Under changes to the Act, the Department of Community Services will be able to release the personal information of thousands of foster carers. People who have abused children could have access to the names, addresses, telephone numbers, places of employment and school addresses of foster carers, their birth children and the 10,000 children who are in foster care in New South Wales.

I am sure the committee will take great interest in the issue of foster care. Mary Jane Beach, President of the Foster Care Association, New South Wales, said:

I am appalled that the NSW Government would introduce a scheme that potentially places thousands of families at risk.

Instead, the Government has decided to ignore the views of foster carers who have clearly told the Government that they do not want their personal information released. Not only will the legislation place foster children in harm's way, but thousands of children whose parents are foster carers will also be at risk.

The Minister's claims that she "consulted extensively" (see Hansard 20/1006 Legislative Assembly) with the Foster Care Association are untrue. The last time this issue was raised with the Association was 20 December 2004 (almost 2 years ago).

Ms Beach goes on to make scathing comments about the actions of the former Minister for Community Services in relation to the bill. I hope the committee will look at all of those issues very carefully because the safety of children and young people is paramount to the future of New South Wales. The Opposition wants to ensure that children are brought up in the best and most acceptable way. Once again I indicate that the Opposition does not oppose the bill; in fact, we welcome it. We hope that the reduction in the number of committee members will lead to more decisive action and a better future for young people.

Ms LINDA BURNEY (Canterbury—Minister for Fair Trading, Minister for Youth, and Minister for Volunteering) [8.05 p.m.], in reply: I thank the member for Burrinjuck for her contribution to the debate. I do not intend to make a lengthy reply, but I want to make a couple of points. The member for Burrinjuck has raised a number of issues that relate to the broader portfolio area of the Department of Community Services and the Minister for Community Services. The fairly narrow debate on the Commission for Children and Young People Amendment (Parliamentary Joint Committee) Bill relates to the reduction in size of the Committee on Children and Young People. As members would realise, the committee's terms of reference include a responsibility to report on the Child Death Review Team. However, the member for Burrinjuck has raised many issues that relate to a much broader portfolio responsibility. I am sure the Minister will take note of the issues she has raised. I point out to the member that the department's funding allocation in the current budget is at record level, particularly in relation to child protection. That is an indisputable fact. The expansion of the department's budget is a major commitment of the Lemma Government.

The object of the bill is to reduce the membership of the committee. As the member for Burrinjuck has rightly pointed out, a smaller membership will facilitate more productive and regular committee meetings. I inform the House that the member for Marrickville will chair the committee. When one considers the member's background and experience, I am sure the committee will fare well under her governance. Importantly, the Lemma Government considers the reduction in the number of members will not adversely affect the committee's ability to carry out its review functions. The review function is one of the committee's significant responsibilities. In my agreement in principle speech I indicated that the Committee on Children and Young People monitors and reviews the Commission for Children and Young People and the Child Death Review Team.

The monitoring of both the commission and the Child Death Review Team is incredibly important. The child death review team examines the death of young children in New South Wales on an annual basis. It is a most difficult task, but an absolutely crucial one in determining how the Government responds to the safety of children. Reducing the size of the committee will help to improve the functioning of the Parliament, perhaps by making some members more available to serve on other committees. As the member for Burrinjuck said, it also brings the committee into line with a number of other parliamentary committees, for example, the Committee on the Office of the Ombudsman and the Police Integrity Commission and the Committee on the Health Care Complaints Commission. I commend the bill to the House.

Question—That this bill be now agreed to in principle—put and resolved in the affirmative.

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

Bill declared passed and transmitted to the Legislative Council with a message seeking its concurrence in the bill.

SENATORS' ELECTIONS AMENDMENT BILL 2007

Agreement in Principle

Debate resumed from 9 May 2007.

Mr ANTHONY ROBERTS (Lane Cove) [8.11 p.m.]: It is with great pleasure that I take this opportunity to congratulate Mike Baird, the member for Manly, on his tremendous inaugural speech. The purpose of this bill is to amend the Senators' Elections Act 1903 to omit provisions no longer consistent with the Commonwealth Electoral Act 1918 regarding the close of electoral rolls, and to remove sections of the Senators' Elections Act 1903 that repeal provisions of the Federal Elections Act 1900, which was actually repealed in its entirety in 1912. It is important to note that following Federal Government legislation in 1902 women were given the vote in all States.

Ms Katrina Hodgkinson: Hear! Hear!

Mr ANTHONY ROBERTS: Exactly. I totally agree with the member for Burrinjuck. It is fantastic. She would not be here if it were not for that legislation. The member for Burrinjuck does a wonderful job not

only for her constituents but also for New South Wales as a whole. She should be mightily congratulated. Giving women the franchise led to a significant increase in the number of votes cast in the 1903 election. Like the 1901 election, voting was voluntary and candidates were elected under the first-past-the-post system. The turnout in the 1903 election for the House of Representatives was just over 50 per cent of the vote and the turnout for the Senate was just under 47 per cent of the vote. In that election the incumbent Protectionist Party, led by the Prime Minister of Australia at the time, Alfred Deakin, defeated the Opposition Free Trade Party, led by George Reid. The lesson for tonight finishes there. However, it brings us back to a very important issue, which is increasing the franchise and the ability of people to vote. The Federal Government should be praised for its fantastic advertising campaign to ensure that people enrol, particularly those who are now 17 but who will be 18 come election time.

Section 155 of the Commonwealth Electoral Act 1918 was amended to provide for three working days for the closure of the electoral roll instead of seven days. This was in response to a recommendation of the Joint Standing Committee on Electoral Matters following the 2004 Federal election. The Commonwealth Electoral Act 1918 generally provides for the closure of rolls for all new enrolments and re-enrolments by 8.00 p.m. on the day of the writs. The Parliamentary Electorates and Elections Act 1912 repealed the Federal Elections Act 1900 in its entirety. The bill omits section 4 of the Senators' Elections Act 1903 so that the bill is in line with the Commonwealth Act, and specifically removes a provision that the electoral rolls be closed seven days after the date of the writ. In accordance with part 3B of the Parliamentary Electorates and Elections Act 1912, as per the Commonwealth Electoral Act 1918, the electoral rolls will be closed three working days after the date of the writ.

The bill also omits section 2 of the Senators' Elections Act 1903 to remove those sections of the Federal Elections Act 1900 repealed under the Senators' Elections Act 1903, and removes mention of the Federal Elections Act 1900 in the long title of the Senators' Elections Act 1903. Therefore the bill removes all reference to the Federal Elections Act 1900. The New South Wales Coalition has undertaken a great deal of consultation on the amendments, and it supports the bill.

It is important to note that the amendments introduce consistency at both the Federal and State level. The Federal Special Minister of State supports the bill because it harmonises New South Wales legislation with current Federal legislation, which is essential. New South Wales will now be in line with the Commonwealth. The bill recognises that, generally, names are not added to, or removed from, the rolls after the day of the writ. It provides the Australian Electoral Commission with more time to review the rolls and identify fraudulent enrolments before polling day, which is something that has always been of concern to me and individuals such as Dr Amy McGrath, who has written books on electoral fraud.

The Minister's office has advised that these changes will be accompanied by a multimillion-dollar education campaign developed by the Australian Electoral Commission. The Federal Government is to be congratulated on taking the initiative. Once again, it has shown an incredible level of leadership in improving the franchise, and the number, of people able to vote. I wish it all the very best in the upcoming Federal election. The New South Wales Opposition does not oppose the bill.

Mr MICHAEL DALEY (Maroubra—Parliamentary Secretary) [8.16 p.m.], in reply: I thank the member for Lane Cove for his contribution to the debate. I enjoyed the history lesson, but I did not agree with his contribution generally. We have grave concerns about the bill. Although the member for Lane Cove referred to enlarging the franchise, there is potential for the very people we do not want to be disenfranchised—old people who have changed addresses, and younger people and new Australians who are not yet on the rolls—to be disenfranchised by the so-called reforms. These people could miss out on voting in the next Federal election because of the amendments. All we can do is urge voters to check their enrolment details now so they can exercise their rights and fulfil their obligations to vote in the next Federal election. I commend the bill to the House.

Question—That this bill be now agreed to in principle—put and resolved in the affirmative.

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

Bill declared passed and transmitted to the Legislative Council with a message seeking its concurrence in the bill.

TRANSPORT ADMINISTRATION AMENDMENT (PORTFOLIO MINISTER) BILL 2007**Agreement in Principle****Debate resumed from 9 May 2007.**

Ms GLADYS BEREJIKLIAN (Willoughby) [8.18 p.m.]: The Transport Administration Amendment (Portfolio Minister) Bill 2007 will amend the Transport Administration Act 1988 by removing the prohibition on the Minister for Transport being a shareholder of various statutory State-owned corporations within his portfolio, specifically Rail Corporation New South Wales, the Transport Infrastructure Development Corporation, the Rail Infrastructure Corporation and the Sydney Ferries Corporation. The bill will achieve this by omitting sections 17A (1), 18 (1), 19P and 35M (1) of the Transport Administration Act.

As the House would know, State-owned corporations were created so that the commercial function and corporate activities of the State-owned corporation could be separated from its social and community responsibilities. Separating the commercial functions will make the operations of the corporations similar to those of other corporations. Accordingly, competition will be encouraged in the marketplace in which the corporations operate. Meanwhile, the activities of the corporations will be regulated separately by the Minister, who may issue directions regarding the delivery of services to ensure that the corporations uphold their social responsibilities to the community.

Why has this bill been introduced and why to date has the Minister been prohibited from being a shareholder of these State-owned corporations? State-owned corporations have traditionally had two shareholders. Generally one shareholder has been the Premier, the Minister for Finance or the Treasurer, and the other has been the relevant portfolio Minister. The Minister for Transport was prohibited from being a shareholder because he had a role in regulating the transport industry generally and it was not considered appropriate that he also be involved in the commercial operations of the corporations as a shareholder. Accordingly, to avoid any conflict of interest and in the interests of encouraging competition, the Minister for Transport had a purely regulatory function.

The Government argues that an impetus for change has been that the Minister for Transport has now been given responsibility for the Finance portfolio in addition his Transport portfolio. Another reason is that the conflict between the Minister's regulatory role and the corporations' commercial role has dissipated, given that there is little or no competition in the marketplace in which the corporations operate, thereby removing the reason for the prohibition. On that basis, the Coalition will not oppose the bill.

Whilst we do not oppose it, we do not believe that the amendments will promote greater efficiency in the management and operation of the various corporations, nor that they will necessarily improve the financial performance of the relevant entities. We also do not believe that the changes to the legislation will result in an improvement in the provision of services to the people of New South Wales. Nor will it enhance service delivery and equality, because the State Government, under the leadership of Minister Watkins in this portfolio in particular, has demonstrated an inability to deliver better transport services to the people of New South Wales. Regrettably, the Government is not taking any action to fix the problems in the Transport portfolio. It is concerning that the first piece of legislation introduced since the election addressing this portfolio area is designed to make the Minister a shareholder of these State-owned corporations rather than to provide better service delivery.

It would be remiss of me not to take this opportunity to outline some of the failings in the Transport portfolio and to highlight why the people of New South Wales deserve so much better in this very important area of service. Everyone in this State is affected in some way by public transport. Whether they are daily public transport users or someone in their family catches public transport, it is an inherent part of our lives. Regrettably it has been and continues to be a major sore for the Government. All we heard about before the election was what the Government planned to do, and all we have heard about since is its seven-year plan to fix many of the anxieties that commuters face on a daily basis.

The Tcard electronic ticketing system was supposed to be delivered by 2000. It is seven years since the promised delivery date and we are yet to see it. This is having an enormous impact on people's ability to use intermodal transport and efficient public transport. Embarrassingly, it is putting Sydney at the bottom of the list of global cities with effective integrated transport systems and efficient utilisation of services. The Government promised in 1997 that the Tcard would be delivered in three years. Now, 10 years after the announcement, commuters in this global city are still waiting for an electronic integrated ticketing system.

It is outrageous that despite that promise, the Minister for Transport cancelled the Tcard trial five times before the last election. Between assuming responsibility for the portfolio and March 2007, he cancelled the Tcard trial five times. Rather than introduce legislation to improve services for commuters, the Minister's first piece of legislation this session relates to shareholder rights in State-owned corporations. Although this legislation will increase the Minister's involvement in those corporations—which he could have done anyway as the Minister responsible in the regulatory sense—it will make little difference to people who need to use buses, ferries and trains on a daily basis.

I also highlight the State Government's failure to deliver on major Transport portfolio infrastructure projects, one being the OSCar train carriages. Approximately 44 of these carriages were to be delivered by the end of last year, but that has not happened. As a result, many people who live on the South Coast and the north coast, in the Blue Mountains and Penrith, and those who have longer journeys to get to Sydney have to face unnecessarily difficult train trips simply to conduct their business or to attend important appointments. The reduced service capacity resulting from the State Government's failure to deliver those carriages on time is having an enormous impact not only on those who have to travel long distances but also on Sydney commuters. As a result, 416 daily rail services were cancelled when the new timetable was introduced in September 2005. That has had an enormous impact on capacity, frequency of service, and reliability. It has also caused massive overcrowding.

Given the Premier's and the Deputy Premier's comments before and after the election, the Coalition and the people of this State expected that the first piece of transport-related legislation introduced would address these serious infrastructure issues. In addition to these infrastructure failings and the problems with the OSCar train carriages, the Hunter railcars—

Mr Barry Collier: Point of order: I have listened to my friend for the past 10 minutes or so and she is well beyond the leave of the bill. This is about the portfolio Minister and his capacity as portfolio Minister; she should not engage in a great diatribe about the alleged failings of the New South Wales transport system.

ACTING-SPEAKER (Mr Matthew Morris): Order! I have noticed a tendency by members to stray from the leave of the bill. I ask the member for Willoughby to confine her remarks directly to the leave of the bill.

Ms GLADYS BEREJIKLIAN: I understand why members opposite do not want us to talk about transport in this Chamber—they are embarrassed by their record. The member for Miranda, more than most, should know the plight of commuters and constituents who suffer enormously because of road congestion in his electorate resulting from failed train services, the lack of express services from the shire—

Mr Barry Collier: We are duplicating the rail line.

Ms GLADYS BEREJIKLIAN: We have heard that too many times before. I appreciate the point of order raised by the member for Miranda. I also appreciate why he would not want me to continue in that vein—it is embarrassing for him and his colleagues. My contribution is very appropriate. The bill refers to the Deputy Premier, and Minister for Transport—the member's Minister—being a shareholder. This legislation will allow the Minister to be one of two shareholders on four major State-owned corporations within his portfolio area. The Parliament is debating a bill about the four major State-owned corporations within his Transport portfolio responsibility, but members opposite will not allow me to talk about them and the lack of service delivery.

I will go on to buses. I was very concerned by Minister Watkins' three-second response to a question about buses asked by a member of his own party. It was his opportunity to explain why he and his Government have taken 1,500 weekly bus services from the people of New South Wales. Many members of this House know how their constituents have suffered because of the cancellation of those services. However, when a member of his own party asked him a question today about buses, he responded that the Government is buying more buses and then sat down. He preferred to indulge in political expediency so that a baseless censure motion could be debated to make the five o'clock news, which it did not. He found it more prudent to exercise political expediency and provide a five-word answer to a question asked by a colleague rather than address the serious transport issues facing the people of New South Wales. That demonstrates his lack of heart and commitment to improving the daily life of commuters. It also demonstrates that he will always put spin and political expediency ahead of service delivery.

As Sydney Ferries is one of the four State-owned corporations referred to in the bill for which the Minister will become the shareholder, he will have responsibility for the commercial operations of that entity, in

addition to the regulatory responsibilities within that corporation. Sydney Ferries is a basket case in terms of its management, its safety record and the delivery of services. It is a concern that the State Government has dodged a number of issues regarding Sydney Ferries, but what is perhaps of most concern in recent times, among several concerns associated with the corporation, is what happened after two tragic accidents occurred on Sydney Harbour this year resulting in the loss of five lives.

The Premier and the Minister for Transport announced a commission of inquiry into Sydney Ferries. The announcement was made a few days after the second fatality occurred, in which four lives were lost. The community gained the impression that the commission of inquiry would be public and would incorporate the two fatal accidents as part of its deliberations and that members of the public would have the opportunity of laying their concerns in relation to those issues before the inquiry. From memory the announcement was made on about 4 April. The tragic accident in which four people lost their lives occurred on 28 March. When the inquiry's terms of reference were released approximately three weeks after the announcement, a specific line item excluded the two fatal accidents from being considered as part of the terms of reference.

That is a stark example of a Government which gives the public the impression that it is looking into a matter and that it will conduct a wide-ranging and public inquiry into a State-owned corporation which deserves a great deal of scrutiny, yet, when the fine print is examined, the terms of reference specifically exclude from consideration two fatal accidents. That is shameful. While the Opposition does not oppose the legislation, we are concerned that in this new Parliament the first item of transport legislation that comes before it will not improve the lot of commuters and will not improve the transparency and scrutiny that is required for State-owned corporations. This Government lacks the political will and the ability to manage corporate entities as they should be managed. I could go on for hours on this topic.

The commuters of New South Wales deserve to have their issues aired in this place. The commuters of New South Wales deserve a government that will give public transport the attention it deserves. Instead the Government delivers a dismissive, politically expedient diatribe. When the huge issue of overcrowding on trains came to attention yesterday, Minister Watkins' response was that people should put up with it for at least another seven years. That is not good enough. In spite of that, the very same Minister will be one of two shareholders in four major State-owned corporations. What hope do commuters have for the future when the State Government will not take its head out of the sand and accept how bad service delivery is? Unless the Minister acknowledges the current state of affairs, the State-owned corporations referred to in the bill have no hope, and the commuters of New South Wales will have to wait four long years before the Opposition occupies the Treasury benches and fixes the problems. I reiterate that the Opposition will not oppose the bill. I commend the bill to the House.

Mr MICHAEL RICHARDSON (Castle Hill) [8.33 p.m.]: The Transport Administration (Portfolio Minister) Bill 2007 will amend the Transport Administration Act to allow the Minister for Transport to become one of the two voting shareholders of public transport agencies such as the Rail Corporation of New South Wales, the Transport Infrastructure Development Corporation, the Rail Infrastructure Corporation and Sydney Ferries. What does that mean in practice? The member for Riverstone said, when delivering the agreement in principle speech, that in the future the Minister would be able to have dual roles as both the portfolio Minister and the voting shareholder. He claimed that that would put the Minister in a better position to work with the rail and ferry operators to improve their operational performance.

What is most worrying is that he also said that the Minister would be able to help to draw up performance targets for CityRail and Sydney Ferries, among other agencies. I would like to know what practical difference that would really make to public transport in Sydney, because that is what people want to know. People do not want a bureaucratic reshuffle of responsibilities as one would shuffle deckchairs on the *Titanic*. People want practical improvements. Based on the Government's performance to date, the last thing people want is to have the Minister for Transport involved in drawing up performance targets for CityRail.

I am sure I do not have to remind members of just how bad things were a few years ago. The Government has claimed that it has improved the on-time running of trains, but at what expense to the public? If there were only one train a day on the main north line, for example, it should not be too difficult to get that train to run on time. The trick is to provide enough trains to meet demand and still have them run on time. Benito Mussolini managed it some time ago! It is a trick that the Minister for Transport, John Watkins, has not yet managed to master. We have the ridiculous situation of trains running far more slowly than they used to despite massive cuts to the number of trains on the tracks, as part and parcel of the new timetable introduced by the Government in 2005. The new timetable has not improved the situation so far as the travelling public is concerned.

In my electorate the number of direct train services from Carlingford to the city was reduced from four to one. There were three return services in the evening but they have been cut to zero. That is the operational performance that I suppose the Minister will be involved in improving when he is drawing up performance targets for CityRail after the bill becomes an Act of Parliament. As I stated earlier, I have serious concerns about the Minister's ability to deliver on the promise that was part of the member for Riverstone's agreement in principle speech. The Government has stated that it will commence building a passing loop on the Carlingford line at Rydalmere in 2008, with completion by 2010. However, the CityRail website states that there is no intention to increase the frequency of trains on that line:

RailCorp's intention is to maintain the existing frequency of this service—

which is almost nothing—one train every half an hour in peak hour, one train every hour out of peak hour and one direct service a day into the city—

whilst providing greater flexibility in the service departure from Clyde Station. This flexibility will allow trains to wait a short period of time at Clyde for a late running Western Line service stopping at Clyde Station, minimising the inconvenience to passengers changing at Clyde.

The real concern relating to that statement is that one changes trains at Clyde. It is easy to miss a train when there are no lifts and one is disabled or elderly. Many people are simply not capable of walking up or walking down a flight of stairs to change platforms. Surely as part of the Minister's responsibilities in drawing up performance targets for CityRail he could consider using a passing loop to allow two shuttle trains to travel on the Carlingford line, thereby increasing frequency and providing a real service to the people who live in areas along that line. Even better, what about restoring the services that were cut in 2005 and extending the line to Epping, which the Government promised to do in 1998? I raised that matter in this House earlier today.

Lest it be thought that it is simply people who are commuting from Carlingford, Dundas or Telopea who are affected by what the Government has done to services on the Carlingford line, I will read an email I received from Helen Schausberger, who is the drama co-ordinator at James Ruse Agricultural High School in my electorate. She lives in the city and catches the train to work Monday to Friday each week. She says that there have been many situations when the train to Carlingford has not arrived or has left without waiting for the CityRail connection, both in the afternoons and in the morning peak hours, before and after school. She states:

The unfortunate reality is that if this occurs there won't be another train along for another 50mins. This causes untold stress and anxiety to many people who rely on the trains to get to and from work and in particular students who are left stranded very often being late for school. There have been many - not a few - but many incidents where I, along with students, have been stranded on a platform waiting an hour for another train to arrive with over 100 - 200 other people on the platform also being made 1hr late for work ... Quite often the train has broken down and been late for that reason.

That is another performance target that the Minister may want to address. The email goes on:

If the connecting train from the city to Clyde is delayed by 1 minute often the Carlingford train won't wait or I have seen older people running to try and get the train to the point where their health may be impaired in order to get the connecting train because they know they will have to wait for 50 mins till the next train arrives. This run that occurs nearly every day is not just across platforms, it is up a flight of around 100 steps across the platform and down another flight of stairs. I have seen old ladies unfairly struggling with this situation among a crowd of 100 or more all desperately trying to catch the train.

One day in particular a whole load of James Ruse students were made late for the departure of a 3 day camping excursion, causing them stress and anxiety.

It is simply an unsatisfactory situation that needs to be addressed. The member for Riverstone got one thing right in his agreement in principle speech: the community looks to the Government, and to the Minister for Transport in particular, to ensure that the performance of their public transport services continues to improve. The community has always done that. In the absence of any real will on the part of the Minister and the Government with regard to improvement we can simply expect more of the same, as the member for Willoughby said.

Mr MALCOLM KERR (Cronulla) [8.41 p.m.]: The object of the Transport Administration Amendment (Portfolio Minister) Bill is to remove the provisions of the Transport Administration Act that prohibit the Minister for Transport from being a voting shareholder of Rail Corporation New South Wales. With regard to shares and sharing, during peak hours the Minister for Transport would find that there is no room to share on carriages on the Illawarra line. As the member for Castle Hill said, all we are told by the Government is that we can expect continued overcrowding on the rail line. This is an appalling situation for a person who is a voting shareholder and should be in a position to provide a better future for the rail commuters of this State.

Some years ago the *Daily Telegraph* showed on the front page a picture of a train in India where people were hanging out of the carriages.

Mr Ray Williams: That's where we're heading.

Mr MALCOLM KERR: That is right. If one reads the article, statistically we have reached that point. Indeed, trains are now more overcrowded than they were in India. That is an indictment of this Government. The people in my electorate, who are serviced by railway stations at Cronulla, Woollooware and Caringbah, are heartily sick because they do not get the service they got 20 or 30 years ago.

Mr Barry Collier: That's nonsense, Malcolm.

Mr MALCOLM KERR: I am glad the member for Miranda has interjected by saying, "That's nonsense." I will tell him what the real situation is, which is a matter of record. Earlier the member for Manly spoke about his father and about when trains ran on time.

Mr Michael Daley: Tell us about the airport rail link.

Mr MALCOLM KERR: I will tell the Parliamentary Secretary about the airport rail link, but first I want to tell him about the way trains ran during the period when the Coalition was in government. It is not nonsense to say there were more trains and there was more on-time running. That is a matter of fact. I am glad that the member for Miranda mentioned that and I was able to put him straight. I will now turn to the airport rail link. The link was designed under the Minister for Transport, Mr Baird, to ensure that there would be no cost to commuters. What did Labor do? Labor came into office when the link was completed.

Mr Steve Whan: You messed it up.

Mr MALCOLM KERR: Hold your horses. Just pretend you are on a train and you have plenty of time. Labor connected the airport rail link to the public transport system, to ordinary commuters. It was designed to be a link between the city and the airport that would enable passengers to carry their luggage on it. In England there are two lines. One is a designated airport line, the way Mr Baird envisaged the Sydney airport rail link would be, which is run at a profit. The other line is part of the integrated rail system. The problem with that is that there is no provision for airport luggage—

Mr Michael Daley: Point of order: We are really enjoying this history lesson. However, there is a lot of business to get through tonight and the member for Cronulla is so far from the leave of this bill as to be irrelevant, as usual. I ask you to draw him back to the leave of the bill.

Mr MALCOLM KERR: To the point of order: I was simply responding to an interjection—

Mr Michael Daley: Interjections are not part of the bill.

Mr MALCOLM KERR: The standing orders allow members to make reference to interjections raised during the debate. I was trying to educate the Parliamentary Secretary. He raised this matter, and I am simply responding to his interjection and providing facts to the House. He was interested enough to raise this matter in the House. There is a considerable amount of interest on the part of all members in the Chamber in the response to the matters raised, and I am in a position to give the House the facts—

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! I have heard sufficient on the point of order. The debate has been wideranging and I appreciate the interest shown by members. However, I ask the member for Cronulla to return to the leave of the bill. I also ask Government members to cease interjecting, so that the debate can be concluded with some order in the House.

Mr MALCOLM KERR: A prudent shareholder of the Rail Corporation would not integrate two alien systems. The Rail Corporation, which is part of the airport rail link, should be able to transact its business so that commuters are given a reliable and on-time service. However, because of the unreliability of the service, people did not get to the airport on time. The bill underlines the shareholding responsibility in relation to the airport link and the need for the Minister, as a voting shareholder, to ensure that people who use the State's rail system connect with the airport link and get to their planes on time. The Government's neglect in this regard cost New South Wales taxpayers hundreds of millions of dollars. I did not intend to mention that, but I am grateful to the

Parliamentary Secretary for raising the matter and allowing the House to learn the real facts in relation to it. Another matter that would be of concern to a voting shareholder of Rail Corporation is the duplication of the line between Cronulla and Sutherland.

[Interruption]

The member for Miranda should be a bit more careful. He should have been a bit more careful with the promises he made in the 2003 election campaign, when the line was estimated to be completed by 2007. I am glad he mentioned not doing anything, because nothing happened between 2003 and 2007.

Mr Barry Collier: We promised it—

Mr MALCOLM KERR: As the member for Miranda said, they promised it. He is the most promising member Miranda has ever had! Unfortunately, he is not the best performer Miranda has ever had.

[Interruption]

If members listen to the interjections, there is even a promissory note in his voice. I will return to the leave of the bill. I was referring to another matter that would be of concern to a voting shareholder, the Minister. The duplication of the line between Cronulla and Sutherland would be a matter of major concern. There has been duplicity with this proposed duplication. In addition, there is a need for a cycle track to accompany that duplication, a matter that the member for Miranda has made representations about. It would be a very wise investor and a very wise voting shareholder in Rail Corporation New South Wales to allow a bicycle track to accompany the rail line duplication. I make a fearless prediction: the cycle track that is wanted by cyclists in the Sutherland shire will not be provided.

Mr Barry Collier: If you were in government it would never be there.

Mr MALCOLM KERR: Will the member for Miranda give an assurance that Sutherland shire cyclists will get exactly what they want?

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! I remind all members to direct their comments through the Chair.

Mr MALCOLM KERR: Through you, Madam Assistant-Speaker, I ask the member for Miranda to give an assurance to Sutherland shire cyclists that they will get exactly what they want when the duplication is finished. I pause, and await a response.

Mr Barry Collier: The Liberals would not promise that either, mate.

Mr MALCOLM KERR: I take that as a "No". After 11 years of mismanagement of the State Rail Authority we have fewer trains on the Illawarra line than were provided in 1995. There is less on-time reliability than there was in 1995.

Mr Steve Whan: Do you catch a train here?

Mr MALCOLM KERR: I am glad that the member for Monaro mentioned that. I do catch the train.

Mr Steve Whan: I do; I caught it this morning. It was terrific. I didn't see you; I missed you.

Mr MALCOLM KERR: The member for Monaro is unlikely to see me catch a train in his electorate. Even under the Labor Government, if I get on a train at Caringbah I hope to get to Martin Place without going via the Monaro electorate, but with this Government in office in 10 years time that is the sort of roundabout journey the people of New South Wales will have.

Mr Steve Whan: We would have to reopen the mine that you closed down.

Mr MALCOLM KERR: The Government has not been on track for years. In conclusion, it is very important that the House understands the challenges that face the voting shareholder of Rail Corporation New South Wales in view of the mismanagement that has taken place. Commuters in my area pay a higher price for

fewer trains and less on-time reliability than they had in 1995. In 2003 the commuters were promised the duplication of the rail line; that promise was not honoured. During the recent election campaign commuters were promised a bicycle track to accompany the duplication of the rail line. The member for Miranda outlined the fate of that bicycle track.

Mr Barry Collier: Do not mislead the House.

Mr MALCOLM KERR: I am not misleading the House; the member for Miranda is self-conscious about his contribution to this debate. In relation to the challenges that await the voting shareholder, the people of my electorate and the people of New South Wales have been short-changed and put to considerable pain and suffering because of the rundown of the rail system under the Carr-Iemma Government.

Mr GREG SMITH (Epping) [8.53 p.m.]: I had not intended to speak on the Transport Administration Amendment (Portfolio Minister) Bill 2007, but it is such a fertile area for discussion about the Minister for Transport that I decided to do so. The object of the bill is to remove provisions in the Transport Administration Act 1988 that prohibit the Minister for Transport from being a voting shareholder in the Transport Infrastructure Development Corporation [TDIC]. That seems to be a cut-price corporation that rides roughshod throughout north-western Sydney, planning for the north-west rail link to have open areas between Beecroft and Cheltenham where it will quadruplicate the freight lines while knocking over hundreds of gum trees and wrecking flora and fauna, including a very rare colony of gang-gang cockatoos. That development will cause great upheaval in the Beecroft and Cheltenham areas, and has received no consultation.

The Government issued an environmental assessment over the Christmas period and invited submissions by the beginning of February—great community consultation that was! That proposal would cause great reduction in the value of houses in the area, would knock over the Beecroft Scouts building and would affect the Beecroft Public School.

Mr Steve Whan: Point of order: Despite the member introducing us to a new word, "quadruplicate", I point out that he is straying a long way from the leave of the bill. The project that he is talking about bears no relevance to the bill. He cannot say that he is responding to an interjection, because no-one mentioned the word "quadruplicate" once. I ask you to draw him back to the leave of the bill.

Mr GREG SMITH: To the point of order: The member is being pedantic by referring to a word that every other member of this House would understand and is not taking a point of order on what I was saying.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! I would appreciate the member for Epping restricting his remarks to the leave of the bill. There has been some general discussion, to which I have listened carefully. However, I now ask the member for Epping to confine his remarks more directly to the leave of the bill.

Mr GREG SMITH: The bill is about the Minister for Transport being a voting shareholder of the Transport Infrastructure Development Corporation. I am referring to his control of the corporation and his allowing the corporation to totally ignore the people of the north-west. The House must consider that matter when deciding whether the Minister should become a voting shareholder. The corporation has held a short-winded inquiry.

Mr Steve Whan: Do you support the bill?

Mr GREG SMITH: The Opposition does not oppose the bill, but we are entitled to address it, polish it, and consider it in context. The Transport Infrastructure Development Corporation has completely messed up Epping railway station. Currently that station is a war zone. The corporation has installed a new set of lifts and a new set of stairs to replace a bridge. The bridge, which is still there, has a ramp that old people, mothers with children in prams, dog walkers and cyclists used to gain easy access from the west to the south of Epping station. One problem with Epping station is that it divides the community rather badly, because of massive traffic problems on Carlingford and Epping roads. Many people used that ramp to cross the railway line.

Without community consultation and after a fair bit of fighting between various government departments, the corporation decided to install a new bridge, without a ramp but with lifts. Unfortunately the lifts malfunction regularly, and have done so for many weeks. Escalators to the station have been provided, but they also malfunction regularly. Old people and women with prams have to go up a very sharp set of stairs,

much sharper than the stairs on the older footbridge, to cross Epping station. However, the footbridge has been cut off from the concourse and the concourse is to be pulled down.

So what solution is proposed by the Minister? His solution is a pedestrian crossing at Blaxland Road, about 400 metres from the old ramp. Old people would have to go to the top of Blaxland Road, across the southern side of the bridge, where the footpath is broken and not wide enough for motorised wheelchairs, walking frames or prams, across Epping Road to Tuff's garage, and then back across the road. That solution is about 400 or 500 metres longer than the previous thoroughfare. That is what the Transport Infrastructure Development Corporation and the Minister have offered.

What do pedestrians see when they get to the other side? They see six traffic officers guiding traffic. On a long-term basis the taxpayers of New South Wales are paying for six people to guide traffic. For some months they have taken away all the parking all along Oxford Street so there is no parking for people who drive to the shops along that road—shops that depend on customers being able to park for a quarter of an hour or half an hour to visit them—and there is no substitute parking whatsoever. I will read a letter from a constituent, Joan Wilcox, who has collected a petition containing more than 300 signatures.

Mr Michael Daley: Point of order: We have heard ample from the member for Epping on this point. What he is referring to should really be dealt with in a private member's statement. You have already asked the member once to draw his attention back to the leave of the bill. Could I respectfully ask you to do it again?

Mr GREG SMITH: To the point of order: It is not a point of order, in that I am still talking about the fitness of the Minister to be a shareholder. Although we do not oppose it, I think his fitness to be a shareholder has to be looked at carefully as well as the fitness of the Transport Infrastructure Development Corporation to operate its projects in Epping and its surrounds. These are very relevant matters and if this issue were in any other forum there would be no difficulty.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! While acknowledging that the member for Epping has not been a member of this House for very long, I take the point made by the Parliamentary Secretary that the member for Epping is providing a level of detail that is not usual in an agreement in principle debate. I agree that he is speaking about issues that he wishes to raise. However, I ask him to speak more directly to the bill.

Mr GREG SMITH: For the Epping-Chatswood rail link, which is part of the Transport Infrastructure Development Corporation empire of which the Minister wants to be a shareholder, as usual the corporation makes no provision for parking in the area for drivers to park nearby so they can catch the train. In some of the areas around the Macquarie shopping centre and further north, Ryde council has decided to install parking meters so that it can raise revenue out of the people who want to use the trains. This Minister, who wants to be a shareholder, does nothing for people who want to use the railway stations along the line and to park near them, while the council moves in with parking meters. These areas are not being well served.

Unfortunately, the Minister has not shown his fitness for the stewardship of the Transport Infrastructure Development Corporation. Although we do not oppose this legislation, we bring to attention the worries of the community of Epping and elsewhere as to the Minister's fitness. He is the member for Ryde, and he is very lucky to remain the member—although he may not be the member for too much longer—but he no longer serves the citizens of that area by providing proper processes, proper footbridges or proper parking.

Mrs JUDY HOPWOOD (Hornsby) [9.03 p.m.]: The purpose of the Transport Administration Amendment (Portfolio Minister) Bill is to remove provisions of the Transport Administration Act 1988 and State Owned Corporations Act 1989 that prohibit the Minister for Transport from being a voting shareholder of Rail Corporation New South Wales, Transport Infrastructure Development Corporation, Rail Infrastructure Corporation and Sydney Ferries. I will speak very briefly on the bill and I will speak in support of the points raised by the member for Epping in relation to the Transport Infrastructure Development Corporation because I too have issues with a Minister being a shareholder of Transport Infrastructure Development Corporation.

There are two railway stations in my electorate, in Berowra and Hornsby. Berowra railway station had its upgrade completed in relation to easy access, but no additional parking. For Hornsby railway station, the State is spending \$98 million in an upgrade to add an extra platform, but no more appreciable parking. It seems ludicrous to me that the Minister should wish to be a shareholder in the Transport Infrastructure Development Corporation in the vital capacity of providing services for the people of Hornsby and the wider area, including Epping and many other areas where he is failing people.

When he was at the opening of the Berowra railway station and was asked a question about the parking situation there, he said it is not about the parking but about getting people from the Central Coast to the city. He is clearly letting down the people of the Berowra area as well as the people who drive down from the Central Coast and try to park at Berowra railway station. It is very hard to see how \$98 million can be spent on an upgrade for Hornsby railway station with no provision for extra parking. I have raised the issue of inadequate parking many times in the House. The Minister and his Government wish to get commuters back onto rail travel but people are totally deterred because there is not enough parking at Berowra or Hornsby.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [9.05 p.m.]: I speak on the Transport Administration Amendment (Portfolio Minister) Bill and address a few issues raised by the member for Cronulla. Currently, the State Government is undertaking a \$231 million duplication of the Cronulla railway line from Sutherland to Cronulla. It is the largest single infrastructure project in the shire's 100-year history. That project includes an easy access upgrade of Woolooware station in the electorate of Cronulla and an easy access upgrade of the Kirrawee railway station. In recent times we have upgraded Caringbah railway station in the electorate of Cronulla and also carried out a \$3.9 million easy access upgrade of Miranda railway station and a \$3.6 million upgrade of Gymea railway station, both in the electorate of Miranda.

Much is happening in rail in the Sutherland shire. The last partial duplication occurred under a Labor Government and the current duplication is occurring also under a Labor Government. We said we would begin the duplication in the term of the last government and we have started the duplication; it is well underway and will be completed in 2008, and a commitment has been made for planning major parts of the cycleway at the end of that time. That can take place only after the duplication is completed because all the planning and all the funding have been committed. The member for Cronulla comes in at the last minute and says, "Let's put a cycleway all the way from Cronulla to Sutherland", but it takes a lot of planning. It is not just a matter of putting down a strip of asphalt, it is a matter of planning, lighting, drainage, safety and consultation with the community. The member for Cronulla well knows that, but he has contributed nothing to transport in the Sutherland shire in his 23 years in Parliament. He should be quite grateful to this Government since 1995 for the progress we have made in duplicating rail and improvements in rail on both the Cronulla line and the Illawarra line in the shire.

Mr MICHAEL DALEY (Maroubra—Parliamentary Secretary) [9.08 p.m.], in reply: I thank the members for Willoughby, Castle Hill, Cronulla, Epping and Hornsby for their contributions to this debate. This bill is another example of the increasing efficiency of the public transport sector in New South Wales. There is substantial investment under way to grow the transport network in response to increasing urban density and population growth. A massive program of dedicated bus corridors and rail clearways is under way to grow the capacity and service quality of the Sydney public transport network.

The Urban Transport Statement contains detailed plans for growing transport services. This includes extending the RailCorp network to north-west and south-west Sydney. The historic expansion of these transport services laid out in the State Plan requires the Government's ongoing attention. Making the Minister for Transport a voting shareholder will give the Minister a greater say in the development of the Statement of Corporate Intent so the Government's expectations of the corporation can be made clear. These amendments will put the Minister in a better position to work with rail and ferry operators to continue to improve their performance. Even the increasingly dissident member for Willoughby could not possibly take exception to those expectations.

I conclude by addressing a number of points raised in debate by the member for Willoughby. She said, first, that there had been a cancellation of 1,500 weekly bus services, which is not true. The member for Willoughby has been told time and again. She has been embarrassed on more than one occasion on Sydney radio by the Deputy Premier, who made that point. She needs to be reminded that to repeat an untruth ad nauseam does not make it true. Second, this evening she feigned indignation in relation to a concise and succinct answer to a question by the Deputy Premier and Minister for Transport in question time today that we are buying more buses. We are buying more buses—big, beautiful, blue gas-powered Euro 5 diesel buses, and hundreds more will be retrofitted. I cannot wait for them to come on line.

Mr Thomas George: What year?

Mr MICHAEL DALEY: They are already on line.

Mr Thomas George: They are already there, are they?

Mr MICHAEL DALEY: They are already there. They will be better, safer and cleaner buses. As the member of an electorate that relies solely on buses for public transport, as do my colleagues the member for Coogee and the member for Heffron, I will be glad to see them come on line fully. This is a simple bill. I do not know why it has been made so complicated. I commend it to the House.

Question—That this bill be now agreed to in principle—put and resolved in the affirmative.

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

Bill declared passed and transmitted to the Legislative Council with a message seeking its concurrence in the bill.

ANTI-DISCRIMINATION AMENDMENT (OFFENDER COMPENSATION) BILL 2007

Bill introduced on motion by Mr Barry Collier, on behalf of Mr David Campbell.

Agreement in Principle

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [9.12 p.m.], on behalf of Mr David Campbell: I move:

That this bill be now agreed to in principle.

It is proposed to amend the New South Wales Anti-Discrimination Act 1977 so that compensation awarded to prisoners for acts of discrimination against them by the State whilst they are incarcerated is paid to the Victims Compensation Fund. The amendment will operate to restrict prisoners' access to compensation for breaches of the New South Wales Anti-Discrimination Act. Whilst it is incumbent on government agencies to deliver their services in a non-discriminatory way and in conformity with State and Commonwealth antidiscrimination laws, prisoners should not benefit from an award of financial compensation payable by the State for alleged discrimination.

The amending legislation is consistent with provisions in the Civil Liability Act 2002 restricting prisoners' rights to access compensation for injury caused by the negligence of the State. Appropriately, this bill defines "offenders in custody" and "protected defendants" in similar terms to the definitions used in the Civil Liability Act 2002. Under section 26A of that Act protected defendants are defined to include the Crown, a government department, members of staff of a government department, a public health organisation within the meaning of the Health Services Act 1997 and members of staff of a public health organisation, any person having public official functions or acting in a public official capacity, whether or not employed as a public official, but only in relation to the exercise of a person's public official functions, and a management company or sub-management company within the meaning of the Crimes (Administration of Sentences) Act 1999 and members of staff of such a company.

The redirection of such compensation moneys to the Victims Compensation Fund to assist in the task of compensating victims of crime is consistent with the community's expectation that criminals should contribute to the rehabilitation of victims of crime. This redirection of compensation moneys will also include any interest that accrues on an amount of damages. This ought not, however, be at the expense of the prisoner's other rights. Such rights, as they currently exist under the Anti-Discrimination Act, will be maintained. Remedies other than monetary compensation will continue to be available to prisoners who prove unlawful discrimination by a public sector agency whilst they are incarcerated. For example, the tribunal will still be able to order the agency to cease the discriminatory conduct and fix the problem or to apologise.

Proposed section 111A (6) also allows for the making of regulations to exempt certain classes of prisoners from the operation of the amendments in appropriate circumstances. Accordingly, it will be possible to exclude certain categories of people from the operation of this amendment where required. To ensure that the Victims Compensation Fund has the immediate benefit of this proposal the bill provides that damages awards made by the tribunal on or after 29 May 2007, being the date on which notice of motion for the introduction of

the bill was given in this Parliament, will be paid to the Victims Compensation Fund instead of the prisoner complainant. I commend the bill to the House.

Debate adjourned on motion by Mr Greg Smith and set down as an order of the day for a future day.

PROFESSIONAL STANDARDS AMENDMENT (MUTUAL RECOGNITION) BILL 2007

Agreement in Principle

Debate resumed from 9 May 2007.

Mr GREG SMITH (Epping) [9.15 p.m.]: The Opposition does not oppose this bill, which has as its purpose to amend the Professional Standards Act 1994 with respect to the mutual recognition of New South Wales and interstate schemes for the limitation of occupational liability. These changes are sought following a resolution of the Standing Committee of Attorneys-General that States and Territories amend their professional standards legislation to enable mutual recognition between jurisdictions of schemes approved in other jurisdictions.

The Professional Standards Act 1994 was introduced, first, to enable the creation of schemes to limit the civil liability of professionals and others; second, to facilitate the improvement of occupational standards of professionals and others; third, to protect the consumers of the services provided by professionals and others; and, fourth, to constitute the Professional Standards Council to supervise the preparation and application of schemes and to assist in the improvement of occupational standards and protection of consumers.

Under the Act there are eight schemes in New South Wales that cover accountants, legal practitioners, engineers, surveyors and valuers. Arguments in favour of this bill include changes that will allow professionals seamlessly to obtain capped liability outside their home jurisdiction and overcome the now cumbersome and inefficient system. Before this occurs New South Wales must accept the interstate schemes. Arguments against the bill include the ability of item [11] to undermine the New South Wales scheme. A scheme cannot be made void in New South Wales on the basis that it does not comply with the New South Wales Act, only on the grounds that it does not comply with the law of the State in which it was enacted.

Most of the law across the country is similar and, as such, should not cause significant concern, but it may become a problem if other States decide to make changes to their professional standards legislation. I have been told that the Federal Attorney-General supports this bill and that he sought this change in a meeting of Attorneys-General on 12 April this year. The Professional Standards Council, the Law Council of Australia, the Law Society of New South Wales, the New South Wales Bar Association and the National Institute of Accountants also support the bill. As I indicated earlier, the Opposition does not oppose the bill.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [9.19 p.m.], in reply: I thank the member for Epping for his contribution to the debate. This bill is the result of Attorneys-General across Australia working together through the Standing Committee of Attorneys-General to improve the operation of professional standards legislation on a national basis. The amendments contained in the bill will be introduced by other States and Territories, thereby ensuring that States and Territories will continue to have nationally consistent professional standards legislation and that there will be a more seamless national system of professional standards legislation.

The bill recognises the realities of the various markets for professional services that transcend State boundaries. It enables State and Territory professional standards councils, which have the same 11 members appointed to each of them, to more effectively act as national council, and it cuts red tape and administrative and compliance costs for professionals and professional bodies. I note that a key priority of the New South Wales State Plan is to cut red tape and reduce the regulatory burden on businesses. This bill is entirely consistent with the Labor Government's commitment in this area. The bill also ensures that consumer interests will be protected by extending existing consumer protection measures to situations where a scheme is to apply in more than one jurisdiction. I commend the bill to the House.

Question—That this bill be now agreed to in principle—put and resolved in the affirmative.

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

Bill declared passed and transmitted to the Legislative Council with a message seeking its concurrence in the bill.

CRIMINAL PROCEDURE AMENDMENT (VULNERABLE PERSONS) BILL 2007

Agreement in Principle

Debate resumed from 9 May 2007.

Mr GREG SMITH (Epping) [9.20 p.m.]: The Opposition does not oppose this bill. The first purpose of the bill is to amend the Criminal Procedure Act 1986 to make further provision with respect to the giving of evidence in criminal proceedings by certain vulnerable persons—and that definition now includes children and intellectually impaired persons—in the form of recordings of previous representations and by closed-circuit television in court proceedings. The second purpose is to consequentially repeal the Evidence (Children) Act 1997.

These changes arise out of the recommendations of the Criminal Justice Sexual Offences Taskforce, which has already resulted in the provision for sexual assault victims to have recordings of previous representations accepted as evidence in court proceedings. The Criminal Justice Sexual Offences Taskforce identified that people with intellectual or other cognitive disabilities may be more vulnerable to sexual assault. It was also identified that greater protection needed to be provided to people with such disabilities and that police investigations and the court process needed to be improved for these groups. My own experience has shown that unless this type of protection is given to many people with intellectual disabilities they refuse to take part in criminal proceedings, thus making them more vulnerable to predators.

The bill incorporates the Evidence (Children) Act 1997 with the Criminal Procedure Act 1986 and broadens the definition from "child" to "vulnerable persons", which are defined as children and intellectually impaired persons. The bill will streamline the legislation. Inclusion of "intellectually disabled" persons under the term "vulnerable persons" will mirror the current legislation under the Evidence (Children) Act 1997 and extend these provisions to the intellectually impaired. This will result in intellectually impaired persons being able to not attend committal hearings, have their evidence in chief tendered in the form of recorded interviews or transcripts in criminal proceedings and certain civil proceedings and in prescribed sexual proceedings, be prevented from being cross-examined directly by an unrepresented accused, have access to alternative arrangements for the giving of evidence, and the presence of a support person when giving evidence.

As to arguments against the legislation, we have received some representations from a disability group with respect to possible ramifications in that the regulations may require an investigating official to record interviews with vulnerable persons. Intellectually Disabled Rights Services is concerned that sometimes police may be inclined to chat with intellectually disabled people who are not really aware that they are being recorded and the police may use that evidence in a case. Except where perhaps they were essential witnesses to another matter not involving them as victims, I doubt that there would ever be any attempt to use that type of evidence. Prosecutors are very conscious of the need to treat intellectually disabled people with dignity and respect and not to force them into difficult positions. The intellectual disability group could make representations to the police force if there were any objections to that effect and we do not consider that should be a bar to the Opposition supporting the legislation.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [9.25 p.m.], in reply: I thank the member for Epping for his contribution to the debate on the Criminal Procedure Amendment (Vulnerable Persons) Bill 2007 and for the Opposition's support in expediting its introduction. The Government is also pleased that the Opposition has expressed support for the bill. The bill is part of the Government's ongoing package of legal reforms arising out of the recommendations of the Criminal Justice Sexual Offences Taskforce, which not only focused on laws and procedures affecting the prosecution of sexual assault matters but also gave rise to more general concerns with respect to the protection of vulnerable witnesses within the criminal justice system. I am advised that arising out of the guidelines there is a prohibition on police officers having a general conversation, to which the member for Epping referred, about the alleged offence. He raised the concerns of one particular intellectual disability group and from my experience I agree with his comments with respect to the manner in which the prosecution would deal with that type of situation.

The bill will enhance the protections that already exist to assist children in giving their evidence and extends these protections to witnesses with an intellectual impairment to assist them in giving the best evidence they can give. It will also reduce the stress and trauma experienced by such vulnerable persons in connection with the courts system. It is hoped that these measures will increase public confidence in the legal process and lead to greater reporting of instances of sexual assault and more successful prosecution of these matters. I commend the bill to the House.

Question—That this bill be now agreed to in principle—put and resolved in the affirmative.

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

Bill declared passed and transmitted to the Legislative Council with a message seeking its concurrence in the bill.

MENTAL HEALTH BILL 2007

Agreement in Principle

Debate resumed from 9 May 2007.

Mr GREG APLIN (Albury) [9.28 p.m.]: I lead for the Opposition on the Mental Health Bill 2007 and advise the House at the outset that the Opposition will not oppose the bill but will address issues of concern and raise matters relating to delivery of services. The bill was first introduced in the House as the Mental Health Bill 2006 during the last days of the Fifty-third Parliament and it has now been reintroduced with minor revisions. The history of this bill bears some examination. It will replace the Mental Health Act 1990, which was passed in May 1990 and was considered to be a high watermark in Australian mental health legislation in relation to the recognition it gave to the rights of persons with a mental illness. This was partly due to the fact that extensive consultation had been conducted with consumers, carers and health professionals, as well as the broader community.

The Mental Health Act 1990 was one of the first pieces of legislation in New South Wales to include a time limited review clause, with section 304 requiring the Minister to review the new legislation and report on that review to Parliament within two years of the commencement of the Act. A committee, chaired initially by Anne Deveson, was established to undertake this review and it conducted the only review of the current legislation until the review that preceded the introduction of this bill. The committee's report was provided to the Minister in August 1992 and the recommendations provided the basis for a series of amendments to the Act passed in 1994 and 1997.

There has been no substantive amendment of the Act since. The Act has therefore been operational for 17 years. Given the changes in the New South Wales health system, such as the way in which mental health services are provided, the impact on legislation of regulatory developments such as privacy laws, and the expectations of society, it is all the more surprising that it has taken the Government so long to get around to updating the Act. Indeed, it was the December 2002 report of the Legislative Council Select Committee on Mental Health that exposed the urgent need for reform and presented 120 recommendations to improve mental health services in New South Wales. The chair of the select committee, the Hon. Dr Brian Pezzutti, stated:

The weight of evidence presented to the Committee highlights that mental health services in NSW need revolutionary improvement. Deinstitutionalisation, without adequate community care, has resulted in a new form of institutionalisation: homelessness and imprisonment.

Have things changed? Has this revolutionary improvement been achieved? It has not been achieved according to the Auditor-General's Report on Homelessness released earlier this month. The Auditor-General found that poor mental health is one of the three main factors that led to people in our community becoming homeless. Staff working with the homeless reported that mental health services were the most difficult to access. By the end of this year there will be only 800 supported accommodation places for homeless people with a mental illness. Yet there are estimated to be 27,000 homeless people in New South Wales, and Sydney City Mission estimates that 75 per cent of them are suffering from at least one mental disorder. The prison system continues to house the

mentally ill. A recent survey by the New South Wales Attorney General's Department found that 55 per cent of defendants surveyed in Blacktown and Newcastle local courts showed signs of psychiatric disorder. Dr Don Weatherburn, Director of the New South Wales Bureau of Crime Statistics and Research, gave the Government a clear and dire warning when he said:

Dealing with these problems (mental health) is absolutely essential if we want to reduce the risk of further offending.

This is just the tip of the iceberg, with police, prison officers, emergency department nurses and Department of Housing staff all having to spend enormous amounts of time and resources managing people with a mental illness while dedicated facilities are closed, relocated, not opened or staffed inadequately. I shall return a little later to services and the themes of the select committee report. The Pezzutti inquiry led to a number of specific State Government responses. In December 2003 the New South Wales Mental Health Sentinel Events Review Committee delivered its first report, "Tracking Tragedy: A systemic look at suicides and homicides amongst mental health inpatients". The report acknowledged that many people with mental illnesses are not able to access care in times of crisis. The number of reported suicide deaths of patients nominally in care proved this point, with a rise from 10 per cent to 21 per cent of all suicide deaths in New South Wales between 1993 and 2001.

The second report of the New South Wales Mental Health Sentinel Events Review Committee released in March 2005 stated that there was a distinct link between reduced access to inpatient care and higher rates of post-discharge suicide death. This euphemistically named committee was due to report again in December 2006—and we await further news. The Sentinel Events Review Committee made specific recommendations identifying the need to ensure that carers had sufficient information to enable them to be involved in important care decisions. The committee requested that they be implemented by April 2004. But, as the then Minister advised in the second reading speech on the 2006 bill, the Government embarked on a formal review and first issued discussion papers on "Carers and Information Sharing" and on the "Operation of the Mental Health Act". The review of the Mental Health Act commenced in February 2004, with submissions being received until the end of October that year. The then Minister stated that community consultation was conducted throughout the whole of 2005 and it was not until August 2006 that a draft exposure mental health bill was released for comment.

This prolonged timeline may have been promoted as extensive discussion additional to that of the select committee and additional to that of the Sentinel Events Review Committee. But the laboured approach to the review was in sharp contrast to the rushed manner in which the submissions to the draft exposure bill were treated. Submissions closed on 3 November 2006, and the then Minister was rushed into the House in the closing stages of the parliamentary session to introduce the bill only 19 days later. More than one major stakeholder has deemed that to be a cynical exercise and concluded that their submissions could not have received due consideration. When introducing the bill the then Minister made much of the recognition and support of the greater participation of carers, families and friends. She stated:

The legislation does this by providing for the sharing of information relevant to the care and treatment of the patient so that carers can be notified when patients are admitted, transferred, absent or discharged.

This is an improvement but is it entirely clear in the legislation? Can it be interpreted otherwise? Part 1 of chapter 4 of the bill deals with "Rights of patients or detained persons and primary carers". The explanatory note to the bill contains a passing reference in the final sentence of division 1 to the fact that:

The Division also—

and I emphasise the diminished status thereby accorded—

provides for primary carers under the proposed Act, including the process for nominating primary carers.

Turning to the bill, one discovers that despite all the Government rhetoric about the importance of carers, they are accorded last place in a list of principles for care and treatment, and the wording is subject to interpretation. The principle is already diluted because it is prefaced by the overarching limitation "as far as practicable". But clause 68 (j) states:

... the role of carers for people with a mental illness or mental disorder and their right to be kept informed should be given effect.

The conditional case is employed: There is no obligation to inform. We now turn to division 2, clause 75, "Notification to primary carer of initial detention." Here it is declared that an authorised medical officer must

take all reasonably practicable steps to notify the primary carer of the person that the person is detained in the facility. However, the following subclause states that notice need not be given if the person is discharged or classified as a voluntary patient within a 24-hour period. I will illustrate the impact of this by recounting the story of distraught parents who contacted me last week to tell me of the frustration that is wearing them down as they care for their adult son who was diagnosed with schizophrenia but who does not acknowledge his illness. They love their son and they want the best for him, but in this sense the legislation is uncaring for it requires the person to recognise a problem and seek assistance.

This adult son, who is now approaching middle age but who lives at home, is prone to violent outbursts and on one occasion was transported to the accident and emergency department at the local hospital in the back of a police wagon. One can imagine the despair of the parents when they learned from the police that the doctor had determined that their son was simply frustrated, and released him. There was no contact from the hospital and the parents then had to try to locate their son, who was roaming the city in an angry mood. Despite the fact that their son had been admitted to the mental health facility attached to the hospital on several prior occasions, the doctor claimed that there were no records of this.

That is but one of many heartrending stories, but it serves to highlight several important concerns. The first is the availability of records to assist authorised medical officers in their examination. The second is the need for communication with the primary carer to avoid the predicament of homelessness and escalation of risk for the person, as occurred when the doctor discharged this young man. The third concern is the opinion of a psychiatrist who observes that the legislation does not address the issue of self-awareness—the lack of personal insight by the person into his or her condition and therefore the resulting distress and frustration of family members. Care and treatment are initiated under this bill only if mentally ill or mentally disordered persons are likely to cause serious harm either to themselves or to other persons. As the overworked psychiatrist told me:

... if there is no immediate danger to person, there is little the industry can do for treatment. Families with an understanding of the need for early treatment beg for help but are frustrated and distressed when you are unable to assist because the individual has no insight into his or her condition. The legislation has an orientation towards civil liberties and these are preserved even when a psychotic condition is present.

Lest the Minister should believe this is an isolated example, let me draw the attention of the House to an incident that occurred in Albury last week. The *Border Mail* reported that a man who had doused himself with petrol at a service station and attempted to ignite a cigarette lighter was sent back to Nolan House at Albury Base Hospital for psychiatric assessment. In making the order the magistrate noted that the man had been in Nolan House for three days but had been released without any possible treatment plan in place. The issue of treatment in the community is central to mental health yet the general thrust of the bill relates to mental health facilities. It is pleasing to note in this respect that provision has been made for health service providers to consult both patient and primary carer in relation to discharge and any subsequent treatment or other action considered in relation to the patient, and that this extends to consultation with agencies involved in providing relevant services.

We should expect this to occur: It is vital to the welfare of the individual and an indictment of the system that, as I have illustrated, has too often failed to follow up. Members would not be surprised to learn that service providers—such as a men's hostel run by the St Vincent de Paul Society—are disappointed that the bill does not address the issue of assistance to people with mental health issues living in the community. The big issues identified are accommodation, social isolation or loneliness and employment. Writing in his regular column last month, Cardinal George Pell, Archbishop of Sydney, observed that "normal life today includes increasing levels of loneliness and individual isolation". He noted that individualism reinforces this, and that "we are weakest and most prone to self-harm and unkindness or selfishness to others when we are alone". He further said:

Our human weakness highlights our need for others. When we accept this, goodness, happiness and hope become possible. When we reject it life becomes something we hate and all sorts of evils can follow, right up to suicide and murder.

These words relate to mental health or, more correctly, mental illness, and there are too many examples of how the lack of services has let down people in this condition. This is but one of many sad stories faced by carers of the mentally ill. It was reported in the *Sydney Morning Herald* in March 2006 and recounted the despair of a mother when she received notification of the appointment for her 42-year-old son's psychiatric assessment in two months time. She knew her son's life was ebbing away as increasingly terrifying delusions consumed first his mental health and then his physical health. Had this been cancer, he would have received treatment. Up to this point this former professional had waited for sporadic services in hospitals, with no continuity of care following the onset of his condition.

The mother was excluded from key decisions on his treatment, informed that her involvement would breach his privacy. When she did call a psychiatric emergency team to visit he shouted out to them that he was fine so they left, telling the mother she had no right to override his wishes. A couple of weeks after the arrival of the appointment letter the son poured petrol over his body and set himself alight. He died in the back garden of their home. Under clause 105 of the bill, it is proposed to encourage mental health services to permit appropriate intervention at an early stage of mental illness, to assist patients to live in the community through the provision of direct support, and to provide for liaison with carers and providers of community services. We can only hope, because it is clear that there is a long way to go. The select committee recommended limited disclosure of confidential information to guardians, family and primary carers if the information was reasonably required for the ongoing care of a client. The Pezzutti inquiry also outlined a problem, quoting this extract from a submission:

Unfortunately my experience shows that the family are not taken seriously or included in the assessment, yet they know the person better than any psychiatrist can through a one hour interview.

This bill has taken too long in the drafting and too many people continue to suffer. Last year Professor Philip Mitchell, Chairman of the New South Wales Mental Health Priority Task Force, said:

There is a frustration that this has been a slow process.

Professor Ian Hickie, Executive Director of the University of Sydney Brain and Mind Research Institute, considered that legal concerns were a protection for a treatment shambles. He said:

Privacy's often an excuse for poor clinical practice.

From suicide, protection of a client's rights and shortage of service, I turn now to the second scenario presented by Cardinal Pell—that of murder. A Sydney nurse wrote at length and in great distress about the management of the mentally ill in our community. She stated at the outset that she believed the mental health system in New South Wales fails badly the mentally ill patient, their families and the community at large. Her letter stated:

The cut backs in funding for crisis mental health teams has resulted in many people, like my son, not receiving timely action to protect themselves and others. This lack of action has resulted in a tragedy occurring which may have been averted if appropriate action had been taken at the time of my son's need. My son—

she names him and gives his age as being in his mid 20s—

was diagnosed with schizophrenia in 1998. Despite many episodes of hospitalization—about 4 or 5—during the following years from diagnosis, he was supposed to receive continuing care from the mental health crisis team from Canterbury Hospital Community Health. He was also supposed to have a case manager appointed to oversee his care.

Unfortunately he suffered another extreme episode in 2004 and despite several telephone calls and visits to the mental health team over a number of days, neither he nor I received any assistance.

As a terrible result of his psychosis at that time he became very agitated, was having hallucinations and whilst in this psychotic state, he went home and stabbed his father viciously many times and decapitated his father and threw the head away. This was a very brutal crime and the police feared that if my daughter and I had been at home that he would have killed us as well. He was very agitated and his behaviour was very bizarre and had been for some days. During this time I tried desperately to get help from the Mental Health Team.

The letter goes on to describe the son's history of drug-induced psychosis and schizophrenia, his admission to the intensive care unit at Rozelle Hospital on several occasions and the lack of a case manager to follow up treatment. All this led to the repeated inability of the mother to obtain treatment from either Rozelle Hospital or the Canterbury Mental Health Team when the son asked his mother to help him to go into hospital during that fateful period. When an appointment with a psychiatric nurse was finally secured the assessment was that he was a bit stressed and he was handed a card with contact numbers. A second visit on the same day to the same nurse resulted in agreement that his condition had deteriorated further but the advice was the same: ring to talk to someone. The letter ended with a poignant mother's plea:

Urgent action needs to be taken to correct the management of the mentally ill in our society, to protect themselves, their family and community. I also believe that the Government needs to issue harsher penalties to people that commit crimes whilst under the influence of drugs. Our legal system at the moment does not take these crimes seriously and as a result these people who commit these terrible crimes against others often re-offend as the punishment is not severe enough to deter them from breaking the law again. Innocent people in Australia are suffering because our government is not strong enough to deliver appropriate punishments. The only ones that are punished are the victims and their punishment is for life.

The lack of services or the inability to access services are constant complaints and the bill does indicate an intention to promote the establishment of mental health services for the purposes of treatment in the community.

The director general is tasked with promoting cooperation between different agencies involved in the provision of services. In January of this year Professor Ian Hickie wrote about these matters saying:

The key issue is really access to effective treatments throughout the illness. That typically includes not only the early phases of behaviour change and the very acute, and sometimes self-harming or threatening phases, but also the later rehabilitation and recovery. Unfortunately, we rarely provide these services.

He argues for clear reports, much like the road toll, on the workings of the system to encourage community confidence and encourage others to come forward for treatment. This is not provided for in the bill, save through the annual report, and it is something which could be addressed. The underresourcing of the current system, premature discharge and inadequate follow-up are clearly evident in the lack of psychosocial rehabilitation and support services in the Albury and border area compared to those available in Wodonga in Victoria. Carers and potential consumers are desperate to access the services of the Upper Hume Community Health Service and will even move across the border to gain entry to the programs.

Local general practitioners have little faith in the regional services provided, with one expressing despair at the contact via Access Line. Doctors have been told by Community Health that the patient, and only the patient, can ring this line. He described the Access Line as "a bloody joke" which serves to take pressure off the hospitals, and quoted me cases of his patients taking up to eight months to access Community Health after using the Access Line. This whole scenario is not assisted in regional New South Wales by the fact that psychiatrists are flown in at exorbitant cost and there is no continuity of treatment or supervision. A senior area health officer told me that it actually suited the Government to fly specialists in at a cost of upwards of \$1,500 per day plus travel rather than have them as permanent staff. This must change if we are to see the provisions of the bill take shape on the ground.

Last year the Premier made a promise to improve services for the mentally ill, saying those people deserved an apology for neglect. He acknowledged that many people with mental illnesses had been neglected after big mental institutions were closed down in the 1980s, with many ending up in boarding houses, on the streets or in jail. He said, "I believe the governments of Australia owe the mentally ill an apology—a sincere and direct apology for the years of underfunding, the haphazard policy, the poor coordination, the endless excuses." And this was in the twelfth year of the current Labor government—12 years of underfunding, haphazard policy and endless excuses, to quote the Premier himself. So will this bill be the turning point when matched with increased funding? Not if these recent examples are an indication.

Just on two weeks ago Charmian Clift cottages in Doonside were closed—they had been providing housing and rehabilitation support for women with a mental illness and their dependent children. They were jointly funded by the Department of Health and the Department of Community Services but if you ring the number now you will get a recorded message advising that the cottages are shut and unable to offer services. Charmian Clift cottages were closed on 16 May with no word about a replacement service. What service now provides the same level of support to mentally ill mothers and their children? A similar situation has arisen in Dubbo where there has been a recent reduction in services at the Lyndarra therapy unit. This facility treated people suffering with depression, anxiety and stress but is currently not treating any patients and will be unable to do so until at least mid-July. The cessation of programs mid-stream could have adverse effects on clients, and at a time when rural New South Wales is suffering we are seeing vital facilities unable to provide services.

In Tamworth there has been a reduction in community mental health case managers, with clients having their trusted case manager withdrawn with immediate effect, no handover and no easing the client into a new relationship. There was no explanation for the changes and it is believed there are now five case managers for 260 clients, which is a huge challenge, given the nature of the work. These instances are current confirmation of a situation described in the Not for Service review published in 2005 which stated that, "The relationship between poor ongoing community care and increasing demand for acute care services and the relative failure to partner effectively with consumers and carers, general practice and other non-government service providers does not appear to have yet received serious attention."

This review into mental health care was conducted by the Mental Health Council of Australia and the Brain and Mind Research Institute in Sydney in association with the Human Rights and Equal Opportunity Commission. The report also makes the point that, "Given the likelihood that every family in Australia will be affected by mental health problems at some stage, mental illness can no longer remain an isolated and marginal concern of the health care system." Submissions to the Not for Service review raised the apparent emphasis by government on a law and order agenda rather than on enhanced clinical care. Commenting on the Mental Health Bill, the Mental Health Co-ordinating Council stated that the intent of this Government is clear by the use of the

word "control" throughout the document. The suggestion was made that if the Government were really concerned about doing something positive for mental health it would use the word "safety." The Black Dog Institute picked up on this same theme and suggested using the word "protect".

The former Minister referred to a more structured approach to admission and transport and to expanding the role of ambulance officers. I endorse her comments that training and support for ambulance officers will be critical to ensure their safety and that of the patient. There was less attention paid to the role of police in the Minister's speech yet there are several clauses devoted to their responsibilities under the bill. Across the state each year, police are involved in around 20,000 transportations of mentally ill or mentally disordered persons. This is a huge imposition in terms of responsibility, staffing and time. Frequently police are also called upon to accompany ambulance staff transporting persons appearing to be mentally ill and in all cases they are unable to depart the hospital until after an authorised medical officer has completed an examination. In regional areas this aspect of police work is cause for much concern to local area commanders, both from a training perspective and because of the time taken performing transportation and observation roles.

In his agreement in principle speech the Minister referred to clause 150 and the composition of the Mental Health Review Tribunal. He noted the introduction of some flexibility to allow simple matters to be heard by one legal member of the panel sitting alone. This is a sensible move but both the Mental Health Co-ordinating Council and the Black Dog Institute consider the bill is a little loose in this regard and needs to define those procedural matters mentioned by the Minister.

Let me conclude by noting that one in five Australians is affected by some form of mental illness every year, while one in 10 report a long-term mental illness. The bill is intended to provide for the care and treatment of mentally ill persons, and to this end we need a system focused on early intervention and rehabilitation; we need more nurses and more beds, including opening up the 694 beds that were closed between 1993 and 2002; and we need to remove the stigma associated with mental illness. Unfortunately the idea that psychiatry should be like paediatrics or treating cancer is not a paradigm of our time. I hope the Minister will use the bill to address those issues.

Ms CARMEL TEBBUTT (Marrickville) [9.55 p.m.]: I support the Mental Health Bill. A strong legislative framework that supports the provision of quality services and protects the rights of people with a mental illness is one of the fundamental hallmarks of a decent, just society. It is a complex area of public policy, and the differing interests and views need to be balanced. The bill does exactly that in part because of a thorough consultative process that accompanied its development. This included the development of two discussions papers, the seeking of detailed submissions from the community, and extensive consultation by the previous Minister assisting the Minister for Mental Health, the member for Kogarah.

The Mental Health Act has remained largely unchanged in the 15 years it has been operational. In that time there have been changes in the way mental health services are organised and provided and there have been new regulatory developments. So the introduction of this bill is timely. The reform agenda of the Act has been guided by a number of important goals, including the greater participation of carers, families and friends. A large number of the submissions in the consultative process expressed views about the need to ensure that carers were provided with sufficient information to enable them to be involved in important care decisions. The submissions to the review recognised the importance of carers, including family members being given access to information that would assist them in providing care.

However, many submissions were concerned to ensure that a patient is given some capacity to control who is considered a carer. The bill balances these views by allowing a patient to nominate a person to be their primary carer for the purposes of receiving information. It also allows a patient to identify a person whom they do not wish to have identified as a primary carer, and establishing a process for identifying who will be a carer when there is no nomination. The bill recognises the rights of carers and patients to be involved in decisions about care and treatment.

I am particularly pleased to see attention in the bill to enhancing cooperation between agencies. People with a mental illness often require services from a range of agencies, both government and non-government. Their needs might be complex and might not fit neatly into a particular agency's area of responsibility. Whilst this Government has worked hard to improve coordination and cooperation between agencies in the human service area, there is always more to be done. The community consultation highlighted strong support for enhanced coordination of service provision by different agencies. This is not something that can be addressed by legislation alone, but legislation provides the framework within which agencies operate.

The bill makes provision for health services to consult with other agencies when making discharge decisions. In clause 106 the administrative functions of the Director General of the Department of Health have also been expanded to include assisting in promoting cooperation between different agencies involved in the provision of ongoing care or other services. I know that one of the other issues that is relevant to cross-agency collaboration is the definition of "mental illness" that is used to determine whether a person can be involuntarily admitted and treated. The definition of "mental illness" was canvassed in the 2004 discussion paper No. 2 and specific comments were sought. As outlined in that paper, suggestions were made over the time the previous Act operated to the effect that the definition of mental illness should be extended to include other conditions, with the motivation being to cover groups of clients who may fall between services or who may be difficult to manage in general hospital and community settings. The discussion paper goes on to say:

... it should be emphasised that the Mental Health Act is not primarily a mechanism for controlling and detaining all categories of individuals with challenging conditions but provides a treatment regime for the mentally ill allowing them to recover and return to the community. Some other conditions while not mental illness may benefit from a consideration of management or rehabilitation regimes involving some element of compulsion but this does not automatically render them appropriate for inclusion in the therapeutic regime of the Mental Health Act.

I do not disagree with this conclusion, but consideration of those management regimes for other conditions is an important matter of public policy we will need to return to in the future. This legislation is one of the platforms to support the ongoing improvement and reform of mental health services. It is part of the Government's commitment to take the delivery of mental health services in a new direction. It is underpinned by considerable additional funding for mental health services. In the 2006-07 budget the Government committed a record \$946 million for mental health services.

My electorate of Marrickville will benefit, as do others, from the expansion of the service. For example, the Brain and Mind Institute in Camperdown has received funding of \$16 million to boost mental health services for young people and to explore the links between drugs and alcohol and mental health problems. I applaud this investment in research into mental health issues for young people. We all know the importance of early intervention services and putting appropriate support services in place so that young people can make a successful transition to adulthood. The legislation provides a strong structure to support continued improvement in mental health services in New South Wales and I am pleased to support it.

Ms GLADYS BEREJKLIAN (Willoughby) [10.00 p.m.]: I am pleased to comment on the Mental Health Bill 2007, which has been a long time coming. My experience as shadow Minister for Mental Health opened my eyes to the plight of the mentally ill in New South Wales. I did not have a lot of experience in that area before taking on that role, but I subsequently learned so much about it. I spoke to consumers and carers, and realised what a huge gap there is between the provision of necessary services and what is occurring at the moment.

The Mental Health Bill makes provision for the care, treatment and control of mentally ill persons and mentally disordered persons, and other matters relating to mental health. It re-enacts the provisions of the Mental Health Act 1990 generally in accordance with the proposals relating to patients other than forensic patients or consumers arising from a review of the Act. The State Government promised to pass these amendments well before the last election but it did not do so. I am sure many members of the community would have assumed that some of the rights and responsibilities that this bill attributes to carers, consumers and providers of services existed a long time ago. It is a mark of how far we still need to go that these changes are only coming into place in 2007.

I am sure all members would agree that this bill will be only as good as the resources and services provided to back up its provisions. More than anything, what we need in this State is early intervention. Many provisions of the original Act that this bill amends relate to things triggered after somebody is already in crisis. The bill enunciates some of the rights and responsibilities that service providers, carers and consumers have once the consumer has entered a period of crisis. Time and again we fail to dedicate enough resources to early intervention. What concerns me most is that finally this has become a topic that the public discusses. It is finally an area of responsibility that decision makers are starting to talk about publicly. However, the gap between what decision makers are saying, what the State Government is saying and what is happening on the ground is extremely wide.

Many members of this House have been advocates for consumers, carers and stakeholders in this area. I pay tribute to many members on my side—the member for Hornsby and the member for Albury and others—who have taken a leading role in mental health issues. I also pay tribute to those who participated in the Pezzutti

report and the recommendations outlined in that report. That report proposed a number of recommendations, only a very small number of which have been adopted and only an extremely small number of which are enshrined in this bill. I would have liked to have seen many more of those recommendations included in the bill. Although the Opposition does not oppose the amendments in the bill, many areas of reform have not been addressed.

The member for Marrickville mentioned some of the announcements the Government has made on mental health, particularly as to some areas of funding received in her electorate. It should be a cause for concern for all members of this House that New South Wales continues to lag behind other States in mental health spending. The 2005 National Mental Health Report showed that New South Wales is ranked fifth of the States and Territories in per capita spending on mental health over that reporting period. That is the most recent report we have to date. According to figures from the 2004 National Mental Health Report, in the past decade New South Wales has one of the lowest per capita growth rates in mental health funding—just 23 per cent—of all the States and Territories.

Community organisations providing critical mental health services receive on average about 2 per cent of the mental health budget in New South Wales—this was the figure in the last budget; maintaining New South Wales as the provider of the worst level of assistance to community organisations in the country. Community organisations, which do so much in the community for mental health consumers and carers and support service providers, receive only 2 per cent of the funding, which is the smallest ratio in Australia.

It remains for me a huge concern that in New South Wales there are only 47 dedicated beds for children and adolescents with a mental illness. This is disgraceful. All of us in this place can speak of people touched by mental illness, yet our State, the largest and most populous, has only 47 dedicated beds for children and adolescents. Parents, especially when their children are first diagnosed—usually in their teens—endure months and months of heartache just getting their child onto the first step of rehabilitation. This is of enormous concern to me and I am sure it is of enormous concern to many people. I urge the Government to do something about this—not just to talk about it but also to address the huge problem we have with the lack of resources dedicated to children and adolescents.

This is all about early intervention. If we do not provide enough resources and services to people when they are first diagnosed, we are failing our community. Often this legislation deals with people who are at crisis point. Had we dedicated sufficient resources to early intervention, perhaps we could have prevented many people from reaching crisis point.

In 2006-07 the State Government was to have spent \$51 million in capital works on mental health. This has now been revised to \$21 million, a mere 40 per cent of what the Government promised to spend. Unfortunately, the common story with mental health in this State is that the Government announces what it is spending over a certain number of years but in the budget papers following those announcements the time frame blows out massively, which means that the level of resources is diminished. When announcements are made the community has an expectation about service delivery, but regrettably when the budget papers appear and show where the money is going it is very much diminished and blown out over a number of years.

In 2004 when the current Premier was Minister for Health the Labor Government announced a \$241 million mental health package over four years, and forecast spending \$42 million this financial year. That has been revised to half that amount—\$20 million or thereabouts. That announcement was made three years ago, so one would think that by now three-quarters of that money would be spent, but only 18.34 per cent of it has been spent. One example that always comes to me is Lifeline. I know all of us have Lifeline offices or centres or shops within our communities. Lifeline has been pleading with the Government for four years to obtain additional funding for its vital telephone counselling service, which takes 200,000 calls per year. Lifeline receives some funding for administration but the Labor Government has refused requests to fund training for its councillors to deal with these crisis calls. Yet, brochures from the Department of Health about crisis management suggest that one should call Lifeline. It is quite audacious to refuse funding for an organisation such as Lifeline when the Government is using it as a referral service. That has to change.

The NSW Health 2005 annual report shows that the proportion of mental health patients readmitted within 28 days of discharge from the same hospital has risen to 12 per cent. This demonstrates that New South Wales has a lack of beds and community service support mechanisms. Consequently, once people are admitted to hospital, more often than not they are forced to leave the hospital before they are ready to do so. As we have such a high readmission rate within a month, I am sure the rates for 50 days and 100 days would be quite

concerning. No matter what statistic is looked at, whether crisis management or community support, it shows we are failing the most vulnerable in our community: those suffering mental illness.

According to Productivity Commission figures up to January last year, New South Wales had 86 direct care staff employed in specialised mental health services per 100,000 people. This was the worst record of all States. The Government must address the question why New South Wales has the lowest rate per capita of direct care staff employed in specialised mental health services. In May 2005 the Auditor-General's report found that up to 9 per cent of mental health patients who present to emergency departments are forced to leave prior to seeing a doctor. Again, this relates to crisis management. Mental health patients comprise about 12 per cent of patients within NSW Health, yet mental health will receive only 8 per cent of the total health budget.

According to the National Mental Health Report 2005, per capita funding for child and adolescent mental health services in New South Wales was the second-worst of all of the States in Australia over the reporting period. That also is a matter of serious concern. The list of ways in which we are failing people with mental health issues in New South Wales goes on and on. I urge the Government to stop talking about how much money it is putting into mental health, because that is misleading. It should stop talking about what it is announcing and instead address what it is doing and what results it is achieving, because there is a huge gap between the rhetoric we hear and what is happening on the ground.

I turn now to the need for community-based support. Many amendments to the Mental Health Act relate to circumstances in which the consumer enters formal care. There is no doubt the Government is failing to provide sufficient community-based services in mental health. I can relate from personal experience that in October 2004 the State Government closed community-based mental health facilities in Chatswood, in my electorate. As a consequence, some 300 consumers were forced to access services from a hospital site. This caused enormous problems. Many parents and carers came to my office and explained the hardship this was causing their families—not because they were not offered an alternative hospital site, but simply because many people with a mental illness do not want to access community support, and do not want to access psychosocial services—if they exist, and that is very rare—from a hospital site.

The State Government needs to take a hard look at why it is forcing many community-based mental health facilities onto hospital sites. That consolidation is really hurting many communities. I know how much the closure of community-based mental health facilities in Hercules Street, Chatswood has impacted on the community of the lower North Shore. A working party comprising local community leaders and local council is continuing to lobby the State Government to reinstate those vital community-based mental health services. That is because unless those community-based support services are provided, more people will be in crisis, putting additional stress on not only carers and consumers but service providers. The State Government needs to take a hard look at that issue.

I conclude by reiterating that the Opposition will not oppose the bill, as the shadow Minister for Mental Health said. I regret that in many areas the bill does not go far enough. I also make the point that the bill is only as good as the resources that back it up to provide services on the ground. Those services must include early intervention and they must be community based; they must not be just crisis management services. Regrettably, the mental health system in New South Wales is based on crisis management, and that has to stop. I know from the privilege I had of being the shadow Minister for a year and a half how many people in the community are suffering because they cannot access services. The situation is getting worse, and it is about time the Government's rhetoric was matched by action and service provision on the ground.

Mr ALAN ASHTON (East Hills) [10.15 p.m.]: I am pleased, and qualified, to speak in support of the Mental Health Bill 2007. I acknowledge the great work that has been done, and the progress that has been made, in bringing this bill before the House, even though it has taken several years to do so. The Iemma Government has committed more than \$1 billion in expenditure to mental health services, as acknowledged by the shadow Minister. I appreciate the Opposition's support for the bill. As an aside, I might comment on statements made by the member for Willoughby. Of course we could do with more money to spend on mental health. The member highlighted some figures, and said actual spending was down to just 18.34 per cent of proposed expenditure. Perhaps we could do something about that with a change of government in Canberra at the end of the year and a better share of GST funding. There is some level of politics in everything. The Iemma Government has done a lot.

I acknowledge the great deal of goodwill on both sides of the House to ensure that mental health issues continue to be brought to the forefront of general medicine and hospital expenditure in New South Wales and

Australia. I think it was the member for Albury who said that 10 per cent, or as many as 20 per cent, of the community will at times suffer a mental health issue. It is a revolving door, with the 20 per cent compounding, so that in time a horrendous number of people will be affected by mental health issues.

More people in Australia will suffer a mental illness than the total of those who suffer from cancer, heart disease, stroke and other illnesses. Of course, we must acknowledge that mental illness can be treated and cured, and we must ensure that a mental illness, like the other illnesses I have just mentioned, is no longer stigmatised in the way that it has been. Years ago the last thing you could do is admit you, your family or someone close to you had suffered from a mental illness or, to put it now more correctly as it is now referred to, a mental health issue. I recognise that many in this House would have had members of their families, extended families, friends and supporters who have suffered, or are still suffering from, a mental health issue. I think that is the gist of what everyone has said tonight.

I do not want to talk too much about the technicalities of the bill, but I would make a couple of observations that I think will assist. One is that people in the ambulance services will pick up responsibilities for transporting mental health patients to hospital. That will free up police, who feel it is not appropriate for them to be involved in that task. This is an important change because that is one area in which a stigma remains. Nearly all members would have had people with mental health issues come to their electorate offices and been frustrated because they have not known quite what to do or whom to talk to. Sometimes the police have to come along to help deal with such a situation. But police are the wrong people to deal with this issue. It is not a crime to have a mental illness, yet it is often police who transport mental health patients. I am sure that does not suit the police, and it sends the wrong signal to the carers of people with a mental illness and the victims of mental illness, the patients and their relatives.

I have admitted that I am qualified to speak on various aspects of this issue. A very good friend of mine who suffered a mental illness for very many years has, after seven years, come through the other side. Unfortunately, another member of his family who has borne all those problems with him for so many years is now suffering. So it becomes cyclic, with one helping the other for so many years only to become a victim of the illness. This is something that we all have to move forward on. This bill will not be the last mental health measure that comes before this House. It will be great achievement if we can do something to eliminate the stigma surrounding this illness.

The money is there. I acknowledge, as the member Willoughby said, that the money has to be spent. All governments are guilty of announcing funding and then not delivering, or not delivering fast enough. I congratulate the Minister on prohibiting the infamous deep sleep therapy, which was applied to people with mental health issues. A fellow I knew years ago, whom I will not name but who is well known to older members of this place, was a victim of the deep sleep therapy that was applied at Chelmsford Hospital. With Pat Rogan, a former member for East Hills, he instituted an inquiry into the hospital practices that were undertaken in the 1970s by Dr Bailey and other clinicians. The reports produced by the Parliament on Chelmsford Hospital are horrific reading. The psychosurgery treatment, or deep sleep therapy, led to many deaths and disabled hundreds of people. I congratulate the Minister and the Government on introducing this bill, and I thank the Opposition for its support.

Mrs JUDY HOPWOOD (Hornsby) [10.20 p.m.]: The object of the Mental Health Bill 2007 is to make provision with respect to the care, treatment and control of mentally ill persons and mentally disordered persons and other matters relating to mental health. The bill will re-enact the provisions of the Mental Health Act 1990, with amendments generally in accordance with proposals relating to patients, other than forensic patients, arising from a statutory review of the Act. I do not intend to go into detail on the bill, but I will refer to a number of specific issues associated with mental illness. The bill was introduced in November last year and then lay on the table for six months. That is an absolute disgrace. Over the past couple of years many people had hoped that their suggestions and recommendations for amendments to the Mental Health Act would be implemented quickly to assist them with the problems they deal with day by day, often minute by minute, caring for friends and relatives with mental health issues. People expressed concern to me that the bill, which contains clauses that could have assisted them, lay on the table for five to six months. As I said, it was a disgrace.

I am proud to be a board member of the Schizophrenia Fellowship. I also acknowledge Schizophrenia Awareness Week, which took place recently. I congratulate the Schizophrenia Fellowship on its work. I know firsthand the effort and commitment of that group, and many other groups are equally as committed. I am also a Friend of People with a Mental Illness in the Parliament and I look forward to working with my colleagues on the other side of the House to bring awareness of mental illness to the Parliament, to increase knowledge about

it and to destigmatise it. As has been previously stated, early intervention is extremely important. Not enough emphasis is placed on that fact. This State is predominantly in crisis management and often people have to be in a very bad state to receive any attention from the mental health system. Community-based care is vitally important. It is essential that people who live in the community are able to access mental health services in the community rather than in hospital.

I would like to refer to the experiences, one as recent as Christmas last year, of two of my constituents whom I have known for the past couple of years. The first matter relates to a woman who lives in the Hornsby Heights area. Her daughter, who was in her twenties, suffered a mental illness and had a drug problem. Often, people with a mental illness who live on the street or are homeless try to alleviate their symptoms with illicit drugs because they are unable to access adequate services or appropriate medication. The young woman was continually before magistrates because she was committing crimes to service her drug habit. Eventually, after failed rehabilitation sessions and other suggestions, the magistrate gave up and the young woman was placed in a correctional facility. Within three days she committed suicide. Her case typifies people with the dual diagnosis of mental illness and substance abuse. We have not properly addressed that difficult issue and come up with appropriate solutions.

As to the incident that occurred late last year, a constituent of mine, a middle-aged man in his forties who has a mental illness, was living in a Department of Housing unit. Another person living there who also had a mental illness was causing problems. On many occasions the department was requested to step in and solve the problem, essentially by removing the person who was upsetting everyone else in the facility. Unfortunately, for whatever reason, the person was not removed by the department. My constituent hit the offending nuisance, was charged with assault and thrown out of the facility. The provision of accommodation is of extreme importance for people with a mental illness. If people with a mental illness are not provided with accommodation, they have a great deal of trouble accessing other types of assistance. My constituent returned to his elderly parents who live on the Central Coast. They were unable to offer any more assistance than the purchase of a vehicle for him. He drove back to the Hornsby area and lived in his car. Luckily for him, he was doing volunteer work in a business in the area and the owner of the business became his advocate. It was an uphill battle. This independent person, whom I know very well, went on a downward spiral within days. He lost his confidence, his dignity and his house. He was not assisted by the system and his caseworker, who was overburdened with looking after many other people with a mental illness, was unable to assist him. The Department of Housing did not offer him any assistance; it just threw him out of his accommodation.

After a couple of days of desperation this person and his advocate asked me to make representations to the department. The Department of Housing suddenly and miraculously found emergency accommodation, but only for a couple of days. I had to call on the services of the Salvation Army and the advocate put his hand in his pocket. He did not mind, but he should not have had to do so. It is the Government and the State of New South Wales that should provide for people who find themselves in such difficulties. This man eventually went missing for about three days. He had gone to a meeting with the Department of Housing to negotiate payment for accommodation. When he realised the cost that would be incurred by him and his advocate, he decided to go away and not contact anyone for a couple of days.

We were extremely worried, and hoped that suicide had not entered his mind. What happened to this man shows how quickly people who are functioning in the community, people who have jobs and accommodation can find themselves in a downward spiral towards homelessness, which is exactly what would have happened to him if his advocate had not stepped in. I have seen statistics that state that 80 per cent of homeless people have a mental illness. Managing homeless people with a mental illness is very difficult. Eventually the police were called in to find him. They found him at 4.00 a.m. in a local park asleep in his car. He suffers from sleep apnoea and was not able to use his sleeping equipment in the car. The mental health service and staff of the Hornsby mental health unit finally realised that to avoid appalling media coverage they would have to admit him to the unit. He remained an inpatient in the mental health unit at Hornsby Hospital until Garrigal Housing could provide him with accommodation, which was not until the day before Christmas. I congratulate Garrigal Housing on its role in providing accommodation for people who need it, including people with a mental illness and on their role in improving the plight of the homeless and lobbying for more community housing and more affordable housing.

I came to know that this man was being called the political patient, which is absolutely insulting. Not only did he have to suffer the undignified loss of his premises, live in a car and rely on others to supply him with food and assistance, he was also treated as a political patient by hospital staff who should not have judged him. He is now living in accommodation provided by Garrigal Housing and he is progressing really well. He has

returned to his volunteering. He was homeless and on the streets literally. The number of homeless people and the number of people in jail with a mental illness is extremely high. I have been told that between 60 per cent and 70 per cent of people in jail have an identifiable mental illness. In my travels around the State I have heard that the only good mental health services in some places are in the jails so that people are better off being in jail. That really is an indictment on the system.

I have enough experience in visiting places around New South Wales to know that the dollars promised by the Iemma Government have made very little difference to many people. They have seen no change in the way their mental illness is managed, and they continue to have difficulty getting into a hospital and then being discharged too early. Staffing is another problem. The mental health unit and the psychiatric emergency care unit at Hornsby Hospital have ongoing staffing problems. A brand new mental health intensive care unit is being built, and I know they will have great difficulty finding staff to manage the needs of the people who will be admitted to the unit. Rural and remote areas are concerned about the level of medical intervention. Staff of accident and emergency units do not feel adequately prepared or supported to deal with people who present with a mental illness. They are crying out for more education and more support.

Unfortunately, mental health was left behind when the Richmond Report enabled the deinstitutionalisation of many people with a mental illness. When the mode of mental health service provision altered, mental health nurses and others were not provided with adequate education to move into a new service. We must give much more support to non-government organisations that often do much of the work with homeless people who take illicit drugs. I have spoken with people who work for the Salvation Army and other fantastic organisations that are doing their best to stem the tide of mental health-related issues, but they are facing many problems. The stigma attached to mental illness must be reduced. People with a mental illness are more of a danger to themselves than to anybody else.

Mr PAUL LYNCH (Liverpool—Minister for Local Government, Minister for Aboriginal Affairs, and Minister Assisting the Minister for Health (Mental Health)) [10.35 p.m.], in reply: I congratulate you, Mr Assistant-Speaker—Mr Grant McBride—on your elevation, which I have not had the opportunity to do before. Your relatives in Derry will, no doubt, be very proud. I acknowledge the presence in the gallery of the Honourable Greg James, Queens Counsel, the President of the Mental Health Review Tribunal, and Barbara Ramjan, if my eyesight is not letting me down. I acknowledge the contribution of members representing the electorates of Albury, Marrickville, Willoughby, East Hills and Hornsby. I note the Opposition is not opposing the bill, despite the very lengthy speech from the member for Albury, which seemed to argue against it and I thank the Opposition for that. I suggest that the member for Albury read the provisions of the Act about involuntary patients. It seems to have escaped him, given some of the comments he made. I also note that he expressed some concern about provisions not being specific enough to itemise precisely what it is that the procedural matters will be under clause 150. I suggest that he read what I said about that. He clearly did not read it or, if he did, he did not understand it.

Mr Greg Aplin: Tell that to the Black Dog Institute then. You would have recognised they said that.

Mr PAUL LYNCH: I suggest to the member for Albury that if he wants to interject, I can go on all night and I am delighted to do that if he is prepared to demean what is a reasonably significant debate. In addition to other things the member for Albury said, he also made the quite bizarre comment that the Sentinel Events Committee was a euphemistically named committee. I suggest he finds out who actually chairs the committee and perhaps tries to explain to us how any committee that calls a report "Tracking Tragedy" is dealing in euphemisms. It just beggars belief. The introduction of the Mental Health Bill 2007 is a restatement of the Government's commitment to mental health services and an integral part of this Government's reforms in taking the delivery of those services in a new direction.

The Government maintains an ongoing commitment to funding of mental health services in New South Wales with the New South Wales mental health budget recently increased to a record level of just over \$1 billion per annum. The platform for this funding commitment is the 2006-07 State budget—an increased funding commitment for mental health services of nearly 11 per cent to \$946 million. The Government's increased funding commitment for 2006-07 is part of a five-year new direction for mental health, which the Premier announced on 1 June 2006. Under this five-year program, an additional \$939 million will be invested in improving mental health services and recruiting hundreds of new mental health staff throughout New South Wales.

The focus of these new initiatives is on community-based care, early intervention and workforce development, despite some of the inaccurate and sweeping generalisations of the member for Albury. These

themes are featured prominently in this bill. I am happy to emphasise again that this bill is the result of extensive community consultation and a detailed review process, although I note the terminally confused position of the Opposition on this. I am still not sure whether we are to be criticised for having rushed the bill in, having left it lying on the table for too long, or having taken too long in the drafting. They seem to be mutually contradictory positions, all pushed by the Opposition during this debate.

The key features of the bill are a new part drawing together the key objects and patient protection provisions, including new provisions containing principles of care and treatment; recognition of the role of carers and patients, and the recognition of their right to information and to be involved in care and treatment decisions; clarification of transportation provisions and the role of police to balance law and enforcement and mental health priorities; streamlining of admission provisions so patients can be admitted via a general hospital; revising of prohibited treatment provisions to include psychosurgery; streamlining of provisions relating to treatment in the community by consolidating the current two orders into the single community and allowing those orders to run for 12 months; and revision of language to make the legislation a plain English document. The bill as finalised reflects a consensus view, recognising that there can be strong and differing views in an area such as this, which is in a sense stating the obvious.

The member for Marrickville made a thoughtful contribution dealing with definitions. I would have difficulty in expanding the scope of mental illness beyond the current definition. She did not argue that; she conceded that that is an issue and that a range of other behaviour is not covered by the bill and perhaps it needs to be dealt with. That may be the case, but it is no argument to support widening the definition.

The member for Willoughby made a number of comments. She made the preposterous claim that the upper House committee recommendations have not been implemented. That is simply wrong. In 2004, this Government established a mental health implementation task force chaired by Dr Pezzutti. That committee has endorsed the updated report and expressed satisfaction with the implementation of the upper House committee's recommendations. Indeed, it has expressed satisfaction with the overall approach taken by the Government. In addition, when I saw Dr Pezzutti last week he had a very different attitude about the way the recommendations have been adopted to the one related by the member for Willoughby. Perhaps the member might benefit from discussing the matter with Dr Pezzutti. The member for East Hills mentioned Chelmsford and the significant role played by his predecessor Pat Rogan. In my practice as a lawyer I acted for a couple of people who went through the Chelmsford experience. I know precisely the points the member was making. I commend the bill to the House.

Question—That this bill be now agreed to in principle—put and resolved in the affirmative.

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

Bill declared passed and transmitted to the Legislative Council with a message seeking its concurrence in the bill.

The House adjourned at 10.42 p.m. until Wednesday 30 May 2007 at 10.00 a.m.
